

## **North Somerset Council – Equality Impact Assessment (EIA) for Community Infrastructure Levy (CIL)**

**Name of the policy being assessed:** North Somerset Community Infrastructure Levy (CIL)

**Date of assessment:** Original assessment prepared 19.08.2016 and consulted on as part of Draft Charging Schedule consultation Updated 22.06.17 following consultation and public examination and in preparation for proposed adoption of CIL

**Lead contact details:** Jenny Ford, Regeneration Manager, 01934 42 6609.

**Others involved in the assessment, including members of staff, the community, stakeholders or elected members:**

Wide range of services informally consulted in drawing up assessment.

Briefings to other parties on introduction of CIL include Planning Agents Forum; Town & Parish Councils Forum; Weston Villages Joint Delivery & Review Board; Voluntary Action North Somerset (VANS).

Public consultation on Preliminary Draft Charging Schedule held Nov 2012 – Jan 2013.

Public consultation on Draft Charging Schedule consultation held Aug – Sept 2016.

Public examination of CIL proposals by PINS, including EIA held 28<sup>th</sup> Feb 2017.

**What are the intended aims of the policy?** The purpose of the introduction of the CIL is to secure funding from developments towards infrastructure to support growth.

**Who is intended to benefit from the policy?** Current and future residents, businesses, communities and developers in North Somerset affected by development.

**Service head sign off:** Richard Kent

**Date:** 30.06.2017

## 1. Assessing relevance

Please assess the relevance of your policy on the following areas of equality. You should consider:

- Both positive and negative impacts
- Any barriers people may experience in accessing services
- How the policy is likely to affect the promotion of equality
- Knowledge of customer experiences to date
- It is not enough to state 'N/A' in this section, a more in depth explanation is required to demonstrate if/how each area is relevant.

Equality area	Relevant? Yes/No	Reason
Age - Old and young	Yes	<p>Respondents to the consultation processes raised concerns about the impact of CIL on the development viability of housing for older people. This was considered in depth through the examination process and has resulted in a nil CIL rate being set for extra care housing.</p> <p>CIL will provide infrastructure and services that may have particular importance to these age groups, e.g. education, play facilities, care facilities. No specific impact at the current time but choices in the projects that are later progressed using CIL funds may need to be assessed for their impact(s).</p>
Disability	Yes	<p>Operational procedures will need to consider needs, for example the provision of accessible information on the CIL for the visually impaired.</p> <p>Absence of infrastructure / services may leave people with disabilities unable to access facilities. CIL will help to address this. Project delivery will need to consider accessibility.</p>
Marriage or Civil Partnership	Yes	CIL may in some circumstances enable provision of a place of worship or registry office.
Pregnancy or women on Maternity Leave	Yes	CIL may facilitate provision for health facilities and early-years care.
Race - Including Gypsies and Travellers	Yes	<p>Gypsy and traveller sites provided by NSC or Registered Providers would be deemed a form of affordable housing under national regulations and would be exempt from paying the rates.</p> <p>CIL may fund infrastructure that is of benefit to different ethnic groups.</p>
Religion and Belief	Yes	CIL may in some circumstances allow for provision of a place of worship or similar.
Sex	Yes	No specific impact on different genders, but choices in the projects that are later progressed

		using CIL funds may need to be assessed for any impact.
Sexual Orientation	Yes	No specific impact on people of different sexual orientations, but choices in the projects that are later progressed using CIL funds may need to be assessed for any impact.
Transgender	Yes	No specific impact on transgender people, but choices in the projects that are later progressed using CIL funds may need to be assessed for any impact.
<b>Other areas, if relevant consider:</b> <ul style="list-style-type: none"> <li>- Carers</li> <li>- Socio-economic disadvantage</li> <li>- Parents</li> <li>- Location <ul style="list-style-type: none"> <li>- People living in rural areas</li> </ul> </li> <li>- Ex-offenders</li> <li>- Looked after children</li> <li>- Service or Ex-service personnel and their families</li> </ul>	Yes	<p>No specific impact for most of these groups at the current time but choices in the projects that are later progressed using CIL funds may need to be assessed for their impact(s).</p> <p>People with socio-economic disadvantage may benefit from the exemption from CIL for affordable housing and Starter Homes. However CIL cannot be used to fund affordable housing and if set too high could compromise the S106 that is available for its provision. Viability assessments and the consultation/examination processes have sought to ensure that the council sets a level of CIL that balances the need for infrastructure funding whilst avoiding any negative impact on the delivery of affordable housing.</p> <p>Some respondents to the PDCCS consultation raised concerns about the impact of CIL on rural housing delivery, due to a weaker economy in rural areas. This has been considered as part of the viability assessments and development viability in rural areas of North Somerset has been shown to be relatively strong. The viability, consultation and examination processes have sought to ensure that CIL rates are set at a level that is affordable for the majority of development across North Somerset, in line with regulatory requirements.</p>

**The remainder of your assessment should focus only on the areas that you have answered ‘yes’ to in the table above.**

## 2. Information and Evidence

Under the Equality Act 2010 we are required to carry out an ‘**analysis of the effects on equality**’ of all of our policies. To enable this analysis it is important that each area has relevant equality information. This can be national, local or service specific information

### a. Which equality areas do you routinely monitor?

The collection of equality information across our services is essential to enable us to understand the effect of our policies on equality groups. Please indicate the information collected in this policy area:

- *The SPD is pursuant to the North Somerset Core Strategy, in particular policy CS34; therefore the answers below relate to monitoring of Core Strategy policies and delivery.*

Age	Yes	Carers	Yes	Disability	Yes
Location	Yes	Marriage or Civil Partnership	Yes	Parents	Yes
Pregnancy/Maternity Leave	No	Race	Yes	Religion or belief	Yes
Sex	Yes	Sexual Orientation	No	Socio Economic	Yes
Transgender	No	Other area, please specify:			

### b. What data, research and other evidence or information is available which is relevant to this EIA?

If relevant you can include: quantitative/qualitative research, national reports, results from recent consultations, information from stakeholders, findings of recent inspections etc

Full details of Core Strategy monitoring are provided in the Core Strategy Monitoring Framework. Please see: <http://www.n-somerset.gov.uk/my-services/planning-building-control/land-premises/annual-monitoring-report/annual-monitoring-report/>

**c. What further data or information do you need to gather during the course of the policy development?**

This policy has been subject to two rounds of public consultation and a public examination, in addition to informal consultation. It is at an advanced stage and recommended for adoption. The scope for further change at this stage is very limited.

Going forward, if the council agrees to adopt and implement the CIL, it will need to ensure that operational procedures are robust and take account of potential impacts in terms of equalities. This should include ensuring that information about the CIL is provided in accessible format.

Ongoing monitoring will be required to ensure that rates are not having any unintended effects such as compromising the delivery of affordable housing or housing for specific groups such as older people. Rates are intended be reviewed following adoption of a revised Local Plan and this would provide an opportunity to amend rates if required.

The process for determining and delivering infrastructure funded through the CIL could have significant equalities' impacts. The consultation and examination processes have included indications of infrastructure that might be funded and have invited comments. However the council is not required to be bound by its initial thinking and may change its priorities later on. The process that is set up for doing so will need to ensure that any issues relating to Equalities Impacts are properly considered. It is anticipated that this will include the preparation of business cases for individual projects that will where necessary include their own EIAs. The overall programme will be monitored through existing mechanisms such as the Investment & Infrastructure Board and MTFP process. All expenditure will be governed by the council's standard financial rules, regulations and protocols.

### 3. Engagement

When completing an EIA you should be mindful of the council's obligation to publish the results of its engagement activity. It is a statutory requirement and therefore a core element of the EIA. Engagement may be one-off or repeated over a longer period of time. It may be formal or informal. It may be focused on a specific issue or on service delivery or workforce issues. This section can reference previous engagement activity or any work done specifically during the policy development.

#### a. Have those affected by this policy been consulted?

Briefly describe what you did, with whom, when and where. You should list the methods of consultation used. Please outline a brief summary of the responses gained and links to relevant documents, as well as any actions.

The CIL is pursuant to the Core Strategy, which has been subject to extensive consultation. Details are provided in the Core Strategy Consultation Statement: <http://www.n-somerset.gov.uk/NR/rdonlyres/EB68E0FF-E672-4FC7-9974-5D80B71EAA22/0/CoreStrategyConsultationStatementPublicationVersion2011.pdf>

The CIL was subject to a first stage of formal public consultation (Preliminary Draft Charging Schedule) in 2012 – 13 and a second stage consultation (Draft Charging Schedule) in Aug – Sept 2016. They were be subject to an examination in public by an independent inspector in February 2017.

Informal consultation has included the Planning Agents Forum; Town & Parish Councils; the Weston Villages Joint Delivery & Review Board and other meetings with landowners, developers and infrastructure providers.

Throughout these processes, no specific comments have been received on the draft EIA. However general comments on the wider consultation identified concerns about the potential impact on rural areas, in that CIL could compromise rural housing delivery. This has been considered as part of the viability assessments, which have shown development viability in rural areas of North Somerset to be relatively strong. The viability, consultation and examination processes have resulted in CIL rates that should be affordable for the majority of development across North Somerset, including in rural areas, in line with regulatory requirements.

Additionally, a number of consultees raised concerns about impacts on the provision of housing for older people. This was considered in depth through the examination process and has resulted in a nil CIL rate being recommended for extra care housing.

## 4. Conclusions and mitigating action

Please review the information you have identified or collected through this assessment and indicate if any differential impacts exist. Importantly you should also consider what changes or actions you need to take to mitigate any negative impacts that have been identified.

### a. What does the information you have gathered through monitoring and engagement tell you?

Most of the impacts of the CIL should be positive in helping to ensure the provision of infrastructure and services beneficial and accessible to all communities.

Operational processes will need to consider issues in relation to equalities, for example ensuring that information is provided in accessible formats.

The process that is set up for prioritising and delivering infrastructure projects funded through the CIL will have a more significant impact and will need to ensure that issues relating to equalities impacts are properly addressed. As above, this will be governed by standard NSC rules, regulations and procedures and it is expected that projects coming forward will be subject to individual EIAs where necessary. Additionally, there will need to be monitoring of programmed expenditure as a whole through an appropriate body such as the Investment and Infrastructure Board.

Ongoing monitoring of the impacts of rates will be required, including consideration of any unintended consequences for specific housing locations or typologies (such as rural housing, affordable housing and older peoples' housing). CIL rates are intended be reviewed following adoption of a revised Local Plan in 2 – 3 years and this would provide an opportunity to amend rates if required.

### b. What course of action will you take as a result of this EIA?

When considering your actions please be mindful of the Council's general duties under the Equality Act 10.

- To eliminate unlawful discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a protected characteristic and those who do not
- Foster good relations between persons who share a relevant protected characteristic and persons who do not

The information in this section should focus on practical actions that can be taken to improve the outcomes for equality groups.

This section assumes that the Council chooses to adopt the CIL at its meeting on 18<sup>th</sup> July 2017:

- Consideration of equalities impacts in designing operational procedures, for example ensuring information is provided in accessible formats.
- CIL governance to include proper consideration of equalities impacts in prioritising and delivering infrastructure projects.
- Ongoing monitoring of development delivery through Core Strategy monitoring, with a view to ensuring no unintended negative equality impacts.
- Review of rates following adoption of revised Local Plan.

### c. Final assessment of impact

Following this assessment please assess the likely level of impact of the policy/or proposals on the equality groups included within this assessment.

High		Medium	X	Low	
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Adopting CIL rates in themselves have a low – medium impact; however delivery of projects using CIL may have a high impact.

## 5. Monitoring

To demonstrate achievements and to avoid challenge you need to identify what mechanisms are in place to review actual impacts or to monitor progress against the actions set within this assessment. Please indicate how you will monitor the results of this assessment.

Please tick as appropriate

Action	Yes/No	If yes, date:
Review of this EIA	Yes	In line with future review of CIL rates following adoption of revised Local Plan.
Incorporated into project reviews/reports	Yes	In relation to the delivery of individual projects and through corporate governance of development contributions.
Service/Team plan reviews	Yes	In relation to the delivery of individual projects; timescales will depend on project delivery. In addition, through annual monitoring of the Core Strategy.
Analysis of customer feedback	Yes	In relation to specific projects and development delivery, where appropriate.
Citizens Panel	Yes	Informs Core Strategy monitoring including Annual Monitoring Report.

<b>Action</b>	<b>Yes/No</b>	<b>If yes, date:</b>
Staff survey	No	N/a
Inspection reports	Yes	In relation to specific projects.
Regular reports to Corporate Management Team	Yes	Annual progress report on CIL income and expenditure. Reports on individual projects.
Regular reports to elected members	Yes	Annual progress report on CIL income and expenditure. Reports on individual projects. Core Strategy Annual Monitoring Report.
Other, please specify:	Yes	Corporate governance of development contributions and expenditure (currently Infrastructure & Investment Board).

## **6. Publishing this assessment**

In order to demonstrate transparency in our policy development this assessment should be made available to the public and stakeholders through the most appropriate means. For example through the website, a section within the policy document, through committee reports.

## Procurement and partnerships

### Consideration of external contractor obligations and partnership working

Is the work associated with this policy due to be carried out wholly or partly by contractors? If yes, you need to include equality considerations into the contract.

Specifically you should set out how you will make sure that any partner you work with complies with the Equality Act 10, the integral public sector duties and how you will monitor this. A reminder of the public sector duties:

- To eliminate unlawful discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a protected characteristic and those who do not
- Foster good relations between persons who share a relevant protected characteristic and persons who do not

The Equality Act 10, also states:

*A person who is not a public authority but who exercises public functions must, in the exercise of those functions have due regard to the public sector duties'*

You will need to think about:

- pre-qualification and approval of preferred suppliers
- tendering and specifications
- awards process
- contract clauses
- monitoring and performance measures

Please set out what steps you will take to build into all stages of the procurement process the requirement to consider equality.

These steps will be required for individual projects funded through the CIL, once implemented.