



Equality and Human Rights Impact Assessment

STEP A) Description of what is to be assessed and its relevance to equality

What is being assessed? Please tick ✓

Review of a service Staff restructure Decommissioning a service

Changing a policy ✓ Tendering for a new service A strategy or plan

The Self-build and Custom Housebuilding Act 2015 imposed a duty upon relevant authorities including London boroughs to maintain a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in their area in order to build homes for their occupation. The Council is required to grant planning permission for enough self-build plots to meet demand as evidenced by their register.

New regulations on Self-build and Custom Housebuilding published in October 2016 enabled local authorities to set local eligibility requirements (in addition to the general national requirements) and to charge a fee for entries on to the Self-build and Custom Housebuilding register and an annual fee to remain on the register.

The Planning Service is proposing the setting of local eligibility criteria and the introduction of fees for entry and retention on Hillingdon's Self-build and Custom Housebuilding register, in accordance with the new regulations. The local eligibility criteria proposed include requirements for evidence of a minimum residency of 10 years in the Borough prior to the date of application and evidence of sufficient resources to purchase a self-build plot of land in the Borough. Applicants would be required to satisfy these new criteria in order to be eligible for entry on to Part 1 of the register.

Who is accountable? E.g. Head of Service or Corporate Director
James Rodger, Head of Planning, Transport and Regeneration

Date assessment completed and approved by accountable person

24/06/2020

Names and job titles of people carrying out the assessment

Prag Shah – Planning Policy Officer, Residents Services

A.1) What are the main aims and intended benefits of what you are assessing?

Change in policy – benefits are to ensure that the Self-build and Custom housebuilding Register better reflects local demand for land for custom and self-build housing, and to assist the Council in better meeting its obligations under the Self-build and Custom Housebuilding Act 2015.

A.2) Who are the service users or staff affected by what you are assessing? What is their equality profile?

The service users affected by the introduction of local eligibility criteria and a fee for entry and retention on the register would be anyone interested in purchasing and developing a self or custom-build home.

Interest in purchasing and developing a self or custom-build home could come from any equality profile.

The current self and custom-build register does not record information related to any of the groups protected under the Equality Act 2010, other than age, to ensure that applicants are over the age of 18.

It is therefore not possible to identify the equality profile of those registered, nor potential entries on to the self and custom-build register.

A.3) Who are the stakeholders in this assessment and what is their interest in it?

Stakeholders	Interest
Hillingdon residents	To ensure that eligibility criteria for the self and custom-build register are applied in a fair and transparent manner.
James Rodger, Head of Planning Transportation and Regeneration	To ensure the self and custom-build register more accurately reflects local demand. To ensure the administration costs created through the introduction of local

	<p>eligibility criteria are recouped.</p> <p>To ensure that eligibility criteria for the self and custom-build register are applied in a fair and transparent manner.</p>
Jean Palmer, OBE, Deputy Chief Executive and Corporate Director of Residents Services	<p>To ensure the self and custom-build register more accurately reflects local demand.</p> <p>To ensure the administration costs created through the introduction of local eligibility criteria are recouped.</p> <p>To ensure that eligibility criteria for the self and custom-build register are applied in a fair and transparent manner.</p>
Cllr Keith Burrows, Cabinet Member for Planning and Transportation	<p>To ensure the self and custom-build register more accurately reflects local demand.</p> <p>To ensure the administration costs created through the introduction of local eligibility criteria are recouped.</p> <p>To ensure that eligibility criteria for the self and custom-build register are applied in a fair and transparent manner.</p>
Leader of the Council and Council Cabinet	<p>To ensure the self and custom-build register more accurately reflects local demand.</p> <p>To ensure the administration costs created through the introduction of local eligibility criteria are recouped.</p> <p>To ensure that eligibility criteria for the self and custom-build register are applied in a fair and transparent manner.</p>

A.4) Which protected characteristics or community issues are relevant to the assessment? in the box.

Age		Sex	
Disability		Sexual Orientation	
Gender reassignment			
Marriage or civil partnership		Carers	
Pregnancy or maternity		Community Cohesion	
Race/Ethnicity	<input checked="" type="checkbox"/>	Community Safety	
Religion or belief		Human Rights	

STEP B) Consideration of information; data, research, consultation, engagement

B.1) Consideration of information and data - what have you got and what is it telling you?

The current self and custom-build register does not record information related to any of the groups protected under the Equality Act 2010, other than age, to ensure that applicants are over the age of 18.

It is therefore not possible to identify the equality profile of those registered, nor potential entries on to the self and custom-build register.

The service users affected by the introduction of local eligibility criteria and a fee for entry and retention on the register would be anyone interested in purchasing and developing a self or custom-build home.

Interest in purchasing and developing a self or custom-build home could come from any equality profile.

A financial test is proposed to ensure applicants for entry on to Part 1 of the Register (which is used to determine local demand) have sufficient resources to be able to purchase a plot of land to develop their self or custom-build home on.

The applicant would be required to provide evidence of access to at least £225,000 to show they are able to purchase land which the Council would have to ‘find’ to help meet local demand for self and custom housebuilding. This is a way of ensuring the Council does not oversupply land for self and custom housebuilding and can meet demand for all types of housing in the Borough.

The financial test would not impact on any specific equality characteristic group identified under the Equality Act 2010 and is purely a means of ensuring interest is actionable by the applicant.

The introduction of fees to join the register would also not impact on any specific equality characteristic group identified under the Equality Act 2010. It is proposed to cover administration costs associated with the assessment by Council officers of more detailed local eligibility criteria the Planning Service is proposing to put in place.

Neither of the above two proposed changes would be considered to discriminate against any specific equality group as per the protected characteristics identified under the Equality Act 2010.

The proposed local eligibility criteria requiring applicants to be resident in the Borough for at least 10 years prior to the date of application may indirectly have an affect on one particular ethnic group.

This local eligibility criteria is proposed to ensure applicants are existing residents of the Borough as currently applicants sign up for entry on to the self and custom-build register of several different local authorities, which skews and inflates local demand figures, and could therefore lead to an oversupply of self-build plots.

This proposed eligibility criteria may disproportionately affect Romany Gypsy and Irish Travellers. While many live in bricks-and-mortar accommodation, others live in a caravan or other mobile or temporary structure, and meeting the 10-year residency requirement would be particularly difficult for this group of people.

It is noted that other London Boroughs have shorter residency requirements however the 10-year requirement has been proposed to conform with the Council’s Housing Allocations Policy. This policy will include exceptions for certain Irish Traveller, Romany Gypsy or non-UK national households compliant with the judgement of the *Court of Appeal in R(Ward & Ors) v LB Hillingdon, Equality and Human Rights Commission intervening (2019) EWCA Civ 692*.

The exceptions are that the 10-year requirement be reduced from 10 years to 5 years provided the applicant can demonstrate that they are a household which is either Irish Traveller/ Romany Gypsy or non-UK national with refugee status in the UK and who would qualify under this section for inclusion on the housing register. If in the opinion of the Council, the inability to meet the residency requirements is the result of their racial origin or related circumstances or lifestyle, the Council will assess whether to their satisfaction that the applicant has for the whole or substantial part of the period of their residency in the borough made a community contribution such as helping borough residents, undertaking paid, unpaid or voluntary work in the borough or being a recognised carer for an elderly or disabled adult or child, or other special

reason to be decided on a case by case basis by the Council.

The otherwise 10-year requirement is intended to ensure that those looking to self-build or custom build within the borough have a strong local connection and there is no incentive to relocate to Hillingdon from other parts of London and put undue pressure on the availability of land for housing, given the specific need to allocate land to meet the need of all those on the Part 2 register.

This issue is of particular concern given that self-build and custom build homes are typically constructed at lower densities than commercial housebuilders i.e. they are not usually flatted developments, and this could reduce the borough's capacity to meet its housing targets on existing brownfield sites in a context of increasing housing targets.

The Hillingdon Strategic Housing Market Assessment (SHMA) 2016 states that "over half of the population (53%) say that they would consider building their own home (either directly or using the services of architects and contractors); but it's likely that this figure conflates aspiration with effective market demand". Self-build currently represents only around 10% of housing completions in the UK, compared to rates of around 40% in France and 70 to 80% elsewhere in Europe.

The SHMA indicates that overall, the evidence supports limited demand for self-build, but that local demand should be monitored regularly. In comparison to total housing need in the Borough, the number of entries on the current self-build register (with no additional eligibility criteria) represents a very small proportion of total housing need.

Consultation

B.2) Did you carry out any consultation or engagement as part of this assessment?

Please tick ✓

NO ✓

YES □

Although there was no consultation carried out as for the purposes of this assessment, the Planning Service is planning on publicly consulting on the introduction of the proposed eligibility criteria. It will consult various different communities active within the Borough.

B.3) Provide any other information to consider as part of the assessment

Legal context

The council has a public duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations (Equality Act 2010)

Financial context - standard text

Since 2010, the Business Improvement Delivery (BID) Programme has driven transformation across the Council, reducing costs and improving efficiency to ensure that in an environment of on-going funding reductions we continue to deliver high quality services that put residents first. Over the past nine years, the Council has achieved £134m savings, with a further £6.6m due to be delivered during 2019/20.

Hillingdon's approach to maintaining sound financial management ensures that our finances are in a robust position, and therefore the Council is well placed to respond to the combined challenge of on-going funding reductions, emerging inflationary pressures and growing demand for services. Our latest projections indicate that further savings of £28m will be required over the three years to 2022/23 to bridge the resulting budget gap.

Local context

The Self-build and Custom Housebuilding Act 2015 imposed a duty upon relevant authorities including London boroughs to maintain a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in their area in order to build homes for their occupation.

New regulations on Self-build and Custom Housebuilding published in October 2016 enabled local authorities to set local eligibility requirements (in addition to the general national requirements) and to charge a fee for entries on to the Self-build and Custom Housebuilding Register (and an annual fee to remain on the register) to cover the cost of the administration involved in checking evidence submitted by potential entrants and maintaining the register.

The Council are proposing changes to local eligibility criteria to ensure that the self-build and custom housebuilding register better reflects local demand for land for custom and self-build housing and to assist the Council in better meeting its obligations under the Self-build and Custom Housebuilding Act 2015.

C) Assessment

What did you find in B1? Who is affected? Is there, or likely to be, an impact on certain groups?

C.1) Describe any **NEGATIVE** impacts (actual or potential):

Equality Group	Impact on this group and actions you need to take
Romany Gypsies and Irish Travellers	The introduction of a 10 year residency eligibility criteria may affect some Romany Gypsies and Irish Travellers more than any other ethnic group as they would be less likely to be able to meet this criteria based on the nature of their travelling lifestyle.

	Mitigation measures have been proposed as described in section B.1. The Council are seeking views on alternative local connection provisions as part of the public consultation and it will await the result of the public consultation before assessing if any alterations to the proposed eligibility criteria are needed.
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C.2) Describe any **POSITIVE** impacts

Equality Group	Impact on this group and actions you need to take
None identified	

D) Conclusions

Whilst the proposed changes to the self and custom-build register eligibility criteria may have a disproportionate impact on Romany Gypsies and Irish Travellers more than any other ethnic group, the changes proposed are intended to help gain a better understanding of true and actionable demand for self and custom-build plots, which in turn will help the Council better manage demand for land in the Borough and allow it plan for different accommodation needs more effectively.

The new proposed local eligibility criteria will help reflect local demand more accurately and ensure the Council does not plan for the supply of more self and custom-build plots than are actually needed. As self-build plots are generally lower density developments, the opportunity cost of oversupplying self-build plots would be a loss of a greater number of residential units to meet significant housing needs in the Borough.

The Council will ensure that the groups likely to be affected will be consulted with and informed of the proposed changes and engage with them on this issue.

No other characteristic groups under the Equality Act 2010 are expected to be affected by the proposed changes.

Signed and dated:.....24/06/2020

Name and position:.....Prag Shah, Planning Policy Officer