

Article 4 Directions: Public Houses

No.	Title
Appendix A	Article 4 Directions to withdraw Permitted Development Rights granted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Appendix B	Map of open and closed pubs in Southwark
Appendix C	Schedule of pubs subject to the Article 4 Direction
Appendix D	Maps of public houses subject to the Article 4 Direction
Appendix E	Equalities Analysis
Appendix F	Consultation Report

Appendix E: Equalities Analysis

August 2017

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates	Article 4 Direction to withdraw permitted development rights associated with the change of use, demolition and alteration of public houses in Southwark
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Strategic Director:	Simon Bevan				
Department	Chief Executive	Division	Planning Policy		
Period analysis undertaken	August 2017				
Date of review (if applicable)	This updated Equalities Analysis Constitutes are review of the Equalities Analysis prepared when making the direction.				
Sign-off	Simon Bevan	Position	Director of Planning	Date	August 2017

Section 2: Brief description of policy/decision/business plan

2.1 Brief description of policy/decision/business plan

This equalities analysis report supports the report to Planning Committee on 4th September 2017 which requests confirmation of the immediate Draft Article 4 Direction introduced on 17th March 2017 to withdraw the permitted development rights granted by the General Permitted Development Order 2015 (as amended) for changes of use, demolition and alteration of public houses in Southwark.

Public houses play an important role in the community and have unique historic characteristics which should be recognised as key social, cultural and heritage assets within local neighbourhoods. Nationally, the rate of public house closure has risen steadily. This increase has been exacerbated by a number of factors including the introduction of permitted development rights which allowed public houses to be changed to alternative uses or demolished.

The Council completed an assessment of all public houses across the borough based on an analysis of licensing data and planning applications relating to public houses. There are currently 164 public houses open in Southwark today (excluding bars / other Use Class A4 drinking establishments).

In total the borough has lost a third of all public houses that were present in the borough ten years ago. Over the last ten years 79 public houses in the borough have closed down and 54 of these have subsequently been lost to demolition or change of use (see Appendix B). The council now have ten public houses which are designated as Assets of Community Value (ACVs) reflecting the aspiration from the local community to protect local public houses from redevelopment or change of use.

A Local Planning Authority (LPA) may introduce an Article 4 Direction to remove permitted development rights where the impact of development brought forward under provisions in the General Permitted Development Order (GDPO) (2015) (as amended) cause harm.

The Planning Committee resolved to make an Immediate Article 4 Direction to protect traditional public houses across the borough in recognition of their unique community and historic value. The Immediate Article 4 Direction: Public Houses; came into effect on 13th March 2017 and relates to development consisting of the change of use, demolition or alteration of public houses in respect of:

- General Permitted Development Order 2015 (as amended)
- Schedule 2, Part 2, Class A and Class C (alteration or construction of any means of enclosure or any exterior painting)
- Schedule 2, Part 3, Class A and Class B (changes of use to shops (A1), financial and professional services (A2), restaurants or cafes (A3))
- Schedule 2, Part 11, Class B and Class C (demolition of buildings or means of enclosure).

Section 3: Overview of service users and key stakeholders consulted

3. Service users and stakeholders	
Key users of the department or service	<p>Planning is a statutory function carried out by local authorities. The development of planning policies and the impacts of planning decisions can affect everyone with an interest in land in the borough. This can include residents, landowners, developers, local businesses and their employees, community organisations, statutory consultees and interest groups.</p>
Key stakeholders were/are involved in this policy/decision/business plan	<p>Key stakeholders involved in this proposal include:</p> <p>Cabinet Member for Regeneration and New Homes, Southwark Councillors, Overview and Scrutiny Committee, Development Management and Planning Policy officers, Property division, Southwark Health and Well-being Working Group.</p> <p>The Development Management team will be responsible for monitoring the Article 4 Directions and to determine any subsequent planning applications submitted for change of use.</p> <p>The Planning Policy team have received corporate equalities training and Equalities Analysis report writing training. A number of the service deliverers within the Council will also have received corporate equalities training.</p>

Section 4: Pre-implementation equality analysis

This section considers the potential impact (positive and negative) of the proposals on the key 'protected characteristics' in the Equality Act 2010 and Human Rights Act. The Planning Committee report sets out detail on the local data and other equality information on which the analysis is based and mitigating actions to be taken.

The confirmation of the Article 4 Directions does not have a direct impact on any groups with protected characteristics. Decisions on planning applications made as a result of the direction may have a potential impact on certain protected characteristics.

It is considered however that the effect of the direction will promote good relations between people who do not share the protected characteristic and those who do, in that it is likely to result in a more balanced and mixed community.

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Potential impacts (positive and negative) of proposed policy/decision/business plan

The confirmation of the Article 4 Directions and the requirement for planning permission is to help prevent the loss of public houses as heritage and community assets in the borough.

Public houses often provide a number of community benefits and act as a social hub for residents in the local area. Pubs often host events, games, sports clubs, live music and live sport. They act as landmark buildings in the neighbourhood context and often have a rich history and architectural value. Public houses contribute to the vitality and viability of town centres, offering complementary services to the retail environment and the evening economy.

Whilst drinking alcohol in public houses is legal only for those over the age of 18, many pubs now focus on family friendly dining, private family functions, children’s play areas and outside terraces suitable for all ages. Additionally adults benefit from the sense of community and social interactions that pubs can offer, particularly where they host sports clubs, games, events and live music.

The Article 4 Directions will help to ensure that a key part of community infrastructure is maintained in the borough which supports the needs of all age groups in society. Overall there will be a positive impact on for all age groups.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Direction will largely give rise to positive impacts.

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Possible impacts (positive and negative) of proposed policy/decision/business plan

The confirmation of the Article 4 Directions and the requirement for planning permission is to help prevent the loss of public houses as heritage and community assets in the borough. Local pubs, particularly those in neighbourhood focal points, act as local community facilities which benefit all groups, including those with physical or mental disabilities.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Gender reassignment - The process of transitioning from one gender to another.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of confirmation of the Article 4 Directions.

The Article 4 Directions will help to ensure that public houses offering heritage and community assets in the borough are maintained. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based.

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Marriage and civil partnership - Marriage is defined as a 'union between a man and a woman' or between two persons of the same sex. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination.**

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the confirmation of the Article 4 Directions.

The Article 4 Directions will help to ensure that public houses offering heritage and community assets in the borough are maintained. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based
This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.
Mitigating actions to be taken
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Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
Possible impacts (positive and negative) of proposed policy/decision/business plan
No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions. The Article 4 Directions will help to ensure that public houses offering heritage and community assets in the borough are maintained. Overall there will be a positive impact on for all equality groups.
Equality information on which above analysis is based
This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.
Mitigating actions to be taken
The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Possible impacts (positive and negative) of proposed policy/decision/business plan

Public houses often provide a number of community benefits and act as a social hub for residents in the local area. Public houses contribute to the vitality and viability of town centres, offering complementary services to the retail environment and the evening economy. Some public houses celebrate particular sectors of the community through food menus, music or events, open to all, and may be popular with specific ethnic groups. The loss of pubs as community assets or meeting places may have a negative impact on particular community or ethnic groups.

The Article 4 Directions will help to ensure that public houses offering heritage and community assets in the borough are maintained. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the confirmation of the Article 4 Directions.

The Article 4 Directions will help to ensure that public houses offering heritage and community assets in the borough are maintained. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Sex - A man or a woman.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the confirmation of the Article 4 Directions.

The Article 4 Directions will help to ensure that public houses offering heritage and community assets in the borough are maintained. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based

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Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

Possible impacts (positive and negative) of proposed policy/decision/business plan

Public houses often provide a number of community benefits and act as a social hub for residents in the local area. Public houses contribute to the vitality and viability of town centres, offering complementary services to the retail environment and the evening economy. Some public houses celebrate particular sectors of the community which may include the LGBTQ+ community. The loss of pubs as community assets or meeting places may have a negative impact on people with this protected characteristic.

The Article 4 Directions will help to ensure that public houses offering heritage and community assets in the borough are maintained. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Human Rights

There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

Possible impacts (positive and negative) of proposed policy/decision/business plan

The Council has carefully considered the balance to be struck between individual rights and the wider public interest. The rights of those affected by the proposed Article 4 Directions have been considered under the Human Rights Act 1998 and it has been determined that none of the Articles will be triggered.

Information on which above analysis is based

Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (ECHR). Various Convention rights may be engaged in the process of making and considering the Article 4 Directions, including under Articles 1 and 8 of the First Protocol. The European Court has recognised that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties as a local planning authority. Any interference with a Convention Right must be necessary and proportionate.

Mitigating actions to be taken

N/A

Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key areas identified as requiring more detailed analysis or key mitigating actions.			
Number	Description of Issue	Action	Timeframe
1	<p>This equalities analysis assesses the impact of confirming the Article 4 Direction on protected characteristics. The decision to introduce the Direction was made in March 2017. No issues relating to equalities have been raised during consultation.</p> <p>Guidance suggests that the need and effectiveness for Article 4 Directions should be monitored at regular intervals. This would be subject to committee approval but would suggest a yearly review is appropriate. This does not need to be reflected in any recommendations at this stage.</p>	Tbc	Tbc