



Community Infrastructure Levy (CIL)

## **Equalities Analysis Assessment**

May 2018

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### 1. Introduction

- 1.1 Lewisham is a diverse community made up of many different groups and individuals, therefore it is essential to try to understand the different contributions, perspectives and experience that people in our community have. We believe that the diversity of our population is one of our greatest strengths. We also recognise that not everyone's experience is equal and there are many forms of discrimination affecting people's lives. Equality of opportunity and freedom from discrimination is a fundamental right for everyone.
- 1.2 This report represents the Equalities Analysis Assessment ('EqAA') on the Council's revised Community Infrastructure Levy ('CIL'). It looks at how the objectives of the proposal might affect different groups in the community and assesses whether these effects are positive or negative. It also outlines the actions that the Council will take to ensure that equal opportunities are promoted and that no group is disproportionately discriminated against. The EqAA will be reviewed following each stage of public consultation.

### 2. Background

2.1 Public bodies such as local authorities are legally required to consider the three aims of the Public Sector Equality Duty (set out in the Equality Act 2010) and document their thinking as part of any decision-making processes. The Act sets out that public bodies must have 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment and victimisation;
- Advance equality of opportunity between people who share a protected characteristic and those who do not share that characteristic; and
- Foster good relationships between those who share a protected characteristic and those who do not share that characteristic.

2.2 The following equalities characteristics are 'protected' from unlawful discrimination in service provision under the Equality Act 2010: age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion and belief; gender; and sexual orientation.

2.3 The Human Rights Act came into effect in the United Kingdom ('UK') in October 2000. It means that people in the UK can take cases about their human rights as defined in the European convention on Human Rights to a UK court. At least 11 Articles of the European Convention on Human Rights have implications for the provision of public services and functions. This EqAA assesses whether the proposed recommendations are in line with the duties established by this Act.

2.4 Against the backdrop of the Equality Act 2010, Lewisham's Comprehensive Equalities Scheme (CES) was developed and agreed by the Mayor in 2012. The CES is the Council's overarching equalities vision statement. It specifically describes how the 'Public Sector Equality Duty' will be addressed through five overarching objectives:

- Tackling victimisation discrimination and harassment;
- Closing the gap in outcomes for citizens;
- Improving access to services;
- Improving mutual understanding and respect; and
- Improving participation and engagement.

2.5 The Department for Communities and Local Government (DCLG) undertook an Impact Assessment of the Community Infrastructure Levy ('CIL') legislation and regulations in January 2010. Part of this assessment states that:

"The Community Infrastructure Levy is unlikely to have an adverse impact on any social group. By making communities more sustainable, the Community Infrastructure Levy will facilitate economic growth and liveability and so create opportunity for all. The infrastructure and services that the Community Infrastructure Levy will provide (such as medical and community facilities and transport networks) will enhance accessibility and liveability for all sectors of society, and could help to deliver new infrastructure that serves different needs within the community, for example, by increasing mobility and accessibility. We do not anticipate the reforms to the Community Infrastructure Levy changing this assessment".

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- 2.6 This gives a clear indication that the government does not expect the implementation of CIL to cause any equalities concerns, in fact they anticipate that it will, in general, have a positive influence on a number of equalities groups.
- 2.7 The Lewisham Core Strategy (2011) sets out the vision, objectives, strategy and policies that will guide public and private sector investment to manage development and regeneration in the borough until 2026. The Core Strategy has already been through an EqAA, including public consultation and examination and has been found sound. Therefore it stands, that the growth agenda itself has been found sound in terms of its impacts upon equalities groups.
- 2.8 The Council's adopted CIL (2015) was also subject to an EqAA, which concluded that there were no major concerns regarding equalities and the overall principles of introducing a CIL charge. Minor concerns were raised over the process by which developments are made exempt from paying CIL and how the income from CIL is applied.

### 3. CIL Preliminary Draft Charging Schedule

- 3.1 CIL is a levy that local authorities can choose to charge on new development in their area, enacted through the Community Infrastructure Levy Regulations 2010 (as amended). Local authorities must spend the levy on infrastructure needed to support the development of their area, which can include a wide range of infrastructure such as schools, hospitals, roads, open space, and leisure facilities.
- 3.2 In order to charge CIL, the Council must produce a 'charging schedule' which identifies the rate (or rates) for different types of development. The process for preparing and adopting a CIL involves a number of stages as set out below:
1. Consultation on a preliminary draft charging schedule ('PDCS')
  2. Consultation on a draft charging schedule ('DCS')
  3. Submission of the draft charging schedule to an independent examiner, consultation on any post-submission modifications and examination-in-public ('EiP').
  4. Receipt of the examiner's report and adoption of CIL
- 3.3 The Council adopted its current CIL charging schedule in 2015, and is currently at the first stage of the process in terms of revising the adopted CIL.
- 3.4 The PDCS sets out the initial revised proposals for the CIL rates for consultation. The levy rate is dependent upon the size, development type and geographic location of the proposed development. A further consultation on the DCS is anticipated in late 2018 with an EiP of the revised draft charging schedule anticipated in early 2019. Adoption (subject to receiving a favourable report from the examiner) is currently anticipated in April 2019.

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### 4. Assessment

#### Introduction

- 4.1 There are two main aspects to the implementation of the revised CIL charging schedule that may have an impact on equalities, namely the CIL charging rates which apply to development and the delivery of the infrastructure funded by CIL.
- 4.2 Developers, including homeowners who wish to extend their homes by more than 100 square metres, are the main people who will be affected by the revised CIL charging schedule.
- 4.3 The revised CIL will not affect the Council's policy to require affordable housing delivery as this will continue to be delivered through Section 106 agreements. Therefore the introduction of CIL will not affect any resident's entitlement to affordable housing, including residents with any of the nine protected equalities characteristics set out below.
- 4.4 The money generated through CIL must be spent on infrastructure to support new development in the borough such as schools, hospitals, roads, open space, and leisure facilities. Improved provision of such infrastructure is generally expected to have a positive impact on all people who live, work and visit the borough. The Council will, however, need to ensure that the process for spending funds raised through CIL is fair and does not discriminate or negatively impact on any particular group or sector of the community.
- 4.5 The CIL Regulations 2010 (as amended) require that 15% of the CIL funds collected are spent on local priorities, or 25% where an area has a Neighbourhood Plan. The Council's proposal to have two charging zones may result in some areas generating more CIL receipts than others due to both the higher charge in zone 1 of the PDCS and due to the quantum of development that is likely to come forward in different areas of the borough.
- 4.6 The Council is aware of these inherent disparities of CIL and will continue to utilise other funding sources to provide infrastructure and support for all areas of the borough. It should also be noted that CIL funding is used to help deliver 'strategic infrastructure' (i.e. infrastructure that will benefit the entire borough) and therefore the infrastructure will be delivered wherever required, for the benefit of the borough as a whole.
- 4.7 The CIL Regulations provide for a number of exemptions and relief from the CIL charge. Affordable housing and developments used by charities for charitable purposes for example do not have to pay CIL. It is important that the Council ensures that exemptions and relief are applied in accordance with the CIL Regulations and that any 'exceptional circumstances relief' is decided solely on economic viability and no other reason to ensure that no group or sector of the community is disadvantaged.
- 4.8 The following section considers the potential impacts (positive and negative) of the revised CIL on the key 'protected characteristics' in the Equality Act 2010 and Human Rights, the equality information on which the analysis is based and any mitigating actions to be taken.

#### Gender

- 4.9 Gender has the meaning usually given to it and refers to whether a person is a man or a woman. A summary of data on gender is set out in the box below.

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### DATA SUMMARY FOR GENDER

- According to the 2011 Census there are 135,000 males living in Lewisham and 140,900 females.
- By 2030 it is forecast that the number of males would have surpassed that of females (158,500 men to 157,100 women).
- Based on the 2013 Mid-year Population Estimates Lewisham's males are more numerous than females between the 0-19 age groups. By contrast females are more numerous than males in the 20 – 44, 35 - 59 60 -79 and 80+ age groups.
- By 2030 the percentage of males is still expected to be greater than females in the 0-19 age group. Males are also expected to be more numerous in the 20 – 44, and 35 – 59 age group. However, females will still be more numerous in the 60-79 and 80+ age groups.

- 4.10 No specific impact relating to gender has been identified during this assessment. Adoption of the revised CIL is likely to have a positive impact on both male and female residents and service users alike, through developing and improving infrastructure within the borough. Equalities impacts are also assessed by relevant Council service areas who deliver infrastructure, therefore it is anticipated that the provision of new and improved infrastructure will take into account any effects of gender during delivery.

### Age

- 4.11 Age refers to a person belonging to a particular age or age range. As an employer and a provider of services the Council is required to ensure that it does not unlawfully discriminate against a person on account of their age. A summary of data on age is set out in the box below.

### DATA SUMMARY FOR AGE

- According to the 2011 Census some 70,100 Lewisham residents are aged between 0-19 (25% of the population), whilst some 179,800 residents are aged between 20-64 (65% of the population). By contrast there are some 26,200 older people aged 65 and over (9.5%).
- According to the 2013 Sub National Population Projections by 2021 the number of Lewisham residents aged 0-19 is expected to rise to 79,570 (25% of the population), whilst the number of people aged 20-64 is expected to reach 208,190 (65% of the population). By contrast the number of people aged 65 and older is expected to increase to 30,570 (10% of the population).
- Ward profiles suggest that a greater number of older residents (65+) live in the south of borough in areas like Downham or Grove Park; whilst younger residents (0-19) are spread throughout the borough more evenly.

- 4.12 It is likely that the revised CIL will have a positive impact on all age groups, as it will provide additional funding for infrastructure which is used by a range of age groups. Funds raised from

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CIL may also be allocated to projects and service areas which benefit particular age groups, such as, schools, youth centres, improved accessibility and facilities for older people. As a result, the CIL has the potential to positively impact upon children, young people, and older people. Equalities impacts are also assessed by relevant Council service areas who deliver infrastructure, therefore it is anticipated that the provision of new and improved infrastructure will take into account any effects of age during delivery.

### Race

- 4.13 Race refers to the equality group of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. A summary of data on race is set out in the box below.

#### **DATA SUMMARY FOR RACE**

- According to Census data from 2011, 53.6% (147, 686) of all Lewisham residents are white (White British, White Irish and White European).
- Currently people from a Black Caribbean, Black African and Black other ethnic background represent 27.2% (74,942) of the population.
- Profiles indicate that the majority of black and minority ethnic residents live in the North and Centre of the borough in wards such as Evelyn, New Cross and Rushey Green.

- 4.14 No specific impact relating to race has been identified during this assessment. Once implemented, the funding generated by CIL from new developments can be spent on a wide range of local infrastructure. As a result, CIL is likely to have a positive impact upon residents and service users from all ethnic backgrounds by providing transport infrastructure and health, education and other community facilities required in the local area. Equalities impacts are also assessed by relevant Council service areas who deliver infrastructure, therefore it is anticipated that the provision of new and improved infrastructure will take into account any effects of race during delivery.

### Disability

- 4.15 A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. 'Substantial' is more than minor or trivial e.g. it takes longer than it usually would to complete an everyday action such as getting dressed, whilst a 'long-term' condition means 12 months or more. Progressive conditions can also be classed as disabilities; these are conditions that get worse over time like HIV or cancer. It should also be noted that a number of older residents are likely to be eligible for disability-specific provision, for examples for services supporting dementia or individuals who are physically incapacitated. A summary of data on disability is set out in the box below.

#### **DATA SUMMARY FOR DISABILITY**

According to the 2011 Census:

- 7.1% (19,523) Lewisham residents indicated that their day-to-day activities were limited a lot, and 7.3% (20,212) indicated that their day-to-day activities were limited a little.

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- 5.3% (14,318) Lewisham residents indicated that they are in bad health or very bad health.
- 8.1% (22,521) Lewisham residents provide some form of unpaid care. Over 5,000 Lewisham residents provide 50+ hours of unpaid care per week.
- 160 Lewisham residents indicated that sign language was their main language.

- 4.16 People with disabilities are likely to be positively affected by the implementation of the revised CIL, as the funds raised may be allocated to particular projects which will increase the capacity and accessibility of facilities in the borough. CIL funds can be used to improve the accessibility of community buildings, the public realm and public transport and therefore is likely to have a positive impact on the lives of people with disabilities. Equalities impacts are also assessed by relevant Council service areas who deliver infrastructure, therefore it is anticipated that the provision of new and improved infrastructure will take into account any effects of disability during delivery.

### Religion and belief

- 4.17 Religion has the meaning usually given to it, but belief includes religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition. A summary of data on religion and belief is set out in the box below.

#### **DATA SUMMARY FOR RELIGION AND BELIEF**

- The most up to date information on religion or belief in Lewisham is from the Census of 2011. This revealed that nearly 64% of Lewisham residents described themselves as having a faith or religion, whilst around 27% of residents described themselves as having no faith or religion;
- Amongst those residents that described themselves as having a faith or religion some 52.8% identified their faith as Christian, whilst 6.4% described themselves as Muslim.
- Of other religions, Hindus represent 2.4% of the population, whilst Buddhists represent just over 1.3% of the population.

- 4.18 No specific impact relating to religion and belief has been identified during this assessment. Once implemented, the funding generated by CIL from new developments can be spent on a wide range of local infrastructure. As a result, CIL is likely to have a positive impact upon residents and service users regardless of religion or belief by providing transport infrastructure and health, education and other community facilities required in the local area. Equalities impacts are also assessed by relevant Council service areas who deliver infrastructure, therefore it is anticipated that the provision of new and improved infrastructure will take into account any effects of religion and belief during delivery.

### Sexual orientation

- 4.19 Sexual orientation is defined as whether a person's sexual attraction is towards the opposite sex, their own sex or to both sexes. A summary of data on sexual orientation is set out in the box below.

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### DATA SUMMARY FOR SEXUAL ORIENTATION

- There are no accurate statistics available regarding the profile of the lesbian, gay, bisexual and transgender (LGBT) population either in Lewisham, London or Britain as a whole.
- The Greater London Authority based its Sexual Orientation Equality Scheme on an estimate that the lesbian and gay population comprises roughly 10% of the total population.
- At the 2011 census 2% of over 16 year olds were cohabiting with someone of the same sex or were in a civil partnership, this is higher than both the England and London averages (0.9 % and 1.4% respectively).
- In the 2015 Annual Resident Survey, a question on sexual orientation found that 3% of respondents identified as lesbian or gay.

- 4.20 No specific impact relating to sexual orientation has been identified during this assessment. Once implemented, the funding generated by CIL from new developments can be spent on a wide range of local infrastructure. As a result, CIL is likely to have a positive impact upon residents and service users regardless of sexual orientation by providing transport infrastructure and health, education and other community facilities required in the local area. Equalities impacts are also assessed by relevant Council service areas who deliver infrastructure, therefore it is anticipated that the provision of new and improved infrastructure will take into account any effects of sexual orientation during delivery.

### Gender re-assignment

- 4.21 Gender re-assignment describes the process of transitioning from one gender to another. For individuals within this group, the Act provides protection for trans-sexual people from discrimination and harassment in various areas, such as work or the provision of goods and services. A summary of data on gender reassignment is set out in the box below.

### DATA SUMMARY FOR GENDER RE-ASSIGNMENT

- In 2006-07 Lewisham Council commissioned a research study of the LGBT populations who lived, worked, studied or socialised in the borough;
- Of the 316 respondents, seven identified as trans people, which was insufficient to draw quantitative conclusions.
- According to the NHS Secondary User Service Admitted Patients database, there were four admissions to NHS hospitals in 2011-12 of four different individuals resident in Lewisham and having a primary diagnostic code beginning F64 (trans-sexualism or gender identify disorder). Only one of these was for a full (male to female) gender reassignment. None of the admissions were to Lewisham Hospital.
- In October 2014 the Trans and Gender Non-Conforming Swimming Group (TAGS) set up a weekly private swimming session – 20 regular swimmers have attended a week, although some may have travelled from other boroughs to Lewisham.

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- 4.22 It is considered that CIL will benefit all types of people. No specific impact relating to gender reassignment has been identified during this assessment. Once implemented, the funding generated by CIL from new developments can be spent on a wide range of local infrastructure. As a result, CIL is likely to have a positive impact upon all residents and service users, by providing transport infrastructure and health, education and other community facilities required in the local area. Equalities impacts are also assessed by relevant Council service areas who deliver infrastructure, therefore it is anticipated that the provision of new and improved infrastructure will take into account any effects of gender reassignment during delivery.

### Marriage and Civil Partnerships

- 4.23 The Equality Act protects against unlawful discrimination if you are legally married or in a civil partnership. A summary of data on marriage and civil partnership is set out in the box below.

#### **DATA SUMMARY MARRIAGE AND CIVIL PARTNERSHIPS**

- In 2011 about half of Lewisham residents over 16 have never been married or in a civil partnership. This is higher than England as a whole.
- A third of over 16s in Lewisham are currently married or in a civil partnership (0.5% in civil partnership)
- 17% of residents (aged 16 and over) have been married or in a civil partnership but are now separated, divorced or widowed.

- 4.24 No specific impact relating to marriage and civil partnerships has been identified during this assessment. Once implemented, the funding generated by CIL from new developments can be spent on a wide range of local infrastructure. As a result, CIL is likely to have a positive impact upon residents and service users regardless of marital or civil partnership status by providing transport infrastructure and health, education and other community facilities required in the local area. Equalities impacts are also assessed by relevant Council service areas who deliver infrastructure, therefore it is anticipated that the provision of new and improved infrastructure will take into account any effects of marriage and civil partnerships during delivery.

### Pregnancy and maternity

- 4.25 Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding. A summary of data on pregnancy and maternity is set out in the box below.

#### **DATA SUMMARY FOR PREGNANCY AND MATERNITY**

- for 2013 there were about 4,827 new babies recorded in official statistics as Lewisham residents; the General Fertility Rate is notably higher in Lewisham, at 68.1 live births per 1,000 women aged 15 – 54, than in England at 62.4 in 2013.

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- Lewisham has an underlying population growth arising from its excess of births over deaths. In a typical year, there are more births (approximately 4,500-5200) than deaths (approximately 1,500-1,800) in Lewisham residents.

- 4.26 It is considered that CIL is likely to have a positive effect on women who are pregnant or on maternity leave through additional investment in healthcare facilities, early year's facilities and accessibility improvements to community facilities, the public realm and transport infrastructure. Equalities impacts are also assessed by relevant Council service areas who deliver infrastructure, therefore it is anticipated that the provision of new and improved infrastructure will take into account any effects of pregnancy and maternity during delivery.

### Human Rights

- 4.27 There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are 'The right to life', 'Freedom from torture', 'Inhuman and degrading treatment', 'Freedom from forced labour', 'Right to Liberty', 'Fair trial', 'Retrospective penalties', 'Privacy', 'Freedom of conscience', 'Freedom of expression', 'Freedom of assembly', 'Marriage and family', 'Freedom from discrimination' and the 'First Protocol'.
- 4.28 The adoption of a CIL will have no impacts on the Articles that are set out in the Human Rights Act. This view is supported by the Impact Assessment carried out by the Department of Communities and Local Government in relation to the introduction of CIL.

### 5. Conclusions

- 5.1 The revised CIL is generally expected to have a positive impact on the built environment, the local economy and people's quality of life across the borough by improving a range of infrastructure and enabling the delivery of new residential and employment development and other facilities. While the actual process of collecting CIL is unlikely to have significant implications for the equality groups identified above, the allocation of the collected funds to community infrastructure projects is likely to effect a range of people.
- 5.2 No significant concerns regarding equalities and the overall principles of introducing a revised CIL rate were identified during the analysis, however, three minor concerns were identified.
- 5.3 Of minor concern is the process by which developments are made exempt from paying CIL. The Council needs to ensure that any exemptions and relief are applied in accordance with the CIL Regulations and that any 'exceptional circumstances relief' is decided solely on economic viability and no other reason to ensure that no group or sector of the community is disadvantaged.
- 5.4 A further minor concern is how the income from CIL is spent. The money generated through CIL must be spent on infrastructure to support new development in the borough such as schools, hospitals, roads, open space, and leisure facilities. Improved provision of such infrastructure is generally expected to have a positive impact on all people who live, work and visit the borough. The Council will, however, need to ensure that the process for spending funds raised through CIL is fair and does not discriminate or negatively impact on any particular group or sector of the community. Equalities impacts are also assessed by relevant Council service areas who deliver infrastructure, therefore it is anticipated that the provision of new and improved infrastructure will take into account any equalities impacts during delivery.
- 5.5 The final minor concern identified is that the CIL Regulations 2010 (as amended) require that 15% of the CIL funds collected are spent on local priorities, or 25% where an area has a Neighbourhood Plan. The Council's proposal to have two charging zones may result in some areas generating more CIL receipts than others due to both the higher charge in zone 1 of the PDCS and due to the quantum of development that is likely to come forward in different areas of the borough. The Council is aware of these inherent disparities of CIL and will continue to utilise other funding sources to provide infrastructure and support for all areas of the borough. It should also be noted that CIL funding is used to help deliver 'strategic infrastructure' (i.e. infrastructure that will benefit the entire borough) and therefore the infrastructure will be delivered wherever required, for the benefit of the borough as a whole.
- 5.6 Ultimately, CIL is a mechanism intended to raise money to fund infrastructure that will contribute to sustainable development in the borough. In this sense, the adoption of the revised CIL should have an overall positive impact on the various equalities groups.
- 5.7 The revised charging schedule will be subject to two rounds of public consultation. The Council will take account of any representations received on the CIL Preliminary Draft Charging Schedule and Draft Charging Schedule.

## 6. Monitoring

	<b>Issues Identified</b>	<b>Action Required</b>	<b>Timescale</b>
1.	The revised CIL has not yet been adopted and is still to undergo two rounds of public consultation and an EiP. There may be some alterations necessary to the revised CIL before it is adopted.	This EqAA will be reviewed and updated where necessary in response to any relevant issues raised during consultation or the EiP.	After consultation on the PDCS and DCS and subsequent EiP.
2.	It will be important to review the impact of the revised CIL on equalities issues once it is adopted.	Consider and review the impact of the revised CIL once it has been adopted.	Post-adoption of the revised CIL