

## Colchester Borough Council

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

#### Section 1: screening stage

Name of policy, service or strategy to be assessed:

#### **Charging for minor, other & householder proposal preliminary enquiries (PEs)**

1. What is the main purpose of the policy, service or strategy?
  - **To create capacity to undertake such determinations as an extension to statutory function required by Govt. and provide additional funding resource to deliver such capability, and**
  - **To better influence the final form of development to ensure higher quality developments**
  - **To shift the burden of funding the planning service from Council tax payers to those who are or wish to undertake development**
  - **To present those wishing to undertake development with a reasonably priced alternative to private planning consultants as a source of expert advice**
  
2. What main areas or activities does it cover?
  - **Initial contact via an on-line application for PE advice**
  - **Possible meeting/site visit**
  - **Review of submitted material**
  - **Formal written feedback provided**

3. Who are the main audience, users or customers who will be affected?

- **Individual property owners**
- **Planning agents**

4. What outcomes do you want to achieve from the policy, service or strategy?

- **Improved customer satisfaction**
- **Better resource management and capacity building**
- **Delivery of quality developments**
- **Improved NI157 performance**
- **Enhanced service reputation**
- **Self supporting finance for the service/financial resilience**

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

- **Internal/external consultees as required**

6. Does the policy, service or strategy help to further or facilitate to our 'general duty'<sup>1</sup> 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?
- (c) foster good relations between people who share a protected characteristic and those who do not?

- **Yes & No**

If you have answered 'no', please give details of the reasons for this decision:

---

<sup>1</sup> these 3 points summarise the 'general duty' as it applies to public sector organisations in the Equality Act 2010

<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.

**No** – Older people or those who may be on low incomes and so may not have access to funds/savings to invest in the PE service may be disadvantaged however it is unlikely that the outlay of £100 (or £50 for householder enquiries) will make the crucial difference between deciding to secure preliminary advice on a project that is likely to cost significantly in excess of that after paying to have drawings produced, an application for planning permission & building regs submitted and then constructed.

Use of the pe system is not mandatory and planning applications (national process) can be submitted without pre-application discussion.

Free support may be available via the Royal Town Planning Institutes (RTPI) Planning Aid service.

The cost of advice has been deliberately been set at a minimal rate so as not to disadvantage individuals when compared to major development businesses

7 . If you answered `yes` to any of the sections in Question 6 (above), please complete the following in order to identify how the policy, practice or strategy furthers the aim of the `general duty`:

| 'Protected characteristic' group |  | How does it help to `eliminate unlawful discrimination, harassment and victimisation`?   | How does it help to `advance equality of opportunity between people who share a protected characteristic and those who do not`? | How does it help to `foster good relations between those who share a protected characteristic and those who do not`? |
|----------------------------------|--|--|---|--|
| Age                              | Older people (60+)<br>Younger people (17-25) and children (0-16) | <b>The advice is available to all at a modest charge that covers just the cost to the service but this is delivered at a reduced rate to that provided by independent planning consultants who are also less likely to be intimately aware of the policies of the Council.</b>   |   |  |
| Disability                       | Physical   | <b>The Government has been moving to shifting the burden of Council's managing the development process from council tax payers to developers and this initiative reduces the burden on council tax payers to subsidize the planning system and moves it towards developers who stand to financially benefit from development..</b> |   |  |
|                                  | Sensory  |  |   |  |
|                                  | Learning   |  |   |  |
|                                  | Mental health issues   |  |   |  |
|                                  | Other – <i>please specify</i>                                    |  |   |  |
| Ethnicity <sup>3</sup>           | White  |  |   |  |

<sup>3</sup> 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            |   | How does it help to 'eliminate unlawful discrimination, harassment and victimisation'? | How does it help to 'advance equality of opportunity between people who share a protected characteristic and those who do not'? | How does it help to 'foster good relations between those who share a protected characteristic and those who do not'? |
|---|---|--|---|--|
|   | Black   |  |   |  |
|   | Chinese   |  |   |  |
|   | Mixed Ethnic Origin   |  |   |  |
|   | Gypsies/ Travellers *                                       |  |   |  |
|   | Other – <i>please state</i>                                 |  |   |  |
| Language                                    | English not first language                                  |  |   |  |
| Pregnancy and Maternity                     | Women who are pregnant or have given birth in last 26 weeks |  |   |  |
| Religion or Belief                          | People with a religious belief (or none) <sup>4</sup>       |  |   |  |
| Sex   | Men   |  |   |  |
|   | Women   |  |   |  |
|   | Transsexual / gender reassignment                           |  |   |  |
| Sexual Orientation                          | Lesbian, gay and bisexual                                   |  |   |  |
| Marriage and Civil Partnership <sup>5</sup> | People who are single, married or in a civil partnership    |  |   |  |

8. Are there any concerns that the policy, service or strategy could have a differential impact in terms of equality?

- **yes**

<sup>4</sup> For example, Buddhist, Christian, Hindu, Jewish, Muslim, Sikh or no religious belief.

<sup>5</sup> Our legal duty in respect of 'marriage or civil partnership' extends only to the need to eliminate unlawful discrimination.

Please use the table below to indicate how the policy, service or strategy could have a positive or negative effect on any of the following equality groups (known under the Equality Act as 'protected characteristics'). Include reference to any consultation, data or information that you have used in making this assessment about positive or negative effects.

| 'Protected characteristic' group |   | Positive Impact | Explain how it could benefit the group  | Negative Impact  | Explain how it could disadvantage the group |
|----------------------------------|---|-----------------|---|--|---|
| Age                              | Older people (60+)  | <b>yes</b>      | <b>Provides access to expert development potential advice and a project managed pre-application process at a reasonable cost and gives those using the service improved opportunities to successfully shape their proposals to better accord with national council planning policy.</b> | <b>Yes</b><br><b>Non internet accessed users may not be aware of the advice service and therefore may not know how to apply on-line or know of the facility to secure advice from the service for a fee.</b> | <b>Lack of finance to enter into PE</b>     |
|                                  | Younger people (17-25) and children (0-16)                  |                 |   |  |   |
| Disability                       | Physical  |                 |   |  |   |
|                                  | Sensory   |                 |   |  |   |
|                                  | Learning  |                 |   |  |   |
|                                  | Mental health issues  |                 |   |  |   |
|                                  | Other – <i>please specify</i>                               |                 |   |  |   |
| Ethnicity                        | White   |                 |   | <b>The meeting regime can be shaped around individual applicants timetable and commitments and venues can be adjusted to suit individual needs</b>   | <b>no</b>                                   |
|                                  | Black   |                 |   |  |   |
|                                  | Chinese   |                 |   |  |   |
|                                  | Mixed Ethnic Origin   |                 |   |  |   |
|                                  | Gypsies/ Travellers   |                 |   |  |   |
|                                  | Other – <i>please state</i>                                 |                 |   |  |   |
| Language                         | English not first language                                  |                 |   |  |   |
| Pregnancy and Maternity          | Women who are pregnant or have given birth in last 26 weeks |                 |   |  |   |
| Religion or Belief               | People with a religious belief (or none)                    |                 |   |  |   |
| Sex                              | Men   |                 |   |  |   |
|                                  | Women   |                 |   |  |   |
|                                  | Transsexual / gender reassignment                           |                 |   |  |   |
| Sexual                           | Lesbian, gay and  |                 |   |  |   |

| 'Protected characteristic' group |  | Positive Impact | Explain how it could benefit the group | Negative Impact | Explain how it could disadvantage the group |
|----------------------------------|--|-----------------|--|-----------------|---|
| Orientation                      | bisexual   |                 |  |                 |   |
| Marriage and Civil Partnership   | People who are single, married or in a civil partnership |                 |  |                 |   |

9. Could the policy, service or strategy discriminate<sup>6</sup> against any 'protected characteristic', either directly or indirectly?

**Yes- through misapplication of process/appraisals or individual officer prejudice**

10. If you have identified any negative impacts above, have you been able to minimise or remove them, and if so, how?

Non internet accessed users may not be aware of the advice service and therefore may not know how to apply on-line or know of the facility to secure advice from the service for a fee.

**Minimised by:**

- **Duty phone system to offer general advice on availability of advice systems**
- **CSC briefed to advise customer on fee paying advice initiative**
- **Colchester Planning Handbook contains signposting**
- **Parish Councils fully briefed**
- **Local planning agents aware of services offered by the Planning Service**

Lack of finance to enter into PE

---

<sup>6</sup> 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' unless the practice can be objectively justified by a legitimate aim.

**Minimised by:**

- **Minimal fee setting**
- **Free support may be available via the Royal Town Planning Institute's (RTPI) Planning Aid service.**

misapplication of process/appraisals or individual officer prejudice

**Minimised by:**

- **Contributions from other services sought where appropriate**
  - **Advice monitored by senior colleague**
  - **Officers work to an adopted code of conduct that requires interests to be declared**
  - **Planning officers who are chartered members of the Royal Town Planning Institute (RTPI) have a professional code to adhere to.**
  - **The charging regime is reviewed corporately every year and is subject to a fees and charges report to the Portfolio holder & cabinet accompanied by a revised EqIA.**
  - **The submission and determination of planning applications is not subject to prior PE and is itself subject to controls identified in the planning process EqIA.**
- 
- **Summary and findings of Initial Equality Impact Assessment – screening stage**

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

| <b>Findings</b>   | <b>Action required</b>                 |
|---|--|
| No likely negative impacts have been identified and this has been justified with reference to consultation, data or information. <input type="checkbox"/> N/A | Sign off screening and finish.         |
| Likely negative impacts have been identified but have been minimised or removed. <input type="checkbox"/><br><b>YES</b>                                       | Sign off screening and finish.         |
| Likely negative impacts were identified but have not been minimised or removed. <input type="checkbox"/> N/A  | Sign off screening and complete a full |

|  |   |
|--|---|
|  | impact assessment – Section 2.  |
| There is insufficient evidence to make a judgement. <input type="checkbox"/> N/A | Sign off screening and complete a full impact assessment – Section 2. |

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

- **Vincent Pearce, Planning Service Manager**

13. Date of completion:

- **21 September 2011**

14. Date for update or review of this screening:

- **1 April 2012 in time for annual fees review**

*If you have now signed off this screening form, Section Two is not required and you should remove Section Two from this document, along with these two paragraphs in italics. Please send a copy to the relevant Head of Service and the Equality and Diversity Officer. You also need to arrange for it to be published on the Council's website [here](#) – under the relevant service area heading.*

*If you have identified any negative impact which and has not been minimised or removed, or if there is insufficient evidence - you must complete Section Two, Full Impact Assessment. The policy, service or strategy should not be implemented until the Full Impact Assessment has been completed and approved as it is potentially discriminatory.*



## Section 2: Full Equality Impact Assessment

### Where there is a negative impact which has not been minimised or removed

15. If you have identified negative impact(s) on equality group(s) that have not been minimised or removed, can this be objectively justified by a legitimate aim<sup>7</sup>? If yes, state how:

- 

*If a negative impact cannot be minimised or removed and cannot be objectively justified by a legitimate aim, the policy, service or strategy should not be implemented as it is potentially discriminatory.*

### Where there is insufficient evidence to make a judgement

*If you identified that there was insufficient evidence to make a judgement on whether there was a negative impact on an equality group, please complete the first column of the Action Plan below.*

### Engagement and Consultation Action Plan

|            |  | Details of Planned Engagement | Date for Review | Summary of findings |
|------------|--|-------------------------------|-----------------|---------------------|
| Age        | Older people (60+)                         |                               |                 |                     |
|            | Younger people (17-25) and children (0-16) |                               |                 |                     |
| Disability | Physical                                   |                               |                 |                     |
|            | Sensory                                    |                               |                 |                     |
|            | Learning                                   |                               |                 |                     |
|            | Mental health issues                       |                               |                 |                     |
|            | Other – <i>please specify</i>              |                               |                 |                     |

<sup>7</sup> For example, a negative equality impacts may sometimes be 'objectively justified by a legitimate aim' where the policy is specifically designed to meet the aims of the 'general duty' for those people with a specific protected characteristic.

|                                |   | Details of Planned Engagement | Date for Review | Summary of findings |
|--------------------------------|---|-------------------------------|-----------------|---------------------|
| Ethnicity                      | White   |                               |                 |                     |
|                                | Black   |                               |                 |                     |
|                                | Chinese   |                               |                 |                     |
|                                | Mixed Ethnic Origin   |                               |                 |                     |
|                                | Gypsies/ Travellers   |                               |                 |                     |
|                                | Other – <i>please state</i>                                 |                               |                 |                     |
| Language                       | English not first language                                  |                               |                 |                     |
| Pregnancy and Maternity        | Women who are pregnant or have given birth in last 26 weeks |                               |                 |                     |
| Religion or Belief             | People with a religious belief (or none)                    |                               |                 |                     |
| Sex                            | Men   |                               |                 |                     |
|                                | Women   |                               |                 |                     |
|                                | Transsexual / gender reassignment                           |                               |                 |                     |
| Sexual Orientation             | Lesbian, gay and bisexual                                   |                               |                 |                     |
| Marriage and Civil Partnership | People who are single, married or in a civil partnership    |                               |                 |                     |

*If you confirmed in question 8 above that this policy could be discriminatory against a 'protected characteristic', you should not implement the policy.*

*Otherwise, you may implement the policy, taking care to review its impact based on planned engagement. The Review should be carried out within 6 months from the date of this Full Impact Assessment, at which point a further Review may or may not be required depending on whether you have collected sufficient evidence.*

## Summary and findings of Full Equality Impact Assessment

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

| Findings  | Action required                      |
|---|--------------------------------------|
| Likely negative impacts have been identified but are considered to be objectively justified by a legitimate aim. <input type="checkbox"/>                   | Sign off and finish.                 |
| Planned engagement with equality target groups will take place in order to gain sufficient evidence to make a judgement on impact. <input type="checkbox"/> | Sign off and review within 6 months. |
| The policy could be discriminatory and will not be implemented. <input type="checkbox"/>  | Finish without signing off.          |

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

- 

18. Date of completion:

19. Date for update or review of this screening:

- 

*If you have now signed off this full assessment, please send a copy to the relevant Head of Service and the Equality and Diversity Officer. You also need to arrange for it to be published on the Council's website [here](#) – under the relevant service area heading.*