

Equality Impact Assessment

EB 045

This form assesses what impact a policy, strategy or activity will have on a range of customers.

A: Summary Details	
Name of policy / function(s):	Duty to Co-operate Strategy
Directorate:	Sustainable Communities
Service Area:	Planning Policy
Officer(s) completing this assessment:	Claire Stuckey
Date of assessment:	October 2014

B: The Policy or Function	
1.	<p>Is this policy / function:</p> <p><input checked="" type="checkbox"/> new OR <input type="checkbox"/> existing (<i>If existing, when was the last assessment?</i>)</p> <p><input type="checkbox"/> internal OR <input checked="" type="checkbox"/> external (i.e. public-facing)</p> <p><input type="checkbox"/> statutory OR <input checked="" type="checkbox"/> non-statutory</p>
2.	<p>Is the policy / function associated with any other policies or services? Could these have a cumulative impact on customers?</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>The Duty to Cooperate was introduced in the Localism Act (2011). It requires Local Planning Authorities (LPAs) to co-operate on strategic planning issues that cross administrative boundaries, such as, providing land for new homes, jobs, infrastructure, and flooding and flood risk.</p> <p>The Council's Duty to Co-operate Strategy will establish a clear framework for co-ordinating partnership working with neighbouring local planning authorities and other prescribed public bodies to address common strategic planning issues when preparing and implementing its Local Plan. It will explain in broad terms what public bodies the Council will seek to engage and co-</p> </div>

Equality Impact Assessment

		<p>operate with on strategic cross boundary planning matters, when it will engage and co-operate and what mechanisms it will put in place.</p> <p>The co-operation sought by Chelmsford City Council (CCC) will have regard to the consultation and engagement requirements in its adopted Statement of Community Involvement (SCI) and Corporate Consultation and Engagement Strategy.</p> <p>A Draft Duty to Co-operate Strategy will be subject to consultation with neighbouring local planning authorities and other public bodies outlined in legislation and guidance.</p> <p>The Council's Authority Monitoring Report will measure progress with preparing the Local Plan and Duty to Co-operate activities. Reports will also be presented, when appropriate, to Council Committees.</p>
3.	<p>What are the policy / function's aims and desired outcomes?</p> <p>Are there any factors which could detract from achieving these outcomes?</p>	<p>CCC will need to co-operate and engage with other prescribed public bodies to satisfy the requirements of the Duty to Co-operate created by the Localism Act 2011. Prescribed public bodies are those covered by the duty as set out in legislation and national planning guidance and include neighbouring and nearby local planning authorities, Essex County Council, the Highways Agency and the Environment Agency.</p> <p>The Duty to Co-operate Strategy will establish a framework for guiding co-operation and engagement. It aims to :</p> <ul style="list-style-type: none"> • Ensure proactive, on-going, focussed and constructive co-operation on cross-boundary planning matters • Achieve legally compliant and 'sound' Local Development Documents, and • Facilitate effective strategic planning in the region. <p>The Strategy will help to ensure that the Council's co-operation activities positively influence the evolution of its Local Plan and shape the proposals as they emerge. This makes it more likely that the Local Plan will pass the legal duty test at Examination.</p>

Equality Impact Assessment

		<p>Co-operation on preparing a Local Plan is a two way process and there is no duty to agree. There may be a situation where an offer to co-operate by CCC is not accepted, or agreement on a shared policy outcome cannot be achieved. Joint working to address strategic cross boundary issues could also be challenging because of the potentially different priorities of the various stakeholders the Council must co-operate with. However, the Strategy outlines how CCC will make every effort to engage and to ensure that cross-boundary strategic planning matters are properly addressed.</p>
4.	Who is this policy / function intended to benefit, and in what way?	<p>The Duty to Co-operate Strategy is aimed at neighbouring and nearby Local Planning Authorities, Essex County Council and a range of other prescribed bodies as defined in legislation and national planning policy guidance. These include Natural England, Environment Agency, Mayor of London, Highways Agency, English Heritage, Marine Management Organisation, Transport for London, the National Health Service Commissioning Board. These bodies are required to co-operate with CCC on strategic cross-boundary planning matters of common concern.</p> <p>The Strategy is also aimed at other relevant bodies that the Council might need to co-operate with when preparing the Local Plan. These include the Local Enterprise Partnership, Local Nature Partnerships and private sector utility bodies, utility and infrastructure providers. Although these other bodies are not covered by the Duty to Co-operate, they may have a key role in supporting the Council in its Local Plan preparation and developing the evidence base.</p> <p>The Strategy should help CCC, planning authorities and relevant public bodies (discussed above) to fulfil their Duty to Co-operate obligations outlined in the Localism Act 2011, National Planning Policy Framework and Planning Policy Guidance.</p> <p>The end result should be the adoption of a sustainable Local Plan to meet the development needs of current and future populations. The Local Plan will ultimately benefit many groups, potentially including all residents, community groups, employees and visitors to the City Council Area.</p> <p>(Note – The Duty to Co-operate Strategy is not aimed at individual residents, community groups,</p>

Equality Impact Assessment

		Parish and Town Councils, landowners and developers and local businesses, as these are not specifically listed as Duty to Co-operate bodies).
5.	Who is responsible for this policy / function and who will implement it? Are any third parties involved? E.g. contractors.	<p>CCC will have lead responsibility for developing and implementing its Duty to Co-operate Strategy. However, as co-operation on a Local Plan is a two way process, it will need to collaborate with a range of duty bodies (prescribed in legislation and guidance) during this process – see Q3 and 4.</p> <p>To ensure the Duty to Co-operate Strategy is fit for purpose, the Draft will be published for consultation with those public bodies covered by the legal duty. All representations received will be considered and used to form the final Strategy, expected to be adopted in 2015.</p>
Relevance to the Equality Duty: <i>Consider how the policy relates to the duties (directly or indirectly), and if it could be adjusted to further meet these equality aims.</i>		
6.	Does the policy tackle discrimination, harassment or victimisation? If so, how?	<p>The Duty to Co-operate Strategy will be a planning based tool that seeks to engage all relevant duty bodies when addressing cross-boundary strategic planning issues. It is not aimed at individuals and public bodies or organisations not covered by the Government’s legal duty such as local residents, community groups, Parish and Town Councils, landowners and developers and local businesses.</p> <p>The Strategy seeks to ensure that the co-operation sought with others will be constructive, pro-active and wherever possible result in definable and desired outcomes. This will promote effective sustainable strategic planning and good relations between duty to co-operate bodies.</p> <p>The Council will consult with those public bodies covered by the legal duty on its Draft Strategy. These public bodies are described in Q4. The consultation will have regard to the requirements in its adopted Statement of Community Involvement (SCI) and Corporate Consultation and Engagement Strategy.</p> <p>Where appropriate, the Council will incorporate any specific requests and needs received from</p>

Equality Impact Assessment

		<p>consultees on the draft Strategy before it is finalised. The Council will also consider any requests for a copy of the Strategy in Braille, larger print or audio.</p>
7.	<p>Does the policy promote equal opportunity? If so, how?</p>	<p>The Duty to Co-operate Strategy will be a planning based tool that seeks to engage all relevant duty bodies when addressing cross-boundary strategic planning issues. It is not aimed at individuals and public bodies or organisations not covered by the Government's legal duty such as local residents, community groups, Parish and Town Councils, landowners and developers and local businesses.</p> <p>The Council will consult with those public bodies covered by the legal duty on its Draft Strategy. These public bodies are described in Q4. The consultation will have regard to the requirements in its adopted Statement of Community Involvement (SCI) and Corporate Consultation and Engagement Strategy.</p> <p>The Duty to Co-operate Strategy outlines how the Council will seek to ensure that co-operation is positive, meaningful and a continuous process that leads to definable outcomes.</p>
8.	<p>Does the policy encourage good community relations? If so, how?</p>	<p>The Duty to Co-operate Strategy will be a planning based tool that seeks to engage all relevant duty bodies when addressing cross-boundary strategic planning issues. It is not aimed at individuals and public bodies or organisations not covered by the Government's legal duty such as local residents, community groups, Parish and Town Councils, landowners and developers and local businesses.</p> <p>Experience from elsewhere indicates that addressing strategic cross boundary planning can be challenging. A number of LPAs have withdrawn plans submitted for Examination as they have been unable to show they have met the duty requirements.</p> <p>The Duty to Co-operate Strategy encourages joint working with a range of relevant stakeholders to address strategic cross boundary planning issues based on positive, meaningful and ongoing co-operation. This will support CCC its neighbouring planning authorities and relevant public bodies to satisfy their Duty to Co-operate obligations outlined in the Localism Act 2011, National Planning Policy Framework and Planning Policy Guidance.</p>

Equality Impact Assessment

		<p>(Note: The Duty to Co-operate Strategy will support the preparation and implementation of the Local Plan which in itself will seek to promote sustainable communities and social inclusion, improve residents' quality of life and meet the housing needs of the whole community. It will also seek to ensure people have access to services and opportunities they may need such as local jobs, good public transport, shops and other community facilities. As such, the Local Plan should help promote greater understanding between different groups and encourage good community relations).</p>
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Equality Impact Assessment

C: Information used to analyse the effects on equality:

Please itemise available evidence, stating which protected groups are covered and when this evidence was gathered. You may attach copies or links to the data / research you are using.

1.	Has any consultation or engagement already been undertaken regarding this policy?	Internal consultation only – none with public bodies the Strategy is aimed at.
2.	What relevant data or information is currently available about the <u>customers</u> who may use this service or could be affected by this policy?	<p>The Duty to Co-operate Strategy is aimed at public bodies outlined in legislation or national planning policy guidance. Information on the remit, scope, plans and services etc. provided by these public bodies is generally publicly available for example via their websites.</p> <p>CCC has a history of collaborating with neighbouring authorities and other public bodies on plan making. For example, through the commissioning of joint development plan evidence and partnership working. This background of collaboration provides knowledge on the needs, aspirations, plans and programmes of the public bodies now covered by the Duty to Co-operate. This knowledge will be strengthened through the process of consulting on the Duty to Co-operate Strategy and when preparing the Local Plan.</p> <p>The Council monitors the plan-making activities of nearby Local Planning Authorities and the plans/programmes of public bodies. This improves the Council's knowledge of the needs, aspirations and programmes of public bodies subject to the Duty to Co-operate. Important developments, such as the publication of a neighbour's draft Development Plan Document are considered by Members at a Council Committee.</p>
3.	Is there any information already available about how this <u>policy</u> could impact on customers?	<p>See answer to Q2 above.</p> <p>The Duty to Co-operate Strategy is in draft form and will be subject to consultation with relevant public bodies covered by the duty before approval. Responses received will be used to form the final Strategy.</p>

Equality Impact Assessment

		<p>Experience from elsewhere in the country suggests that a Duty to Co-operate Strategy could provide a useful framework for addressing cross boundary planning matters strategically. This could help the Council and others satisfy their legal requirements to comply with the duty.</p> <p>A number of co-operation and engagement activities are promoted in the Strategy for example, Memorandums of Understanding and workshops. Any concerns about the co-operation sought by CCC will be dealt with at the time. Where appropriate, this could lead to alternative or new co-operation arrangements.</p>
4.	<p>What additional information would increase your understanding about the potential impact of the policy? What involvement or consultation with affected groups is still needed?</p>	<p>The Duty to Co-operate Strategy is in draft form and will be subject to consultation with relevant public bodies covered by the duty before approval. Responses received will increase our understanding about the potential impact of the Strategy and will be used to inform the final version.</p> <p>As recommended by Government, CCC will prepare a 'Scoping Report' to identify authorities and bodies that it will need to co-operate with in seeking to address strategic matters, and the proposed methods and timescales for doing this. Comments will be invited on a Draft Scoping Report to ensure CCC is taking the correct approach to meeting its duty requirements and to improve understanding of the needs, plans and expectations of relevant stakeholders.</p>
5.	<p><i>For existing policies only:</i></p> <p>What has changed since the last assessment?</p>	N/A

D: Assessment of impact

Using the information above, assess if the policy / function could potentially disproportionately impact on different protected groups. Specify if the potential impact is Positive, Neutral or Negative. IF negative, indicate if the risk is high or low.

Equality Impact Assessment

Affected Group	Potential impact? *	Explanation and evidence (including what is currently being done)	What actions / adjustments are possible to reduce negative or increase positive impact?	Monitoring and review arrangements
1. People of different genders (Men and women)				
Men	Neutral	The Duty to Co-operate Strategy will be a planning based tool that seeks to ensure effective co-operation and engagement with relevant public bodies when addressing cross-boundary strategic planning issues associated with the Council's Local Plan. Relevant public duty bodies are set out in legislation and national planning policy guidance and include neighbouring local planning authorities, the Highways Agency, the Environment Agency and English Heritage. As such, individuals in protected groups are not directly affected by the Duty to Co-operate and therefore the CCC Duty the Co-operate Strategy.		Monitor the Duty to Co-operate Strategy through the Authority Monitoring Report (AMR) and reports to Council Committee meetings.
Women	Neutral	As above.	As above.	As above.
2. People of different races or ethnic groups (Black, White, Asian, Mixed / Dual Heritage, Gypsy/Traveller etc.)				
	Neutral	As above.	As above.	As above.
3. People with a disability (both visible and invisible): e.g. hearing impairments, visual impairments, speech difficulties, learning difficulties, mobility difficulties, mental health problems, long-term ill health etc.				
	Neutral	As above.	As above.	As above.
4. People of different age groups e.g. children, teenagers, young adults, middle-aged, or older people.				

Equality Impact Assessment

Affected Group	Potential impact? *	Explanation and evidence (including what is currently being done)	What actions / adjustments are possible to reduce negative or increase positive impact?	Monitoring and review arrangements
	Neutral	As above.	As above.	As above.
5. Lesbian, gay, bisexual or heterosexual people				
	Neutral	As above.	As above.	As above.
6. People from different religious or belief groups e.g. Christian, Buddhist, Hindu, Jewish, Muslim, Sikh, Non-religious, or other beliefs, e.g. philosophical beliefs like humanists.				
	Neutral	As above.	As above.	As above.
7. People who have changed their gender or are in the process of doing so (i.e. transgender)				
	Neutral	As above.	As above.	As above.
8. Pregnant women or people who have just had a baby (Maternity/paternity can be defined as 26 weeks after giving birth, and includes consideration about breastfeeding.) Only relevant to the requirement to have due regard to the need to eliminate discrimination)				
	Neutral	As above.	As above.	As above.
9. Are there any other groups who could find it difficult to access or make use of the policy / function? For example: low income / people living in rural areas / single parents / carers and the cared for / past offenders / long-term unemployed / housebound / history of domestic abuse / people who don't speak English as a first language / people without computer access etc.				
	Neutral	As above.	As above.	As above.
10. Could this policy discriminate on the grounds of marriage or civil partnership?				
None identified				
11. Is there any potential negative impact which <u>cannot</u> be minimised or removed? If so, can it be justified? E.g. on the grounds of promoting equality of opportunity for another protected group.				
None identified				
Additional comments:				

[Please ensure that all actions / adjustments identified are included in your team plan or other relevant action plan.]

Equality Impact Assessment

E: Conclusion	
Decision:	Explanation:
<input checked="" type="checkbox"/> Continue the policy with no changes	The Duty to Co-operate Strategy will be a planning based tool that seeks to public bodies covered by the duty when addressing cross-boundary strategic planning issues associated with the Council's Local Plan. It is considered that the Duty to Co-operate Strategy will have a no/neutral impacts on protected groups.
<input type="checkbox"/> Continue the policy with adjustments	N/A
<input type="checkbox"/> Adverse impact but continue	N/A
<input type="checkbox"/> Suspend or withdraw the policy for further review / consideration of alternative proposals	N/A

Approved by: *(name, title and service area)*

Lead Officer / Responsible officer: Claire Stuckey, Senior Planning Officer, Planning Policy

Date: October 2014

Senior Manager: David Green, Director of Sustainable Communities

Date: October 2014

[Please save a copy and send one to the Consultation & Engagement Officer for approval and publication on the website.]