



## Equality Impact Assessment Form (updated April 2011)

- This is where you evidence how a policy or practice, or a decision relating to a policy or practice, complies with the general equality duty to:
- Eliminate unlawful discrimination, harassment and victimisation
  - Advance equality of opportunity
  - Foster good relations

This form is intended to guide and prompt you about the questions and evidence that you need to think about. As indicated in the guidance, this assessment takes into consideration each of the "protected characteristics" listed in the Equality Act 2010 – race, age, gender etc. This assessment should be used to inform any relevant decision about the policy or practice. Please state policy options in the assessment.

<b>Service Area:</b> REGENERATION AND REGULATORY SERVICES	<b>Head of Service:</b> SUE BOLTER	<b>Person responsible for the assessment:</b> Paul Marshall	<b>Date of Assessment</b> 27.11.12	<b>Is this a new, existing or policy/practice under review?</b>	Existing
<b>Name of the policy/practice to be assessed: Planning Enforcement</b>					

**1. Briefly describe the purpose of the policy/practice**

**If the policy/practice is under review, please list any options under consideration**

Planning Controls have been developed to protect the environment and to ensure that the use of land and buildings are in the public interest.

Some of the activities controlled by planning legislation are building works such as new buildings, extensions, fences and walls, works to Listed Buildings and the display of advertisements. It also includes changes of use, a shop into a restaurant or hot food take-away for example. In many cases planning permission is required before a new use begins or activities are carried out. However some minor works or changes of use do not need permission but these should be clarified beforehand to avoid any confusion.

**2. Name any associated policy, legislation, corporate objective etc.**

Part VII of the Town and Country Planning Act 1990 (as amended) sets the provision for taking enforcement action in respect of breaches of planning control. This is a discretionary power which is available to a Local Planning Authority. Section 172(3) of the Act defines a breach of planning control. The planning enforcement function is carried out by specially authorised officers on behalf of the Local Planning Authority. Action will be taken with regard to the Act, secondary legislation, and guidance issued including:

- The Town and Country Planning Act 1990
- Town and Country Planning (General Development Procedure) Order 1995
- The Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning and Compensation Act 1991
- The Town and Country Planning (Control of Advertisements) Regulations 2007
- The Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2009
- DOE Circular 10/97
- TAN 9: Enforcement of Planning Control
- POSW Enforcing Planning Control: Good Practice Guide for LPAs
- Newport City Council Unitary Development Plan 1996-2011
- Supplementary Planning Guidance which has been adopted include:-

Accessibility Design Guide, Design Guide for Infill and Backland Development, Flood Risk & Sustainable Drainage Systems, Flat Conversions and Houses in Multiple Occupation, House Extensions, Outdoor Play Space Provision, Parking Guidelines - including revised Central Area requirement, Planning Obligations, Repairs and Alterations to Listed Buildings, Residential Design Guide and Wildlife and Development

<p><b>3. Who are the main stakeholders in relation to the policy/practice?</b></p>	<ul style="list-style-type: none"> <li>• Applicants/developers in Newport;</li> <li>• Potential investors in Newport;</li> <li>• Local Authority staff;</li> <li>• Planning Committee;</li> <li>• Cabinet Member for Regeneration;</li> <li>• Other service areas within the Council and planning consultees;</li> <li>• Businesses and residents except where exemptions apply;</li> <li>• Statutory undertakers, central government departments, housing associations</li> <li>• Residents/businesses affected by unauthorised development or carrying out such work themselves</li> <li>• Community Councils</li> <li>• Builders and architects that may carry out unauthorised works sometimes inadvertently</li> <li>• Tree surgeons carrying out works to TPO'd trees</li> </ul>
<p><b>4. Who performs the service?</b></p>	<p>Advice provided and co-ordinated by qualified team of four planning enforcement officers in Development Services with support from the Technical Support staff. These staff work in consultation with other local authority staff when necessary, and these members of staff could come from within the service area and from other service areas i.e. highways section and tree officer that are able to provide technical advice where necessary.</p>
<p><b>5. What outcomes are wanted from this policy/practice?</b></p>	<p>It follows that as there are planning controls, there needs to be a way to respond when the controls are broken or ignored. This is where Planning Enforcement comes in. Anyone wishing to inform the Council of an alleged breach of planning control may do so online by telephone, e-mail, by visiting the Information Station or by letter. It is important, however, to realise that enforcement action is taken at the discretion of the Council. However the Commissioner for Local Administration has held, in a number of investigated cases that there is 'maladministration' if the authority fail to take effective enforcement action which was plainly necessary.</p>

**6. What factors could contribute to/detract from the outcomes (risks/opportunities)?**

**Please list the factors for each separate policy/process option under consideration**

<p><b>Age:</b> Negative Impact - Older people might be more inclined to take the word of their builder/architect/window company as being correct, and therefore inadvertently have unauthorised work carried out on their property. Retired people may spend more time in their homes i.e. during the daytime and may therefore be more affected by the impacts of development close to their homes, and therefore more inclined to make complaints.</p> <p><b>Gender:</b> Nothing Identified</p> <p><b>Disability:</b> Positive Impact – Nothing Identified Negative Impact - Application forms, charges, guidance notes, not in large format etc.</p> <p><b>Race:</b> Positive Impact – Nothing identified Negative Impact - Application forms produced in English only. Different cultures may have different attitudes to or awareness of planning legislation. Some cultures may feel disengaged by wider society or may feel that their options are limited, such as Gypsy and Traveller communities.</p> <p><b>Religion/belief:</b> Nothing Identified</p> <p><b>Welsh language:</b> Positive Impact – Nothing Identified. Negative Impact – All forms in English only.</p> <p><b>Gender reassignment:</b> Positive / Negative Impact – Nothing Identified.</p> <p><b>Marriage/civil partnership:</b> Positive Impact – Nothing Identified. Negative Impact – Nothing Identified.</p> <p><b>Sexual orientation:</b> Positive/ Negative Impact – Nothing Identified.</p>
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<p><b>7. Describe the steps you have taken to carry out this assessment e.g. consultation and involvement</b></p>	<p>No equalities data is collected on householders and members of the public using the service.</p> <p>Anecdotal evidence and records of work with developers who may employ BME groups and migrant workers, architects and engineers.</p> <p>No other equality data collected on developers.</p> <p>Monthly meetings with Enforcement staff in both the East and West Teams.</p> <p>Information from partners</p> <p>Enforcement cases are plotted on the GIS system and could be compared spatially with population characteristics</p>
<p><b>8. Give a summary of the information the council has taken into account for this assessment</b></p>	<p>It is recognised that there are issues which may potentially impact on accessibility and therefore delivery of the service:</p> <p>The large amount of varied languages that are spoken in the local area would make it difficult to translate documents into every language available. However where requested the ability to translate a letter into a different language should be made clear where possible. Ensure correspondence is understood by those who cannot read.</p> <p>People should be able to see that other formats of communication are available to be used. These formats must then be available to the Enforcement section should the need arise. A recent survey has also been introduced which is sent to complainants where an address has been logged. The survey is sent out when the case is closed and includes a stamped addressed envelope so that the survey can be returned free of charge. There survey can also be completed on line.</p>

**9. Does the policy /practice eliminate discrimination and promote equality and good community relations due to:**

- Age
- Gender
- Disability
- Race
- Religion/belief
- Welsh language
- Gender reassignment
- Marriage/civil partnership
- Sexual orientation
- Pregnancy and maternity

- **Age** - There are no obvious barriers to accessing the service. The Enforcement section operates in accordance with Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. No evidence of complaints or officers being advised that the service has a differential impact on younger or older people.
- **Gender** - There are no obvious barriers to accessing the service. The Enforcement section operates in accordance with Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service.
- **Disability** - The new Information Station is centrally located near Newport town centre with wheelchair access. Information about the service has recently been advertised in the local press. Also complaints are taken in many differing forms for example telephone call, letters, e-mails and so all people should be able to make or check on an existing enforcement complaint. No evidence of complaints or officers being advised that the service has a differential impact on disability groups.
- **Race** - There is an increasing issue of 'traveller sites' within the area and a high proportion of ethnic minority-run food & taxi businesses. The number of migrant workers to the area has also risen in recent years. These can bring issues relating to respect of culture and language, both in communicating an alleged breach to the enforcement section as well as communicating with people who are being investigated for an alleged breach. Because of this there can be a lack of understanding of Planning Regulations both in regard of making a complaint and when they are the reason for a complaint. On site and while in the office, officers are able to contact Language Line in order overcome language barriers.
- **Religion/belief** - There are no obvious barriers to accessing the service. The Enforcement section operates in accordance with Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. No evidence of complaints or officers being advised that the service has a differential impact to people with their religion of beliefs. Consideration may be required for the timing of meetings and site visits to recognised religious holidays and days of worship.

- **Gender Reassignment** - There are no obvious barriers to accessing the service. The Enforcement section operates in accordance with Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service.
- **Welsh Language** -- There are no obvious barriers to accessing the service.
- **Marriage/Civil Partnership** - There are no obvious barriers to accessing the service. The Enforcement section operates in accordance with Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service
- **Sexual Orientation** -- There are no obvious barriers to accessing the service. The Enforcement section operates in accordance with Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service
- **Pregnancy/Maternity** - There are no obvious barriers to accessing the service. The Enforcement section operates in accordance with Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service



**Equality Action Plan –**

<b>Key Actions</b>	<b>Actions (with dates) Any associated performance measures</b>	<b>Lead Officer(s)</b>
<p>Further actions to eliminate discrimination, promote equality and good community relations on the grounds of:-</p> <p>Age – none applicable.                      Gender – none applicable.                      Disability – none applicable.                      Race -                      Monitor requests for alternative language versions of guidance notes and charging schedule.                      Religion/belief – none applicable.                      Welsh Language –                      Monitor requests for alternative language versions of guidance notes and charging schedule.                      Gender reassignment – none applicable.                      Marriage/civil partnership – none applicable.                      Sexual orientation – none applicable.                      Pregnancy and maternity – none applicable.</p> <p>If there are decisions pending that will affect this policy/practice please state when and how the decision will be taken</p> <p>How will the policy/practice be:</p> <ul style="list-style-type: none"> <li>• Monitored</li> <li>• Performance assessed</li> <li>• reported</li> </ul>	<p>From July 2012 and report any requests as part of annual review.</p> <p>From July 2012 and report any requests as part of annual review.</p>	<p>Paul Marshall/Team Leaders</p> <p>Paul Marshall/Team Leaders</p>
	<p>Monitor</p> <ul style="list-style-type: none"> <li>• 12 month review by Enforcement Section to include assessment of efficiency of service, fees generated by retrospective applications and complaints or concerns raised.</li> <li>• Periodic/quarterly review of all questionnaires returned by enforcement team.</li> <li>• Monthly enforcement meeting with Team Leaders to ensure that any</li> </ul>	<p>Joanne Davidson/Tracey Brooks/Steve Williams/Paul Marshall/Neil Gunther/Chris Simms/Sarah Flower</p>

Does the EIA need to be revisited in 6 months/a year?	<p>complaints or concerns raised are dealt with promptly.</p> <p>Performance Assessed</p> <ul style="list-style-type: none"> <li>Record fees received by submission of retrospective application as a result of planning enforcement investigation</li> <li>Identify complaints or concerns raised by service users and whether these have been addressed as part of quarterly review by lead officer.</li> </ul> <p>Reported</p> <ul style="list-style-type: none"> <li>Quarterly update of complaints or concerns raised by service users by lead officer</li> </ul> <p>12 months</p>	<p>Joanne Davidson/Tracey Brooks/Steve Williams/Paul Marshall/Neil Gunther/Chris Simms/Sarah Flower</p> <p>Paul Marshall/Team Leaders</p> <p>Joanne Davidson/Tracey Brooks/Steve Williams/Paul Marshall/Neil Gunther/Chris Simms/Sarah Flower</p>
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Signed (lead officer) MSR

Signed (Head of Service) [Signature]

Date 29/01/15.