



## 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> MARK HAND	<b>Date of Assessment</b> 05.07.2012
<b>Name of the policy/practice to be assessed:</b> INTRODUCTION OF CHARGING FOR PROVISION OF PRE-APPLICATION PLANNING ADVICE			<b>Is this a new, existing or policy/practice under review?</b> NEW PRACTICE
<b>1. Briefly describe the purpose of the policy/practice</b>  If the policy/practice is under review, please list any options under consideration		To introduce a charge for service users seeking pre-application planning advice from the Council for development types detailed in the charging schedule. Exemptions or discounted fees apply in some cases. The introduction of a charge will ensure that the service can continue to be provided and that the cost of providing this discretionary service is recovered directly from service users rather than being subsidised by council tax payers.	

<p><b>2. Name any associated policy, legislation, corporate objective etc.</b></p>	<p>The Business Improvement Programme (BIP) for the City Council identified the introduction of pre-application advice charging as a key element of proposals put forward for business improvement. The Council has power to charge for discretionary services under the Local Government Act 2003.</p>
<p><b>3. Who are the main stakeholders in relation to the policy/practice?</b></p>	<ul style="list-style-type: none"> <li>• Potential 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> </ul>
<p><b>4. Who performs the service?</b></p>	<p>Advice provided and co-ordinated by qualified planning personnel in Development Services in consultation with other local authority staff from within the service area and from other service areas that are able to provide technical advice where necessary. Support provided by technical officers in Development Services.</p>
<p><b>5. What outcomes are wanted from this policy/practice?</b></p>	<p>Pre-application advice helps to shape development proposals and can reduce unnecessary delay and associated costs in the processing of planning applications and improved customer engagement. The introduction of charging will facilitate the continued provision of the service in challenging budgetary conditions and, in particular, will recoup costs for the provision of advice by experienced and often senior officers on major applications, a process which consumes considerable officer time arising from attendance at meetings and preparation of careful, considered and accurate responses. Charges will serve to focus the minds of agents and reduce time wasting enquiries creating more time for officers to undertake more productive elements of their work and improve efficiency.</p>

<p><b>6. What factors could contribute to/detract from the outcomes (risks/opportunities)?</b></p>	<p>The proven experience, knowledge and adaptability of planning officers and technical staff will facilitate the introduction of this new practice. However, surges in application numbers (particularly major applications), changes in staffing levels and loss of experienced staff will likely affect and detract from outcomes. As the process will often rely upon consultation with other Council departments and external consultees, the ability of these services to respond promptly to pre application enquiries will depend upon their service resource constraints and may result in late or no responses being given. Setting fees too high increased customer expectations, therefore paying, so need to deliver clear and comprehensive advice.</p>
<p><b>7. Describe the steps you have taken to carry out this assessment e.g. consultation and involvement</b></p>	<p>An assessment of other Welsh and English Authorities charges was undertaken by the lead officer and Mark Hand sought comments from other LPA representatives already charging via POSW meetings. Consultation was undertaken with key personnel in Development Management and comments sought in relation to the charges of other authorities and the implementation of charging at Newport. At least 5 months prior to introduction date emails were sent to regular agent contacts via mass mail drop to advice of likelihood of pre-application advice charging being introduced. At same time, individual officers were pre-warming contacts of its likely introduction. Consultation was not undertaken with the general public because pre application advice from most minor development and house extensions are free of charge.</p>
<p><b>8. Give a summary of the information the council has taken into account for this assessment</b></p>	<ul style="list-style-type: none"> <li>• Other LPA charging schedules and guidance documents;</li> <li>• Information and opinion from planning agents who have already received paid pre-application advice from other authorities;</li> <li>• No adverse feedback from agents in response to mass email drop informing them of forthcoming introduction of charging;</li> <li>• Email comments from and conversation with planning officers and technical support staff in response to consultation with lead officer regarding what other LPAs charge, pre-application charging processes, effects on service, etc;</li> <li>• Cabinet Member report;</li> <li>• Guidance note and charging schedule.</li> <li>• BIP Review</li> </ul>



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

- **Gender**
- **Gender reassignment**
- **Marriage/civil partnership**
- **Sexual orientation**
- **Pregnancy and maternity**

- **Disability**
- **Age**

- **Race**
- **Welsh language**

Planning by nature focuses on land use planning matters and does not consider the personal attributes of applicants. The provision of pre-application advice will similarly focus on the land use planning impacts/merits of proposed development only and the personal details of developers will either be irrelevant or not known (i.e. where agents are used). Consequently, matters of **gender, gender reassignment, marriage or civil partnership, sexual orientation and pregnancy** will not be relevant or known to the pre-application advice given.

The effect of pre-application charging will be restricted to those proposed developments where charging is applicable and this is anticipated to be a smaller proportion of the overall number of pre-application enquiries received compared to those that fall within the exempt category. This will be monitored as part of the 12 month review (see below) along with queries or complaints received from any service user in relation to the new practice. There will be a periodic review of the pre application guidance note by the lead officer to assess its clarity and customer satisfaction. This will include equalities monitoring to consider service users and outcomes.

In all cases there is considered to be no differential impact on protected groups arising from this new practice.

In the case of **disability**, pre application enquiries linked to disability grant work on domestic properties fall within an exempt category as would proposals to improve access to a business. Such adaptations may also be required due to **age**. Where customers require a meeting, these can be held at the Civic Centre or Information Station, both of which have accessible rooms and hearing loops. Meetings can be held at another location if required, and sign language interpreters can be invited if necessary.

In the case of **race and language**, requests for Welsh language or other translations of relevant documentation will be monitored and alternative versions provided on demand, or copies held if sufficient demand exists. Translation facilities will be used as required in meetings. In terms of service delivery and completion of forms, assistance is available to any customer if required. Pre-application advice linked to the resolution of enforcement cases is exempt and consequently, in those cases where service users have not understood or been able to submit a planning application prior to development commencing, discussions arising from enforcement investigations will not be charged. Proposals linked to small businesses including takeaways and restaurants will be exempt. Enquiries made by other Council departments on empty homes, HMOs, assisted living developments, etc will be exempt.

• **Religion/belief**

In the case of **religion**, many churches are listed buildings and discussions relating to heritage proposals are exempt. Small scale schemes for non-profit making organisations are also exempt.

**10. Summary of the impact of the policy/practice on the general equality duty**

It is anticipated that the vast majority of enquiries received will be in the exempt categories as pre-application charging will predominantly affect larger scale proposals where developers will already likely be co-ordinating projects with other external consultants and will likely expect a pre-application charge to be levied.

It is anticipated that developers for whom the potential for discrimination exists by reason of any of the protected characteristics, will be no more or no less affected by the charging schedule compared to other service users.

The charging schedule and scale of charges is considered to fairly and reasonably relate to the cost of the service provided by the authority and is cheaper than most of the other authorities assessed as part of the research undertaken.

The exempt categories include enquiries relating to domestic properties; small businesses; heritage proposals; tree proposals; Council/town and community council proposals; and small scale proposals for non-profit making organisations and registered charities.

There is currently no evidence and no expectation that access to, and the extent to which the exempt categories apply, will differentiate between service users or disproportionately affect one service group over another.

The 12 month review by the Head of Service will establish best practice and confirm the introduction of equalities monitoring of pre-application enquiries and the extent of such monitoring. Equalities monitoring of planning application submissions is to commence imminently.

Equality Action Plan -		Lead Officer(s)
Key Actions	Actions (with dates) Any associated performance measures	
Further actions to eliminate discrimination, promote equality and good community relations on the grounds of:-		
<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>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>Joanne Davidson/Mark Hand</p> <p>Joanne Davidson/Mark Hand</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>Monitor</p> <ul style="list-style-type: none"> <li>• 12 month review by Development Services Manager to include assessment of chargeable enquiries received, efficiency of service, fees generated, complaints or concerns raised, cases where arbitration on fees required and number of exempt enquiries.</li> <li>• Periodic/quarterly review of guidance/practice note by lead officer.</li> <li>• Quarterly Agents forum including Service Manager, Team Leaders and frequent and local agents. (First meeting October 2012).</li> </ul>	<p>Joanne Davidson/Mark Hand/Sue Bolter</p> <p>Joanne Davidson Mark Hand</p>

	<ul style="list-style-type: none"> <li>Monthly management meetings of Service Manager and Team Managers to discuss service issues including pre-application charging.</li> </ul> <p>Performance Assessed</p> <ul style="list-style-type: none"> <li>Record date of validation and date of response for comparison with target timescales identified in guidance note for each chargeable pre application enquiry received.</li> <li>Record fees received and accumulate fees earned as part of annual review and budget reporting. (Monthly fee monitoring)</li> <li>Record number of chargeable pre application enquiries and link to applications subsequently received as part of annual review.</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>Report as part of 12 month review by Head of Service in liaison with Cabinet Member.</li> <li>Quarterly update of guidance note for officers and service users by lead officer.</li> </ul>	<p>Mark Hand/Jo Davidson/Tracey Brooks/Steve Williams</p> <p>Technical support staff/Joanne Davidson/Mark Hand Mark Hand</p> <p>Joanne Davidson/Mark Hand Joanne Davidson/Mark Hand</p> <p>Mark Hand/Sue Bolter</p> <p>Joanne Davidson</p> <p>Mark Hand</p>
<p>Does the EIA need to be revisited in 6 months/a year?</p>	<p>A year.</p>	<p>Mark Hand</p>

Signed (lead officer) 

Signed (Head of Service) 

Date 22/10/12



