

### Community Impact Assessment

A Community Impact Assessment (CIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making.

#### When to assess

A CIA should be carried out when you are changing, removing or introducing a new service, policy or function. The assessment should be proportionate; a major financial decision will need to be assessed more closely than a minor policy change.

#### Public sector equality duty

The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- 1) Eliminate discrimination, harassment and victimisation;
- 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are known as the three aims of the general equality duty.

#### Protected characteristics

The Equality Act 2010 sets out nine protected characteristics that apply to the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

**We also ask you to consider other socially excluded groups**, which could include people who are geographically isolated from services, with low literacy skills or living in poverty or low incomes; this may impact on aspirations, health or other areas of their life which are not protected by the Equality Act, but should be considered when delivering services.

#### Due regard

To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential

impact, the higher the regard required by the duty. The three aims of the duty may be more relevant to some functions than others; or they may be more relevant to some protected characteristics than others.

## Collecting and using equality information

The Equalities and Human Rights Commissions (EHRC) states that 'Having due regard to the aims of the general equality duty requires public authorities to have an adequate evidence base for their decision making'. We need to make sure that we understand the potential impact of decisions on people with different protected characteristics. This will help us to reduce or remove unhelpful impacts. We need to consider this information before and as decisions are being made.

There are a number of publications and websites that may be useful in understanding the profile of users of a service, or those who may be affected.

- The Office for National Statistics Neighbourhoods website <http://www.neighbourhood.statistics.gov.uk>
- Swale <http://archive.swale.gov.uk/assets/About-us/Summary-of-Key-Data-for-Swale.pdf>
- Kent County Council Research and Intelligence Unit [http://www.kent.gov.uk/your\\_council/kent\\_facts\\_and\\_figures.aspx](http://www.kent.gov.uk/your_council/kent_facts_and_figures.aspx)
- Health and Social Care maps <http://www.kmpho.nhs.uk/health-and-social-care-maps/swale/>

At this stage you may find that you need further information and will need to undertake engagement or consultation. Identify the gaps in your knowledge and take steps to fill these.

## Case law principles

A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- The general equality duty is not a duty to achieve a result, it is a duty to have due regard to the need achieve the aims of the duty.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

Examples of case law can be found here [EHRC relevant case law](#). They include examples of why assessing the impact **before** the decision is made is so important and case law around the need to have due regard to the duty

<b>Lead officer:</b>	Gill Harris
<b>Decision maker:</b>	LDF Panel and Full Council
<b>People involved:</b>	Natalie Earl
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	<ul style="list-style-type: none"> <li>• It is a land allocation and land use policy document.</li> <li>• We are updating the Local Plan after the examination stage has concluded and the Examiner's Report has been received, with a view to now recommending the Plan for adoption as part of the statutory development plan.</li> </ul>
<b>Date of decision:</b> The date when the final decision is made. The CIA must be complete before this point and inform the final decision.	LDF Panel for information on 20 <sup>th</sup> June 2017 and Full Council on 26 <sup>th</sup> July 2017 for adoption.
<b>Summary of the decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	<p><b><i>What are the aims and objectives?</i></b></p> <ul style="list-style-type: none"> <li>• The Local Plan aims to set out the Councils spatial vision and objectives and Swale's spatial development strategy for the future development of Swale up to 2031. It makes land allocations to meet development targets and sets out a suite of development management policies for determining planning applications.</li> <li>• At this stage we have a binding report from the Planning Inspectorate which details modifications to the plan to render it sound for adoption. These have been through extensive consultation and discussion at Examination in Public led by the Inspector.</li> <li>• Once adopted, the Local Plan will help to guide the preparation of subsequent, more detailed, planning documents.</li> </ul> <p><b><i>What are the key actions and expected outcomes?</i></b></p> <p>These can be best expressed by the Local Plan Vision and Spatial Strategy:</p> <p>"It is 2031 and Swale is known by the fruits of its endeavors. We have harnessed our assets – a strategic location, diverse communities and an outstanding natural environment – and are a sustainable, flourishing place in which to enjoy life and do business with:</p> <ul style="list-style-type: none"> <li>▪ Sittingbourne transformed into an attractive, competitive and prosperous town, with a thriving center that residents across the Borough are proud to use;</li> <li>▪ Sheerness and Queenborough as beacons of coastal rejuvenation leading the way to success for all communities on the Isle of Sheppey;</li> <li>▪ Faversham a thriving market town and heritage destination that has grown organically and;</li> <li>▪ Successful rural communities across the downs, farmed plains and coast as places of innovation; nurturing enterprise, local produce and greater self-reliance." <p>Swale Borough Council will deliver an overall housing target of 10,800 dwellings and 7,053 jobs over the plan period of 2011 – 2031.</p> <p><b><i>Who will be affected?</i></b></p> </li></ul>

	<ul style="list-style-type: none"> <li>• Residents, communities and businesses of Swale</li> <li>• Potential residents and businesses</li> <li>• SBC Planning Committee</li> <li>• Landowners and developers</li> <li>• Service providers such as health, public transport, KCC education, etc.</li> </ul> <p><b><i>How many people will be affected?</i></b></p> <ul style="list-style-type: none"> <li>• Every resident of Swale (142,417 people) has the potential to be affected by the plans and policies contained within the Local Plan. Also affected will be those people who work in Swale but do not live in the borough.</li> </ul>
<p><b>Information and research:</b></p> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> <li>• Include information on how the decision will affect people with different protected characteristics.</li> </ul>	<p>The Local Plan is based on extensive evidence and research on all aspects of social, economic and environmental considerations. These have been updated in accordance with national planning policy and practice guidance as the plan process has progressed. A comprehensive list of this evidence across a wide range of topics can be found at: <a href="http://www.swale.gov.uk/examination-document-library/">http://www.swale.gov.uk/examination-document-library/</a></p> <p>Some of the latest evidence base work includes:</p> <p><b>Transport</b></p> <ol style="list-style-type: none"> <li>1. South West Sittingbourne Highways Technical Note (December 2016)</li> <li>2. NW Sittingbourne Highways Technical Note (January 2017)</li> <li>3. Statement of Common Ground Swale Borough Council, Highways England and Kent County Council Highways (12 January 2017)</li> </ol> <p><b>Housing (including Gypsy and Traveller Accommodation)</b></p> <ol style="list-style-type: none"> <li>1. Objectively Assessed Need (ANO) Advice Note (October 2016)</li> <li>2. Strategic Housing Land Availability Assessment (SHLAA) 2013/2014 (May 2015)</li> <li>3. SHLAA Addendum (2016) Monitoring update of Gypsy and Traveller land supply 2015-16 (November 2016)</li> <li>4. Statement of Housing Land Supply 2015-16 (November 2016)</li> <li>5. Addendum to Statement of Housing Land Supply 2015-16 (December 2016)</li> <li>6. Bearing Fruits 2031: Implementation and Delivery Schedule 2016-17 (June 2016)</li> </ol> <p><b>Healthy Communities</b></p> <ol style="list-style-type: none"> <li>1. Health and Social Care Maps (August 2015)</li> </ol> <p><b>Natural and Built Environment</b></p> <ol style="list-style-type: none"> <li>1. Strategic Access Management and Monitoring Strategy, Memorandum of Understanding (December 2016)</li> <li>2. Swale Heritage Asset Review (2015)</li> <li>3. Sustainability Appraisal (SA) of the Swale Borough Local Plan Post Submission SA Report 3 (South West Sittingbourne) December 2016</li> <li>4. Landscape and Visual Impact Assessment - land at South-West Sittingbourne (December 2016)</li> <li>5. Technical Paper No 2 Local Green Spaces (SBC, 2017)</li> </ol>

	<p>6. Landscape Statement in respect of SW/133 omission site (land east of Scocles Road, Minster) and Main Modifications 145/146 (land west of Barton Hill Drive, Minster) (December 2016)</p> <p>7. Sustainability Appraisal Non-Technical Summary (SA) of Bearing Fruits 2031: The Swale Borough Local Plan, Proposed Main Modifications, (June 2016)</p> <p>8. Habitats Regulation Assessment: Bearing Fruits 2031: The Swale Borough Local Plan, Proposed Main Modifications, (June 2016)</p> <p><b>South East and Kent Publications</b></p> <p>1. Kent County Council Channel Tunnel rail Link (CTRL) Domestic Services Study 2007</p> <p>2. Kent Minerals and Waste Local Plan 2013-2030 (January 2017)</p> <p>The full evidence base shows that there is a need for more housing within Swale, both affordable and market housing, and for more employment floorspace and jobs. Studies have shown where there is land available for these uses within Swale; how deliverable they are and what supporting social and physical infrastructure will be required.</p> <p>The evidence also shows what areas of Swale need to be protected for their landscape or biodiversity quality and how to integrate development into sensitive landscapes or townscapes.</p> <p>The flood risk assessment shows where there would be an unacceptable risk of flooding for both new and existing development.</p> <p>Most of the policies within the Local Plan will not affect people with different protected characteristics any more than it will affect people without protected characteristics. However, there are a number of policies which highlight the need to consider the needs of disabled members of Swale’s community such as Policy CP3 (Delivering a wide choice of high quality homes), Policy CP5 (Health and Wellbeing), Policy DM6 (Managing transport demand and impact) and Policy DM 8( Affordable Housing).</p> <p>For a full list of all of the evidence base documents please see <a href="http://www.swale.gov.uk/examination-document-library/">http://www.swale.gov.uk/examination-document-library/</a></p>
<p><b>Consultation:</b></p> <ul style="list-style-type: none"> <li>• Has there been specific consultation on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	<p>Throughout the stages of consultation on this document and earlier versions of the Local Plan, since January 2011, we have consulted with:</p> <ul style="list-style-type: none"> <li>• Residents and businesses of Swale</li> <li>• Landowners and developers</li> <li>• Service providers such as health, public transport, KCC education, etc.</li> <li>• Swale Youth Forum</li> <li>• Swale Rural Forum (Until it’s closure in 2016)</li> <li>• Town and Parish Councils</li> <li>• Neighbouring Borough, Town and Parish Councils</li> </ul>

	<ul style="list-style-type: none"> <li>• Community and interest groups</li> <li>• Swale Development Forum</li> <li>• Faversham, Sheppey and Sittingbourne Local Engagement Forums (Until their closure at end of 2015)</li> </ul> <p>Through the statutory consultation that is required through planning regulations we have used a wide variety of partners, stakeholders and Councilors to obtain information on topics and to receive feedback on draft versions of the Local Plan. A Statement of Consultation was written and last updated in November 2016 which lists all of the stages of consultation which were undertaken. It can be viewed here <a href="http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Main-Modifications-Nov-2016/Statement-of-Consultation-Submission-November-2016-FINAL.pdf">http://archive.swale.gov.uk/assets/Planning-General/Planning-Policy/Evidence-Base/Main-Modifications-Nov-2016/Statement-of-Consultation-Submission-November-2016-FINAL.pdf</a></p> <p>The Localism Act 2011 set out a duty to co-operate between adjoining Boroughs and we have held meetings with them on various topics such as housing numbers, provision for gypsy and travellers, environmental projects and employment issues.</p> <p>A Duty to Co-operate Statement was produced in April 2015 and updated in November 2015 and December 2016 to reflect any new co-operation on cross boundary matters. It can be viewed here <a href="http://www.swale.gov.uk/examination-document-library/">http://www.swale.gov.uk/examination-document-library/</a> (Documents CD11, 11a and 11b.)</p> <p>The consultation analysis did not reveal any difference in views across the protected characteristics. Differences between responses were mainly a result of where people lived and not based on any protected characteristics. Therefore, no conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics.</p>
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<b>Is the decision relevant to the aims of the equality duty?</b>	
Guidance on the aims can be found in the EHRC's <a href="#">PSED Technical Guidance</a> .	
<b>Aim</b>	<b>Yes/No</b>
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

<b>Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.</b>		
When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.		
<b>Characteristic</b>	<b>Relevance to decision</b> High/Medium/Low/None	<b>Impact of decision</b> Positive/Negative/Neutral
Age	Low	Neutral
Disability	Medium	Positive
Gender reassignment	Low	Neutral
Marriage and civil partnership	Low	Neutral
Pregnancy and maternity	Low	Neutral
Race	Low	Neutral
Religion or belief	Low	Neutral

Sex	Low	Neutral
Sexual orientation	Low	Neutral
Other socially excluded groups <sup>1</sup>	Low	Neutral

<p><b>Conclusion:</b></p> <ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty, from start to finish.</li> <li>There should be no unlawful discrimination arising from the decision (see <a href="#">PSED Technical Guidance</a>).</li> </ul> <p>Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.</p>	<p><b>Summarise this conclusion in the body of your report</b></p> <p>Due regard has been had to the equality duty from the start of the process up until now. An interim CIA was undertaken in 2013, again in 2014 and is now updated for the adoption stage of the Local Plan.</p> <p>There is no unlawful discrimination arising from this decision.</p>
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### Timing

- Having 'due regard' is a state of mind. It should be considered at the inception of any decision.
- Due regard should be considered throughout the development of the decision. Notes should be taken on how due regard to the equality duty has been considered through research, meetings, project teams, committees and consultations.
- The completion of the CIA is a way of effectively summarising the due regard shown to the equality duty throughout the development of the decision. The completed CIA must inform the final decision-making process. The decision-maker must be aware of the duty and the completed CIA.

**Full technical guidance on the public sector equality duty can be found at:**

[http://www.equalityhumanrights.com/uploaded\\_files/PSD/technical\\_guidance\\_on\\_the\\_public\\_sector\\_equality\\_duty\\_england.pdf](http://www.equalityhumanrights.com/uploaded_files/PSD/technical_guidance_on_the_public_sector_equality_duty_england.pdf)

**This Community Impact Assessment should be attached to any committee or SMT report relating to the decision. This CIA should be sent to the Website Officer (Lindsay Oldfield) once completed, so that it can be published on the website.**

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<sup>1</sup> Other socially excluded groups could include those with literacy issues, people living in poverty or on low incomes or people who are geographically isolated from services

**Action Plan**

<b>Issue</b>	<b>Action</b>	<b>Due date</b>	<b>Lead Officer</b>	<b>Manager</b>	<b>Cabinet Member</b>

Actions in this action plan will be reported to the CIA group once a quarter, so updates will be required quarterly.