

Equality Impact Assessment (EIA):

Name of Report/Proposal/Strategy:	Draft Neighbourhood Planning in Torbay – Applications for Neighbourhood Forums and Plan Areas		
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Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	Does this report relate to a key decision?	Y√	N <input type="checkbox"/>
2)	Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) 	Y√ Y√ Y√	N <input type="checkbox"/> N <input type="checkbox"/> N <input type="checkbox"/>

Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	Clearly set out the purpose of the proposal	<p>Neighbourhood plans were introduced by the Localism Act 2011. They are an important part of the Government's programme of localism: the removal of regional planning targets and empowering local communities to take an active part in shaping their local area. They have to go through several prescribed stages of adoption, including consultation, independent examination and local referendum. When adopted, neighbourhood plans will be part of the development plan, along with the local plan, with formal weight in determining planning applications.</p> <p>The Torbay Community Partnerships and Torbay Council have agreed that three Neighbourhood Plans will be prepared for Torbay, one each for Torquay, Paignton and Brixham. Neighbourhood Plans should reflect the vision of the entire community. Neighbourhood Forums will lead the development of Neighbourhood Plans.</p>
2.	Who is intended to benefit / who will be affected?	<p>Local residents; Community organisations; Elected representatives; Businesses; Landowners; and Developers.</p>
3.	What is the intended outcome?	<p>Neighbourhood Forums can use neighbourhood plans to:</p> <ul style="list-style-type: none"> • develop a shared vision for their neighbourhood; • set planning policies for the development and use of land; and • give planning permission through Neighbourhood Development Orders and Community Right to Build Orders

Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>Neighbourhood Forums was introduced under the Town And Country Planning, England - The Neighbourhood Planning (General) Regulations 2012. Part 2 of the Regulations makes provision in relation to the procedure for designating a neighbourhood area, including the content of the application and what the local planning authority must do to publicise such an application (regulations 5 and 6).</p> <p>Part 3 of the Regulations makes provision in relation to the procedure for designating an organisation or a body as a neighbourhood forum, which authorises them to act in relation to the related neighbourhood area. In particular, provision is made as to the content of an application, what the local planning authority must do to publicise an application and publicising any designation of a neighbourhood forum (regulations 8 to 12).</p>
5.	How have you consulted on the proposal?	<p>Torbay Council has received applications for neighbourhood planning areas for each of its three towns, and has advertised these applications and the Forums' constitutions between 26 July-7 September 2012. Torbay's Community Partnerships have opted for three forums with Churston being part of the Brixham Forum.</p>
6.	Outline the key findings	<p>Torbay Council received three objections to the Paignton Neighbourhood Forum: from the Town Centres and Beaches Sub Committee of the Forum, Paignton Town Centre Community Partnership and Preston Community Partnerships. These are not "in principle" objections but relate to the current operation of the Forum, which it is suggested falls short of its constitution. Specific concerns raised relate to the lack of influence from sub-groups and the lack of a separate steering group that meets separately from the main Forum. It is suggested that a vice chair who is able to take a more active role in the Forum should be appointed. Concern has also been raised that the Forum as currently operated is not aspirational enough and has limited involvement from the business sector. In particular Preston Community Partnership has asked for a greater input into the Plan. At</p>

No	Question	Details
		the time of writing this report concerns continue to be raised, by business and resident community representatives, about the operation of the Paignton Forum and content of the emerging Neighbourhood Plan.
7.	What amendments may be required as a result of the consultation?	<p>Following legal advice, it is recommended that: The Neighbourhood Plan areas of Torquay, Paignton and Brixham, and their constitutions, be approved subject to the Executive Head, Spatial Planning (in consultation with the Executive Lead for Strategic Planning Housing and Energy) being able to withdraw this approval with immediate effect in respect of any Forum in the event of any of the following applying to that Forum;</p> <ul style="list-style-type: none"> • the Forum is not able to demonstrate that they have at least 21 members who live or work in the area, or are elected councillors; • the Forum is not acting inclusively in accordance with its constitution; • any of the Community Partnerships within the Neighbourhood Plan Area of the Forum are not involved in their relevant Forum during the Neighbourhood Plan making process; • the Forum has failed to comply with a reasonable direction of the Executive Head, Spatial Planning within a reasonable period from such direction being made; <p>Paignton Neighbourhood Forum be instructed that the Council may choose not to advertise a submitted plan or put it forward for examination, if the matters referred to in paragraphs 3.9 of the Report to Council and 2.2.1 – 2.2.4 above are not addressed to the satisfaction the Executive Head, Spatial Planning in consultation with the Executive Lead for Strategic Planning Housing and Energy.</p> <p>Local Councillors should take a lead role in ensuring each Neighbourhood Forum meets the terms of its constitution, the requirements of the Localism Act and National Planning Policy Framework and meets or exceeds the requirements of the new Local Plan.</p>

Positive and Negative Equality Impacts

No	Question	Details		
8.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact	Neutral Impact
	All groups in society generally	Neighbourhood Fora provide an opportunity for local people to shape and build their communities.		
	Older or younger people			There is a need to ensure that young people's aspirations and needs are reflected in Neighbourhood Plans. Particular efforts, such as targeting consultation on colleges, schools and other media for reaching younger people will be important.
	People with caring responsibilities			Neighbourhood forums would not have a differential impact on people with caring responsibilities
	People with a disability			Neighbourhood forums would not have a differential impact on disabled people.
	Women or men			Neighbourhood forums would not have a differential impact on gender.
	People who are black or from a minority ethnic background (BME)	<i>(please note Gypsies / Roma are within this community)</i>		Neighbourhood forums would not have a differential impact on BME and Gypsies.

No	Question	Details	
	Religion or belief (including lack of belief)		Neighbourhood forums would not have a differential impact on faith groups.
	People who are lesbian, gay or bisexual		Neighbourhood forums would not have a differential impact on sexual orientations
	People who are transgendered		Neighbourhood forums would not have a differential impact on transgender.
	People who are in a marriage or civil partnership		Neighbourhood forums would not have a differential impact on people who are in a marriage or civil partnership
	Women who are pregnant / on maternity leave		Neighbourhood forums would not have a differential impact on women who are pregnant / on maternity leave.
9.	Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?	<p>Neighbourhood forums will have positive impacts on all groups in the society.</p> <p>Neighbourhood Plans are required to deliver the same level or greater level of development than identified in the Local plan.</p>	

Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	Summarise any positive impacts and how they will be realised most effectively?	Neighbourhood For a provide an opportunity for local people to shape and build their communities. With this power comes the responsibility to meet their needs for development and growth and to deal quickly and effectively with proposals that will deliver homes, jobs and facilities.
11.	Summarise any negative impacts and how these will be managed?	If neighbourhood plans do not bring forward adequate development land to meet objectively assessed needs, then the Council, through the development plan process, will need to identify sufficient sites to meet the the need for affordable housing etc.

Section 4: Course of Action

No	Action	Details
12.	State a course of action [please refer to action after section 5]	<p><i>Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes below and justify reasons for your decision - If '3' please provide full justification :</i></p> <p>Where: -</p> <p>Outcome 1: No major change required - EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.</p> <p>Outcome 2: Adjustments to remove barriers – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality. ✓</p> <p>Outcome 3: Continue with proposal - Despite having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p>Outcome 4: Stop and rethink – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified.</p>

Section 5: Monitoring and Action Plan

No	Action	Details
13.	Outline plans to monitor the actual impact of your proposals	

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	N/A				
2	Contingency to bring forward sites through development plans	Will only be necessary if Neighbourhood Plans fail to identify sufficient development to be in general conformity with the Local plan.		Executive head of spatial planning in liaison with executive lead for strategic planning, Housing and Energy.	2013
2	Safeguards outlined in Section 7 above.	If any Neighbourhood Forum has not acted inclusively in relation to the neighbourhood area or constituent community partnerships.		Executive head of spatial planning in liaison with executive lead for strategic planning, Housing and	On going

				Energy.	
3					
4					
5					