

**LONDON BOROUGH OF BEXLEY - EQUALITIES IMPACT ASSESSMENT  
FOR PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING  
DOCUMENT**

**Equalities Impact Assessment**

**Date: November 2007**

**Directorate: Environment and Regeneration Services**

**and Department: Strategic Planning and Development, LDF Team**

**Policy / Service function being reviewed:**

**Local Development Framework: Planning Obligations Supplementary Planning Document**

**Review Lead Officer: Judith Houghton**

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NO.	QUESTION
<b>1.</b>	<b>ABOUT THE POLICY / SERVICE FUNCTION</b>
a)	Brief description of the function and/or related policy(ies) including its aims and objectives
	<p>Planning Obligations (or section 106, s106, agreements) are an effective way of securing measures to overcome the negative impacts of generally acceptable development proposals on the environment, economy and community.</p> <p>Through Bexley's adopted Unitary Development Plan (UDP), we seek to ensure new growth and development meets the needs of the community and is sustainable.</p> <p>The Planning Obligations strategy is being prepared to provide detailed guidance on the type and scale of planning obligations sought from new developments in the London Borough of Bexley. The SPD, once adopted, will be a material planning consideration for use in guiding and determining planning applications.</p>
b)	If the function is provided by another organisation or agency on behalf of the Council, please give the names of the organisations/agencies
	Not applicable.
c)	Please list the main stakeholders/beneficiaries in terms of the recipients of the service or the target groups at whom the policy is aimed
	Stakeholders/beneficiaries: Developers, Council and external service and infrastructure providers, new and existing residents, people who work in or

NO.	QUESTION																
	<p>visit the borough.</p> <p>This SPD will provide clear and robust advice for interested parties and stakeholders. It will :</p> <ul style="list-style-type: none"> <li>• provide guidance on the type, range and level of planning obligations sought;</li> <li>• reduce the need for detailed negotiations by providing clarity on how and when planning obligations will be assessed;</li> <li>• offer procedural guidance on how planning obligations are secured at Bexley; and</li> <li>• describe how planning obligations will be implemented and monitored to ensure an efficient, consistent, accountable and transparent approach.</li> </ul> <p>Planning Obligations can ensure that the environment is safeguarded and that the necessary infrastructure and facilities are provided and enhanced. They are also effective in achieving a high quality of environment where people can choose to live, work, learn, and play.</p>																
d)	<p>Does the function or policy result in any financial support being given to specific equality category groups within the voluntary and community sector? List organisations and amounts.</p>																
	<p>The purpose of the SPD is that benefits would be secured for everyone, boroughwide, depending on the scale and nature of the development proposed and s106 legal agreement.</p>																
e)	<p>List any performance targets relating to race equality, gender, disability, age that your function / policy includes e.g. BV11a - Percentage of top-paid 5% of local authority staff who are women</p>																
	<p>None</p>																
<b>2.</b>	<b>RELEVANCE PROPORTIONALITY AND SCOPE</b>																
a)	<p>To what extent is Equalities Legislation relevant to the policy / function? i.e. high, medium or low? E.g. The colours and artwork chosen for a publication may not appear to impact on equality issues, however, they will be of importance to people with visual impairments.</p>																
	<table border="1"> <thead> <tr> <th data-bbox="895 1503 890 1547"><b>Equalities Legislation</b></th> <th data-bbox="895 1503 1369 1547"><b>High / Medium / Low</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="895 1547 890 1581">Race Relations Amendment Act</td> <td data-bbox="895 1547 1369 1581">High</td> </tr> <tr> <td data-bbox="895 1581 890 1615">Disability Discrimination Act</td> <td data-bbox="895 1581 1369 1615">High</td> </tr> <tr> <td data-bbox="895 1615 890 1648">Sex Discrimination Act</td> <td data-bbox="895 1615 1369 1648">Low</td> </tr> <tr> <td data-bbox="895 1648 890 1682">Human Rights Act</td> <td data-bbox="895 1648 1369 1682">Low</td> </tr> <tr> <td data-bbox="895 1682 890 1715">Equal Pay Act</td> <td data-bbox="895 1682 1369 1715">Low</td> </tr> <tr> <td data-bbox="895 1715 890 1749">Employment Equality</td> <td data-bbox="895 1715 1369 1749">High</td> </tr> <tr> <td data-bbox="895 1749 890 1787">(Age, religion or belief &amp;sexual orientation)</td> <td data-bbox="895 1749 1369 1787">Medium</td> </tr> </tbody> </table>	<b>Equalities Legislation</b>	<b>High / Medium / Low</b>	Race Relations Amendment Act	High	Disability Discrimination Act	High	Sex Discrimination Act	Low	Human Rights Act	Low	Equal Pay Act	Low	Employment Equality	High	(Age, religion or belief &sexual orientation)	Medium
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b)	<p>How is the policy/service function in its implementation compliant with the law?</p>																
	<p>The Council has legal powers to enter into planning obligations with anyone who may have an interest in the land. The basis on which planning obligations can be sought is provided in the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004),</p>																

NO.	QUESTION
	<p>sections 106, 106A and 106B. Policies will need to comply with central government Circular 05/2005: Planning Obligations., and further guidance can be found in Circular 05/2005 – Planning Obligations.</p> <p>The Council also have a statutory requirement to replace the Unitary Development Plan (UDP) with a new Local Development Framework (LDF). The LDF will have a portfolio of documents including Development Plan Documents (DPDs) and Supplementary Planning Documents (SPD). The Planning Obligations SPD will form part of the emerging LDF and it will support 'saved' policies in the UDP and adopted LDF documents.</p>
c)	<p>Which of the parts of the general duty of the Race Relations Amendment Act – eliminating discrimination, promoting equality of opportunity, and promoting good race relations- is relevant to this function/policy? These can be more than one</p>
	<p>There will be no discrimination by group in the collection and expenditure of planning obligations.</p>
d)	<p>Which of the parts of the general duty of the Disability Discrimination Act 2005 – eliminating discrimination, promoting equality of opportunity, eliminating harassment, promoting positive attitudes towards disabled people, encourage participation by disabled people in public life; and take steps to take account of disabled persons disabilities - is relevant to this function/policy? These can be more than one</p>
	<p>There will be no discrimination by group in the collection and expenditure of planning obligations.</p>
e)	<p>Which of the parts of the general duty of the Equality Act 2006 (Gender Equality) – eliminating unlawful discrimination and harassment, and promoting equality of opportunity between men and women - is relevant to this function/policy? These can be more than one</p>
	<p>There will be no discrimination by group in the collection and expenditure of planning obligations.</p>
f)	<p>Does the policy/ service function need to be strengthened against indirect discrimination? If so, How?</p>
	<p>There will be no discrimination by group in the collection and expenditure of planning obligations.</p>
<b>3.</b>	<b>DATA AND CONSULTATION</b>
	CONSULTATION

NO.	QUESTION
a)	List any consultation activity with external customers carried out over the last year or which is planned to take place with groups / individuals from equality target groups e.g. satisfaction surveys, focus groups citizens panel exercises etc.
<b>Equality Target Group</b>	<b>Summary of consultation carried out / planned</b>
Black Minority Ethnic Disabled people Older People Young people / Children Faith Groups Women / Men Groups Lesbians, Gay, Bisexual or Transgender people (LGBT)	It is the opinion of the Project Manager that the SPD adequately meets the local authority's obligation to meet the requirements under legislation. The SPD complies with the Statement of Community Involvement, adopted December 2006, and does not unlawfully, directly or intentionally discriminate against anybody according to their race, sexuality, gender, faith, ability or age but actively tries to prevent this from happening.
b)	List any alternative arrangements you have made for consulting with equality target groups within the community
	<p>Supplementary Planning Documents will clarify and expand upon policies that are 'saved' in the Unitary Development Plan (April 2004). It is considered that no alternative arrangements are required for the Planning Obligations SPD that will be put to a six-week public consultation in February/March 2008 in accordance with the adopted Statement of Community Involvement.</p> <p>The Statement of Community Involvement, adopted 18 December 2006, has groups of specific and general consultation bodies to consult. General consultation bodies include stakeholder and community groups including voluntary bodies whose work benefits any part of the Borough, borough residents and bodies which represents the interests of:</p> <ul style="list-style-type: none"> <li>• women with children</li> <li>• unemployed</li> <li>• elderly or young people,</li> <li>• different racial, ethnic or national groups,</li> <li>• different religious groups,</li> <li>• sight impediment or other disabled persons,</li> <li>• Gypsies and Travellers, and</li> <li>• Businesses in the Borough.</li> </ul>
c)	List any equality target groups you have <b>not</b> consulted with?
	Not applicable.
d)	State how you consult with members of your staff about your function/policy and what consultation is planned with staff including staff that have or will have direct experience of implementing the strategy / policy.
	Following the consultation of this SPD, a new protocol for securing Planning Obligations will set out the responsibilities of all parties involved in the

NO.	QUESTION				
	process. This protocol will be developed working with the Planning Obligations Steering Group that includes representatives from Legal Services, Development Control, Property, Finance and Strategic Planning and Development. It is anticipated that the protocol will be adopted and published as part of the Council's standard of service.				
e)	State any exercises you have planned for future consultation with equality target groups within the community, (include this in your improvement plan summary attached)				
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f)	Please state how you publish results of consultation exercises				
	Consultants, ERM, have been commissioned to produce this document. They will be responsible for analysing results from the public consultation and revising the SPD. Responses will be summarised and published as part of the adoption process and reported to Lead Member, which should be adopted in July 2008.				
	DATA				
g)	List any evidence you have of the function or policy having an adverse impact on different equalities groups – this can be internal or external				
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h)	List any relevant commissioned research undertaken or planned research to determine any differential impact of your function/policy				
	In accordance with Government guidance, the document is subject to a Sustainability Appraisal (SA). The Council has 18 established SA objectives and it appraises the short, medium and long term effects of the draft Planning Obligations SPD. Objectives address social, economic and environmental issues and the appraisal would also identify the cumulative impacts of the SPD and recommend changes to maximise the beneficial effects of the SPD. Department for Communities and Local Government (DCLG) and the Government Office for London have previously advised Bexley that the SA process should be the key mechanism for Equality Impact Assessments of				

NO.	QUESTION
	<p>emerging LDF documents.</p> <p>Following adoption of the document, review and monitoring are key aspects of the Government's 'plan, monitor and manage' approach to the planning system, as Planning Policy Statement 12: Local Development Frameworks (Sept 2004, ODPM). Outputs and trends will be identified and included in the annual monitoring report to assess the extent to which policies are being achieved. Head of Finance will also have an audit trail to monitor financial spend.</p>
i)	<p>Have you received any complaints about your function/policy in respect of any of any equality issue? Give a brief description</p> <p>No</p>
<b>Equality Issue</b>	<b>Complaint (brief description)</b>
Race Disability Gender Age Faith Sexual Orientation	Not applicable.
<b>ETHNIC MONITORING</b>	
j)	Describe how you carry out ethnic monitoring of your function/policy
	<p>Not applicable. Planning Obligations are a legal requirement that are subject to monitoring to ensure their implementation. The SPD will not unlawfully, directly or intentionally discriminate against anybody according to their race, sexuality, gender, faith, ability or age but actively tries to avoid this from happening.</p>
k)	<p>How are the results of ethnic monitoring analysed and does an analysis of your customer base against baseline population figures for the borough show that you are reaching all racial groups in Bexley? If not, which racial groups are adversely affected?</p>
	<p>Not applicable. Planning Obligations are a legal requirement that are subject to monitoring to ensure their implementation. The SPD will not unlawfully, directly or intentionally discriminate against anybody according to their race, sexuality, gender, faith, ability or age but actively tries to avoid this from happening.</p>
<b>GATHERING INFORMATION – MONITORING</b>	
l)	<p>What arrangements for gathering information on the effect of this policy / practice on disabled people is in place? E.g. collecting information on disability hate crime or customer surveys</p>
	<p>Planning Obligations are a legal requirement that are subject to monitoring to ensure their implementation. The SPD will not unlawfully, directly or intentionally discriminate against anybody according to their race, sexuality, gender, faith, ability or age but actively tries to avoid this from happening. Any indicators that are identified will be incorporated in an Annual Monitoring Report as part of the Local Development Framework requirement.</p>
m)	How are the results of any monitoring reported and published?

NO.	QUESTION
	<p>Any indicators that are identified will be incorporated in an Annual Monitoring Report, as part of the Local Development Framework requirement, must be based upon the period 1<sup>st</sup> April to 31<sup>st</sup> March. This document is published each winter and copies are freely available on our website at <a href="http://www.bexley.gov.uk\udp">www.bexley.gov.uk\udp</a>.</p>
<b>4.</b>	<b>ASSESSMENT</b>
a)	<p>Is the function or policy discriminatory according to the legal definitions? – See appendix two of the Guidance</p>
	<p>There will be no discrimination by group in the collection and expenditure of planning obligations.</p>
b)	<p>If the function or policy is discriminatory according to the legal definitions, is positive action justified under the Race Relations Amendment act or Sex Discrimination Act? – See appendix one of the Guidance</p>
	<p>There will be no discrimination by group in the collection and expenditure of planning obligations.</p>
c)	<p>Could the function or policy have an adverse impact on relations between different groups? If so, please describe</p>
	<p>There will be no discrimination by group in the collection and expenditure of planning obligations.</p>
d)	<p>How does your service plan address the requirements of the Race Relations (Amendment) Act in respect of equalities issues around consultation and monitoring? If not, please state how you intend to remedy this, (and include it in your improvement plan)</p>
	<p>There will be no discrimination by group in the collection and expenditure of planning obligations.</p>
e)	<p>If your function is provided by a private sector or voluntary sector organisation on a contract basis, please list any arrangement <b>you have made or plan to make</b> to ensure that duties of the RRA and DDA (Race and Disability Acts) are met</p>
	<p>There will be no discrimination by group in the collection and expenditure of planning obligations.</p>
f)	<p>Please list any staff training on race, gender , age, or disability equality arising from this assessment, (and include it in your improvement plan)</p>

NO.	QUESTION
	There will be no discrimination by group in the collection and expenditure of planning obligations.
<b>5.</b>	<b>MITIGATION OF ADVERSE IMPACT - to be included in improvement plan</b>
a)	List any alternative ways designed to improve access to your service by different racial groups, women, disabled people, and other equality groups.
	Not applicable, there will be no discrimination by group in the collection and expenditure of planning obligations.
b)	List any alternative ways designed to improve access to information about your service by different racial groups, women, disabled people and other equality groups.
	Not applicable, there will be no discrimination by group in the collection and expenditure of planning obligations.
c)	Please state any changes to your function/policy that you <b>have made or plan to make</b> as a result of this assessment or consultation with different equality groups and/or ethnic monitoring.
	Not applicable, there will be no discrimination by group in the collection and expenditure of planning obligations.
d)	List any plans you have to introduce new targets for race equality, gender, disability and other equality groups in your function or policy – this could be as a result of identifying best practice in other authorities.
	Not applicable, there will be no discrimination by group in the collection and expenditure of planning obligations.
e)	How do you plan to publicise the results of this assessment?
	This Equalities Impact Assessment (EQIA) will be available on our website in during the six week public consultation period and any changes that are made will be added and a final version will be available on the website when the Planning Obligations SPD is adopted in July 2008.
	REVIEW
f)	When do you plan to undertake the next review / impact assessment of this function/policy? Please note this needs to be done at least every three years in order to comply with the statutory duties.
	The Planning Obligations SPD will support 'saved' policies in the Unitary Development Plan. It is anticipated that this document would need to be



NO.	QUESTION
	updated following the adoption of the Core Strategy in 2010 or it is it a requirement of any new legislation that is enacted.
g)	Have you set up a monitoring / evaluation / review process to check the successful implementation of the strategy / policy or project? <b>Yes or No</b>
	Yes. This will be included in the Annual Monitoring Report, which is part of the Local Development Framework and available to everyone on our website and would be available in other formats, if required.

**Please complete the Improvement Plan Summary (below) sign the EIA, retain a copy and send a copy of the EIA including the Improvement Plan Summary to the Policy & Projects Officer, Equalities via email:**

**[equalityanddiversity@bexley.gov.uk](mailto:equalityanddiversity@bexley.gov.uk)**

**Signed:** .....(Completing officer) **Date**.....

### Equality Impact Assessment

Please list on this sheet any recommendations for action that you plan to take and also, equality targets being set as a result of this impact assessment

#### IMPROVEMENT PLAN SUMMARY FOR (SERVICE / DEPT)

\*Groups have been added, but should these issues and assessment for action required be completed by Equalities Officer?

ISSUE	ACTION REQUIRED	TARGET BASED ON EQUALITY OBJECTIVE	LEAD OFFICER	TIME SCALE	COMMENTS
Gender	There will be no discrimination by group in the collection and expenditure of Planning Obligations.				
Race	There will be no discrimination by group in the collection and expenditure of Planning Obligations.				
Disabled People	There will be no discrimination by group in the collection and expenditure of Planning Obligations.				
Sexuality	There will be no discrimination by group in the collection and expenditure of Planning Obligations.				
Faith Groups	There will be no discrimination by group in the collection and expenditure of Planning Obligations.				
Age	There will be no discrimination by group in the collection and expenditure of Planning Obligations.				
Other	There will be no discrimination by group in the collection and expenditure of Planning Obligations.				