

Title of proposed EIA	Confirmation of City-Wide Article 4 Direction
Reference No	EQUA408
EA is in support of	Amended Policy
Review Frequency	Annually
Date of first review	21/06/2021
Directorate	Inclusive Growth
Division	Planning Policy
Service Area	Planning and Development
Responsible Officer(s)	<input type="checkbox"/> Stewart Donohue
Quality Control Officer(s)	<input type="checkbox"/> Richard Woodland
Accountable Officer(s)	<input type="checkbox"/> Waheed Nazir
Purpose of proposal	To confirm the Cabinet decision to apply a city-wide Article 4 Direction which will remove permitted development rights for the change of use of family housing to small HMOs.
Data sources	Survey(s); Consultation Results; relevant reports/strategies; Statistical Database (please specify); relevant research; Other (please specify)
Please include any other sources of data	Public comments received during the six week publicising period in June and July 2019. A petition (number 2143) was submitted in support of the direction which was signed by 452 individuals. Comments raised at public meetings (Councillor Ward meetings, Neighbourhood Forums and a meeting of the regional branch of the National Landlords Association). The main issues arising from this publicity are summarised in the Consultation Statement which is appended to the Cabinet Report. These are in addition to the evidence which informed the May 2019 Cabinet decision which comprised of HMO licensing records, council tax records, planning application records, national planning policy

and legislation, local planning policy documents, the existing Article 4 Direction and supporting policy guidance, examples from other local authorities, site visits, meetings with residents, Elected Members and other Council Officers.

ASSESS THE POTENTIAL IMPACT AGAINST THE PROTECTED CHARACTERISTICS

Protected characteristic: Age

Not Applicable

Age details:

Comments received during the publicity period raised concerns that the Article 4 Direction will negatively impact on younger age groups who are perceived to be typically accommodated within Houses in Multiple Occupation. However none of the submitted comments provided any evidence to support this claim and Council Officers are unaware of any specific evidence to confirm this.

Protected characteristic: Disability

Not Applicable

Disability details:

No direct relationship has been identified. New and converted housing is expected to comply with the relevant requirements of building regulations and legislation such as the Disability Discrimination Act.

Protected characteristic: Gender

Not Applicable

Gender details:

No relationship identified with Houses in Multiple Occupation and gender.

Protected characteristics: Gender Reassignment

Not Applicable

Gender reassignment details:

No relationship identified with Houses in Multiple Occupation and gender reassignment.

Protected characteristics: Marriage and Civil Partnership

Not Applicable

Marriage and civil partnership details:

No relationship identified with Houses in Multiple Occupation and relationship status.

Protected characteristics: Pregnancy and Maternity

Not Applicable

Pregnancy and maternity details:

No relationship identified with Houses in Multiple Occupation and pregnancy or maternity.

Protected characteristics: Race

Not Applicable

Race details:

No relationship identified with Houses in Multiple Occupation and race.

Protected characteristics: Religion or Beliefs

Not Applicable

Religion or beliefs details:

No relationship identified with Houses in Multiple Occupation and religion or beliefs.

Protected characteristics: Sexual Orientation

Not Applicable

Sexual orientation details:

No relationship identified with Houses in Multiple Occupation and sexual orientation.

Please indicate any actions arising from completing this screening exercise.

None

Please indicate whether a full impact assessment is recommended

NO

What data has been collected to facilitate the assessment of this policy/proposal?

Public comments received during the six week publicising period in June and July 2019. A petition (number 2143) was submitted in support of the direction which was signed by 452 individuals. Comments raised at public meetings (Councillor Ward meetings, Neighbourhood Forums and a meeting of the regional branch of the National Landlords Association). These are in addition to the evidence which informed the May 2019 Cabinet decision which comprised of HMO licensing records, council tax records, planning application records, national planning policy and legislation, local planning policy documents, the existing Article 4 Direction and supporting policy guidance, examples from other local authorities, site visits, meetings with residents, Elected

Members and other Council Officers.

Consultation analysis

The main issues arising from the six week publicity period are summarised in the Consultation Statement which is appended to the Cabinet Report. In summary, the main issues raised in favour of the Article 4 Direction related to poor maintenance of HMO properties, crime and anti-social behaviour (including noise and litter) and demands on local services and infrastructure. The main issues raised in opposition to the Article 4 Direction relate to impacts on the availability and affordability of housing, subsequent impacts on homelessness, too much regulation and lack of flexibility in the housing market, and potential impacts on certain social groups.

Adverse impact on any people with protected characteristics.

Some comments raised concerns that the Article 4 Direction will negatively impact on younger age groups and migrants who are perceived to be typically accommodated within Houses in Multiple Occupation. However none of the submitted comments provided any evidence to support this claim and Council Officers are unaware of any specific evidence to confirm this. It is therefore considered that there is no identifiable impact on such groups.

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

The effectiveness and potential impacts arising from the direction will be monitored (see below). Alternative or further measures may be considered if it is evident that the direction is having negative impacts on any particular social group.

How will the effect(s) of this policy/proposal on equality be monitored?

Annual monitoring of the effects of the Article 4 Direction will be undertaken, commencing from the first anniversary of the direction coming in to force. As the recommendation to Cabinet is to bring the direction in to force from Monday 8th June 2020, the first review of its impacts and effectiveness will be undertaken after June 2021. This will be reported through the monitoring of the HMO policy in the Development Management in Birmingham document which will be published within the AMR at the end of each year. It is anticipated that monitoring will involve updating the information on the number and distribution of HMOs across the city.

What data is required in the future?

The main data will be planning applications received for the change of use of family housing to small HMOs. This can be supplemented by HMO licensing and council tax data, as presented in the technical paper which supported the May 2019 Cabinet Report.

Are there any adverse impacts on any particular group(s)

No

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

Whilst some concerns were raised during the six week publicity period that the Article 4 Direction will have negative impacts on younger age groups and migrants, officers have seen no specific evidence to support this perception. Furthermore, no relationship has been identified between the Article 4 Direction and the other social groups specified within this assessment. The Article 4 Direction will be monitored on an annual basis to ensure that it is having its intended

effect and that there are no unintended consequences arising from it. The implementation of the Article 4 Direction and requirement for planning permission will encourage and maintain balanced and mixed communities and will therefore have a positive impact on the needs of all groups in society.

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

The main issues arising from the six week publicity period are summarised in the Consultation Statement which is appended to the Cabinet Report. See previous answers regarding the monitoring of the Article 4 Direction.

QUALITY CONTROL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

23/10/2019

Reasons for approval or rejection

APPROVED

Please print and save a PDF copy for your records

Yes

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