

Colchester Borough Council

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

Section 1: Initial Equality Impact Assessment

Name of policy to be assessed:

- Approach on Right to Buys with 3rd party PV leases

1. What is the main purpose of the policy?

- To provide the Council's position and approach for dealing with Right to Buy (RTB) applicants where 3rd party solar PV leases are in place and there is not an 'Enforcing Mortgagee Break Option'

2. What main areas or activities does it cover?

RTB applications that have struggled to gain a mortgage with the solar panel lease in place (without an enforcing mortgagee break option) will not be assisted by the Council for the reasons set out in this report

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?

- RTB applications that have struggled to gain a mortgage with the solar panel lease in place (without an enforcing mortgagee break option)

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

- To provide Councillors, Officers and applicants with an agreed formal decision on the Council's approach

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

- Colchester Borough Homes
- CBC Finance and Legal Services
- Portfolio Holder and Members

7. Are you aware of any relevant information, data, surveys or consultations¹ 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 characteristic²' and those who do not³
- (c) foster good relations between people who share a protected characteristic and those who do not⁴

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':

¹Click 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.

² 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.

³ 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.

⁴ 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):

- It is not believed that this policy specifically helps the Council to meet this aim.

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

- It is not believed that this policy specifically helps the Council to meet this aim.

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

- It is not believed that this policy specifically helps the Council to meet this aim.

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+) | | None identified | | None identified |
| | Younger people (17-25) and children (0-16) | | None identified | | None identified |
| Disability | Physical | | None identified | | None identified |
| | Sensory | | None identified | | None identified |
| | Learning | | None identified | | None identified |
| | Mental health issues | | None identified | | None identified |
| | Other – <i>specify</i> | | None identified | | None identified |
| Ethnicity ⁵ | White | | None identified | | None identified |
| | Black | | None identified | | None identified |

⁵ 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 |
|----------------------------------|---|-----------------|---|-----------------|--|
| | Chinese | | None identified | | None identified |
| | Mixed Ethnic Origin | | None identified | | None identified |
| | Gypsies/ Travellers | | None identified | | None identified |
| | Other – <i>please state</i> | | None identified | | None identified |
| Language | English not first language | | None identified | | None identified |
| Pregnancy and Maternity | Women who are pregnant or have given birth in last 26 weeks | | None identified | | None identified |
| Religion or Belief | People with a religious belief (or none) | | None identified | | None identified |
| Sex | Men | | None identified | | None identified |
| | Women | | None identified | | None identified |
| Gender Reassignment ⁶ | Transgender/ Transsexual | | None identified | | None identified |
| Sexual Orientation | Bisexual, Heterosexual, Gay or Lesbian | | None identified | | None identified |
| Marriage and Civil Partnership | People who are married or in a civil partnership | | None identified | | None identified |

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

⁶ 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.

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

- *None*

11. Could the policy discriminate⁷ against any 'protected characteristic', either directly or indirectly⁸?

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

- *No*

⁷ 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'.

⁸ 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.

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 ✓ | Sign off screening and finish. |
| Negative impacts have been identified but have been minimised or removed <input 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:

- Lynn Thomas

14. Date of completion:

- 09.11.2016

15. Date for update or review of this screening:

- November 2019