

# EQUALITY ANALYSIS

## Preliminary Draft Charging Schedule Community Infrastructure Levy

July 2012

No.	Title
Appendix A	Community infrastructure levy (CIL) preliminary draft charging schedule (available with the report)
Appendix B	Infrastructure Plan (available with the report)
Appendix C	Equality Analysis (available on the website)
Appendix D	Consultation Plan (available on the website)

**Section 1: Equality analysis details**

<b>Proposed policy/decision/business plan to which this equality analysis relates</b>		London Borough of Southwark Preliminary Draft Community Infrastructure Levy Charging Schedule (July 2012)			
<b>Equality analysis author</b>		Michael Glasgow			
<b>Strategic Director:</b>		Eleanor Kelly, Deputy Chief Executive			
<b>Department</b>		Deputy Chief Executive	<b>Division</b>		Planning
<b>Period analysis undertaken</b>		June 2012			
<b>Date of review (if applicable)</b>		n/a			
<b>Sign-off</b>		<b>Position</b>		<b>Date</b>	

## Section 2: Brief description of policy/decision/business plan

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### 1.1 Brief description of policy/decision/business plan

The Planning Act 2008 empowered local authorities to introduce a Community Infrastructure Levy (CIL). CIL is a charge that would be levied on new developments in order to raise money to help fund infrastructure that is required to support growth and to create sustainable communities. The introduction of a CIL would largely replace the use of s106 planning obligations; currently the main mechanism for funding new and improved infrastructure through planning. The intention is that CIL will be a simpler, fairer, more transparent and more predictable system. The Community Infrastructure Levy Regulations 2010 set out the framework and general requirements for authorities who intend to introduce a CIL.

Under the CIL Regulations (2010), the amount of CIL to be paid has to be explained in a formal document called a **Charging Schedule**. The Charging Schedule must set out the level of charge that is to be levied for different types of development, in different parts of the Authority area. The CIL charges must be expressed as a charge per square metre of development and an explanation is required to set out how to calculate the level of CIL required for each scheme.

The Draft Preliminary Charging Schedule prepared for Southwark identifies 4 discrete charging zones in which different charges will apply depending on the type of development that is being proposed. The Regulations require that the charging rates are underpinned by evidence relating to the economic viability of new development and the borough's projected infrastructure needs over the period to which the CIL charge applies.

Two rounds of consultation will be carried out prior to the borough-wide CIL being adopted. This marks the first round of consultation and the specific issues that we are consulting on are whether the level of charge and the boundaries of the charging zones are appropriate for the borough.

### Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
<b>Key users of the department or service</b>	<p>Planning is a statutory function carried out by local authorities. The development of planning policies and the impacts of planning decisions can affect everyone with an interest in land in the borough. This can include residents, landowners, developers, local businesses and their employees, community organisations and interest groups. Planning, in a broad sense, has a potential influence on all of the groups identified as having protected characteristics in the Equality Act 2010.</p>
<b>Key stakeholders were/are involved in this policy/decision/business plan</b>	<p>The decision to be made at this stage relates to the preliminary draft CIL Charging Schedule, specifically, the level of the charge and the parts of the borough to which it will apply.</p> <p>Adopting a CIL will have an impact on anyone in the borough with an interest in land, particularly landowners and developers. As income generated through CIL is used to fund new and improved infrastructure, there will be impacts on the wider community, depending on the type of infrastructure that is delivered and the locations in which money raised through CIL is invested.</p> <p>In accordance with the CIL Regulations, the charge has been devised based on evidence relating to the economic viability of development in the borough and on the projected need for new and improved infrastructure as growth occurs in the period up to 2026. BNP Paribas were commissioned to produce an assessment of viability across the borough. The assessment was overseen by a group of officers from the Council's Planning, Regeneration and Property teams. Information on infrastructure needs across the borough has been compiled through discussion with a number of teams and services responsible for the delivery of a range of types of infrastructure. This has included liaison with LBS Education, LBS Parks and recreation, LBS Leisure and Culture, LBS Transport Planning and NHS Southwark amongst others.</p> <p>The Council is required to carry out two rounds of public consultation prior to the adoption of the CIL. This is the initial stage of consultation on the proposed CIL rates. Each round of public consultation will be carried out in accordance with our adopted Statement of Community Involvement (SCI).</p> <p>All organisations and individuals on our mailing list will be notified when the document is available for consultation and how long the consultation will last for. Information will also be presented on the Council's website to raise awareness of the consultation. Officers will raise the profile of the draft preliminary charging schedule by presenting at community councils and officers will also be available to attend meetings of community groups, if requested. Collectively, the measures set out in our SCI will ensure that a wide range of people are made aware of our work on CIL, so that a broad range of views can be taken into account as we make progress with the Charging Schedule.</p> <p>All comments received during consultation will be considered when preparing the draft charging schedule and changes will be made where appropriate in light of comments received. Officers will provide a written response to each written representation that is received throughout the consultation, setting out how the comment has been taken on board in preparing the CIL.</p>

## Section 4: Pre-implementation equality analysis

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This section considers the potential impact (positive and negative) of proposals on the key 'protected characteristics' in the Equality Act 2010 and Human Rights, the equality information on which above analysis is based and mitigating actions to be taken.

**Age** - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

### **Potential impacts (positive and negative) of proposed policy/decision/business plan**

Although it is intended that CIL applies to a much broader range of types of development than section 106 planning obligations, which it will largely replace, there are certain exemptions established in the Regulations and others that we have proposed for Southwark. These exemptions give rise to a range of potential impacts.

The Regulations establish that social housing will be exempt from paying the CIL. This means that CIL will not represent an additional barrier to the delivery of social housing. This could be beneficial for older people in the borough, since our Housing Requirements study identifies that a larger proportion of older people live in social rented housing when compared to a number of other demographic groups. This relief also applies to any development that is proposed by registered charities.

As a result of evidence we have gathered on development viability, we are also proposing that leisure centres, schools and public health facilities will be exempt from CIL payments. By removing the requirement to pay CIL, we are less likely to inhibit the delivery of these services in the borough. This will be beneficial for those people who are reliant of these types of services, including older people, children and families. We have also proposed a zero rate for industrial space and for office space in all parts of the borough except for a narrow zone adjoining the River Thames. This will have the effect of supporting economic growth in the borough and encouraging job creation, which will be particularly beneficial for young people seeking employment and other jobseekers.

It is difficult to attribute the proposed CIL charge to specific impacts on the groups identified in the Equality Act as having protected characteristics. However, the introduction of CIL should, in principle, benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development. Currently, the borough negotiates section 106 planning obligations when planning permission is granted to help fund the delivery of new school places, health facilities, public realm and open space projects, strategic and local transport improvements and other types of infrastructure. It is likely that CIL will continue in this vein and so it is anticipated that it will generate benefits for groups of a variety of ages.

These types of impacts would arise at the point at which money has been secured through CIL and new or improved infrastructure is actually delivered; they would not arise directly as a result of the charging schedule itself. It is anticipated that CIL spending would be considered alongside the council's capital spending programme. Specific proposals would normally be subject to separate equalities analysis. Any impacts would be dependent on the type of infrastructure to be provided and its location.

It should be noted that adopting a CIL will help the authority to achieve the vision for sustainable development that is set out in the Core Strategy. The Core Strategy was itself subject to a detailed Equality Impact Assessment that considered the impacts of individual policies on those groups identified as having protected characteristics.

<b>Equality information on which above analysis is based</b>
<p>Reference is made to the council's housing requirement study 2009.</p> <p>The view that it is difficult to quantify impacts on the various equality groups is based on the fact that at this stage the decision to be reached focuses purely on the level of charge that should be adopted across the borough. Similar judgements have been made by other London Boroughs and by the Greater London Authority as part of the process of proposing their own respective CILs. It is also echoed by the Impact Assessment undertaken by the Department of Communities and Local Government (CLG) in relation to the introduction of CIL.</p>
<b>Mitigating actions to be taken</b>
<p>The above analysis highlights that the level of CIL charge that is proposed and the zones in which the charge will apply will largely give rise to positive impacts</p>

<b>Disability</b> - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
<p>In light of our viability evidence, we are proposing that small shops are the subject of a zero charge for CIL. This will help to ensure that CIL does not present a financial barrier to new local shops, which can be particularly important for those with reduced mobility, such as some disabled people. We are also proposing that medical and health facilities are subject to a zero CIL charge, which could be beneficial to disabled people where their disability is such that they require regular medical attention.</p> <p>CIL receipts could be used to fund a variety of types of infrastructure, which would ultimately deliver positive benefits for disabled people. Improvements to the public realm could be carried out, which would create an environment that is better adapted to the needs of those with reduced mobility. Similarly, it is possible that CIL receipts will be used to fund a range of new and improved public transport projects in the borough, or simply to help fund additional local health facilities.</p>
<b>Equality information on which above analysis is based</b>
<b>Mitigating actions to be taken</b>
<p>The above analysis highlights that the level of CIL charge that is proposed and the zones in which the charge will apply will largely give rise to positive impacts</p>

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<b>Gender reassignment</b> - The process of transitioning from one gender to another.
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
No specific impacts identified. As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.
<b>Equality information on which above analysis is based.</b>
Consideration has been given to specific impacts that might arise as a result of adoption of the proposed CIL. In addition we have considered Equalities Analyses carried out by other Charging Authorities, including the GLA, and to the Impact Assessment undertaken by the DCLG.
<b>Mitigating actions to be taken</b>
No specific impacts have been identified in relation to those people who have undergone gender reassignment.

<b>Marriage and civil partnership</b> - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. <b>(Only to be considered in respect to the need to eliminate discrimination.)</b>
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
No specific impacts identified. As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.
<b>Equality information on which above analysis is based</b>
<b>Mitigating actions to be taken</b>

No specific impacts have been identified in relation to those people who are married or those in a civil partnership.

**Pregnancy and maternity** - Pregnancy is 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.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Having considered viability evidence, it is proposed that medical and health facilities are the subject of a zero CIL rate. This will ensure that CIL does not present a financial barrier to the development of new health facilities as growth occurs in the period up to 2026. This will have particular benefits for those requiring access to healthcare facilities, including pregnant women and families with young babies.

As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.

**Equality information on which above analysis is based**

**Mitigating actions to be taken**

The above analysis highlights that the level of CIL charge that is proposed and the zones in which the charge will apply will largely give rise to positive impacts

**Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Although it is intended that CIL applies to a much broader range of types of development than section 106 planning obligations, which it will largely replace, there are certain exemptions established in the Regulations and others that we have proposed for Southwark.

The Regulations establish that social housing will be exempt from paying the CIL. Essentially this means that CIL will not represent an additional barrier to the delivery of social housing. This could be beneficial for people in certain Black and Ethnic Minority groups, since our Housing Requirements study identifies that a larger proportion of certain groups tend to reside in social rented housing.



As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.
<b>Equality information on which above analysis is based</b>
Reference is made to the housing requirement study 2009. Consideration has also been given to Equalities Analyses carried out by other Charging Authorities, including the GLA, and to the Impact Assessment undertaken by the DCLG.
<b>Mitigating actions to be taken</b>
No negative impacts have been identified in relation to the proposed level of CIL charge and the zones in which the charge will apply

<b>Religion and belief</b> - Religion has the meaning usually given to it but 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 for it to be included in the definition. <input type="checkbox"/>
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
There is no strict correlation between different religious groups and geography in Southwark. Therefore, it is not considered that adopting a CIL charge would have a disproportionate effect on any group with particular beliefs. New religious institutions would be required to contribute a CIL rate of £50 per sqm. It should be noted that many religious organisations will be charities. Buildings proposed by charities and used for charitable purposes are exempt from paying CIL.
<b>Equality information on which above analysis is based</b>
Consideration has been given to the location of different faith groups within the borough. Further consideration has been given to Equalities Analyses carried out by other Charging Authorities, including the GLA, and to the Impact Assessment undertaken by the DCLG.
<b>Mitigating actions to be taken</b>
No negative impacts have been identified in relation to the proposed level of CIL charge and the zones in which the charge will apply

<b>Sex</b> - A man or a woman.
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
No specific impacts identified. As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.

<b>Equality information on which above analysis is based</b>
<b>Mitigating actions to be taken</b>
No specific impacts have been identified that would affect people differently according to their sex.

<b>Sexual orientation</b> - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
No specific impacts identified. As noted above, the introduction of CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development.
<b>Equality information on which above analysis is based</b>
<b>Mitigating actions to be taken</b>
No specific impacts have been identified that would affect people differently as a result of their sexual orientation.

<b>Human Rights</b> There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>

The adoption of a CIL will have no impacts on the Articles that are set out in the Human Rights Act.

**Information on which above analysis is based**

This view is supported by the Impact Assessment carried out by the Department of Communities and Local Government in relation to the introduction of CIL.

**Mitigating actions to be taken**

## Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key areas identified as requiring more detailed analysis or key mitigating actions.			
<u>No areas have been identified in the above section that justify further detailed analysis.</u>			
Number	Description of Issue	Action	Timeframe
1			
2			
3			
4			
5			
6			
7			

5. Equality objectives (for business plans)					
Based on the initial analysis above, please detail any equality objectives that you will set for your department/service.					
			Targets		
Objective	Lead officer	Current performance (baseline)	2012/13	2013/14	2014/15