



The London Borough of Merton Equality Impact Assessment

Article 4 (non-immediate) to remove permitted development rights for the conversion of offices to residential in Wimbledon town centre and Merton's main industrial estates

December 2013

Introduction

- 1.1 This document is the Equality Impact Assessment (EqIA) for the London Borough of Merton's Article 4 Direction (non-immediate) to remove permitted development rights for the conversion of offices to residential in Wimbledon town centre and Merton's industrial estates (see paragraph 1.24 for full list).
- 1.2 The purpose of this EqIA is to identify the likely impact on Merton's diverse communities. This report provides an assessment of the Article Four Direction in relation to:
 - Age
 - Disability
 - Sex/Gender
 - Race or belief
 - Religion
 - Sexual Orientation
 - Gender Reassignment
 - Marriage and Civil Partnership
 - Pregnancy and Maternity
- 1.3 The EiQA screen can be found in part A of this document.

Equality legislation

- 1.4 The Equality Act 2010 replaces previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection; and sets out the different ways in which it's unlawful to treat someone.
- 1.5 Before the Act came into force there were several pieces of legislation to cover discrimination, including:
 - Sex Discrimination Act 1975
 - Race Relations Act 1976
 - Disability Discrimination Act 1995
- 1.6 At the decision-making stage local authorities are required to assess how changes to policies and service delivery will affect different people.
- 1.7 In 2011, the Act extended protection against discrimination to nine 'Protected Characteristics'- which includes the following; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. The Act introduces a 'Public Sector Equality Duty' to ensure that in exercising functions, delivering services and partnership we: :
 - eliminates discrimination, harassment and victimisation,
 - advance equality of opportunity between persons who share a protected characteristic and persons who do not share a protected characteristic foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The London Borough of Merton Equality and Diversity Strategy

- 1.8 The Council's Equality Strategy 2013-17 provides a framework for Merton's equality objectives and aims to integrate equality and fair treatment issues into the councils day-to-day business.
- 1.9 The borough's increasing diversity makes Merton a culturally varied and interesting place to live, work and visit. The strategy builds on the work of the previous Corporate Equality Scheme and focuses on those areas of inequality which impact most on the lives of local people, responds to the changing demographics and promotes better understanding between different communities.

1.10 The aims of the Council's Equality Strategy is:

- bridging the gap between the levels of deprivation and prosperity in Merton particularly focusing on:
 - Raising educational attainment for all children and young people and reducing attainment gaps for target groups including children with special education needs or disabilities, those who are looked after in care, specific BAME groups, specific groups of White boys and those who are excluded from school.
 - Tackling rising unemployment particularly among young BAME communities and disabled residents and supporting those who are long term unemployed back into work.
 - Reducing health inequalities particularly the issues affecting some BAME communities, disabled and older residents.
- Increasing education and economic opportunity in the east of the borough.
- Improving understanding of the borough's diversity and foster better understanding between communities.
- Supporting those who do not usually get involved in decision-making to better understand how they can get involved and get their voices heard.
- Providing services that meet the needs of a changing population.
- Employing staff that reflect the borough's diversity.

Merton's Equality Objectives

1.11 Merton council recognises that understanding its diverse community is the key to addressing some of the complex issues that create barriers and exclusion for some of our residents. Therefore the council is committed to working toward:

- Everyone having an opportunity to fulfil their potential
- Individuals having choice and control to improve life chances and outcome
- Everyone having ways to tackle the barriers that lead to inequality

Tackling Inequality

- 1.12 Many people who have been unemployed for significant periods of time have significant barriers to overcome and require intensive support. The council is committed to working in partnership with other organisations to develop effective pathways into employment.
- 1.13 Reducing youth employment by supporting young people into employment is vital if the borough is to avoid young unemployed people becoming disengaged from the labour market in the long term. A disproportionate number of people who are NEET are disabled and/or black and minority ethnic residents.
- 1.14 As a council we want equal access to services for all our residents and equal service outcomes for all. The council will continue to work with local communities, key stakeholders to assist in great job and business opportunities for local residents, for example, working with Merton's Chamber of Commerce, local job centres and businesses.

What is Article Four Direction?

- 1.15 Merton has a relatively limited amount of office floorspace, few development sites to accommodate new office floorspace and has very high residential sales and rental values in comparison to those achievable for offices.
- 1.16 Former offices fragmented into several flats with separate ownerships are unlikely to revert to office use. Attracting and retaining businesses and jobs in the borough will become more difficult with the lack of suitable accommodation.
- 1.17 Anecdotal evidence from outside London is that the “prior approval” process is not currently resulting in such significant changes as emerging here. In the future it is likely that there will be greater competition from outer London locations due to the existence of more office floorspace.
- 1.18 There is also emerging evidence that the “prior approval” process is being used to:
 - Terminate office leases or invoking break clauses in order to convert the office into flats, as there is now the certainty that redevelopment can take place.
 - Force the renegotiation of higher office rents.
 - Allow former offices that have been granted planning permission for residential use but not yet built to reapply for “prior approval”, thus avoiding planning conditions, Section 106 and other improvements that were required as part of the planning permission.
- 1.19 Merton council is proposing applying a non-immediate Article 4 Direction to specific geographic areas' and to remove the right to undertake the types of development specified in the Direction without seeking planning permission under the General Development Permitted Development Order (GDPO) 1995.
- 1.20 For developments restricted by an Article 4 Direction, a planning application for development is submitted to the Local Planning Authority; in the usual way. However, Merton Council cannot charge any fees for the planning application. The submitted planning application will then be considered on its merits in the usual way, and the

proposed development will be assessed against Merton's Local Plan and consider any other material factors.

- 1.21 On 4th December 2013, the council published an Article 4 direction to remove permitted development rights to change from B1 (a) office space to C3 (residential use). The council considers that this Article 4 Direction is essential in order to protect local amenity and ensure proper planning in the area, in particular the council's ability to prevent loss of uses which contribute to the wider strategic aims for the area.
- 1.22 Once the direction comes into force, permitted development rights for these types of development are withdrawn and planning permission will therefore be required for change of use from B1 (a) offices to C3 residential uses.
- 1.23 This EiQA is assessing this Article 4 direction which relates to:
 - Wimbledon town centre
 - Merton's main industrial estates:
 - Willow Lane
 - Garth Road
 - South Wimbledon (Morden Road)
 - Durnsford Road
 - Dundonald Road
 - Plough Lane
 - Prince George's Road (Colliers Wood).

Part A: Equality Impact Assessment screening

| Age | A | Race | R |
|--------------------------------|-----|---------------------|----|
| Disability | D | Religion or Belief | RB |
| Gender Reassignment | GR | Sex | S |
| Marriage and Civil Partnership | MCP | Sexual Orientation/ | SO |
| Pregnancy and Maternity | PM | | |

| 'Protected Characteristics' | Positive Impact | Negative Impact | Neither | Reason / Comment / Evidence |
|---------------------------------|-----------------|-----------------|---------|--|
| Age | ✓ | | | Although, the Article 4 Direction is not aimed at directly having a positive impact to this protected characteristic, it will have an indirect positive impact by way of; protecting existing employment and business areas which may lead to retaining or providing greater job and business opportunities for this protected characteristic. |
| Disability and reduced mobility | ✓ | | | Although, the Article 4 Direction is not aimed at directly having a positive impact to this protected characteristic, it will have an indirect positive impact by way of; protecting existing employment and business areas which may lead to retaining or providing greater job and business opportunities for this protected characteristic. |
| Gender Reassignment | ✓ | | | Although, the Article 4 Direction is not aimed at directly having a positive impact to this protected characteristic, it will have an indirect positive impact by way of; protecting existing employment and business areas which may lead to retaining or providing greater job and business opportunities for this protected characteristic. |
| Marriage and Civil Partnership | ✓ | | | Although, the Article 4 Direction is not aimed at directly having a positive impact to this protected characteristic, it will have an indirect positive impact by way of; protecting existing employment and business areas which may lead to retaining or providing greater job and business opportunities for this protected characteristic. |

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| Pregnancy and Maternity | ✓ | | | Although, the Article 4 Direction is not aimed at directly having a positive impact to this protected characteristic, it will have an indirect positive impact by way of; protecting existing employment and business areas which may lead to retaining or providing greater job and business opportunities for this protected characteristic. |
| Race | ✓ | | | Although, the Article 4 Direction is not aimed at directly having a positive impact to this protected characteristic, it will have an indirect positive impact by way of; protecting existing employment and business areas which may lead to retaining or providing greater job and business opportunities for this protected characteristic. |
| Religion or Belief | ✓ | | | Although, the Article 4 Direction is not aimed at directly having a positive impact to this protected characteristic, it will have an indirect positive impact by way of; protecting existing employment and business areas which may lead to retaining or providing greater job and business opportunities for this protected characteristic. |
| Sex/Gender | ✓ | | | Although, the Article 4 Direction is not aimed at directly having a positive impact to this protected characteristic, it will have an indirect positive impact by way of; protecting existing employment and business areas which may lead to retaining or providing greater job and business opportunities for this protected characteristic. |
| Sexual Orientation | ✓ | | | Although, the Article 4 Direction is not aimed at directly having a positive impact to this protected characteristic, it will have an indirect positive impact by way of; protecting existing employment and business areas which may lead to retaining or providing greater job and business opportunities for this protected characteristic. |

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| 1. What are the aims, objectives, and desired outcomes of your proposals? (Also explain proposals). | <p>One of the council's priorities is to build strong competitive economy in Merton by seeking to retain and attract more business; and create greater job and business opportunities for Merton's community.</p> <p>Throughout, the years Merton has protected the main industrial areas for workshops, manufacturing, storage and distribution, waste facilities and car crushing uses (list not exhaustive). With the introduction of the permitted development rights, the council fears that currently occupied offices will convert to flats in Wimbledon town centre and existing businesses will leave our main industrial areas which would result in a loss of local employment opportunities for Merton's residents and those living nearby.</p> <p>Therefore, the council is seeking to apply an Article 4 Direction to specific geographic area and remove the right to undertake the types of development specified in the Direction without seeking planning permission under the General Development Permitted Development Order (GDPO) 1995.</p> |
| 2. Who are the main people/groups affected by your proposals? | <p>In accordance with the requirements of <i>Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995 (DCLG, 2012)</i>, six weeks of public consultation will be required to introduce an Article 4 Direction. All premises affected within the area, where practicable, must be contacted as part of this.</p> <p>Consultation will also involve the Secretary of State, who has the right to prevent the council from implementing an Article 4 Direction.</p> |
| 3. What data, information, evidence, research, statistics, surveys, and consultation(s) have you considered to undertake this screening? | <p>The following have been considered to undertake this EqIA.</p> <ul style="list-style-type: none"> • Merton's Economic Development Strategy & Refresh (2010 and 2012). • Merton's Economic and Employment and Land Study (2010). • Merton Local Plan; including the Core Planning Strategy and Submission Sites and Policies Plan (2011 & 2013 – as updated) • GLA Town Centre Health Checks • GLA Intelligence Unit • The London Plan • National Planning Policy Framework (NPPF) • Development Permitted Development Order (GDPO) 1995 • NOMIS and ONS economic data outputs, reports and surveys • Census 2011 |

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| 4. Is there evidence to suggest that your proposal(s) could affect some groups of people in different ways? | No there is no known evidence. This EqIA assessment found no evidence. |
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Appendix 2:Equality and Diversity Policy Statement

Policy statement

Merton Council is committed to promoting equal opportunity and valuing diversity in the community, as an employer and as a provider of services to the people of the borough and its visitors.

The London Borough of Merton is committed to carrying out our legal responsibilities including:

- promoting equal opportunities, social inclusion and human rights;
- eliminating unlawful discrimination and disadvantage;
- eliminating harassment and victimisation;
- promoting a positive attitude towards people of different backgrounds, disabled people and others;
- encouraging participation by people of all backgrounds in public life;
- valuing diversity and promoting good relations between individuals, communities and employees of all backgrounds; and,
- taking the necessary steps towards meeting the needs of disabled people and others.

Our aims and values

As a **Community Leader** we are committed to creating a socially inclusive and cohesive community by:

- working with others to ensure that Merton is a safe place in which to live, work, study or visit;
- promoting equal opportunity and equal access to employment, services, information and facilities;
- listening and responding to the views of our communities through appropriate and widespread consultation and participation mechanisms which are accessible to all;
- encouraging and supporting people to be active in social, cultural and political life;
- ensuring the information we produce and the events we hold positively reflect and promote the diversity of our communities; and,
- ensuring organisations and businesses that provide goods and service on behalf of Council have appropriate equality procedures in place.

As a **Service Provider** we are committed to ensuring that our services are responsive and accessible to all by:

- providing fair and appropriate services that meet the wide range of needs of everyone in the community;
- making it easy for, and encouraging people to use our services, including people who are vulnerable, disadvantaged or harder to reach;
- ensuring our buildings and open spaces are accessible to everyone, making reasonable adjustments where appropriate;
- consulting and involving all sections of our community in the design, development and monitoring of our policies and services;
- monitoring take-up and evaluating services to ensure they do not discriminate or exclude individuals or groups;
- making sure our policies and procedures for giving grants, and for commissioning and buying in goods and services follow this policy; and,
- making sure that we always consider equality and diversity when planning and delivering services.