

Equality Impact Assessment

Part 1: Screening

When reviewing, planning or providing Services Northampton Borough Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its Services and public life. “**Equality Impact Assessments**” (EIAs) prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A helpful guide to equalities law is available at: www.northampton.gov.uk/equality. A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

<p>1 Name of policy/activity/project/practice</p> <p>Overview and Scrutiny Review - Infrastructure Requirements and Section 106 Agreements</p>	<p>This is:</p> <p>Existing provision which will be reviewed by Scrutiny Panel 3 (Infrastructure requirements and Section 106 Agreements)</p>
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<p>2. Screening undertaken (please complete as appropriate)</p>	
<p>Director or Head of Service</p>	<p>Sue Bridge - Head of Planning</p>
<p>Lead Officer for developing the policy/activity/practice</p>	<p>Tracy Tiff, Scrutiny Officer</p>
<p>Other people involved in the screening (this may be people who work for NBC or a related Service or people outside NBC)</p>	<p>Councillor Phil Larratt, Chair, Scrutiny Panel 3</p>

<p>3. Brief description of policy/activity/project/practice: including its main purpose, aims, objectives and projected outcomes, and how these fit in with the wider aims of the organisation.</p> <p>Is it linked to NBC’s Corporate Plan? Service Plan? Other?</p> <p>Please explain:</p> <p>Overview and Scrutiny (O&S) is a means of providing non-Executive Councillors the opportunity to inform policy development and critical friend challenge to the Council’s Executive policy makers and decision makers (Cabinet). It also has a strong role in promoting the engagement of non-Executive Councillors in a diverse range of policy development activities, including performance improvement at the Council. Scrutiny aims to engage the community in its work either by attendance at meetings, public addresses to meetings, witness evidence or co-optees to Scrutiny Reviews.</p> <p>This Review will hear from a number of key stakeholders to ensure that a wide range of evidence is obtained to inform the Panel’s information base.</p>
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This Scrutiny Panel has asked Councillors from three neighbouring Authorities to be co-opted to the Review – Northamptonshire County Council, Daventry District Council and South Northants Council.

The projected outcomes of this Scrutiny Review are:

- An understanding of the requirements and how there are going to be delivered via developer or other funding streams

All Scrutiny Reviews link to the Council's Corporate Plan and details of which are evidenced within the final report. This Scrutiny Review links to corporate priority 1 – Putting Northampton on Track.

4 Relevance to Equality and Diversity Duties

Is it linked to NBC's Single Equality Scheme? NBC's Public Sector Duties? Equality Framework Criteria? Service or departmental equality priorities?

Please explain:

Overview and Scrutiny ensures that it adheres to the Council's statutory duty to provide the public with access to Scrutiny Reports/agendas/minutes and other such documents. Meetings of the Overview and Scrutiny/Scrutiny Panels are widely publicised, i.e.: on the Council's website, copies issues to the local media and paper copies available in the Council's One Stop Shop and local libraries.

Overview and Scrutiny is currently trialling paperless meetings. A paperless meeting is a move away from the traditional format for Councillor meetings, which usually involves the printing and distribution of a significant amount of paperwork. Instead, Overview and Scrutiny is trialling electronic and Councillors view all the documents for the meeting on their laptop or ICT device. The agenda items will be displayed upon the large screens in the meeting room.

All information relating to meetings of the Council's Committees is published in both PDF and RTF format to allow for accessibility by Councillors, Officers and the general public. Should individuals not have the provision of a personal PC they will be able to view the data on a PC located in the Council's One Stop Shop and local libraries.

The Scrutiny Panel is mindful of the eight protected characteristics when undertaking scrutiny activity so that any recommendations that it makes can identify potential positive and negative impacts on any particular sector of the community. This will be borne in mind as the Scrutiny Review progresses and evidence is gathered. The final report of the Scrutiny Panels has a standard section entitled Equality Impact Assessment and details the findings

Any potential recommendations proposed by the Scrutiny Panel may have perceived adverse and beneficial effects for all diversity groups.

How will the aims affect our duty to:

Promote equality of opportunity?

Eliminate discrimination, harassment and victimisation?

Promote good community relations?

Promote positive attitudes towards people with protected characteristics?

Encourage participation of people with protected characteristics?

Protect and promote Human Rights?

For example, think about it from the perspectives of different groups in society. Does it cause harm or a benefit to any group(s) differently to others? Will it differentially affect:

Black, Asian or other ethnic minority and/or cultural groups?

Disabled people? And their carers?

Transgender people?

Men and women?

Lesbians, gay men and/or bisexual people?

Different religious communities/groups?

People of a particular age e.g. older people or children and young people?

Any other groups?

People with flexible or agreed working patterns?

Are there any aspects, including how it is delivered, or accessed, that could contribute to inequalities? (This should relate to all areas including Human Rights.)

Please explain:

The public's lack of understanding of either the Overview and Scrutiny function or the issues under review could lead to poorly attended and little public participation in the process.

The more public participation in the Overview and Scrutiny function will increase further participation; for example, should individuals be aware that individuals and representatives from community groups are attending such meeting and notice the difference that they can make; they too could become involved.

A comprehensive Overview and Scrutiny webpage has been developed and a leaflet promoting the work of Overview and Scrutiny and detailing how members of the public can become involved in the process has been issued to the Council's One Stop Shop and the town's main libraries. This leaflet is also distributed to attendees at all Overview and Scrutiny Committee and Scrutiny Panel meetings.

So that the Scrutiny Panel obtains a variety of views, the Chair of Scrutiny Panel 3 has contacted a wide range of key witnesses, including

- Utilities – Gas, Water, Electricity and Sewerage Providers
- Assistant Director of Education Services, NCC
- Childcare providers
- Developer
- Homes and Communities Agency
- Housing Strategy Manager, NBC
- Nene Commissioning
- General Manager, Construction Futures
- Assistant Director of Highways, NCC
- Assistant Director of Environment, NCC
- Highways Agency
- Assistant Chief Constable, Northants Police
- S106 Officer, NBC

Evidence gathered from all sources will be analysed and contained within the Scrutiny Panel's final report.

The Chair of the Panel has contacted three key individuals to be co opted to the Review.

Details of the prospective co optees are contained within the scope of this Review Their key roles include:

- To bring specialist knowledge and/or skills to the Overview and Scrutiny process and/or to bring an element of external challenge by representing the public.
- To take an interest in, attend and contribute to the Panel.

Evidence gathered from the key witnesses will be analysed and contained within the Scrutiny Panel's final report. The comments of the key witnesses will be minuted and published publicly within the Council's meeting management system.

Should the Scrutiny Panel conclude the need for recommendations for change; the expected impact of these changes will be detailed within the Scrutiny Panel's final report.

The Scrutiny Panel's report, after it has been endorsed by the Overview and Scrutiny Committee will be forwarded to the Council's Cabinet for consideration; Cabinet will then become responsible for delivering the recommendations that it accepts.

Meetings of this Scrutiny Panel are held in easily access locations (wheel chair accessible), with the provision of a hearing loop and start at 6pm; so aiming to enable those with working commitments to attend. It could be found that the timing of Overview and meetings (evenings) may not be suitable to all, for example those who are required to work during the evenings.

There is a standing agenda item on all Overview and Scrutiny Committee and Scrutiny Panel meetings enabling members of the public to address the Committee/Panel. The public does not have to register their intention to speak in advance but is advised to arrive a few minutes prior to the start of the meeting and notify the Scrutiny Officer of their intention to speak. A Scrutiny Public Speaking Protocol has been produced and advice and assistance is offered and available to members of the public wishing to attend and address an Overview and Scrutiny Committee/Panel meeting.

The Council has access to an interpretative Service and therefore such documents can be supplied in formats other than English if required.

Provision has been made for members of public who have a disability, e.g. the agenda will be displayed on a large screen in the Committee room. For those who may suffer from a visual impairment, the blind have access to 'talking' documents, those whose first language is not English have access to translation services and the building in which the meetings will occur contain hearing loops and are accessible by those with severe mobility issues, such as wheel chair users.

If you have indicated there is a negative impact on any group, is that impact:

Legal?

N/A

Please explain:

The impact of the Scrutiny report cannot be assessed until, at the earliest, an outline of a report has been developed. Therefore within the Scrutiny Panel's report it could suggest that any impact on the eight protected characteristics be taken into account.

However any potential recommendations could have an effect on the community of the borough of Northampton, such as:

- All residents
- Local businesses
- Organisations
- Developers
- Utilities
- Tourists
- Councillors
- Key Partners

Intended?

No

Please explain:

The development of a Scrutiny Report regarding infrastructure requirements and Section 106 Agreements could have adverse and positive impact on the eight protected characteristics.

The Scrutiny Panel will be mindful of the eight protected characteristics when undertaking its Scrutiny Review so that any recommendations that it makes can identify potential positive and negative impacts on any particular sector of the community. The Scrutiny Panel can at the very least however, highlight in its report the need for an Equality Impact Assessment to be carried out at the appropriate time.

5 Evidence Base for Screening

List the evidence sources you have used to make this assessment (i.e. the *known evidence*) (E.g. Index of Multiple Deprivation, workforce data, population statistics, any relevant reports, customer surveys, equality monitoring data for the Service area.)

The number of public attending the Scrutiny Panel meetings is recorded.

Any feedback received from the above is taken into consideration and used to formulate recommendations to improve the Service.

Background data will provided to the Panel including:

- Purpose and scope of S106 Agreements and introduction to CIL
- Joint Core Strategy Infrastructure Schedule
- Central Area Action Plan Infrastructure Schedule
- Sources of funding for infrastructure
- Table of existing NBC S106 obligation monies and information relating to NCC and WNDC S106 monies
- Developer Obligations Supplementary Planning Document
- Future provision of skills and training programmes
- Affordable housing

Memorandum of Understanding for the Growth Management Scheme
for the A45/M1
Sports and Playing Pitch Strategy
Map: defended and undefended flood zones
Drainage Strategy (summary)
A copy of a Section 106 Agreement

Details of best practice, external to Northampton, will also be presented to the Scrutiny Panel, which will help to inform the evidence base.

Are there any significant gaps in the known evidence base? If so what are your recommendations for how and by when those gaps will be filled?

Equalities profile of public attendees/witnesses/co-optees to the Scrutiny Panel is not currently recorded.

6 Requirements of the equality duties:

(remember there's a note to remind you what they are at the end of this form and more detailed information at www.northampton.gov.uk/equality)

Will there be/has there been consultation with all interested parties?

Yes

Please explain:

The Scrutiny Panel will be consulted upon this EIA (Screening) document.

Are proposed actions necessary and proportionate to the desired outcomes?

Yes

Please explain:

The Scrutiny Panel will after completion of its evidence gathering, formulate conclusions and recommendations as appropriate, which will have the intended purpose of recommending a system of community participation and involvement with other Agencies and interested parties. Recommendations will link to SMART (Specific, Measurable, Achievable, Realistic and Time) Objectives. Should the recommendations be accepted by the Council's Cabinet, they will then be implemented and necessary actions drawn up.

Where appropriate, will there be scope for prompt, independent reviews and appeals against decisions arising from the proposed policy/practice/activity?

N/A

Please explain:

Does the proposed policy/practice/activity have the ability to be tailored to fit different individual circumstances?

Yes

Please explain:

The objective of this Scrutiny activity is:

- To identify the infrastructure requirements to Northampton and the surrounding areas
- To evaluate how the infrastructure will be delivered through Section 106 Agreements/Community Infrastructure Levy (CIL)
- To identify any funding gaps and how these will be filled
- To understand the management of S106 funding

The required outcomes are:

- An understanding of the requirements and how there are going to be delivered via developer or other funding streams

Where appropriate, can the policy/practice/activity exceed the minimum legal equality and human rights requirements, rather than merely complying with them?

Yes

Please explain:

The selection of witnesses to participate in the Review has specifically and deliberately included representatives of Groups working with and for people with protected characteristics.

Overview and Scrutiny will continue to offer facilities, such as language translation.

From the evidence you have and strategic thinking, what are the **key risks** (the harm or 'adverse impacts') **and opportunities** (benefits and opportunities to promote equality) this policy/practice/activity might present?

	Risks (Negative)	Opportunities (Positive)
Race	No impact anticipated but there is the need to ensure appropriate access to interpreting Services as necessary	
Disability	No impact anticipated – However there are no arrangements in place such as sign language interpreters at meetings	Meetings of this Scrutiny Panel are held in accessible meeting rooms, normally with the provision of a hearing loop
Gender or Gender Identity/Gender Assignment		Staff training addresses Equality and Diversity. Meetings of the Scrutiny Panel are attended by all genders.
Pregnancy and Maternity (including breastfeeding)	Initially no impact anticipated but there is the need to ensure equitable access for all attendees and Councillors at meetings of this Scrutiny Panel	
Sexual Orientation		No impact anticipated
Age (including children, youth, midlife and older people)		No impact anticipated. Meetings of this Scrutiny Panel and Neighbourhood Meetings are normally held during the evening with the aim that they are accessible to all.
Religion, Faith and Belief		No impact anticipated

Human Rights		No impact anticipated

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8 Decision

Set out the rationale for deciding whether or not to proceed to full impact assessment

Date of Decision: 6th August 2012

EITHER: We judge that a full impact assessment is not necessary since: A Scrutiny Review of Infrastructure requirements and Section 106 Agreements is currently underway, and as part of the evidence gathering process will receive comments from a wide range of stakeholders as detailed in earlier sections of this EIA (Screening). Any changes proposed as a result of the review will be impact assessed before implementation.

OR: We judge that a full impact assessment is necessary since:

Equality Duties to be taken into account in this screening include:

Prohibited Conduct under The Equality Act 2010 including:

Direct discrimination (including by association and perception e.g. carers); Indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.

Public Sector Duties (Section 149) of the Equality Act 2010 for NBC and Services provided on its behalf: (due to be effective from 4 April 2011)

NBC and Services providing public functions must in providing Services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.

Rights apply to people in terms of their "Protected Characteristics":

Age; Gender; Gender Assignment; Sexual Orientation; Disability; Race; Religion and Belief; Pregnancy; Maternity. But Marriage and Civil Partnership do not apply to the public sector duties.

Duty to "advance equality of opportunity":

The need, when reviewing, planning or providing Services/policies/practices to assess the impacts of Services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our Services and public life. **Equality Impact Assessments** remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. NBC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. NBC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.

Duty to 'foster good relations between people'

This means having due regard to the need to **tackle prejudice** (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding**.

Lawful Exceptions to general rules: can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).

National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:

to improve how Services identify and meet needs of adults with autism and their families.

Human Rights include:

Rights under the European Convention include not to be subjected to degrading **treatment**; **right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education**; **right to hold free elections by secret ballot**. The European Convention is given effect in UK law by the Human Rights Act 1998.