

NOTE: This is NOT a screening template but to highlight and give you an indication of any potential equality implications at the project proposal stage. By completing this template, it is your responsibility to evidence why a FULL EqIA is NOT required.

If you have insufficient evidence, data and research or need to undertake further consultation to assess the potential impact of your proposals, then a full EqIA will be required.

Directorate / Service:	Planning Services
What are the proposals being assessed? (Note: 'proposal' includes a policy, service, function, strategy, project, procedure, restructure)	The draft Planning Enforcement Policy (and the linked draft Planning Enforcement Prosecutions & Direct Action Policy)
Manager Responsible for Area:	Stephen Kelly
Officer(s) completing the Initial Equality Implications Assessment (IEIA):	Scott Davies
Date IEIA completed:	7 September 2011

<p>1. What are the aims, objectives, and desired outcomes of your proposals?</p> <p>(Also explain proposals e.g. reduction / removal of service, deletion of posts, changing criteria etc)</p>	<ul style="list-style-type: none"> • To allow consistent and effective management of the rising demand for enforcement investigations. • To help everyone understand the basis upon which decisions surrounding planning enforcement are made • To set out how the service will prioritise and respond to planning breaches • To provide guidance for all those involved in, or affected by the enforcement process. • To allow resources to be more clearly focused on Council priorities
<p>2. Who are the main people / groups who may be affected by your proposals? For example who are the external/internal customers, communities, partners, stakeholders,</p>	<p>The planning enforcement service is an existing service which, due to its nature, affects a wide variety of groups and individuals both directly and indirectly. The proposed enforcement policy relates to the way in which this existing service is managed, and it therefore has the potential to change the way in which the service affects these groups and individuals.</p>

the workforce etc.	<p>The major groups affected by planning enforcement are as follows:</p> <ul style="list-style-type: none"> • Complainants • Land owners / occupants (ie. those that breach or are alleged to have breached planning control) • Residents of HMOs and houses converted to flats • Developers • Residents of Harrow generally • Harrow staff including enforcement officers, other planning staff, legal officers, environmental health staff and others. <p>These groups are wide-ranging and cut across all nine 'protected characteristics' under the Equality Act 2010.</p>
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<p>3. What data, information, evidence, research, statistics, surveys, and consultation(s) have you considered to undertake this assessment?</p> <p><i>(include the actual data, statistics and evidence)</i></p>	<ul style="list-style-type: none"> • Harrow Vitality Profiles 2009/2010 (for general information) • Harrow Economic Development Profile (for general information) • Personal knowledge and experience of planning enforcement in the UK generally and at Harrow Council specifically • Input from colleagues working in the planning enforcement service
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<p>4. Could your proposals proportionately affect more people of one group than another?</p>	<table border="1"> <tr> <th data-bbox="622 831 763 890">Yes</th> <th data-bbox="763 831 891 890">No</th> <th data-bbox="891 831 2152 890">If yes, please explain how?</th> </tr> </table>			Yes	No	If yes, please explain how?
	Yes	No	If yes, please explain how?			
X		<p>Although the draft Enforcement Policy is an entirely new document, for the most part it formalises and clarifies existing practice. In doing so, it is possible that the manner in which enforcement is undertaken may be subtly altered in ways which affect some groups more than others.</p> <p>However, it is important to note that the draft policy reiterates that each planning enforcement case will continue to be considered on its own merits (in accordance with planning legislation), and this will allow individual circumstances to continue to be considered on each occasion.</p>				

4. A - Assessment Relevance
 How relevant are your proposals to each protected characteristic?

Example: Reviewing the criteria of freedom passes will be of 'High' relevance for Age and Disability and of 'Low' relevance to the other protected characteristics.

B - Assessment of potential impact

When you consider the impact on people in relation to each protected characteristic, it should be defined as positive, neutral or negative:

- **Positive:** where the impact is expected to have a particular benefit for this protected characteristic or improve equality of opportunity and / or foster good relations.
- **Neutral:** where there will be a neutral impact, neither positive nor negative
- **Negative:** where there is a risk that impact could disadvantage one or more of the people described in relation to a protected characteristic. This disadvantage may be differential, where the negative impact on one particular group of individuals or protected characteristic is likely to be greater than on another.

C - Assessing Negative impact – what are the risks?

When you have considered the likelihood and impact on people in relation to the protected characteristics, use the tables and matrix below and enter a score against each protected characteristic in the end column C.

Unlawful discrimination	5
Disproportionate disadvantage	4
Moderate disadvantage	3
Minor adjustments required	2
Minimal considerations necessary	1
SEVERITY OF IMPACT	

Certain to occur	5
Very likely to occur	4
Likely to occur	3
Possible to occur	2
Very unlikely to occur	1
LIKELIHOOD	

LIKELIHOOD	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
	0	1	2	3	4	5
	IMPACT					

Calculating the score - Severity of Impact X Likelihood = Score

Protected Characteristic	A Relevance	B Impact	Describe the impact(s) (adverse or positive) your proposals may have on this protected characteristic	Reason for the Assessment of Potential Impact (What evidence, data, and information did you use to assess this?)	C Assessing Negative Impact Score
	Low/ Medium/ High	Positive/ Negative/ Neutral			
Age (including carers of young/older people)	Medium	Neutral	<p>The policy provides <i>general</i> guidance for potential enforcement action/prosecution against all/any breach, which could include (for eg.)</p> <p><u>Negative effect:</u> Action against:</p> <ul style="list-style-type: none"> • changes of use (COU) which result in better/more aged care provision (eg. unauthorised granny flat or COU to an aged care home) • developments which improve mobility or independence for the elderly • developments which provide facilities used by young people <p><u>Positive effect:</u> Action against:</p> <ul style="list-style-type: none"> • COU resulting in worse/less aged care provision (eg. COU of a site adjacent to an aged care home to an incompatible use) • developments which reduce mobility or independence for the elderly • developments which remove facilities used by young people <p>However, the policy is clear that each case will continue to be assessed on its own merits (as required by planning legislation and as per current practice). This would include consideration of any mitigating factors.</p>	<p>This is based on personal knowledge of the range of enforcement cases typically dealt with by the service and the procedure for dealing with them laid down by the relevant planning legislation.</p>	

			<p>Advanced age is specifically identified as a consideration with regard to potential prosecutions.</p> <p>Under the policy, all cases are explicitly prioritised according to the planning harm caused (ie. as opposed to other considerations such as depth of feeling amongst complainants), which has a neutralising affect on decision making with regard to specific groups.</p>		
Disability (including carers of disabled people)	Medium	Neutral	<p>The policy provides <i>general</i> guidance for potential enforcement action/prosecution against all/any breach, which could include (for eg.)</p> <p><u>Negative effect:</u> Action against:</p> <ul style="list-style-type: none"> • COU or building works which result in better/more accessibility, mobility or independence for disabled people (eg. a ground floor extension to a house, or the addition of a ramp to a Listed Building) <p><u>Positive effect:</u> Action against:</p> <ul style="list-style-type: none"> • COU, building works or breaches of condition resulting in worse/less accessibility, mobility or independence for disabled people (eg. non-compliance with a condition requiring installation of accessibility features) <p>However, the policy is clear that each case will continue to be assessed on its own merits (as required by planning legislation and as per current practice). This would include consideration of any mitigating factors.</p> <p>Under the policy, all cases are explicitly</p>	This is based on personal knowledge of the range of enforcement cases typically dealt with by the service and the procedure for dealing with them laid down by the relevant planning legislation.	

			prioritised according to the planning harm caused (ie. as opposed to other considerations such as depth of feeling amongst complainants), which has a neutralising affect on decision making with regard to specific groups.		
Gender Reassignment	Low	Neutral	The policy is not expected to noticeably alter the way planning enforcement affects those who have undergone or are undergoing gender reassignment.	This is based on personal knowledge of the range of enforcement cases typically dealt with by the service and the procedure for dealing with them laid down by the relevant planning legislation.	
Marriage and Civil Partnership	Low	Neutral	The policy is not expected to noticeably alter the way planning enforcement specifically affects those who are married/in a civil partnership or those who are not.	This is based on personal knowledge of the range of enforcement cases typically dealt with by the service and the procedure for dealing with them laid down by the relevant planning legislation.	
Pregnancy and Maternity	Low	Neutral	The policy is not expected to noticeably alter the way planning enforcement affects women based on pregnancy or maternity.	This is based on personal knowledge of the range of enforcement cases typically dealt with by the service and the procedure for dealing with them laid down by the relevant planning legislation.	
Race	Medium	Neutral	<p>The policy commits the Council to communicating with both complainants and alleged contraveners at appropriate intervals during an enforcement investigation. This formalises existing practice and is unlikely to lead to any change, however there may be translation/interpretation issues at such times.</p> <p>Some groups may not be aware of the fact that the enforcement team provides a service in cases where a breach of planning control takes place that affects</p>	This is based on personal knowledge of the range of enforcement cases typically dealt with by the service and the procedure for dealing with them laid down by the relevant planning legislation.	

			<p>them. The policy provides information regarding the enforcement service that was not previously available, and may therefore make a positive impact in this regard.</p> <p>The policy provides <i>general</i> guidance for potential enforcement action/prosecution against all/any breach, which could include (for eg.)</p> <p><u>Negative effect:</u> Action against:</p> <ul style="list-style-type: none"> • COU or building works which result in greater provision of facilities for particular ethnic groups (eg. a community hall or social club) <p><u>Positive effect:</u> Action against:</p> <ul style="list-style-type: none"> • COU, building works or breaches of condition which are adjacent to and negatively affect facilities relating to a particular ethnic group. <p>However, the policy is clear that each case will continue to be assessed on its own merits (as required by planning legislation and as per current practice). This would include consideration of any mitigating factors.</p> <p>Under the policy, all cases are explicitly prioritised according to the planning harm caused (ie. as opposed to other considerations such as depth of feeling amongst complainants), which has a neutralising affect on decision making with regard to specific groups.</p>		
Religion or Belief	Medium	Neutral	<p>The policy provides <i>general</i> guidance for potential enforcement action/prosecution against all/any breach, which could include (for eg.)</p>	<p>This is based on personal knowledge of the range of enforcement cases typically dealt with by the service and the procedure for dealing with them laid</p>	

			<p><u>Negative effect:</u> Action against:</p> <ul style="list-style-type: none"> • COU or building works which result in greater provision of facilities for particular religious groups (eg. a place of worship or additional cooking facilities for particular dietary requirements) <p><u>Positive effect:</u> Action against:</p> <ul style="list-style-type: none"> • COU, building works or breaches of condition which are adjacent to and negatively affect facilities relating to a particular religious group. <p>However, the policy is clear that each case will continue to be assessed on its own merits (as required by planning legislation and as per current practice). This would include consideration of any mitigating factors.</p> <p>Under the policy, all cases are explicitly prioritised according to the planning harm caused (ie. as opposed to other considerations such as depth of feeling amongst complainants), which has a neutralising affect on decision making with regard to specific groups.</p>	down by the relevant planning legislation.	
Sex	Low	Neutral	The policy is not expected to noticeably alter the way planning enforcement affects people based on their sex.	This is based on personal knowledge of the range of enforcement cases typically dealt with by the service and the procedure for dealing with them laid down by the relevant planning legislation.	
Sexual orientation	Low	Neutral	The policy is not expected to noticeably alter the way planning enforcement affects people based on their sexual orientation	This is based on personal knowledge of the range of enforcement cases typically dealt with by the service and the procedure for dealing with them laid down by the relevant planning legislation.	

Score	Action
1-5 Low	Minor considerations needed e.g. style and method of communication, timing of activity, venue suitability, and minor cultural or social considerations.
6-10 Medium	Amendments will be needed to the proposals/activity to take account of any issues identified. Further actions maybe necessary as well as internal/external expert advice/consultation could be required.
11-15 High	The proposals/initiative cannot be rolled out until detailed internal/external consultation has taken place with those the activity affects. Legal advice may also be required.
16-25 Very High	If unlawful discrimination is identified then the proposals cannot be implemented without fundamental change and you are also strongly advised to take legal advice.

Summary and Recommendations (this section must be included in Cabinet reports and your project proposal reports for the Commissioning Panel)				
Summary / Conclusion of assessment: (include the key findings and equality implications.	The draft Planning Enforcement Policy and the draft Planning Enforcement (Prosecution & Direct Action) Policy on the whole are expected to have a neutral affect on protected characteristics.			
On the basis of your conclusion, do you suggest a full Equality Impact Assessment should be undertaken?	Yes		No	X
If no, please explain why not?	<p>Aside from providing background information for affected parties, these policies largely formalise existing practice with regard to planning enforcement at Harrow Council. In doing so, they will (if eventually adopted) provide explicit statement of practice against which the performance of the enforcement team can be measured or critiqued by any interested party.</p> <p>The practice of planning enforcement is wide-ranging and can directly affect anyone (eg. where a breach takes place which affects them, whether or not they are logged as a complainant). In any given case, one particular protected characteristic may be particularly affected by potential enforcement action or by a decision not to take enforcement action. Notwithstanding this, the enforcement service is conducted in accordance with legislation and government guidance which explicitly requires that each case is assessed on its merits, with reference to the planning harm caused. The draft policies necessarily reflect this.</p>			
Do you think that your proposals will have a cumulative effect upon a particular protected group in light of other council proposals that you are aware of? If yes, please explain the cumulative impact and on which groups.	No.			

Signature - Lead Officer	Gary Peters	Date	13/12/11
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Project Proposals being submitted to the Commissioning Panel	All other proposals including policy/service reviews, developing new policies, services and projects, restructure etc
<p>On completion, your (signed) Initial Equality Implications Assessment template needs to be submitted with your project proposals by the set deadline.</p> <p>As part of the Commissioning Panel process, all completed templates will be Quality Assured taking into account your recommendation whether a full EqlA is required or not. If the Quality Assurance Group disagrees with a recommendation that a full EqlA is not required, this will be fed back to the project leads with the group's comments and reason for their decision.</p>	<p>On completion, the (signed) Initial Equality Implications Assessment template needs to be forwarded to the Chair of your Directorate Equalities Task Group (ETG) to be reviewed and signed off.</p> <p>After reviewing the template, your ETG may suggest you undertake a full EqlA; therefore it is important that you wait for this decision before submitting your report.</p> <p>DETG Chairs – once you have reviewed and signed off the section above, please return this template to the Lead Officer with your comments and decision.</p> <p>Lead officers must then email their completed (signed) templates to equalities@harrow.gov.uk to be published</p>

Quality Assurance and Sign Off
(to be used by ETG's and the Quality Assurance Group)

Are the outcomes of the proposals clear?	Yes		No	
Comments:				
Is it clear who will be affected by what is being proposed?	Yes		No	
Comments:				
Are you satisfied with the level of data/evidence used to undertake this assessment?	Yes		No	
If no, explain why not?				
If a full EqIA is not required, are you satisfied with this outcome?	Yes		No	
If no, explain why not?				
Signature - Chair of Equality Task Group		Date		