

Kent County Council
Equality Analysis / Impact Assessment (EqIA)
for decisions, policies, procedures, projects or services
Growth, Environment and Transport Directorate (GET).

- Please complete this cover sheet, including the Document Control Section, and Part 1 initially.
- Part 1 will inform your decision on whether you need to complete Part 2
- Part 2 will inform your decision on whether you need to complete Part 3

Further guidance is available [here](#)

Name of decision, policy, procedure, project or service:

Whether KCC become the enforcement authority for planning obligations on behalf of the Local Planning Authority in relation to development sites where the District is acting as both LPA, landowner and developer.

Brief description of policy, procedure, project or service

Where districts act as developer of their own land, they are in the potential position of being applicant, landowner and Local Planning Authority (LPA). These multiple roles create the dilemma where they may be required to enforce s106 planning obligations as LPA against themselves as developer.

Aims and Objectives

One option to resolve the district's potential conflict of interest is for the County Council, as the upper tier authority to become the enforcement body against the district. The attached report asks Members to:

- consider that entering into these enforcement arrangements is an appropriate role for the County Council in specific circumstances, subject to a range of conditions and when it is appropriate;
- delegate entering into and managing these arrangements to the appropriate KCC officer, Director of Economic Development.

Date Document Updated 29/05/2019

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Document Control

Revision History

Version	Date	Authors	Comment
V0.1	11/04/19	K Chantler	First draft
V0.2	12/04/19	Akua Agyepong Corporate Lead for Equality & Diversity	Comments
V0.3	17/04/19	K Chantler	Second draft
V1 (this should be assigned to the version the Director signs off)	17/04/2019	Director (Economic Development)	

Document Sign-Off (this must be both the relevant Head of Service and the relevant Director)

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment. I agree with the actions to mitigate any adverse impact(s) that has /have been identified.

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Name	Signature	Title	Date of Issue
N Smith	Nigel Smith	Head of Service	17.04.19
D Smith	David Smith	Director	17.04.19

Part 1 - Screening

Regarding the decision, policy, procedure, project or service under consideration,

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

Please note that there is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements

Protected Group	Please provide a brief commentary as to your findings			High/Medium/Low Favourable Impact
	High Negative Impact	Medium Negative Impact	Low Negative Impact	
Age			Unable to determine the impact at this stage. The key decision relates to the principle of KCC acting as enforcing authority. A detailed	Unable to determine the impact at this stage. The key decision relates to the principle of KCC acting as enforcing authority. A detailed

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			screening will be undertaken in relation to specific requests for individual sites at the relevant time.	screening will be undertaken in relation to specific requests for individual sites at the relevant time. There may be opportunity for favourable impact on a protected group/s. This will depend on the nature of the residential development and accompanying community infrastructure.
Disability			As above.	As above.
Gender			As above.	As above.
Gender identity/ Transgender			As above.	As above.
Race			As above.	As above.
Religion and Belief			As above.	As above.
Sexual Orientation			As above.	As above.
Pregnancy and			As above.	As above.

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Maternity				
Marriage and Civil Partnerships			N/A	N/A
Carer's Responsibilities			As above.	As above.

Next Steps

1. Having completed the screening, if you have identified **High and / or Medium Non Favourable (Negative) Impacts** on one or more of the Protected Groups, then move to Part 2
2. Having completed the screening, if you have identified a **Low Non Favourable (Negative) Impact** on all of the Protected Groups, then please provide the form to diversityinfo@kent.gov.uk . They will provide any comments which will need to be considered and implemented.
3. The Head of Service and Director must then approve this document
4. Once the document has been formally approved and signed please send to GETcsp@kent.gov.uk. It will then be logged and published on the KCC Intranet as well as available to external customers upon request.
5. Please note that the EqIA must be reviewed within three years or at a time of significant change to the decision, policy, procedure, project or service, whichever is sooner. If the decision, policy, procedure, project or service is closed then GETcsp@kent.gov.uk should be advised immediately.
6. If the activity will be subject to a Cabinet decision, the EqIA must be submitted to Democratic Services democratic.services@kent.gov.uk along with the relevant Cabinet report.
7. The original signed hard copy and electronic copy should be kept with your team for audit purposes.

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Part 2 - Full Equality Analysis /Impact Assessment

Brief description of policy, procedure, project or service

Context

(What we do now)

Aims and Objectives

(What we are planning to do and why?)

Protected groups

(Who will be affected by the changes?)

Information and Data used to carry out your assessment

(Please list your data source and if you have it provide a link to source. Please highlight any gaps)

Who have you involved consulted and engaged with?

(Please list stakeholders)

Analysis

(What have you found out and what does it tell you about protected groups)

Adverse Impact,

(What is the effect on the protected group? Please state mitigation in the action plan provided in Part 3, if an action is intended)

Positive Impact:

(Please highlight any positive impacts in relation to protected groups)

JUDGEMENT

Set out below the implications you have found from your assessment for the relevant Protected groups. If any negative impacts can be justified please clearly explain why. Your judgement should explicitly articulate whether you intend

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- **No major change** - no potential for discrimination and all opportunities to promote equality have been taken
- **Adjust and continue** - adjust to remove barriers or better promote equality
- **Continue the policy** - despite potential for adverse impact or missed opportunity. Set out the justifications: there is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements.
- **Stop and remove the policy** – policy shows actual or potential unlawful discrimination it must be stopped and removed or changed

Next Steps

1. Having completed Part 2, if you have identified potential for adverse impact on particular groups and **have found scope to improve the proposal**, then move to Part 3
2. Having completed Part 2, if you have identified potential for adverse impact on particular groups but **no scope to improve the proposal** (remembering that there is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements) then please provide the form to diversityinfo@kent.gov.uk who will provide any comments which require to be considered and implemented.
3. The Head of Service and Director must then sign this document off and it be finally sent to GETcsp@kent.gov.uk. It will then be logged and published on the KCC Intranet as well as available to external customers upon request.
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Part 3 - Action Plan

Document the range of options and identify the effects of each. Identify the option(s) chosen and document the reasons for this.

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Resource implications

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Have the actions been included in your business/ service plan? (If no please state how the actions will be monitored)
Yes/No

Date Document Updated 29/05/2019

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Appendix

Please include relevant data

Next Steps

1. Having completed Part 3, then please provide the form to diversityinfo@kent.gov.uk who will provide any comments which require to be considered and implemented.
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3. Please note that the EqIA will need to be repeated within three years or at a time of significant change to the decision, policy, procedure, project or service, whichever is sooner. If the decision, policy, procedure, project or service is closed then GETcsp@kent.gov.uk should be advised immediately.⁴ Please also forward a final signed electronic copy to the Equality Team by emailing diversityinfo@kent.gov.uk
4. If the activity will be subject to a Cabinet decision, the EqIA must be submitted to Democratic Services democratic.services@kent.gov.uk along with the relevant Cabinet report.
5. The original signed hard copy and electronic copy should be kept with your team for audit purposes.



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