

Equality Impact Assessment (EIA) Template – Part 1

This Impact Assessment reflects the current policy position which is subject to consultation and will be updated following consultation.

Policy title and purpose (brief outline):	The Strategic Planning (Composition of Panels and Qualifying Expenditure) (Wales) Regulations 2016
Name of official:	Gemma Christian
Department:	Department for Natural Resources
Date:	8 December 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

Overview of the Regulations

The Planning (Wales) Act 2015 amends Part 6 of the Planning and Compulsory Purchase Act 2004 and introduces Strategic Development Plans (SDPs) which are to be produced by a Strategic Planning Panel (Panel). A Panel is to be a public body and only has one function – plan making. It will have corporate body status and will be formed of both local planning authority members and nominated members from social, economic and environmental groups. Only the local planning authority members will have voting rights.

Strategic Development Plans

An SDP is a development plan for a Strategic Planning area and will deal with issues including housing, employment, transport, infrastructure, minerals and waste which cut across a number of local planning authorities. Addressing these issues in the SDP will ensure that they are planned for in an integrated and consistent way. These are issues which local authorities have found difficult to address at the local level when preparing LDPs. Housing provision for LDPs will be set at this level and may include the identification of strategic allocations for uses over certain thresholds.

Strategic Planning Panels

The Panel is a plan making body only and does not make decisions on planning applications. The Panel will be required to make decisions on governance arrangements of the Panel such as nominating members, agreeing standing orders, finance, appointment of technical staff etc. The Panel will also be required to make decisions on the production of the SDP including whether an SDP is ready for independent examination. The Panel does not require agreement from the constituent LPAs.

Policy Objective of the proposals

The proposals reflect our policy commitment to increase female representation of local planning authority members on Panels. The proposals also outlines what should constitute qualifying expenditure for the purposes of the financial arrangements relating to a Panel.

The main proposals are:

Composition of Strategic Planning Panels

- A requirement to increase female representation by setting a minimum 40% female and 40% male local authority members; The remaining 20% means that the composition of each SPP can reflect local circumstances.
- A requirement for local authorities to work together to achieve this composition requirement and to keep this under review;
- A requirement for the Panel to report to the Welsh Ministers about compliance with the composition requirement the composition requirements are not being met. This report is to be published;
- An intervention power to enable the Welsh Ministers to issue a direction to any of the local planning authorities if they are not complying with composition requirements;
- The suspension of voting rights of the members of the non compliant LPA if the composition requirement are not met; and
- A power to ensure that anything done by the Panel remains valid.

Separate establishment regulations for each Panel will set the number of local authority members for each constituent authority. It is then for each local authority to appoint the member(s). The eligible members within a local authority are those who represent an electoral ward in the Panel

area and any elected mayor, elected executive member and in the case of National Park Authorities any member of that authority or joint board.

Financial Matters

- A definition of qualifying expenditure, including what is to be funded by the constituent local authorities and what is not to be included. Provision to the effect that eligible activities may be funded by constituent LPA payments as long as they are justified as necessary for the functions of the Panel.

The Strategic Planning Panels are to be funded by the constituent local planning authorities; the work relating to SDPs gives rise to a redistribution of the LDP work and consequently there should be no additional costs. There are opportunities for savings through this work for local planning authorities. Therefore this assessment focuses on the composition elements of the proposals and not the financial matters.

Intended Effect

The intended effect of the proposals is to increase female representation on Panels made up of local authority members. This is to ensure the Panel reflects the community it serves as a result of increasing diversity in membership. The definition of qualifying expenditure will provide clarity as to what is to be funded by the constituent local planning authorities and provide flexibility to enable any changes in the future to be incorporated.

Policy/ Legislation Review

The proposals will be evaluated through the delivery of Panels; how they meet the composition duty will be monitored through the report mechanism and feedback from the Panels regarding the financial matters.

Timeframe

Following the analysis of this consultation we will consider bringing forward regulations with a view to bringing them into force spring 2016.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

The consultation paper – Proposals relating to Strategic Planning Panel Regulations; composition and financial matters were consulted upon alongside a draft Equalities Impact Assessment for 12 weeks. The consultation was targeted at a range of stakeholders including people with protected characteristics and those groups that represent protected groups.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The evidence base in relation to the proposals to introduce Strategic Planning gender compositions includes:

- Local Government Association; National Census of Local Authority Councillors 2013 – England
- National Census of Local Authority Councillors 2004 Wales – an overview
- Local Government Candidates Survey 2012
- Who runs Wales? International Women’s Day 2012 update, the journey towards gender equality. Equality and Human Rights Commission.
- Who runs Wales? 2014 A lost decade – no change. Equality and Human Rights Commission
- Presiding Officer Joint Statement, 2014
- Written statement by the Welsh Government December 2014; Lesley Griffiths, Minister for Communities and Tackling Poverty
- Sports Wales Public appointments Case Study December 2012
- Sports Wales Public appointments Case Study Update April 2015

- Annual survey of ministerial appointment and reappointments to the boards of public bodies regulated by the commissioner for public appointments 2013-14
- The Commissioner for Public Appointment Annual Report 2012-13
- Women on board quality through diversity, Scottish Government consultation on the introduction of gender quotas on public boards. 2014
- Overcoming Barriers to equality and diversity representation on public, private and third sector boards in Scotland. Employment research institute, Edinburgh Napier University 2014
- National council of voluntary organisations – transparency framework. Comply or explain process
- On Balance: diversifying democracy in local government in Wales:
- Report of the expert group on diversity in local government 2014
- Are we being served? The report of the Councillor Commission Expert Panel Wales.
- Welsh power report – women in public life. March 2013 electoral reform society Cymru.
- Reference - Spotlight on Wales – Women and local government
- http://ec.europa.eu/justice/newsroom/gender-equality/news/121114_en.htm
- FTSE 100 firms current voluntary target 25% FTSE 350 firms will have a new voluntary target 33% women members by 2020
- RTPI paper - <http://www.rtpi.org.uk/briefing-room/rtpi-blog/making-it-happen-celebratinginternational-day/>
- UK Parliament report into women in public life, the professionals and the boardroom
- Daily Telegraph news report:
<http://www.telegraph.co.uk/finance/newsbysector/banksandfinance/11341816/Proof-that-women-in-boardrooms-quotas-work.html>

- Government research into women on boards, 2011:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31480/11-745-women-on-boards.pdf
- <http://www.wecf.eu/download/2014/July/WECFAarhusPositionpaper-Gender.pdf>
- [Various Welsh local planning authority information was submitted e.g. number of female councillors on planning committees etc.](#)

A desk based study has been undertaken to establish current practices within public bodies and increasing female representation. This has included an assessment of National, European and International examples.

There is no known equivalent of Strategic Planning Panels in Wales and therefore the make-up of members is currently unknown. However historically it is recognised that there has been difficulty in achieving gender balance in local government. The consultation paper outlined the evidence base and requested further information from stakeholders.

Impact

Please complete the next section to show how this policy / decision / practice could have an impact (positive or negative) on the protected groups under the Equality Act 2010 (refer to the EIA guidance document for more information).

Lack of evidence is not a reason for *not* progressing to carrying out an EIA. Please highlight any gaps in evidence that you have identified and explain how/if you intend to fill these gaps.

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people <i>(Children and young people, up to 18)</i>			X	The policy for a gender composition on Panels will apply only to Councillors in Local Authorities. The Panels composition will have no impact on different age groups although achieving a more diverse membership will mean the panel better serves the community it represents.
People 18-50			X	
Older people (50+)			X	

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment			X	The policy for a gender composition on Panels will apply only to Councillors in Local Authorities. Those Councillors may have a Disability but each Panel will follow their respective local authorities recruitment and access to work policies.
Hearing impairment			X	
Physically disabled			X	
Learning disability			X	
Mental health problem			X	
Other impairments issues			X	

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male	X			This policy sets a minimum percentage of 40% female and 40% male local authority members providing flexibility in delivery of the policy but ensuring equal impact on both men and women. The remaining 20% means that the composition of each Panel can reflect
Female	X			

				<p>local circumstances.</p> <p>It is anticipated that this policy will have a positive impact on gender and transgender protected groups as it looks to increase the amount of female representation on Panels. The policy approach taken to deliver this is to set a minimum percentage requirement for both men and women on Panels which would be consistent across all Panels and provide flexibility in delivery.</p>
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4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
	X			<p>This policy sets a minimum percentage of 40% female and 40% male local authority members providing flexibility in delivery of the policy but ensuring equal impact on both men and women.</p> <p>Additionally the 20% flexibility on the composition of the</p>

				Panel means that Transgender people will be able to transition whilst retaining their role on the panel.
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4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			X	The policy for a gender composition on Panels will apply only to Councillors in Local Authorities. The appointment process used by the Panel will be unaffected by the applicants relationship status.
Civil Partnership			X	

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy			X	The policy for a gender composition on Panels will apply only to Councillors in Local Authorities. The appointment process used by the Panel will be unaffected by a woman's pregnancy or maternity status.
Maternity (the period after birth)			X	

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,			X	The policy for a gender composition on Panels will apply only to Councillors in Local Authorities. Those Councillors may be part of a minority race but each Panel will follow their respective local authorities' recruitment policies.
National Origin (e.g. Welsh, English)			X	
Asylum Seeker and Refugees			X	
Gypsies and			X	

Travellers				
Migrants			X	
Others			X	

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)			X	The policy for a gender composition on Panels will apply only to Councillors in Local Authorities. The appointment process used by the Panel will be unaffected by their religion, beliefs or lack of belief.
Belief e.g. Humanists			X	
Non-belief			X	

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			X	The policy for a gender composition on Panels will apply only to Councillors in Local Authorities. Those Councillors may be LGB but each Panel will follow their respective local authorities' recruitment policies.
Lesbians			X	
Bi-sexual			X	

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Human Rights including Human Rights Act and UN Conventions	X			This policy looks to increase the amount of female representation on Panel and does this through setting a minimum percentage of 40% female local authority members and a requirement for a minimum of 40% male local

				authority members. This approach promotes gender equality whilst ensuring fairness.
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4. 11 Do you think this policy will have a socio-economic impact, especially when decisions are contributing to tackling poverty or could adversely impact on lower-socio economic groups?

Socio-economic impacts	Positive	Negative	None	Reason for your decision (including evidence) / How might it impact?
			X	There will be no impacts on lower-socio economic groups from having a gender composition requirement in Panels.

4.12 Do you think that this policy will have any positive or negative impact on Sustainable Development?

Sustainable Development	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			X	Whilst the composition of the panels won't have any impact on Sustainable Development, as a public body the Panels will be subject to the goals in the Wellbeing of Future Generations Act.

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4.13 Do you think that this policy will have any positive or negative impact on the Welsh Language?

Welsh Language	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			X	Whilst the composition of the panels won't have any impact on the Welsh Language, the panels will still be expected to appoint using their respective appropriate Welsh Language policies.

If you have identified any impacts (other than negligible ones), positive or negative, on any group with protected characteristics, please complete Part 2.

Only if there are no or negligible positive or negative impacts should you go straight to part 2 and sign off the EIA.



Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

The proposals regarding composition of Panels would promote female representation on Panels and does this in a manner that ensures men and women are treated equally.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

The proposals provides for a minimum threshold of 40% for both men and women therefore it treats men and women equally and does not disadvantage one group over another. All members appointed with other protected characteristics will be appointed fairly using appropriate local authority appointment policies that would prevent unlawful discrimination.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

The proposals promote female representation of local authority members on boards. Through the delivery of this policy the Panel(s) would reflect the communities they serve bringing different perspective to decision making.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

It is considered that there are no negative effects on any of the protected groups from this policy.

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

N/A

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

It is proposed that the Panels will be required to produce a report and submit this to the Welsh Ministers if the duty is not being met at any time and give reasons for this.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

Equality Impact Assessment – Part 3

Action Plan

Where impacts are identified, how are you going to mitigate against the impact and how are the actions going to be monitored.

What is the action to mitigate the impact?	Action owner	Target date	Achievement	Comments
No mitigation actions are required.				

4. Declaration

The policy does have a significant impact upon equality issues

Official completing the EIA
Name: Gemma Christian
Department: Department for Natural Resources
Date: 8 December 2015
Signature:
Head of Division (Sign-off)
Name: Neil Hemington
Job title and department: Head of Planning, Planning Directorate, Department for Natural Resources
Date: 8 December 2015
Signature:
Review Date: July 2016