

Community Infrastructure Levy (CIL) - Equality Impact and Outcome Assessment (EIA)

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: Age¹³) or use the hyperlinks ('Ctrl' key and left click).

For further support or advice please contact:

- **BHCC: Communities, Equality and Third Sector Team on ext 2301**
- **CCG: Engagement and Equalities team (Jane Lodge/Meg Lewis)**

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Community Infrastructure Levy (CIL) Charging Schedule	ID No.⁶	EEC11
Team/Department⁷	Policy, Projects and Heritage Team; City Development and Regeneration		
Focus of EIA⁸	<p>What are the main aims or purpose of the CIL: Brighton & Hove Council is introducing the CIL to secure funding to help deliver citywide and neighbourhood infrastructure required to support growth and development. This planning charge will be paid by types of new development specified in a Charging Schedule, which is a list of charges for these development types. There are some exemptions to paying the CIL charge such as affordable housing and self-build housing – these development types will not pay any CIL.</p> <p>Infrastructure can be the provision of /improvements to roads, schools, parks, along with other citywide measures such as more air quality monitoring and improving green infrastructure network including biodiversity and tree planting.</p>		

Who is intended to benefit from CIL? Current and future residents and communities; businesses and developers in the Brighton & Hove City Council area by providing the necessary infrastructure which is required to support new growth.

Who implements and delivers CIL? The City Council will be the Charging Authority responsible for implementing, collecting and co-ordinating governance around how the CIL funding will be allocated. The City Council will consult with local communities regarding priorities for the neighbourhood portion of CIL funds collected which can be spent on bringing forward infrastructure to support the development of the local area or anything else that is concerned with addressing the demands that development places on an area.

Why CIL Some existing s106 payments for infrastructure associated with Education, Recreation and Transport required from large developments will be removed once CIL is in place. Instead, spending for Education, Recreation and Transport will be provided through the CIL. The collection of CIL will be more equally spread over a larger range of development sites. This will include small development sites from a single dwelling upwards. It has been worked out that CIL will collect more funds for infrastructure provision than the existing s106 payments to be stopped.

Who is affected by CIL and how it is delivered? All users of citywide and neighbourhood infrastructure will be affected by CIL as funding will help deliver infrastructure. Infrastructure to be paid for by CIL will support new development. This infrastructure has been identified in the Infrastructure Delivery Plan (IDP) which is an annex (a supporting document) of the City Plan and shows what infrastructure is needed for new development such as new homes.

Who Will pay CIL? Developers of new C3 'Dwellinghouses' residential uses (not affordable housing or self-built housing), 'Private care residential homes with a degree of self-containment including Extra Care and Assisted Living', Purpose Built Student Accommodation and Retail uses will be required to pay the levy on net additional floorspace of 100 square meters or more, or where a new dwelling is created.

A Viability Study has been carried out by consultants for Brighton and Hove which shows that these proposed charging rates are viable and will not prevent development identified in the adopted City Plan Part One (new housing, shops etc.) from happening. Certain sites which are necessary to bring forward identified development in the City Plan will have a nil CIL charge where it is shown that a CIL charge may stop this development from happening.

What outcomes do you want to achieve, why and for whom The outcome will be that there will be

	more money available to help provide citywide and neighbourhood infrastructure needed to support new development.
--	---

2. Update on previous EIA and outcomes of previous actions⁹

What actions did you plan last time? (List them from the previous EIA)	What improved as a result? What outcomes have these actions achieved?	What <u>further</u> actions do you need to take? (add these to the Action plan below)
Levying an area based charge (£/sq.m) for all new residential development (apart from certain strategic sites where viability considerations necessitated a nil-CIL charge for all development with those boundaries) to include residential institutions at a planned rate of £175, £150 and £75.	The proposed charges have been modified as a result of draft charging schedule consultation responses. Replacing wider 'residential institutions' category with a more focused category 'Private care residential homes with a degree of self-containment including Extra Care and Assisted Living' with lowered/nil CIL charges of £100/sq.m (where it was to be £175/£150) and £0 (where it was to be £75/sq.m) to ensure that development of new residential institutions are not inhibited through the CIL. Other residential institution delivery will also have a nil CIL charge. Changes have also been made to allow a nil-CIL charge at Brighton General Hospital redevelopment which will deliver a new health hub.	All charges in the draft charging schedule will need to be agreed by the CIL examiner and then by a meeting of full Council at BHCC as required by government regulations. BHCC has submitted the draft charging schedule (which includes these modifications) for an examination in public.

3. CIL consultation carried out up to February 2019

What consultation and engagement has been carried out	Details of engagement	What we were told	What actions we have taken	What we can do
<p>Preliminary Draft Charging Schedule consultation Oct 2017 – December 2017.</p>	<p>All community, amenity and voluntary groups registered on the Planning Policy data base were consulted via email as part of the initial consultation on the Preliminary Draft Charging Schedule (PDCS). The consultation was lodged on the BHCC consultation portal. A presentation was made to the chairs of the City LATS and a presentation was made at the Withdean and Westdene LAT. A presentation on CIL was given at the internal Communities Equalities and Third Sector team meeting in November 2017. Community Organisations who responded to the consultation at PDCS stage: Rottingdean Parish Council; West Hove Forum; Brighton and Hove Community Transport;</p>	<p>Key issue for these groups is the neighbourhood portion – how to define local communities and how to determine priorities. They seek genuine involvement of the local community. Lack of transparency and accountability - existing s106 agreements restrictive and area focused, concerned with local authority budgets not community needs. Residents' concerns regarding the proposed rates and zones are mixed – some consider rates are too high to be viable and others that the rates are not high enough and transparency around spending is required.</p>	<p>The comments formed a background document 'Preliminary Draft Charging Schedule CIL Consultation 2017 Report' which supported the Draft Charging Schedule at Tourism, Development and Culture Committee in March 2018. All comments made on the PDCS were considered and amendments have been made between the PDCS and the DCS where appropriate including lowering the charge for purpose built student housing and including two strategic sites for nil-CIL rating</p>	<p>Once the CIL charge commences, CIL Regulations require that a proportion of revenue raised by development is spent back in those neighbourhoods where the development has happened. The council will engage with communities (apart from parish councils who are required to be given the monies). Decisions on how to spend the neighbourhood portion is likely to be once local priorities have been defined and once the levy has begun to be collected – so the amount available is known and then matched to</p>

	Brighton and Hove Housing Coalition; Brighton Marina Neighbourhood Forum; North Laine Community Association.			local priorities for the most effective use of funds.
Draft Charging Schedule consultation March – June 2018	Groups have been re-consulted via email. Postal consultations have been sent where previously requested for the City Plan; an advert was lodged in the Brighton & Hove Independent newspaper alerting of the consultation and location of documents; the documents are on the consultation portal and webpage; paper copies of all documents have been lodged in all of the BHCC run libraries, the Brighton Customer Service Centre and the Hove Customer Service Centre. The steps outlined in the Statement of Community Involvement (SCI) have been followed. The SCI sets out how and when the Council will involve the community and other interested people and organisations in the preparation of its planning policy documents.	The Draft Charging Schedule consultation received 38 responses: 6 from residents; 4 from community organisations; 12 from public bodies/statutory authorities/service providers; 2 from Parish and Town Councils; 14 from developers/agents/ business organisations. Responses identified additional strategic sites for nil rating; some responses considered the proposed CIL rates were too high; others were in support of the proposed charging rates; some respondents felt that residential institutions should be subject to a separated, focused and reduced CIL charge; some respondents felt that the proposed purpose built student housing rate was currently too high and that there should be a	Further consideration of these issues was undertaken and where relevant and necessary there was also further assessment of the viability evidence underpinning the Draft Charging Schedule. The changes we made were based on additional or available viability evidence and were: a) Expanding the Brighton Marina Inner Harbour nil CIL category to cover the wider City Plan Part One Development Area DA2 including the Outer Harbour, the Gas Works and Black Rock sites to be consistent for CIL purposes, reflecting significant infrastructure provision requirements and abnormal site costs. b) Nil CIL rating for Brighton General Hospital due to the required provision of the D1 Health Hub and viability addendum findings. c) Distinguishing	Review and collate all responses as required by CIL Regulations. These will be passed onto the Planning Examiner for an Examination in Public. Keep respondents up to date on key stages as required by CIL Regulations

		zoned approach.	between types of residential institutions for CIL charging purposes. Following further consideration of representations and submitted evidence as set out in the viability addendum, proposed residential institutions charge was replaced with new category 'Private care residential homes with a degree of self-containment including Extra Care and Assisted Living' with lowered/nil CIL charges.	
Submission of draft charging schedule and modifications to examination and right to request to be heard by the examiner on modifications made on the draft charging schedule between 16 Jan and 13 Feb 2019, in response to the consultation March – June 2018	Groups were notified regarding submission and the right to request to be heard by the examiner via email. Postal notifications have been sent out where requested. An advert was lodged in the Brighton & Hove Independent newspaper alerting of the submission of the draft charging schedule and the right to request to be heard by the examiner on the modifications, as well as the location of electronic and paper documents. The documents are on the consultation portal and webpage; paper copies of all documents have been lodged in all of the BHCC	Right to request to be heard by the examiner on the modifications to the draft charging schedule is open between 16 th January and 13 th February 2019 – 4 weeks as required by CIL Regulations.	In response to a request by a community group forum, further information has been sent regarding CIL, the DCS and the neighbourhood portion. From 14 February 2019 all responses and requests to be heard on the draft charging schedule and the modifications will be forwarded to the examiner for an examination in public.	Review and collate all responses and requests to be heard as required by CIL Regulations. These will be passed onto the Planning Examiner for an Examination in Public. Keep respondents up to date on key stages as required by CIL Regulations Start background work on governance of the CIL spending on strategic infrastructure; liaise with strategic infrastructure providers

	<p>run libraries, the Brighton Customer Service Centre and the Hove Customer Service Centre.</p> <p>The steps outlined in the Statement of Community Involvement (SCI) have been followed. The SCI sets out how and when the Council will involve the community and other interested people and organisations in the preparation of its planning policy documents.</p>			
--	--	--	--	--

4. Review of information, equality analysis and potential actions

Protected characteristics groups from the Equality Act 2010	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	Data below has been mainly sourced from the Joint Strategic Needs Assessment (JSNA): http://www.bhconnected.org.uk/content/needs-assessments			In all cases below, include BHCC Communities Equalities and Third Sector team when working out methodology and community priorities around the

Protected characteristics groups from the Equality Act 2010	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
				neighbourhood portion once the Charging Schedule has been approved.
Age ¹⁴	Our population profile is younger than England but is aging over time. The city's population is predicted to get older. The population of people aged over 70 is predicted to increase by 21% between 2016 - 2026	Community and resident comments and feedback as above. We should distinguish between types of residential institutions for CIL charging purposes, with lowered/nil CIL charges.	It is likely that CIL will have a positive impact on all age groups as it will provide additional funding for community infrastructure which is used by a range of age groups. Funds raised from CIL may be allocated to projects and service areas which benefit particular age groups such as schools, play spaces, facilities for older people. Following consultation responses to the draft charging schedule a higher charge for all residential institutions has been replaced with new category 'Private care residential homes with a degree of self-containment including Extra Care and Assisted	Listen to responses and continue to engage with the community including, for example, the Community Works group who required further information at submission stage to cascade through their contacts, which was sent through. Local Employment training/job opportunities provision proposed to be carried on through existing s106 on-site / site specific arrangements.

Protected characteristics groups from the Equality Act 2010	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			Living' with lowered/nil CIL charges. Modifications include Brighton General Hospital site within a nil CIL charge, assisting the required provision of a new Health Hub	
Disability ¹⁵	The proportion of the Brighton & Hove population with a long-term health problem or disability which limits day-to-day activities a little is equal to the regional average and lower than the national average. There is a higher proportion of the population within Brighton & Hove whose day-to-day activities are limited a lot from a long-term health problem or disability compared to the regional average; however this remains lower than the national average. All mental health indicators for the city perform worse than the regional and national averages. Mental health indicators analysed include depression recorded incidence, hospital stays for self-harm, suicide rate, and dementia recorded incidence (aged 65+).	Community and resident comments and feedback as above.	People with disabilities are likely to be positively affected by the CIL implementation as the funds raised may be allocated to particular projects which will increase the capacity and enhance the accessibility of community facilities in the city. CIL can be used to improve the accessibility of community buildings, the public realm and public transport and so is likely to have a positive impact on the lives of people with disabilities. Modifications include Brighton General Hospital site within a nil CIL	Listen to responses and continue to engage with the community regarding the neighbourhood portion

Protected characteristics groups from the Equality Act 2010	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			charge, assisting the required provision of a new Health Hub.	
Gender reassignment ¹⁶	2,875 adults estimated to be trans in 2016	Community and resident comments and feedback as above	It is considered that CIL will benefit all types of people. No specific impact relating to gender reassignment has been identified during this assessment.	Listen to responses and continue to engage with the community regarding the neighbourhood portion
Pregnancy and maternity ¹⁷	100 conceptions to women aged 15 to 17 in 2015. City rate of 25 per 1,000 is higher than found in both the South East (17 per 1,000) and England (21 per 1,000)	Community and resident comments and feedback as above	Women who are pregnant or on maternity leave may benefit from CIL through additional investment in healthcare facilities and accessibility improvements to community facilities, the public realm and public transport. Modifications include Brighton General Hospital site within a nil CIL charge, assisting the required provision of a new Health Hub	Listen to responses and continue to engage with the community regarding the neighbourhood portion
Race/ethnicity ¹⁸ Including migrants, refugees and asylum seekers	There is a higher percentage of white ethnic group in Brighton & Hove (89%) to England (85%). Of these, 80% are White British, 1.4%	Community and resident comments and feedback as above	People who come under the race/ethnicity protected characteristic group including migrants	Listen to responses and continue to engage with the community regarding

Protected characteristics groups from the Equality Act 2010	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	<p>ae White Irish and 7.2% are White Other.</p> <p>The second most prominent single ethnicity within Brighton & Hove is 'Asian/Asian British' (4.1%). Black British residents comprise 1.5% compared to 3.5% nationally.</p> <p>The largest differences between Brighton & Hove and the regional and national averages is the proportion of residents who identify as being 'mixed/multiple ethnicity' which is twice as high within Brighton & Hove (3.8%) compared to the regional and national averages (1.9% and 2.3% respectively).</p>		<p>refugees and asylum seekers are likely to be positively affected by the CIL implementation as the funds raised will be allocated to particular projects which will support neighbourhoods and these can increase the capacity and enhance the accessibility of community facilities in the city. CIL has the potential to have a positive impact upon people from ethnic minority groups through enhancing provision of community facilities which cater for the needs of these groups.</p>	<p>the neighbourhood portion</p>
Religion or belief¹⁹	<p>The largest percentage of residents within Brighton & Hove practice Christianity (43%) which is lower than the regional and national average (60%). and the second most prominent religion is Islam (2.2%). A larger percentage of city residents state that they have 'no religion' (42%) compared with the</p>	<p>Community and resident comments and feedback as above</p>	<p>It is considered that CIL will benefit all types of people. No specific impact relating to religion and belief has been identified during this assessment.</p>	<p>Listen to responses and continue to engage with the community regarding the neighbourhood portion</p>

Protected characteristics groups from the Equality Act 2010	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
	south east and country (28% and 25% respectively). There is also a higher proportion of residents practising Buddhism and Judaism within Brighton & Hove (both 1%) compared to regional and national averages, but a lower proportion of residents who are Sikh (0.1%).			
Sex/Gender ²⁰	50%/50% even population split by gender	Community and resident comments and feedback as above	No specific impact relating to gender has been identified during this assessment. Adoption of the 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.	Listen to responses and continue to engage with the community regarding the neighbourhood portion
Sexual orientation ²¹	11- 15% of residents estimated to be lesbian, gay or bisexual	Community and resident comments and feedback as above	It is considered that CIL will benefit all types of people. No specific impact relating to sexual orientation has been identified during this assessment.	Listen to responses and continue to engage with the community regarding the neighbourhood portion

Protected characteristics groups from the Equality Act 2010	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Marriage and civil partnership²²	Approximately half of the Brighton & Hove population classify themselves as single which is approximately 15-18% higher than the national and regional averages respectively while the proportion of the population within Brighton & Hove who are married is lower than the national and regional average by the same amount. Approximately 1% of the Brighton & Hove population are in a registered same-sex civil partnership; this figure is 5 times the regional and national average	Community and resident comments and feedback as above	It is considered that CIL will benefit all types of people. No specific impact relating to marriage and civil partnership has been identified during this assessment.	Listen to responses and continue to engage with the community regarding the neighbourhood portion
Community Cohesion²³	Brighton & Hove consists of different population groups. The city has a strong community and voluntary sector. 89% of people agreed that people from different backgrounds get on well together in the local area, the same as the national figure.	Community and resident comments and feedback as above – how the neighbourhood portion will be spent is of key interest.	It is likely that CIL will have a positive impact on all community cohesion as it will provide additional funding for community infrastructure which will be identified by the community from the neighbourhood portion.	Listen to responses and continue to engage with the community regarding the neighbourhood portion
Other relevant groups²⁴	Brighton & Hove has the highest number of rough sleepers outside of London.	Community and resident comments and feedback as above	It is likely that CIL will have a positive impact on other relevant groups as it will provide additional funding for city wide	Listen to responses and continue to engage with the community regarding the neighbourhood

Protected characteristics groups from the Equality Act 2010	What do you know¹⁰? Summary of data about your service-users and/or staff	What do people tell you¹¹? Summary of service-user and/or staff feedback	What does this mean¹²? Impacts identified from data and feedback (actual and potential)	What can you do¹³? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
			<p>infrastructure as well as community infrastructure which will be identified by the community from the neighbourhood portion. CIL will not be charged on affordable dwellings to help delivery of affordable units. Following consultation responses to the draft charging schedule a higher charge for all residential institutions has been replaced with new category 'Private care residential homes with a degree of self-containment including Extra Care and Assisted Living' with lowered/nil CIL charges. Modifications include Brighton General Hospital site within a nil CIL charge, assisting the required provision of a new Health Hub</p>	<p>portion</p>

Protected characteristics groups from the Equality Act 2010	What do you know ¹⁰ ? Summary of data about your service-users and/or staff	What do people tell you ¹¹ ? Summary of service-user and/or staff feedback	What does this mean ¹² ? Impacts identified from data and feedback (actual and potential)	What can you do ¹³ ? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
Cumulative impact²⁵		Community and resident comments and feedback as above	It is likely that CIL will have a positive cumulative impact upon the city and its residents as it will provide a more predictable funding stream for required city wide and community infrastructure and it will support the city's growth outlined in the City Plan, which itself is subject to an EIA.	Listen to responses and continue to engage with the community regarding the neighbourhood portion

Assessment of overall impacts and any further recommendations²⁶

CIL is a charge on certain types of new development to help pay for required city wide and neighbourhood infrastructure. Currently the focus is on approving a charging schedule with charging rates which do not undermine the delivery of development set out in the City Plan. The City Plan itself has been subject to an Equalities Impact Assessment.

The process of approving a CIL Charging Schedule (the proposed list of charging rates) is governed by the CIL Regulations 2010 (as amended). The council has submitted the CIL Charging Schedule to an Examiner who is examining the plan in public. Everyone has the right to request to be heard by the Examiner and all representations will be considered by the examiner.

Further work to consider BHCC decision making - 'Governance'- procedures for CIL spending – how and when projects are selected - is at an early stage. This will include further work with partners, communities and infrastructure providers.

The draft City Plan Part Two contains Development Management Policies and Site Allocations and has undergone a Health & Equalities Impact Assessment. When the City Plan Part Two is adopted it will have an influence on development in the City, including the design and content of CIL funded projects selected under future governance procedures.

5. List detailed data and/or community feedback that informed your EIA

Title (of data, research or engagement)	Date	Details of engagement	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
<p>Preliminary Draft Charging Schedule consultation</p>	<p>October – December 2017</p>	<p>To inform the draft charging schedule all community, amenity and voluntary groups registered on the Planning Policy data base were consulted via email as part of the initial consultation on the Preliminary Draft Charging Schedule (PDCS). The consultation was lodged on the BHCC consultation portal. A presentation was made to the chairs of the City LATS and a presentation was made at the Withdean and Westdene LAT. A presentation on CIL was given at the internal Communities Equalities and Third Sector team meeting in November 2017. Community Organisations who responded to the consultation at PDCS stage: Rottingdean Parish Council; West Hove Forum; Brighton and Hove Community Transport; Brighton and Hove Housing Coalition; Brighton Marina Neighbourhood Forum; North Laine Community Association. Detailed information of the responses to this consultation can be seen in the</p>	<p>There may be groups who have not been reached despite using existing consultation contacts and presentations to community groups such as LATs and also engaging with neighbourhood planning groups – Neighbourhood Areas and Forums</p>	<p>Use up to date contact information, keep engaging with local groups, seek information from existing contacts and neighbourhood planning groups for other interested groups when work begins around the neighbourhood portion. Include BHCC Communities Equalities and Third Sector team when considering methodology and community priorities around the neighbourhood portion once the Charging Schedule has been approved.</p>

		Preliminary Draft Charging Schedule Consultation Report (March 2018) (PDF 0.5MB)		
Draft Charging Schedule consultation March – June 2018		<p>Groups were told about the changes via email and the right to be heard by the examiner on these changes. Postal consultations were sent where previously requested for the City Plan; an advert was lodged in the Brighton & Hove Independent newspaper alerting of the consultation and location of documents; documents were lodged on the consultation portal and webpage alongside explanatory text; paper copies of all documents were lodged in all of the BHCC run libraries, the Brighton Customer Service Centre and the Hove Customer Service Centre and this was advertised in the local newspaper. The steps outlined in the adopted Statement of Community Involvement (SCI) were followed which sets out how and when the Council will involve the community and other interested people and organisations in the preparation of its planning policy documents.</p> <p>The draft charging schedule consultation received 38 responses: 6 from residents; 4 from community organisations; 12 from public bodies/statutory authorities/service providers; 2 from Parish and Town Councils; 14 from developers/ agents/ business organisations. The Statement of Representations made on the Draft Charging Schedule (Nov 2018) (PDF 200KB)</p>	<p>Not all protected characteristics groups from the Equality Act 2010 were identified as being specifically impacted from the rates within the charging schedule but all community groups and forums on city plan consultation records were contacted as were LAT chairs and neighbourhood areas and forums.</p>	<p>Use up to date contact information, keep engaging with local groups, seek information from existing contacts and neighbourhood planning groups for other interested groups when work begins around governance of the neighbourhood portion. Include BHCC Communities Equalities and Third Sector team when considering methodology and community priorities around the neighbourhood portion once the Charging Schedule has been approved.</p>

		summarises the comments and our responses to these comments.		
Data on the protected characteristics groups from the Equalities Act 2010 has been sourced from the Joint Strategic Needs Assessment (JSNA): http://www.bhconnected.org.uk/content/needs-assessments	2017			

5. Prioritised Action Plan²⁷

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
It is considered that CIL will benefit all types of people	Maintain work to approve a CIL Charging Schedule	Charging Schedule approved by Council	CIL funds collected	Start to collect CIL levy 2019/2020
All groups: supporting engagement in planning priorities and spend of neighbourhood portion of CIL receipts	Liaise with community development and neighbourhood/city CVS groups to encourage and support participation.	Specific links and expertise used to increase engagement across under-represented groups	Broad representation in defining neighbourhood priorities	2019 onwards
BHCC Communities	Work to identify community priorities for spending of the neighbourhood portion	Community Priorities identified	Community priorities identified which are value for money in terms of their outcomes and monies available	2019 onwards
BHCC Communities	Work to formulate equitable ways to allocate spending on community priorities	Methodology to allocate spending	Neighbourhood portion funds community priorities which are value for money in terms of their outcomes and monies available	2019 onwards

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Staff member completing Equality Impact Assessment: C Flowers **Date:** Feb 2019

Directorate Management Team rep or Head of Service/Commissioning: Liz Hobden **Date:** Feb 2019

CCG or BHCC Equality lead: Sarah Tighe-Ford **Date:**

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **promote equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by equality groups
 - Take steps to meet the needs of equality groups
 - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected

The greater the potential adverse impact of the proposed policy on a protected group (e.g. disabled people), the more vulnerable the group in the context being considered, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ **ID no:** The unique reference for this EIA. If in doubt contact your CCG or BHCC equality lead (see page 1)

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Previous actions:** If there is no previous EIA or this assessment if of a new service, then simply write 'not applicable'.

¹⁰ **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on protected groups of the policy/decision/service is available?¹⁰
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the protected characteristics in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#>) and national ones where they are relevant.

¹¹ **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
 - (a) consult when proposals are still at a formative stage;
 - (b) explain what is proposed and why, to allow intelligent consideration and response;
 - (c) allow enough time for consultation;
 - (d) make sure what people tell you is properly considered in the final decision.

-
- Try to consult in ways that ensure all perspectives can be considered.
 - Identify any gaps in who has been consulted and identify ways to address this.

¹² Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
 - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
 - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
 - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
 - If there is negative differential impact, how can you minimise that while taking into account your overall aims
 - Do the effects amount to unlawful discrimination? If so the plan must be modified.
 - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

¹³ Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

¹⁴ **Age:** People of all ages

¹⁵ **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

¹⁶ **Gender Reassignment:** In the Act a transgender person is someone who proposes to, starts or has completed a process to change his or her gender. A person does not need to be under medical supervision to be protected

¹⁷ **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

¹⁸ **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

¹⁹ **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

²⁰ **Sex/Gender:** Both men and women are covered under the Act.

²¹ **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

²² **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

²³ **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

²⁴ **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

²⁵ **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

²⁶ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy.
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

²⁷ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.