

# Equality Impact Assessment Screening Opinion

## Houses in Multiple Occupation 'Exceptional Circumstances' Guidance Note

October 2024

## Introduction

1. It is the Council's duty under the Equality Act 2010 to undertake an Equality Impact Assessment at the time of formulating a decision, drafting a report, designing or amending a policy. This will ensure that the Council is considering and taking positive action where possible to promote access to services for all their communities. The Equality Impact Assessment (EQIA) Screening Opinion assesses whether there is any impact upon any of the groups with protected characteristics under the Equalities Act, which are listed in the table below. If an adverse impact upon any of these groups had been identified a full Equalities Impact Assessment would be required.

## Background

2. This section sets out the policy background and purpose of the guidance note. This guidance accompanies Waveney Local Plan policy WLP8.4 (Conversion of Properties to Flats) which concerns the conversion of properties to houses of multiple occupation (HMOs). In particular, this Guidance note provides clarity about the last sentence of the policy, which states that for proposals outside of flat saturation zones 'Exceptional Circumstances will need to be demonstrated for the conversion to Houses in Multiple Occupation or Bedsits, as opposed to self-contained flats, to be permitted.' There is no test as to what constitutes 'exceptional circumstances' and this guidance note seeks to remedy that. This guidance note applies to the former Waveney area only. This is because the Suffolk Coastal Local Plan policy SCLP5.12 does not include an 'exceptional circumstances' test.
3. The Background section provides a definition of HMOs, stating that they provide accommodation for 3-6 tenants, who share facilities such as kitchens and toilets but form two or more separate households. There are also larger HMOs but these are classified differently under the use class order. A bedsit is a room within an HMO rented by a tenant, which contains at least one facility for the exclusive use of the tenant. A self-contained flat is a flat in which the toilet, washing and cooking facilities are for the sole use of the occupant.
4. The justification for policy WLP8.4 was to prevent a high proportion of HMOs in a neighbourhood, which can lead to environmental, amenity and social issues.
5. The 'exceptional circumstances' test does not apply for proposals to convert properties to self-contained flats or for new build HMOs.

## Exceptional Circumstances

6. This section provides guidance about when the term 'exceptional circumstances' will apply to an HMO proposal. Exceptional circumstances apply when the two following factors are taken together:
  - A) Housing Affordability – where there is significant need for the small, cheap dwellings provided by HMOs. This need exists in north Lowestoft. Reference should be made in planning applications to the Supplementary Housing Statement.
  - B) Unsuccessful marketing – A marketing exercise of at least 3 months (12 months in the case of tourism uses) should be carried out prior to a planning application being submitted to prove that there is no interest in purchasing the property for the current use.
7. Exceptional circumstances can also be demonstrated if an HMO is intended to house vulnerable people, such as asylum seekers. HMOs can also be justified if they are needed to house low-paid workers, such as those who work in the tourist industry.
8. Conversions to HMOs should also address amenity issues, which are covered by Local Plan policies and include: car parking; cycle storage; refuse storage; residential amenity.
9. It is important to note that meeting the exceptional circumstances test is no guarantee that planning permission will be granted. This is because a proposal could be contrary to other Local Plan policies.
10. It is recommended that advice from a planning consultant is sought to ascertain whether planning permission or any other form of consent is required.

## Other Relevant Information

11. An HMO licence may be required in some cases and new HMOs should also comply with HMO standards, which govern issues such as the size of rooms. HMOs must also comply with building regulations. All planning and regulatory issues should be considered at the same time and as early as possible in the process. This is because implications in one of these processes can affect the others.
12. The Equality Act 2010 lists nine protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. East Suffolk Council has added a tenth characteristic, socio-

economic deprivation, in addition to the nine protected characteristics listed in the legislation. This reflects that pockets of deprivation that exist across East Suffolk.

## Screening of impact on different groups

|   | <b>Groups</b>                      | <b>Likely Impact</b><br>(positive/negative/no impact) | <b>Reason for your decision</b>   |
|---|------------------------------------|---|---|
| a | Age (Includes safeguarding issues) | No impact.  | <p>The guidance applies to all groups equally. It will therefore not negatively impact upon this group.</p> <p>Consultation documents were available online, in libraries and in the Council's customer service centres and the Council offered assistance in its publicity material. The consultation on the Guidance Note therefore did not discriminate against those from different age groups.</p> |
| b | Disability                         | No impact.  | <p>The guidance applies to all groups equally. It will therefore not negatively impact upon this group.</p> <p>Consultation documents were available online, in libraries and in the Council's customer service centres and the Council offered assistance in its publicity material. The consultation on the Guidance Note therefore did not discriminate against those with a disability.</p>         |
| C | Gender reassignment                | No impact.  | <p>The guidance applies to all groups equally. It will therefore not negatively impact upon this group.</p>   |

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|---|--------------------------------|------------|---|
|   |                                |            | <p>Consultation documents were available online, in libraries and in the Council's customer service centres and the Council offered assistance in its publicity material. The consultation on the Guidance Note therefore did not discriminate against those who have undergone gender reassignment.</p>  |
| D | Marriage and Civil Partnership | No impact. | <p>The guidance applies to all groups equally. It will therefore not negatively impact upon this group.</p> <p>Consultation documents were available online, in libraries and in the Council's customer service centres and the Council offered assistance in its publicity material. The consultation on the Guidance Note therefore did not discriminate against those who are married or in a civil partnership.</p> |
| E | Pregnancy and maternity        | No impact. | <p>The guidance applies to all groups equally. It will therefore not negatively impact upon this group.</p> <p>Consultation documents were available online, in libraries and in the Council's customer service centres and the Council offered assistance in its publicity material. The consultation on the Guidance Note therefore did not discriminate against those who are pregnant or on maternity leave.</p>    |

|   |                    |            |  |
|---|--------------------|------------|--|
| F | Race               | No impact. | <p>The guidance applies to all groups equally. It will therefore not negatively impact upon this group.</p> <p>Consultation documents were available online, in libraries and in the Council's customer service centres and the Council offered assistance in its publicity material. The consultation on the Guidance Note therefore did not discriminate against those on grounds of racial background.</p>  |
| G | Religion or Belief | No impact. | <p>The guidance applies to all groups equally. It will therefore not negatively impact upon this group.</p> <p>Consultation documents were available online, in libraries and in the Council's customer service centres and the Council offered assistance in its publicity material. The consultation on the Guidance Note therefore did not discriminate against those on grounds of religion or belief.</p> |
| H | Sex                | No impact. | <p>The guidance applies to all groups equally. It will therefore not negatively impact upon this group.</p> <p>Consultation documents were available online, in libraries and in the Council's customer service centres and the Council offered assistance in its publicity material. The consultation on the Guidance Note therefore did not discriminate</p>   |

|   |                            |            |   |
|---|----------------------------|------------|---|
|   |                            |            | against those on grounds of sexual identity.  |
| I | Sexual orientation         | No impact. | <p>The guidance applies to all groups equally. It will therefore not negatively impact upon this group.</p> <p>Consultation documents were available online, in libraries and in the Council's customer service centres and the Council offered assistance in its publicity material. The consultation on the Guidance Note therefore did not discriminate on grounds of sexual orientation.</p>  |
| J | Socio-economic deprivation | Positive.  | <p>The Guidance Note will aid the assessment of HMO conversions. This has the potential to aid economic development and increase the supply of HMOs, which provide housing of a more affordable nature. This will benefit those who are experiencing economic and social deprivation.</p> <p>Consultation documents were available online, in libraries and in the Council's customer service centres and the Council offered assistance in its publicity material. The consultation on the Guidance Note therefore did not discriminate against those who are experiencing socio-economic deprivation.</p> |

## Consultation and Engagement

The Draft Houses in Multiple Occupation 'Exceptional Circumstances' Guidance Note was published for a single consultation of six weeks between 7<sup>th</sup> August 2024 and 18<sup>th</sup> September 2024. During this time, the document was published for comment on the Council's website. The Council placed copies of the document in the Marina Customer Service Centre and libraries within the former Waveney area. Hard copies could be made available on request for those unable to access the consultation documents in the ways listed above. The Council notified town and parish councils in the former Waveney area and also distributed posters to these town and parish councils. Everyone on the planning policy mailing list was notified, which included public organisations, local companies, charities and civic societies and members of the public. A press release, poster and notices on social media were also issued.

## Presentation in Different Languages

The document could be requested in a different language. If such requests were received the Customer Services Team would have been involved in ensuring these requests were actioned. However, no such requests were received.

## Changes Made to the Guidance Note

The Council reviewed all consultation responses as set out in the Consultation Statement. A few minor changes were made, none of which will result in negative impacts on those with protected characteristics.

## Conclusion

This EQIA screening exercise shows that the Houses in Multiple Occupation 'Exceptional Circumstances' Guidance Note will benefit those who are experiencing socio-economic deprivation but will not negatively impact upon any other protected group. Therefore, a full EQIA is not considered necessary.