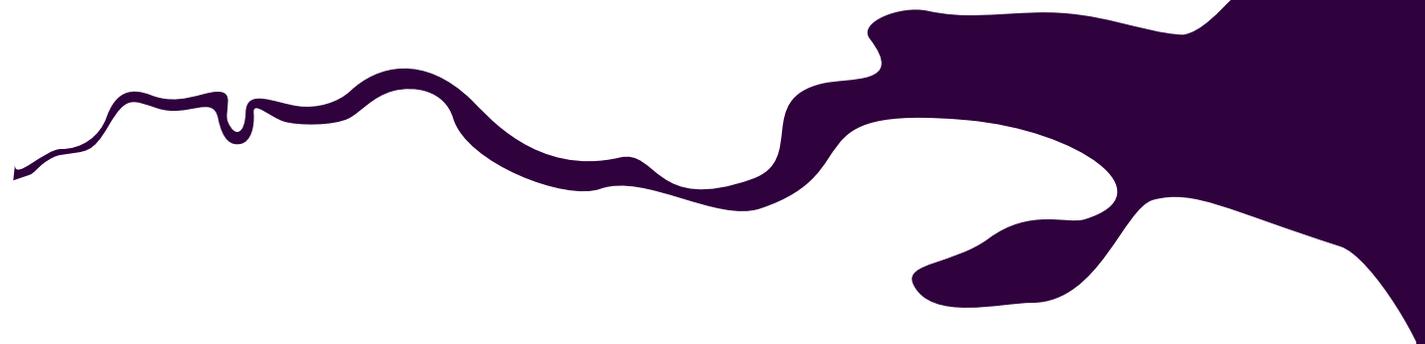


Community Infrastructure Levy (CIL)

Equality Analysis

November 2014



Community Infrastructure Levy (CIL): Equality Analysis

1. Proposed policy, practice or function to which this equality analysis relates

Southend Borough Council Draft Community Infrastructure Levy (CIL) Charging Schedule.

2. Lead Officer

Amanda Rogers: Section 106 and CIL Officer, Southend Borough Council

3. What are the aims, objectives or purpose of the policy, practice or function?

The Community Infrastructure Levy (CIL) enables a charge to be levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area.

Under the CIL Regulations 2010 (as amended), the amount of CIL to be paid has to be explained in a formal document called a Charging Schedule. The Charging Schedule must set out the level of charge that is to be levied for different types of development, in different parts of the local authority area. The CIL charges must be expressed as a rate per square metre of development and an explanation is required to set out how to calculate the level of CIL required for each scheme.

In accordance with the CIL Regulations 2010 (as amended), two rounds of consultation need to be carried out prior to the borough-wide CIL Charging Schedule being adopted. The Council consulted on the Preliminary Draft Charging Schedule (PDCS) in July – September 2014 and received 8 representations in total. The Council is now at the second round of consultation, on the Draft Charging Schedule (DCS).

The Draft CIL Charging Schedule identifies three residential charging zones in which different CIL charges will apply depending on land values, and various other rates for commercial uses. The CIL Regulations require that the CIL rates are underpinned by evidence relating to the economic viability of new development and the Borough's projected infrastructure needs over the period to which the CIL charge applies. This is set out in the Infrastructure Delivery Plan which outlines the key infrastructure requirements needed to support growth and the development objectives of the borough. There is a public desire that new growth and development are supported by investment in infrastructure and services. CIL enables this to a greater degree.

This analysis should be read in conjunction with the CIL Overview Report, Draft CIL Charging Schedule, the Infrastructure Delivery Plan (2014) and the CIL Viability Study (2014) plus addendum notes.

4. Equality Analysis

An Equality Analysis enables a service or function to assess the possible implications on the whole community when changes are proposed to the way a service is delivered, through policies, strategies, procedures, projects, reviews, organisational change or savings proposals. Equality Analysis helps ensure that certain groups, individuals or staff are not excluded from services or practices. It also ensures that whole communities benefit from services which the Council delivers.

It is difficult to attribute the proposed CIL charge to specific impacts on the groups identified in the Equality Act 2010 as having protected characteristics. However, the introduction of CIL should, in principle, benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development. Currently, the Borough negotiates Section 106 planning obligations when planning permission is granted to help fund the delivery of new school places, health facilities, public realm and open space projects, strategic and local transport improvements and other types of infrastructure. It is likely that CIL will continue in this vein and so it is anticipated that it will generate benefits for all equality groups.

All residents and protected groups could be affected by CIL. However, any possible impacts would arise at the point at which money has been secured through CIL and new or improved infrastructure is actually delivered; they would not arise directly as a result of the CIL Charging Schedule itself. It is anticipated that CIL spending would be considered alongside the Council's capital spending programme. Specific proposals would normally be subject to separate equalities analyses. Any impacts would be dependent on the type of infrastructure to be provided and its location.

The Department for Communities and Local Government (DCLG) undertook an Impact Assessment of CIL legislation and regulations in January 2010. Part of this assessment states that:

"The Community Infrastructure Levy is unlikely to have an adverse impact on any social group. By making communities more sustainable, the Community Infrastructure Levy will facilitate economic growth and liveability and so create opportunity for all. The infrastructure and services that the Community Infrastructure Levy will provide (such as medical and community facilities and transport networks) will enhance accessibility and liveability for all sectors of society, and could help to deliver new infrastructure that

serves different needs within the community, for example, by increasing mobility and accessibility. We do not anticipate the reforms to the Community Infrastructure Levy changing this assessment”.

DCLG, Jan 2010 (<http://www.parliament.uk/documents/impact-assessments/IA11-010AG.pdf>)

This gives a clear indication that the government do not expect the implementation of CIL to cause any equality concerns, and they anticipate that it will, in general, have a positive influence on a number of equalities groups. It should be noted that adopting a CIL in Southend will help the Council to achieve the vision for new growth and sustainable development that is set out in the Core Strategy. The future growth planned for the borough as set out in the Core Strategy policies has been found sound in terms of its impacts upon equalities groups.

5. Identifying Impacts

This section considers the potential impact (positive and negative) of proposals on key ‘protected characteristics’ as outlined in the Equality Act 2010 and any mitigating actions to be taken. This analysis has taken into consideration Equality Analyses carried out by other Charging Authorities and the Impact Assessment undertaken by DCLG.

Impacts	Neutral?	Negative?	Positive?	Comments	Mitigating actions to be taken
	Yes	No	No		
Age	Yes	No	No	No specific impacts relating to age identified although the introduction of CIL is likely to have a positive impact on residents and service users of all ages through developing and improving community infrastructure required in the local area.	None as no specific impacts have been identified that would affect people differently according to their age.
Disability	Yes	No	No	No specific impacts relating to people with disabilities identified. However, people with disabilities are likely to be positively affected by	None as no specific impacts have been identified that would affect people with disabilities.

				the implementation of CIL as CIL can be used to improve the accessibility of community buildings, the public realm and public transport.	
Gender	Yes	No	No	No specific impacts relating to gender identified although the introduction of CIL is likely to have a positive impact on both male and female residents and service users alike through developing and improving community infrastructure required in the local area.	None as no specific impacts have been identified that would affect people differently according to their sex.
Gender reassignment	Yes	No	No	No specific impacts identified. As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.	None as no specific impacts have been identified in relation to those people who have undergone gender reassignment.
Marriage and civil partnership	Yes	No	No	No specific impacts identified. As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.	None as no specific impacts have been identified in relation to those people who are married or those in a civil partnership.
Pregnancy and maternity	Yes	No	No	No specific impacts identified. However, women who are pregnant or on maternity leave may benefit from CIL through additional investment in healthcare facilities, playspaces, early years facilities and accessibility improvements to community facilities, the public realm and public transport.	None as no specific impacts have been identified in relation to women who are pregnant or on maternity leave.
Race	Yes	No	No	No specific impact relating to race has been identified during this assessment. Adoption of CIL is likely to have a positive impact upon residents and service users from all ethnic backgrounds by improving community infrastructure required in	None as no negative impacts have been identified in relation to the proposed level of CIL charge that will apply for different uses and zones across the Borough.

				the local area.	
Religion and belief	Yes	No	No	There is no strict correlation between different religious groups and geography in Southend. Therefore, it is not considered that adopting a CIL charge would have a disproportionate effect on any group with particular beliefs. Many religious organisations will be charities, in which case buildings by charities and used for charitable purposes are exempt from paying CIL. Also, any development by 'not for profit' organisations are zero rated. It is considered that CIL will benefit all types of people. People of religion and belief may benefit from improved community facilities, however these would typically serve the wider community and so the benefits would be far reaching.	None as no negative impacts have been identified in relation to the proposed level of CIL charge that will apply for different uses and zones across the Borough.
Sexual orientation	Yes	No	No	No specific impacts identified. As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.	None as no specific impacts have been identified that would affect people differently as a result of their sexual orientation.
Child poverty and other socio-economic impacts	Yes	No	No	The impact of the CIL on poverty and deprivation will not be apparent until a few years after implementation as it will take time for CIL payments to become due. In the medium to long term, it is likely that CIL will have a positive impact upon these areas as CIL will help to fund improvements to children's centres, playspace, open space, leisure facilities, nurseries, schools, youth and community centres, health facilities and the local transport network. CIL will improve the	None as no specific impacts have been identified that would affect child poverty and other socio-economic issues.

				local economy, employment prospects and living standards by helping the borough to accommodate development which will bring additional jobs and homes to the borough.	
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Human Rights The adoption of CIL has also been considered in the context of the Articles of the Human Rights Act.
Possible impacts (positive and negative) The adoption of CIL will have no impacts on the Articles that are set out in the Human Rights Act.
Information on which above analysis is based This view is supported by the Impact Assessment carried out by DCLG in relation to the introduction of CIL.
Mitigating actions to be taken None required

6. Community Impact

Is there equality between those who will and will not benefit from this policy/practice/function? **Yes**

Will the policy/practice/function bring groups/communities into increased contact with each other? **Possibly**

7. Consideration of Data and Research

Consideration has been given to DCLG's CIL Impact Assessment (2010) and to Equality Analyses carried out by other authorities in respect of their CIL Charging Schedules. Also, the representations received in response to the Preliminary Draft Charging Schedule (PDCS) consultation have been taken into account in this assessment. More importantly, all sections of the community were given equal opportunity to inform the Draft Charging Schedule.

8. Recommendation/actions

No impacts have been identified in the key areas above that require more detailed analysis or mitigating actions.

It is concluded that the introduction of CIL and the Draft Charging Schedule will have no specific impacts or negative effects on the protected characteristics. The use of the CIL income to deliver infrastructure will have generally positive impacts on the protected characteristics, but this can be best assessed during the implementation of infrastructure schemes funded by CIL. While the level of charges proposed must undergo independent examination, the spending of CIL receipts is for the Council to determine and in determining which projects should benefit from CIL fund issues of equality will be considered in detail.

9. Monitoring

The equality duty is a continuing duty and consideration of equality impacts will continue at each relevant stage in the preparation and publication of the emerging Charging Schedule.

The CIL has not yet been implemented and is still to undergo further consultation and examination. Subsequently, there may be some alterations to the Charging Schedule before it is adopted. This Equality Analysis will be reviewed and updated where necessary in response to any relevant issues raised during consultation of the CIL Draft Charging Schedule.

In addition, the Council will continue to review the impact of CIL on equalities issues once it is adopted.

10. Feedback and comments on draft Equality Analysis

It is intended that the consultation on the Draft Charging Schedule take place November – December 2014. This Equality Analysis will form part of the consultation providing opportunity for comment. Any representations received will be taken into consideration in preparing the submission version of the Charging Schedule for Public Examination early next year.

Resources: SBC staff time

Other relevant reports: Reports to Cabinet dated 18th June 2013 and 1st July 2014, and 23rd September 2014, which include consideration of equality and diversity issues

Corporate Director's sign off: Andy Lewis, Corporate Director for Place

