

Enfield Equality Impact Assessment (EqIA)

Introduction

The purpose of an Equality Impact Assessment (EqIA) is to help Enfield Council make sure it does not discriminate against service users, residents and staff, and that we promote equality where possible. Completing the assessment is a way to make sure everyone involved in a decision or activity thinks carefully about the likely impact of their work and that we take appropriate action in response to this analysis.

The EqIA provides a way to systematically assess and record the likely equality impact of an activity, policy, strategy, budget change or any other decision.

The assessment helps us to focus on the impact on people who share one of the different nine protected characteristics as defined by the Equality Act 2010 as well as on people who are disadvantaged due to socio-economic factors. The assessment involves anticipating the consequences of the activity or decision on different groups of people and making sure that:

- unlawful discrimination is eliminated
- opportunities for advancing equal opportunities are maximised
- opportunities for fostering good relations are maximised.

The EqIA is carried out by completing this form. To complete it you will need to:

- use local or national research which relates to how the activity/ policy/ strategy/ budget change or decision being made may impact on different people in different ways based on their protected characteristic or socio-economic status;
- where possible, analyse any equality data we have on the people in Enfield who will be affected eg equality data on service users and/or equality data on the Enfield population;
- refer to the engagement and/ or consultation you have carried out with stakeholders, including the community and/or voluntary and community sector groups and consider what this engagement showed us about the likely impact of the activity/ policy/ strategy/ budget change or decision on different groups.

The results of the EqIA should be used to inform the proposal/ recommended decision and changes should be made to the proposal/ recommended decision as a result of the assessment where required. Any ongoing/ future mitigating actions required should be set out in the action plan at the end of the assessment.

The completed EqIA should be included as an appendix to relevant EMT/ Delegated Authority/ Cabinet/ Council reports regarding the service activity/ policy/ strategy/ budget change/ decision. Decision-makers should be confident that a robust EqIA has taken place, that any necessary mitigating action has been taken and that there are robust arrangements in place to ensure any necessary ongoing actions are delivered.

SECTION 1 – Equality Analysis Details

Title of service activity / policy/ strategy/ budget change/ decision that you are assessing	Planning Enforcement Policy
Lead officer(s) name(s) and contact details	Vincent Lacovara Robert Oles
Team/ Department	Development Management
Executive Director	Sarah Cary
Cabinet Member	
Date of EqIA completion	15.6.21

SECTION 2 – Summary of Proposal

Please give a brief summary of the proposed service change / policy/ strategy/ budget change/project plan/ key decision

Please summarise briefly:

What is the proposed decision or change?
 What are the reasons for the decision or change?
 What outcomes are you hoping to achieve from this change?
 Who will be impacted by the project or change - staff, service users, or the wider community?

An enforcement plan is a key requirement of the NPPF, setting out the Council’s vision for the planning enforcement service. The planning enforcement function is a statutory function derived from the Town and Country Planning Act (as amended). This provides that planning decisions must be made in accordance with the development plan and other material considerations of the development itself.

The enforcement plan will provide a robust framework for officers investigating alleged breaches of planning control providing clear guidelines. Furthermore, this document will provide Councillors and members of the public with a clear and transparent policy basis for understanding the enforcement function and support an efficient and proportionate response to breaches of planning control.

The policy aims to

allow consistent and effective management of the rising demand for enforcement investigations.
help everyone understand the basis upon which decisions surrounding planning enforcement are made

set out how the service will prioritise and respond to planning breaches

provide guidance for all those involved in, or affected by, the enforcement process.

allow resources to be more clearly focused on Council priorities

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.

The main groups affected by planning enforcement are:

- Residents concerned about a potential breach of planning regulation
- Landowners and/or occupants who are alleged to or have breached planning control
- Residents of HMOs and houses converted to flats
- Developers
- Staff including enforcement officers, other planning staff, legal officers, environmental health staff and others

Investigations are undertaken based on reports of alleged breaches of planning control, in respect of the development itself, not who is responsible for carrying out the development and decisions are based on the extent of planning harm caused by the breach. Each case will be assessed on its own merits and we will consider any mitigating factors in our decision making. Cases will be prioritised according to the planning harm caused which provides for unbiased and objective decision making, therefore, any negative impact on individual developments will be weighed against other matters and the application of the policy objectively justified.

SECTION 3 – Equality Analysis

This section asks you to consider the potential differential impact of the proposed decision or change on different protected characteristics, and what mitigating actions should be taken to avoid or counteract any negative impact.

According to the Equality Act 2010, protected characteristics are aspects of a person's identity that make them who they are. The law defines 9 protected characteristics:

1. Age
2. Disability
3. Gender reassignment.
4. Marriage and civil partnership.
5. Pregnancy and maternity.
6. Race
7. Religion or belief.
8. Sex
9. Sexual orientation.

At Enfield Council, we also consider socio-economic status as an additional characteristic.

“Differential impact” means that people of a particular protected characteristic (eg people of a particular age, people with a disability, people of a particular gender, or people from a particular race and religion) will be significantly more affected by the change than other groups. Please consider both potential positive and negative impacts, and, where possible, provide evidence to explain why this group might be particularly affected. If there is no differential impact for that group, briefly explain why this is not applicable.

Please consider how the proposed change will affect staff, service users or members of the wider community who share one of the following protected characteristics.

Age

This can refer to people of a specific age e.g. 18-year olds, or age range e.g. 0-18 year olds.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people of a specific age or age group (e.g. older or younger people)?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of age
- provide opportunities to reduce the impact on people suffering disadvantage because of their age
- provide the opportunity to foster good relations between people of different ages

It provides general guidance on the investigation and enforcement action for a breach of planning conditions. This may include enforcement action in respect of developments that

- Provide more or improved aged care provision (e.g. unauthorised annex for an elderly relative or COU to an aged care home)
- Improve mobility or independence for the elderly
- Provide facilities for young people

However, the policy may have a positive impact by preventing developments that

- Provide poorer reduce the availability of aged care provision (e.g. COU of a site adjacent to an aged care home to an incompatible use)
- Reduce mobility or independence for the elderly
- Remove facilities used by young people

Mitigating actions to be taken

We will generally take a staged approach to the planning enforcement investigation and try to negotiate a resolution. If this informal approach proves unsuccessful and the breach warrants it, we will then progress to formal enforcement action. Not all breaches are intentional and any action the Council takes will be proportionate.

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-day activities.

This could include:

Physical impairment, hearing impairment, visual impairment, learning difficulties, long-standing illness or health condition, mental illness, substance abuse or other impairments.

Will the proposed change to service/policy/budget have a **differential impact**

[positive or negative] on people with disabilities?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of disability
- provide opportunities to reduce the impact on people suffering disadvantage because of a disability
- provide the opportunity to foster good relations between people with disabilities

The policy provides general guidance on enforcement action for a breach of planning conditions which may include enforcement action in respect of developments that provide more or improve accessibility, mobility or independence for disabled people (eg. a ground floor extension to a house, the addition of a ramp to a Listed Building)

However, the policy has scope to have a positive impact by preventing COU, building works or breaches of condition that create poorer or less accessibility, mobility or independence for disabled people (e.g. non-compliance with a condition requiring installation of accessibility features)

Mitigating actions to be taken

We will generally take a staged approach to the planning enforcement investigation and try to negotiate a resolution. If this informal approach proves unsuccessful and the breach warrants it, we will then progress to formal enforcement action. Not all breaches are intentional and any action the Council takes will be proportionate.

Gender Reassignment

This refers to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on transgender people?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will have a differential impact arising from the protected characteristic of gender reassignment

Mitigating actions to be taken

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Marriage and Civil Partnership

Marriage and civil partnerships are different ways of legally recognising relationships. The formation of a civil partnership must remain secular, where-as a marriage can be conducted through either religious or civil ceremonies. In the U.K both marriages and civil partnerships can be same sex or mixed sex. Civil partners must be treated the same as married couples on a wide range of legal matters.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people in a marriage or civil partnership?

Please provide evidence to explain why this group may be particularly affected

There is no evidence to suggest that the enforcement policy will have a differential impact arising from the protected characteristic of marriage or civil partnership

Marriage and civil partnership is only relevant to the first aim to eliminate discrimination

Mitigating actions to be taken

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Pregnancy and maternity

Pregnancy refers to the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on pregnancy and maternity?

Please provide evidence to explain why this group may be particularly affected

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of pregnancy or maternity
- provide opportunities to reduce the impact on people suffering disadvantage because of sex
- provide the opportunity to foster good relations between men and women

Mitigating actions to be taken

Race
This refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.
Will this change to service/policy/budget have a differential impact [positive or negative] on people of a certain race?
Please provide evidence to explain why this group may be particularly affected
There is no evidence to suggest that the enforcement policy will <ul style="list-style-type: none"> • discriminate unlawfully on the grounds of race • provide opportunities to reduce the impact on people suffering disadvantage because of their race • provide the opportunity to foster good relations between people of different racial groups <p>However there are opportunities to address potential barriers to understanding of the planning regulations by ensuring that information is equally available to all groups and in relevant languages and the council’s website has a translation facility to allow members of the public to translate key documents into different languages</p>
Mitigating actions to be taken
What more can we do here? Circulate guidance to different groups who advise BME residents?

Religion and belief
Religion refers to a person’s faith (e.g. Buddhism, Islam, Christianity, Judaism, Sikhism, Hinduism). Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who follow a religion or belief, including lack of belief?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of religion and belief
- provide opportunities to reduce the impact on people suffering disadvantage because of their religion and belief
- provide the opportunity to foster good relations between people of different religion and belief

Mitigating actions to be taken

Sex

Sex refers to whether you are a man or woman.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on men or women?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of sex
- provide opportunities to reduce the impact on people suffering disadvantage because of sex
- provide the opportunity to foster good relations between men and women

Mitigating actions to be taken

Sexual Orientation

This refers to whether a person is sexually attracted to people of the same sex or a

different sex to themselves. Please consider the impact on people who identify as heterosexual, bisexual, gay, lesbian, non-binary or asexual.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people with a particular sexual orientation?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of sexual orientation
- provide opportunities to reduce the impact on people suffering disadvantage because of their sexual orientation
- provide the opportunity to foster good relations between people of different sexual orientation

Mitigating actions to be taken

Socio-economic deprivation

This refers to people who are disadvantaged due to socio-economic factors e.g. unemployment, low income, low academic qualifications or living in a deprived area, social housing or unstable housing.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who are socio-economically disadvantaged?

Please provide evidence to explain why this group may be particularly affected.

There is no evidence to suggest that the enforcement policy will

- discriminate unlawfully on the grounds of socio-economic status
- provide opportunities to reduce the impact on people suffering disadvantage because of their socio-economic status provide the opportunity to foster good relations between people of different socio-economic status

Mitigating actions to be taken.

SECTION 4 – Monitoring and Review

How do you intend to monitor and review the effects of this proposal?

Who will be responsible for assessing the effects of this proposal?



SECTION 5 – Action Plan for Mitigating Actions.

Identified Issue	Action Required	Lead officer	Timescale/By When	Costs	Review Date/Comments