

# Diversity impact assessment

<b>TITLE</b>
<b>Houses of Multiple Occupation &amp; Article 4 Directions Overarching Diversity Impact Assessment (DIA)</b>
<b>DATE</b>
November 2025
<b>LEAD OFFICER.</b>
Dave Harris, Chief Planning Officer
<b>1 Summary description of the proposed change</b> What is the change to policy / service / new project that is being proposed? How does it compare with the current situation?
<p>This Diversity Impact Assessment (DIA) is specific to the proposal for permanent and immediate Article 4 Directions to be brought into effect for seven Wards in Medway. These immediate Article 4 Directions will remove permitted development rights for the change of use from Use Class C3 dwellinghouses to Use Class C4 Houses in Multiple Occupation (3 to 6 occupants) for the following Wards:</p> <ul style="list-style-type: none"> <li>• Chatham Central and Brompton</li> <li>• Fort Pitt</li> <li>• Gillingham North</li> <li>• Gillingham South</li> <li>• Luton</li> <li>• Strood North and Frindsbury</li> <li>• Watling</li> </ul> <p>There is sufficient evidence to suggest that the unregulated nature of HMOs within Medway (within the relevant Wards) is resulting in a poor standard of living, with subsequent and linked issues in terms of anti-social behaviour and detrimental impact on existing residential amenity.</p> <p>The proposed Article 4 directions do not mean that all planning applications for the change of use from a dwelling house to a Use Class C4 HMO will be refused or prevented, it simply means that planning permission will be provided and compliance required with Local Plan policy.</p>
<b>2 Summary of evidence used to support this assessment</b> E.g. Feedback from consultation, performance information, service user. E.g. Comparison of service user profile with Medway Community Profile
<p>Evidence used to support this specific DIA includes: -</p> <ul style="list-style-type: none"> <li>• Department for Communities and Local Government (DCLG). 2008. HMO Review &amp; Evidence Paper 13.</li> <li>• DHA Planning. HMO Review &amp; Evidence Paper. Ref. DHA/37065.</li> </ul>

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- Medway Council Tax Records.
- Medway HMO Licensing Records.
- Medway Council Planning Records.
- Medway Council Enforcement Records.
- Medway Council Enforcement Modelling.
- Experian. Predictive Modelling.

## Proposals

It is recognised that HMOs can make an important contribution to the supply of overall housing, generally providing lower-cost accommodation. However, high concentrations of HMOs can have a detrimental impact on local housing areas. For example, they can involve a more intense use of a dwelling, may increase additional noise pollution, parking demands and pressure on local services. Through generally having a more transient population they can also impact on social cohesion.

It is considered particularly strong reasons exist to justify that Article 4 Directions are introduced for seven Wards given the pace of change for small HMO properties being introduced in these Wards. The proposals are at a Ward level and include more secondary locations typified by family accommodation to restrict the current permitted development right which exists to change from Use Class C3 to C4 and allowing consideration of matters material to provision of this type of accommodation.

### 3 What is the likely impact of the proposed change?

Is it likely to:

Adversely impact on one or more of the protected characteristic groups

Advance equality of opportunity for one or more of the protected characteristic groups

Foster good relations between people who share a protected characteristic and those who don't

**(insert Yes when there is an impact or No when there isn't)**

Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
<b>Age</b>	Yes	Yes	Yes
<b>Disability</b>	No	No	No
<b>Gender reassignment</b>	No	No	No
<b>Marriage/civil partnership</b>	No	No	No

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Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
<b>Pregnancy/maternity</b>	No	No	No
<b>Race</b>	No	Yes	Yes
<b>Religion/belief</b>	No	No	No
<b>Sex</b>	No	No	No
<b>Sexual orientation</b>	No	No	No
<b>Care experience</b>	No	No	No
<b>Other (e.g. low income groups)</b>	Yes	Yes	Yes

## 4 Summary of the likely impacts

Who will be affected?

How will they be affected?

### Positive Impact:

Owners – to provide more stringent requirements for small HMOs to avoid enforcement action being taken and to improve living standards.

Tenants – to live in properties that are healthy and safe and are better integrated into the existing communities of these seven wards.

Information for tenants and landlords can be made available in a range of languages to ensure that understanding of the changes proposed are accessible to all.

### Adverse Impact:

Given the high proportion of students and younger people in HMOs as well as low-income groups, enforcement action could have a disproportionate effect on them, however this could be monitored.

Owners may be resistant to committing resources to comply with requirements to submit a planning application.

### Fee and Charges:

As applications required by virtue of an Article 4 Direction have no fee, there will be no burden placed upon the application, other than through the collation

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of material to demonstrate that an appropriate level of accommodation is to be provided.

**5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?**

What alternative ways can the Council provide the service?

Are there alternative providers?

Can demand for services be managed differently?

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## Consultation

Following the imposition of Article 4 Directions, Medway must give notice as soon as practicable to introduce an immediate Article 4 direction by:

- Publishing a notice of the direction in a local newspaper.
- Displaying at least two site notices for a period of not less than 21 days in the Wards that will be affected by the direction

Details will be sent to a mailing list of landlords and managing agents held by the landlord licensing team and those registered on the Council's Local Plan consultation database interested in being informed of consultations concerning planning material. The Council will also have to serve a notice to any statutory undertakers affected by the proposals.

The Council will also notify the Secretary of State on the same day that the notice of an Article 4 direction is published or displayed. The Secretary of State has the power to modify or cancel Article 4 Directions at any time before or after their confirmation, although they will not use their powers unless there are clear reasons why intervention at this level is necessary.

## Compensation Implications

In the case of any Direction that is brought into force without there being a period of at least 12 months from the date the direction is made and the date upon which it comes into force, a statutory compensation liability may arise.

A claim can be made to the Council if planning permission is refused or granted subject to conditions other than those conditions imposed by the GDPO. The claim for compensation can include abortive expenditure and other loss or damage directly attributable to the withdrawal of the permitted development right. However, this is limited to the difference of the value of the land if the development had been carried out and its value in its current state, as well as the cost of preparing architectural plans for the works.

Compensation will not be payable if any claim is made after 12 months of the Direction coming into effect.

## Equality Duty

The Council is committed to having due regard to s149 Equality Act 2010 as an integral part of its decision making. Carrying out DIAs helps to anticipate the likely effects of budget proposals on different communities and groups, and thereby assists the Council to comply with its equality duties when discharging its public function of budget setting. DIAs will be undertaken (or the existing DIA will be updated) before any final decisions that could impact on people with protected characteristics, are made through the Council's processes. This will

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enable services to make more informed choices regarding solutions which may mitigate potential adverse impacts.

## Performance Review

In addition, the Council will continue to review the performance of services as part of the existing quarterly monitoring process to take account of the impact on people with protected characteristics when making decisions in future about services.

## Action Plans

Where potential adverse impacts are identified, an action plan which sets out how the service will mitigate the impact will be included in the service specific DIAs. All DIAs and associated action plans are approved by Assistant Directors.

## Council Equalities and Workforce Policies

Existing council equalities and workforce policies are used to minimise or avoid negative impacts on staff, especially those with protected characteristics.

### 6 Action plan

Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date
To monitor the number of additional planning applications over the next year, and then for the subsequent two years.		
To provide Members with a report at the end of the three year period providing a comparison between the standard of accommodation provided within HMOs now, and following the introduction of these Directions.		

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## 7 Recommendation

The recommendation by the lead officer should be stated below. This may be: to proceed with the change, implementing the Action Plan if appropriate, consider alternatives, gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

The decision on Article 4 Directions will be made by Cabinet on 16 December 2025.

### **Recommendations:**

- Where decisions are yet to be made on how to implement cost savings, for specific services, DIAs will be undertaken (or updated) before such decisions are made. Consultation will be undertaken (where appropriate) to inform service specific DIAs.
- Directorate Management Teams to continue to monitor equalities impact of changes to services and assess cumulative impact of service changes across Directorates, including the delivery of DIA actions.

## 8 Authorisation

The authorising officer is consenting that the recommendation can be implemented, sufficient evidence has been obtained and appropriate mitigation is planned, the Action Plan will be incorporated into the relevant Service Plan and monitored

**Assistant Director**

**Date of authorisation**