

Equality impact assessment form

Directorate: Communities and Place

Service area: Planning Services

Name of policy, strategy, review or function being assessed- Planning Obligations Supplementary Planning Document Review (Consultation Draft)

Date of Assessment- December 2017

Name of Director/ Head of Service signing it off- Paul Clarke, Head of Planning

Decision of Cabinet, Personnel Committee or Chief Officer Group



Derby City Council



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 identity
- 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. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact.

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 identity – 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

Contact for help

Ann Webster – Lead on Equality and Diversity

ann.webster@derby.gov.uk

Tel 01332 643722 Minicom 01332 640666 Mobile 07812301144

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 – it’s better and safer to do an Equality Impact Assessment than not to bother! 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?

Planning Obligations Supplementary Planning Document Review

The assessment team

Team leader's name and job title – Rosie Watson, Implementation Team Leader

Other team members

| Name | Job title | Organisation | Area of expertise |
|-------------------------|--|---|------------------------------------|
| Kathryn Armstrong-Prior | Senior Planning Officer | Derby City Council-Planning Services | Implementation and planning policy |
| Rachel Reid | Senior Planning Officer | Derby City Council-Planning Services | Implementation and planning policy |
| Pamela Thompson | Adults & Diverse Communities Participation Officer | Derby City Council-Strategic Services and Customer Management | Diversity |
| Brian Herbertson | | | Derby 50+ Forum |
| Andy Findlay | | | Disability Equality Hub |
| Moira Findlay | | | Disability Equality Hub |
| Maureen Parker | | | Derby 50+ Forum |
| Chris Wheeldon | | | Derby 50+ Forum |
| Chris Fields | | | Derby 50+ Forum |
| Rosie Watson | Implementation Team Leader | Derby City Council-Planning Services | Implementation and planning policy |
| Andrew Waterhouse | Spatial Planning Group Manager | Derby City Council | Planning Policy |
| Paul Clarke | Head of Planning | Derby City | Development |

| Name | Job title | Organisation | Area of expertise |
|-------------|-------------------------|---------------------|--------------------------|
| | | Council | Management |
| Dave Brown | Senior Planning Officer | Derby City Council | Planning Policy |

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.

The purpose of the Planning Obligations Supplementary Planning Document is to provide more detail for relevant policies in the Derby Local Plan Part1 and set out how the Council will seek to negotiate S106 agreements and secure developer contributions towards infrastructure. The Planning Obligations SPD is one of a number of documents that make up the statutory development plan for Derby and it is important for planning decisions.

The SPD meets the following aims of the Council Plan:

- Promoting health and wellbeing
- Improving housing, supporting job creation and regeneration
- Being more commercial
- Delivering services differently

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

The Implementation Team in the Planning Service will negotiate the planning obligations.

Other teams in the Council, such as Housing Development, Education, Traffic and Transportation and the Parks and Leisure services will deliver items of infrastructure using S106 contributions.

The South Derbyshire Clinical Commissioning Group will be responsible for providing new or extending existing health facilities.

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

Housing and commercial property developers
Planning and estate agents
Land-owners
South Derbyshire Clinical Commissioning Group
Community Centre associations
Housing Associations
Environment Agency
General Public

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.

Housing Development Team; Leisure; Property Design and Maintenance; Design Services; Education; Parks Development team; Traffic and Transportation; Conservation and Public Art officers; Streetpride.

Developers, agents, statutory bodies, general public, local organisations, Neighbourhood Forums, Equality Hubs and Councillors

Your City, Your Say survey questionnaire, Council website, Derby Newsroom and In-touch, paper copies in Council libraries, Council House reception, on request, the Council will provide material in alternative languages and formats. Our meetings are held in accessible venues with BSL interpreters as required.

- 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 protected characteristic group whether this is a negative or a positive impact. If it's negative, fill in the mitigation section as well to explain how you are going to lessen the impact.**

Age

| What do you already know? | Positive impact | Negative impact | Mitigation |
|--|------------------------|------------------------|---|
| Due to a change in Government planning policy, the requirement for Lifetime Homes has been taken out of the Derby Local Plan. Legally, the SPD can only reflect policies contained in the Derby Local Plan and because of this the requirement for Lifetimes Homes has had to be taken out of the SPD. | | ✓ | The 2015 Building Regulations include enhanced standard under Part M4(2) (Accessible and Adaptable Dwelling |
| Contributions will be sought | | | |

| What do you already know? | Positive impact | Negative impact | Mitigation |
|--|------------------------|------------------------|-------------------|
| from new housing development towards open space and play grounds | ✓ | | |
| Contributions may be sought towards local health facilities such as clinics and GP surgeries to meet needs of occupants of new housing | ✓ | | |
| For housing developments of 25 units and above contributions will be sought towards school places | ✓ | | |
| Contributions will be sought towards providing or extending community centres where lunch clubs and other daily activities may be held, including the Council's Talking Point sessions | ✓ | | |

Disability

| What do you already know? | Positive impact | Negative impact | Mitigation |
|---|------------------------|------------------------|--|
| The new wording in the reviewed SPD that says the Council would "encourage" developers to include an element of wheelchair accessible units in affordable housing schemes is not worded strongly enough to ensure it will happen. | | ✓ | The planning policy no longer has a legal basis to require such measures. However, they can be required under the 2015 Building Regulations Part M4 (3) which include standards for Wheelchair User Dwellings. Affordable dwellings built to these standards can meet the requirements of people with mobility impairments |
| Contributions may be sought | | | |

| What do you already know? | Positive impact | Negative impact | Mitigation |
|---|------------------------|------------------------|-------------------|
| towards local health facilities such as clinics and GP surgeries to meet needs of occupants of new housing and they will all be accessible for disabled people | ✓ | | |
| Contributions will be sought towards providing or extending community centres so community groups can meet, including the Council's Talking Point Sessions and Disabled People's groups | ✓ | | |

Gender identity- trans

| What do you already know? | Positive impact | Negative impact | Mitigation |
|---|------------------------|------------------------|-------------------|
| Contributions may be sought towards local health facilities such as clinics and GP surgeries to meet needs of occupants of new housing so trans people can get health support in the area | ✓ | | |
| Contributions will be sought towards providing or extending community centres so community groups can meet including any trans support groups. Derbyshire LGBT+ is a good resource for advice on LGBT issues when considering community centre provision. | ✓ | | |

Marriage and Civil Partnership

| What do you already know? | Positive impact | Negative impact | Mitigation |
|----------------------------------|------------------------|------------------------|-------------------|
| No adverse implications | | | |

| | | | |
|------------|---|--|--|
| identified | ✓ | | |
| | | | |

Pregnancy and maternity

| What do you already know? | Positive impact | Negative impact | Mitigation |
|--|-----------------|-----------------|------------|
| Contributions may be sought towards local health facilities such as clinics and GP surgeries to meet needs of occupants of new housing | ✓ | | |
| Contributions will be sought from new housing development towards open space and play grounds | ✓ | | |
| Community centres can provide local meeting spaces for parent and baby groups | ✓ | | |

Race

| What do you already know? | Positive impact | Negative impact | Mitigation |
|--|-----------------|-----------------|------------|
| Contributions may be sought towards local health facilities such as clinics and GP surgeries to meet needs of occupants of new housing | ✓ | | |
| Community centres can provide local meeting spaces for minority community groups | ✓ | | |
| Contributions will be sought from new housing development towards open space and play grounds | ✓ | | |

Religion or belief or none

| What do you already know? | Positive impact | Negative impact | Mitigation |
|---|------------------------|------------------------|-------------------|
| Community centres can provide local meeting spaces for religious and belief groups and those with no religion and also other community groups | ✓ | | |
| | | | |

Sex

| What do you already know? | Positive impact | Negative impact | Mitigation |
|--|------------------------|------------------------|-------------------|
| Community centres can provide local meeting spaces for women's groups and men's groups | ✓ | | |
| | | | |

Sexual orientation

| What do you already know? | Positive impact | Negative impact | Mitigation |
|---|------------------------|------------------------|-------------------|
| Contributions may be sought towards local health facilities such as clinics and GP surgeries to meet needs of occupants of new housing. Derbyshire LGBT+ is a good resource for advice on LGBT issues when considering health facility provision. | ✓ | | |
| Community centres can provide local meeting spaces for LGBT groups | ✓ | | |

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?

We have circulated this EIA assessment form to representatives from the Race Equality Hub, the Gender Equality Hub, the LGBT Equality Hub and Voices in Action, as representatives of these groups could not attend our EIA meeting. This was so we could capture any other potential EIA implications of the SPD Review on LGBT groups and minority ethnic communities. No adverse implications for these groups have been raised.

At the EIA Meeting with on 7th December 2017, representatives from the Derby 50+ Forum and Disability Equality Hub, identified that there could be a negative impact from the removal of the policy requirements for lifetime homes and disabled people's accessible units from the reviewed SPD – however Government Legislation changes was out of the scope of this EIA.

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?

| | | |
|------------------|----------|---|
| Outcome 1 | 1 | No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been |
|------------------|----------|---|

| | | |
|------------------|--|--|
| | | taken |
| Outcome 2 | | Adjust the policy to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified? |
| Outcome 3 | | Continue the policy despite potential for negative impact or missed opportunities to advance equality 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: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact. |
| Outcome 4 | | Stop and rethink the policy when the EIA shows actual or potential unlawful discrimination |

Our Assessment team has agreed Outcome number(s)

| |
|-----------|
| Outcome 1 |
|-----------|

Why did you come to this decision?

The assessment team considered that there is a potential negative impact from the removal of the requirement from the Planning Obligations SPD for residential schemes to provide Lifetime Homes and units designed for wheelchair users, but we have no control over Government Legislation changes.

Under the National Planning Policy Framework, supplementary planning documents are defined as documents which add further detail to policies in the Local Plan. This means that the Planning Obligations SPD can only reflect what is contained the Derby Local Plan Part 1. The review of the SPD has had to take into account changes that have been made in the production of the Derby Local Plan Part 1.

The Council deleted the Lifetime Homes local plan policy in response to the Planning Inspector's Report into the examination of the Derby Local Plan Part 1. The Inspector stated that the Local Plan's reference to Lifetimes Homes did not accord with national policy. As a result of these changes, the Planning Obligations SPD can no longer refer to Lifetime Homes.

The EIA assessment team accepted that the loss of the Lifetime Homes policy would be mitigated by the provisions of the 2015 Building Regulations. Part M4 (2) (Accessible and Adaptable Dwellings) of the regulations will provide the legal basis for the provision of enhanced standards in housing design and Part M4 (3) includes standards for Wheelchair User Dwellings.

The reviewed Planning Obligations SPD will also continue to encourage developers to build affordable housing units that are adapted for wheelchair users.

The Council's planning policy team will be preparing the Derby Local Plan Part 2 in early 2028 and through this will investigate the issue of providing units with enhanced standards and wheelchair standards through affordable housing provision.

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 this table 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

Age

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|---|--|--|--------------------------------|
| To investigate the evidence and justification for a policy requiring affordable housing designs with enhanced standards in the preparation of the Local Plan Part 2 | It would create a stronger policy basis for decisions on planning applications | Planning Policy team will be consulting on the Local Plan Part 2 in early 2018 | |

Disability

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|---|---|---|---|
| To record the number of affordable housing units that are built to wheelchair standards | It will help us to build up an evidence base that can inform future | Implementation Team | This is a detail that can be included in the Team's on-going recording of |

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|--|---|---|
| | policy formulation | | completed S106 agreements |
| Encourage developers to fund public Changing Places toilets in new neighbourhoods with Section 106 funding | Disabled children and adults who need to use a changing bench, hoist and shower, not in a standard public disabled people's toilet will be able to go out in the community, like other disabled people can | Implementation Team | This is a detail that can be included in the Team's on-going recording of completed S106 agreements |

Gender identity - trans

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| No negative impact identified | | | |
| | | | |

Marriage and Civil Partnership

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| No negative impact | | | |

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| identified | | | |
| | | | |

Pregnancy and maternity

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| No negative impact identified | | | |
| | | | |

Race

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| No negative impact identified | | | |
| | | | |

Religion or belief or none

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| No negative impact | | | |
| | | | |

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| identified | | | |
| | | | |

Sex

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| No negative impact identified | | | |
| | | | |

Sexual orientation

| What are we going to do to advance equality | What difference will it make | When will we do it and who will lead | Monitoring arrangements |
|--|-------------------------------------|---|--------------------------------|
| No negative impact identified | | | |
| | | | |

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332

643722

Minicom: 01332 640666

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt:

01332 643722

Tel. tekstowy: 01332 640666

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ

01332 643722

ਸਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na

tel.č:

01332 643722

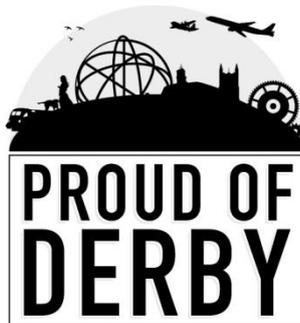
Minicom 01332 640666

Urdu

01332 643722

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم

منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council