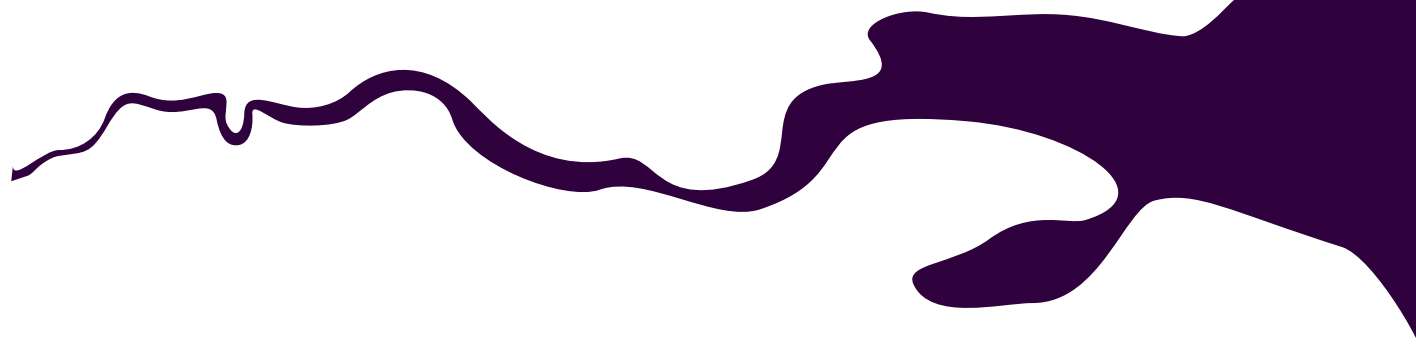


Community Infrastructure Levy (CIL)

Equality Analysis



Revised February 2015

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. Names and roles of staff carrying out the Equality Analysis

Lead officer: Amanda Rogers (Senior Section 106 and CIL Officer, Department for Place)

Other officers: Tim MacGregor (Policy and Governance Manager, Department for Corporate Services)

Dean Hermitage (Group Manager Planning & Building Control, Department for Place)

Ashley Dalton (Ideas in Motion Community and External Funding Manager, Department for Place)

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.

In accordance with the Planning Act 2008, the CIL Regulations 2010 (as amended) and the Planning Practice Guidance relating to CIL, 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 CIL Charging Schedule being adopted. The Council consulted on the Preliminary Draft Charging Schedule (PDCS) from July to September 2014 and the Draft Charging Schedule (DCS) from November 2014 to February 2015. Representations received are detailed in the 'Statement of Representations' Document.

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 Charging Schedule, the Infrastructure Delivery Plan (2015) 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 the following:

“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. Evidence Base

Consideration has been given to DCLG’s CIL Impact Assessment (2010) and to Equality Analyses carried out by other Charging Authorities in respect of their CIL Charging Schedules. In addition, the Council undertook an extensive consultation exercise involving key stakeholders who provide infrastructure and services relating to development and growth within the Borough, and details of this can be found in the Infrastructure Delivery Plan (IDP), 2015. It is the IDP that has informed the Draft Regulation 123 Infrastructure List, which identifies projects or infrastructure that may benefit from funding received as a result of a CIL Charging Schedule being in place.

All sections of the community within Southend were given equal opportunity to inform the Draft Charging Schedule through the Preliminary Draft Charging Schedule (PDCS) and the Draft Charging Schedule (DCS) consultations outlined in Section 3 above. Representations received in response to these consultations have been taken into account in this assessment.

The Council collates a range of data to inform Equality Analyses; and on the Council’s website there is a section that provides access to key information, data and intelligence about the residents of Southend and the communities they live in, including details of the 2011 Census such as Ward Profiles:- http://www.southend.gov.uk/info/200441/southend_insights. By understanding local needs in this way, the Council and our partners can ensure that CIL funding is used to provide the right services for the right people at the right time.

6. Identifying Impacts

This section considers the potential impact (positive, negative or neutral) of proposals on key ‘protected characteristics’ (also known as ‘Protected Groups’) as outlined in the Equality Act 2010 and any mitigating actions to be taken. In addition, the Council has identified the need to assess the impact of policies or service functions on carers, looked after children (as part of the age characteristic) and socio-economic impact on different groups such as employment classifications.

Protected Group	Neutral?	Negative?	Positive?	Comments	Specific mitigating actions to be taken
Age (including looked after children)	No	No	Yes	<p>CIL funding 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 (as identified in the draft Regulation 123 Infrastructure List), including improvements/provision relating to:</p> <ul style="list-style-type: none"> • primary and pre-school education facilities • healthcare facilities • infrastructure to enable people to remain living independently • refurbishment/redevelopment of care homes • social, community, leisure and recreational facilities 	None at this time as no specific impacts have been identified that would affect people differently according to their age.
Carers	No	No	Yes	CIL funding is likely to have a positive impact on carers as	None at this time as no specific

				it may be spent on infrastructure to enable people to remain living independently.	impacts have been identified that would affect carers.
Disability	No	No	Yes	People with disabilities are likely to be positively affected by the implementation of CIL as CIL can be used to improve the accessibility of community buildings, the public realm and public transport, and may be spent on infrastructure to enable people to remain living independently.	None at this time as no specific impacts have been identified that would affect people with disabilities.
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 at this time 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 at this time 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 at this time as no specific impacts have been identified in relation to those people who are married or those in a civil partnership.
Pregnancy and maternity/paternity	No	No	Yes	Women who are pregnant or those on maternity/paternity 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 at this time as no specific impacts have been identified in relation to women who are pregnant or on maternity/paternity leave.
Race	No	No	Yes	Adoption of CIL is likely to have a positive impact upon residents and service users from all ethnic backgrounds by	None at this time as no negative impacts have been identified in

				improving community infrastructure required in the local area. Community groups, potentially including ethnic minority groups, may benefit from any CIL funding contributions to community centres.	relation to the proposed level of CIL charge that will apply for different uses and zones across the Borough.
Religion and belief	No	No	Yes	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. In addition, community groups that are distinct because of their religion or belief may benefit from any CIL funding contributions to community centres used by these groups.	None at this time 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 at this time as no specific impacts have been identified that would affect people differently as a result of their sexual orientation.
Socio-economic	No	No	Yes	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	None at this time as no specific impacts have been identified that would affect child poverty and other socio-economic issues.

			<p>space, leisure facilities, nurseries, schools, youth and community centres, health facilities and the local transport network. CIL will improve the local economy, employment prospects and living standards by helping the Borough to accommodate development which will bring additional jobs and homes to the Borough. In relation to the proposed differential residential charging rates, equality matters have also been taken into consideration. The rates are considered equitable as they based on viability of development in each zone taking into account variable land values. If a single rate were to be adopted across the Borough this would unfairly prejudice some whilst favouring others. Hence, the approach taken in respect of variable rates being based on viability is in accordance with the CIL guidance and is effectively impact neutral.</p>	
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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

7. Community Impact

Is there equality between those who will and will not benefit from this policy/practice/function? **Generally, yes.**

In accordance with the Localism Act 2011, local authorities must allocate at least 15% of CIL receipts to spend on local projects that are considered to have specific benefit for the community from which the CIL receipts were generated (i.e. where the development took place). At a community level this will have a positive impact. See CIL Overview Report (Feb 2015) for further details of the Proposed Governance Framework, which includes the Neighbourhood Allocation.

Will the policy/practice/function bring groups/communities into increased contact with each other? **Possibly, depending on annual decisions that are made in relation to CIL spending that will be subject to separate and specific EAs.**

8. Equality Analysis Action Plan

No specific impacts have been identified in the key areas above that require more detailed analysis or mitigating actions at this time, and no negative effects have been identified on the protected group as a result of introducing a CIL Charging Schedule. However, the use of the CIL income to deliver infrastructure will have generally positive impacts on the protected groups, 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 funds, issues of equality will be considered in detail.

Planned action	Objective	Who	When	How will this be monitored
1) Prior to making recommendations in relation to projects to that are to benefit from CIL funding, assess whether all information required to carry out a comprehensive Equality	To ensure decisions relating to CIL spending are fully informed in relation to any potential equality impacts.	Senior S106 & CIL Officer	Annually through the Infrastructure Business Plan process (see Proposed CIL Governance Framework agreed by Council on 23 rd	Department and Corporate Management Team meetings

Analysis (EA) is available.			October 2014)	
2) Ensure that before CIL receipts are spent an EA is carried out in respect of the infrastructure project(s) that is/are to benefit from funding. Append this EA to the annual Infrastructure Business Plan (including a review of equality implications relating to the beneficiaries of CIL funding to date).	To ensure any equality impacts are adequately addressed.	Senior S106 & CIL Officer	Annually through the Infrastructure Business Plan process (see Proposed CIL Governance Framework agreed by Council on 23 rd October 2014)	Department and Corporate Management Team meetings
3) Review this EA at time of reviewing the CIL Charging Schedule.	To ensure any equality impacts are satisfactorily addressed when making any changes to the CIL Charging Schedule.	Senior S106 & CIL Officer	2018	Departmental Service Plan

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 public examination. Consequently, 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 the examination process.

In addition, the Council will continue to review the equality impacts of CIL once it is adopted as outlined in the Action Plan above.

10. Feedback and comments on draft Equality Analysis

A draft version of this Equality Analysis was published as part of the Draft Charging Schedule consultation that took place from November to December 2014. Only one representation was received in relation to the EA and this welcomed its publication. Following this consultation and agreement of a draft Regulation 123 Infrastructure List by Members last year, the draft version was reviewed to specifically take into consideration potential infrastructure projects or types that may benefit from CIL funding.

Resources: SBC staff time

Other relevant reports: Reports to Council dated 18th July 2013, 17th July 2014 and 23rd October 2014, which include consideration of equality and diversity issues

Signed:



Head of Service (Planning & Transport)

