

## Colchester Borough Council

### Equality Impact Assessment Form - An Analysis of the Effects on Equality

#### Section 1: Initial Equality Impact Assessment

Name of policy/ decision to be assessed:

- Implementation of Contaminated Land Strategy;
- Implementation of Environmental Damage (Prevention and Remediation) Regulations 2009;
- Land Contamination dealt with through Development Control.

1. What is the main purpose of the policy/ options report?

- To ensure that all matters concerning potential or actual land contamination are dealt with in accordance with the relevant legislation.

2. What main areas or activities does it cover?

- Past uses of land for potentially contaminative purposes.
- Development sites.

3. Are there changes to an existing policy being considered in this assessment? If so what are they?

No

4. Who are the main audience, users or customers who will be affected by the policy?

- Residents, property developers, consultants, businesses operating within the Borough.

5. What outcomes do you want to achieve from the policy?

- To ensure that land is suitable for its existing or proposed use, with no unacceptable risks to human health (or other relevant receptors).
- Compliance with legislation.

6. Are other service areas or partner agencies involved in delivery? If so, please give details below:

- External Bodies – Environment Agency, Natural England, Health Protection Agency, Essex Environmental Protection Study Group, DEFRA, other Local Authorities
- Other Colchester Borough Council sectors – Development Control, Building Control, Geographic Information Systems, Legal Services

7. Are you aware of any relevant information, data, surveys or consultations<sup>1</sup> which help us to assess the likely or actual impact of the policy upon customers or staff?

No

*If so provide details and include a link to the document or source where available.*

8. The ‘general duty’ states that we must have “due regard” to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation
- (b) advance equality of opportunity between people who share a ‘protected characteristic<sup>2</sup>’ and those who do not<sup>3</sup>
- (c) foster good relations between people who share a protected characteristic and those who do not<sup>4</sup>

Not all policies help us to meet the ‘general duty’, but most do.

*Where applicable, explain how this policy helps us to meet the ‘general duty’:*

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<sup>1</sup>Click on [surveys or consultations](#) for more information. The Council’s surveys and consultations include ‘equality monitoring information’ to help us identify any particular concerns or views expressed by any particular group or ‘protected characteristic’. It can also help us to assess how representative of our customers the respondent group is. Local Data on the Protected Characteristics is available [on this page](#) of the Hub.

<sup>2</sup> The Equality Act’s ‘protected characteristics’ include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

<sup>3</sup> This involves having due regard, in particular, to the need to: (a) remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, and (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

<sup>4</sup> This involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

The policy helps us to ‘eliminate unlawful discrimination, harassment and victimisation’ in the following way(s):

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The policy helps us to ‘advance equality of opportunity...’ in the following way(s):

- The policy helps the Council to enforce national legislation and guidance. This helps to protect vulnerable people and may help to advance equality of opportunity for this ‘protected characteristic’.

The policy helps us to ‘foster good relations...’ in the following way(s):

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9. This section helps us to identify any disproportionate impacts. Please indicate in the table below whether the policy is likely to particularly benefit or disadvantage any of the ‘protected characteristics’.

Remember to include reference to any relevant consultation, data or information.

‘Protected characteristic’ group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Age	Older people (60+)	X	The Policy helps to protect borough residents against negative impacts associated with building on contaminated land or incidents of pollution. Without the policy vulnerable groups including older people could be disproportionately affected.	X	Some older people may find it more difficult to access information on-line
	Younger people (17-25) and children (0-16)	X	The Policy helps to protect borough residents against negative impacts associated with building on contaminated land or incidents of pollution. Without the policy vulnerable groups including children could be disproportionately affected.		

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Disability	Physical	X	The Policy helps to protect borough residents against negative impacts associated with building on contaminated land or incidents of pollution. Without the policy vulnerable groups including people with disabilities could be disproportionately affected.	X	People with disabilities could find it harder to access services
	Sensory	X	As above	X	As above
	Learning	X	As above	X	As above
	Mental health issues	X	As above		
Ethnicity <sup>5</sup>	Other – <i>specify</i>				
	White				
	Black				
	Chinese				
	Mixed Ethnic Origin				
	Gypsies/ Travellers				
	Other – <i>please state</i>				
Language	English not first language			X	English not first language - May negatively affect communication
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks	X	The Policy helps to protect borough residents against negative impacts associated with building on contaminated land or incidents of pollution. Without the policy this group could be disproportionately affected.		
Religion or Belief	People with a religious belief (or none)				
Sex	Men				
	Women				

<sup>5</sup> National Census 2011 categories are: Bangladeshi, Indian, Pakistani, Other Asian (Asian or Asian British), African, Caribbean, Other Black (Black or Black British), White and Black African, White and Asian, White and Black Caribbean (Mixed), British, Irish, Other White (White), Chinese, Other (Other Ethnic Group).

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Gender Reassignment <sup>6</sup>	Transgender/ Transsexual				
Sexual Orientation	Bisexual, Heterosexual, Gay or Lesbian				
Marriage and Civil Partnership	People who are married or in a civil partnership				

10. If you have identified any negative impacts (above) how can they be minimised or removed?

Some older people may find it more difficult to access information on-line – For this group a variety of different options for accessing information is important and the Council offers telephone advice through the Customer Service Centre, specialist advice from a Contaminated Land officer, advice from an officer through a face-to-face visit – as well as on-line services.

Disability - People with disabilities could find it harder to access services.

A textphone service is available for hearing impaired customers; Learning Disabilities: May negatively affect communication – Officers liaise with a range of support services including Essex Social Care or a member of family, or other advocate. This should help the customer to access the right advice and services.

English not first language - May negatively affect communication – Translation services are available including: Google translate instant translation service for all web-pages and forms; officers may arrange for text translation (for example of nuisance diary sheets), telephone translation or face to face translation.

*(This is a key section: Please deal with each negative impact noted above in turn.)*

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<sup>6</sup> The protected characteristic of gender reassignment is defined by the Equality Act 2010 as “a person proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.” This is a personal process that may involve medical interventions such as counselling, psychotherapy, hormone therapy or surgery, but does not have to. NB: It is generally held that transgender people disguise their features or clothing to resemble their preferred sex, whereas transsexual people wish to change their body to completely resemble their preferred sex.

11. Could the policy discriminate<sup>7</sup> against any 'protected characteristic', either directly or indirectly<sup>8</sup>?

No

*(Please read the footnotes below before completing this section.)*

### **Summary and findings of Initial Equality Impact Assessment**

12. Please put a tick in the relevant box to confirm your findings, and what the next step is:

Findings	Action required
No negative impacts have been identified <input type="checkbox"/>	Sign off screening and finish.
Negative impacts have been identified but have been minimised or removed <input checked="" type="checkbox"/>	Sign off screening and finish.
Negative impacts could not be minimised or removed <input type="checkbox"/>	Sign off screening and complete a full impact assessment – Section 2.
There is insufficient evidence to make a judgement. <input type="checkbox"/>	Sign off screening and complete a full impact assessment – Section 2.

13. Name and job title of person completing this form:

- Mary Rickard, Contaminated Land Officer

14. Date of completion:

- March 2018

<sup>7</sup> The Council has a general duty to 'eliminate unlawful discrimination, harassment and victimisation'. Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their 'protected characteristic' whether on grounds of age, disability, pregnancy and maternity, ethnicity; religion or belief; sex (gender), sexual orientation, or marriage and civil partnership. Indirect discrimination occurs when an apparently neutral provision or practice would nevertheless disadvantage people on the grounds of their 'protected characteristic'.

<sup>8</sup> If you answer 'yes' to question 11 (above) you will need to complete this section *and* go on to complete Section 2 in order to conduct a full Equality Impact Assessment.

15. Date for update or review of this screening:

- March 2021