

Appendix 2**Equality Impact Assessment**

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Council has also decided to treat people who have care experience as if they had a protected characteristic under the law.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive's.	Title of the Lead Officer responsible for EIA	Assistant Director, Planning and Economic Development.
Name of the policy or function to be assessed:		Potential expansion of the area covered by the Article 4 Direction regarding Houses in Multiple Occupation (HMOs) and/or a potential new Direction covering additional area(s) and updates to the Houses in Multiple Occupation SPD.	
Title of the Officer undertaking the assessment:		Team Leader, Planning Policy.	
Is this a new or an existing policy or function?		Existing, with potential new additions.	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The Article 4 Direction requires that planning permission is obtained for a change of use from a Class C3 Dwellinghouse to a Class C4 House in Multiple Occupation, within the specified area(s). (The Direction currently covers parts of Beeston). This is with the objective of 'creating and maintaining sustainable, inclusive and mixed communities', in accordance with paragraph 3.8.8 of the Part 1 Local Plan (Aligned Core Strategy). The Houses in Multiple Occupation Supplementary Planning Document provides guidance in respect of how the Council will consider planning applications for HMOs.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>To ensure that the Article 4 Direction covers the most appropriate area(s), by considering various options and there is clear guidance for how HMO applications will be considered by the Council.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Local communities.</p>			

Directorate:	Chief Executive's.	Title of the Lead Officer responsible for EIA	Assistant Director, Planning and Economic Development.
4. Who are the main stakeholders in relation to the policy or function?			
Local residents and landlords.			
5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?			
Information about the location of existing HMOs.			
6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?			
Information about the location of existing HMOs.			

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?
Stakeholder consultation will be carried out once decisions have been taken about the extent of the area(s) proposed to be covered by the Article 4 Direction and the contents of the updated HMO.
8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:
<input type="checkbox"/> Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?
The Article 4 Direction and HMO SPD do not, and would not, target or exclude any specific equality group or community.
The only protected characteristic that it is considered could potentially be relevant is age, because the majority of residents in HMOs are likely to be relatively young.
However, the Direction does not, and would not, involve any distinction on the basis of age (or any other protected characteristic) with regard to the need for planning permission.

The Direction and the SPD are not, and would not be, intended to reduce the overall amount of housing that is available for younger people, rather it gives the Council the opportunity to consider concentrations of HMOs in particular areas, in the interests of maintaining mixed and balanced communities. This provides justification for the approach.

The effects would be of the same kind whichever option was chosen, although the number of people potentially affected would depend on the choice of options.

Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?

Yes.

Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?

No.

Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?

It is hoped that the Direction and update SPD does, and will continue to, help to maintain good relations between different groups in the community by enabling the Council to avoid undue concentrations of HMOs in particular areas.

What further evidence is needed to understand the impact on equality?

None.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age: None.

Disability: None.

Gender: None.

Gender Reassignment: None.

Marriage and Civil Partnership: None.

Pregnancy and Maternity: None.

Race: None.

Religion and Belief: None.

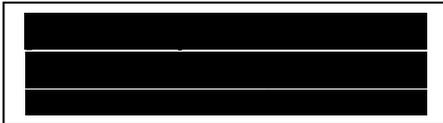
Sexual Orientation: None.

Care Experience: None.

Executive Director: R Dawson

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature:

A rectangular box containing a solid black redaction, covering the signature of the Executive Director.