



Derby City Council

App

# **Equality impact assessment form**

**Directorate: Neighbourhoods**

**Service area: Licensing**

**Name of policy, strategy, review or function  
being assessed: Mobile Homes Fees Policy**

**Date of assessment: 29 August 2014**

**Signed off by: Michael Kay**

**Cabinet, Personnel Committee or Chief Officer  
Group's decision**

**Date published on website:**

## Equality impact assessment – please read this section first before you do the assessment

This is our equality impact assessment form to help you equality check what you are doing when you are about to produce a new policy, review an older one, write a strategy or plan or review your services and functions. In fact you need to do an equality impact assessment whenever a decision is needed that affects people and **before** that decision is made.

So why do we need to do equality impact assessments? Although the law does not require us to do them now, the courts still place significant weight on the existence of some form of documentary evidence of compliance with the **Public Sector Equality Duty** when determining judicial review cases. This method helps us to make our decisions fairly, taking into account any equality implications, so yes we still need to do them.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have ‘**due regard**’ to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a ‘**relevant protected characteristic**’ and people who don’t.

Having ‘due regard’ means:

- removing or minimising disadvantages suffered by people due to their protected characteristics
- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity

- race
- religion or belief
- sex
- sexual orientation

This completed form should be attached to any Chief Officer Group, Cabinet or Personnel Committee report to help elected members make their decisions by taking the equality implications into account. Equality impact assessments **must be done before** decisions are made. Include the Cabinet or Personnel Committee's decision on the front sheet when you know it.

You'll find that doing these assessments will help you to:

- understand your customers' and communities needs
- develop service improvements
- improve service satisfaction
- demonstrate that you have been fair and open and considered equality when working on re-structuring
- make sure you pay due regard to the requirements of the Public Sector Equality Duty.

Don't do the form by yourself, get a small team together and make sure you include key people in the team such as representatives from our Diversity Forums and employee networks and you could invite trade union representatives too – the more knowledge around the table the better. You also need to decide how and who you will consult with to help inform the equality impact assessment. Our Lead on Equality and Diversity can help with useful contacts – we have a team of people who are used to doing these assessments and can help with information on barriers facing particular groups and remedies to overcome these barriers.

You'll need to pull together all the information you can about how what you are assessing affects different groups of people and then examine this information to check whether some people will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible – this is where your assessment team is very useful and you can also use the wider community.

Agree an equality action plan with your assessment team, setting targets for dealing with any negative effects or gaps in information you

may have found. Set up a way of monitoring these actions to make sure they are done and include them in your service business plans.

When you have completed the assessment, get it signed by your Head of Service or Service Director and send it to our Lead on Equality and Diversity for checking and to publish on our website. It is a public document so must not contain any jargon and be easy to understand.

Remember, we need to do these assessments as part of our everyday business, so we get our equality responsibilities right and stay within the law – Equality Act 2010.

### **Equality groups and protected characteristics**

These are the equality groups of people we need to think about when we are doing equality impact assessments and these people can be our customers or our employees and job applicants...

- Age equality – the effects on younger and older people
- Disability equality – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties and people with physical impairments
- Gender reassignment – the effects on trans people
- Marriage and civil partnership equality
- Pregnancy and maternity equality - women who are pregnant or who have recently had a baby, including breast feeding mothers
- Race equality – the effects on minority ethnic communities, including newer communities, gypsies and travellers and the Roma community
- Religion and belief or non-belief equality – the effects on religious and cultural communities, customers and employees
- Sex equality – the effects on both men and women and boys and girls

- Sexual Orientation equality – the effects on lesbians, gay men and bisexual people

In addition, we have decided to look at the effects on families and people on low incomes too as we feel this is very important.

### **Contact for help**

Ann Webster – Lead on Equality and Diversity

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### **The form**

We use the term ‘policy’ as shorthand on this form for the full range of policies, practices, plans, reviews, activities and procedures.

Policies will usually fall into three main categories...

- Organisational policies and functions, such as recruitment, complaints procedures, re-structures
- Key decisions such as allocating funding to voluntary organisations, budget setting
- Policies that set criteria or guidelines for others to use, such as criteria about school admissions, procurement methods, disabled facilities grants, on street parking bays

If in doubt - do one! You never know when we may get a legal challenge and someone applies for Judicial Review.

### **What’s the name of the policy you are assessing?**

### **The assessment team**

Team leader’s name and job title –

## Other team members

Name	Job title	Organisation	Area of expertise
Sandra Mansell	Team Leader	Derby City Council	Licensing
Ann Walker	Senior Environmental Health Officer	Derby City Council	Licensing
Roger Vardey	Licensing Officer	Derby City Council	Licensing

### Step 1 – setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side tracked.

#### **1 What are the main aims, objectives and purpose of the policy? How does it fit in with the wider aims of the Council and wider Derby Plan? Include here any links to the Council Plan, Derby Plan or your Directorate Service Plan.**

Due to a change in legislation, the Council is permitted to charge existing and new site owners of mobile home sites a range of fees, to cover expenditure when dealing with this type of licence. Only certain mobile home sites are affected. In Derby we currently have only 3 sites that would be subjected to any charging regime.

Such charges would be for new applications, transfer of existing licences and an annual fee to cover the cost of annual inspections.

Before any fees can be charged, the Council is required to have a Mobile Homes Fees Policy in place.

The policy can only cover the rationale behind the fees and how such fees have been formulated.

#### **2 Who delivers/will deliver the policy, including any consultation on it and any outside organisations who deliver under procurement arrangements?**

Following the decision of the General Licensing Committee to undertake a consultation exercise, all existing residents living on, and the site owners of the 3 affected sites have been contacted to inform them of the consultation. The results of the consultation will be reported back to the Council's General Licensing Committee in December 2014.

The letter sent to all parties outlined how a pack could be obtained and included a contact number for those who required the information in a different format, or any extra assistance.

### **3 Who are the main customers, users, partners, employees or groups affected by this proposal?**

The main people affected by this policy will be the existing site licence holders and any potential new licence holders.

Existing residents will be probably affected indirectly, as any potential costs regarding annual fees are likely to be passed onto the residents. The proposed annual fee will be £210 per site.

## **Step 2 – collecting information and assessing impact**

### **4 Who have you consulted and engaged with so far about this policy, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.**

All existing residents and existing site licence holders, as they are the ones being affected. One response was received and the content of the response was not applicable to the consultation exercise, and covered other legal issues, that were beyond the legal remit of the Council. The consultation pack was available to all on request.

- 5 Using the skills and knowledge in your assessment team, and from any consultation you have done, what do you already know about the equality impact of the policy on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each equality group whether this is a negative impact, a positive one or if you are not sure**

<b>Equality groups</b>	<b>What do you already know?</b>	<b>No impact</b>	<b>Positive impact</b>	<b>Negative impact</b>	<b>Not sure</b>
<b>Age</b>		<b>x</b>			
<b>Disability</b>		<b>x</b>			
<b>Gender reassignment - trans</b>		<b>x</b>			
<b>Marriage and civil partnership</b>		<b>x</b>			
<b>Pregnancy and maternity</b>		<b>x</b>			
<b>Race</b>		<b>x</b>			
<b>Religion or belief or none</b>		<b>x</b>			
<b>Sex</b>		<b>x</b>			
<b>Sexual Orientation</b>		<b>x</b>			
<b>Families and people on low income</b>		<b>x</b>			

**Important** - For any of the equality groups you don't have any information about, then make it an equality action at the end of this assessment to find out. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. You can get lots of information on reports done from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change,



Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

**6 From the information you have collected, how are you going to lessen any negative impact on any of the equality groups? How are you going to fill any gaps in information you have discovered?**

No negative impact identified, as only one person responded to the consultation exercise.

The structure of the Mobile Homes Fees is set in legislation provided by Central Government, the Council has no discretion as to what fees it can or cannot charge, only the monetary amount. The policy aims to cover the cost of administering and ensuring compliance with the available legislation.

However the Council must have a policy in place before any charges are made.

**Step 3 – deciding on the outcome**

**7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?**

<b>Outcome 1</b>	<b>X</b>	<b>No major change needed</b> – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
<b>Outcome 2</b>		<b>Adjust the policy</b> to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
<b>Outcome 3</b>		<b>Continue the policy</b> despite potential for negative impact or missed opportunities to advance equality

		<p>identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are:</p> <ul style="list-style-type: none"> <li>• sufficient plans to stop or minimise the negative impact</li> <li>• mitigating actions for any remaining negative impacts</li> <li>• plans to monitor the actual impact.</li> </ul>
<b>Outcome 4</b>		<b>Stop and rethink</b> the policy when the EIA shows actual or potential unlawful discrimination

Our Assessment team has agreed Outcome number(s)

The legislation covering mobile homes fees has been set by Central Government, and the policy has been formulated to ensure the Council complies with the law.

Why did you come to this decision?

See above

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the policy. You also need to make sure that there are actions in the Equality Action Plan to lessen the effect of the negative impact. This is really important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is really important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

## **Step 4 – equality action plan – setting targets and monitoring**

- 8 Fill in the table (on the next page) with the equality actions you have come up with during the assessment. Indicate how you plan to monitor the equality impact of the proposals, once they have been implemented.**

## Equality action plan – setting targets and monitoring

What are we going to do to advance equality?	How are we going to do it?	When will we do it?	What difference will this make?	Lead officer	Monitoring arrangements
See section 7					

**Make sure you include these actions in your Directorate service business plans.**