

INTEGRATED IMPACT ASSESSMENT COVERING

- **EQUALITIES & SOCIO ECONOMIC DUTIES**
- **HUMAN RIGHTS AND RIGHTS OF THE CHILD**

| DATE | UPDATES/EXECUTIVE SUMMARY | VERSION DETAILS <i>Admin Use Only</i> |
|------------|--|--|
| 07/02/2024 | Stage 1 IIA updated for SFC 28/02/2024 – Sections as follows: Reasoning, Stage 2 question 4 and Human Rights | 16.0 07/02/2024 JG |
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STAGE 1 - DO I NEED AN INTEGRATED IMPACT ASSESSMENT?

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| Name of policy or proposal: <ul style="list-style-type: none"> • Option 1 – Remove 0.4 Planning Officer post • Option 2 – Remove Enforcement Officer Post • Option 2 (a) Reduce to Part Time Enforcement Officer • Option 3- Remove Planning Officer Post (Part time) | |
| Is this a | Mark X below |
| New activity, programme or policy? | |
| Change to an existing activity, programme or policy? | |
| Budget proposal? | x |
| | |

| Duties: tick the boxes you think apply | No | Maybe | Yes |
|--|----|-------|-----|
| Equalities: Will your proposal have an impact on groups with protected characteristics? It is a universal service, reduction in the service will not have a greater impact on any particular group or sector of society. <i>Consider the impact of your proposal on people and how they access your services and information without barriers.</i> | x | | |

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|--|----------|----------|--|
| <p>Socio-economic</p> <p><i>Not every person/family has access to regular income or savings. Will your proposal have an adverse impact on them</i></p> <p>It is a universal service, reduction in the service will not have a greater impact on any particular group or sector of society.</p> | <p>X</p> | | |
| <p>Does your proposal impact on the human rights of people? Planning enforcement has to account for human rights, however lack of enforcement does not necessarily mean the Council is impacting on human rights.</p> | | <p>X</p> | |
| <p>Does your proposal impact on the rights of children and young people</p> | <p>X</p> | | |

Reasoning
Briefly describe your reasoning for the responses given above:

It is a universal service, reduction in the service will not have a greater impact on any particular group or sector of society.

Planning enforcement has to account for human rights.

The right to protection of property requires enforcement of planning law in many cases. A non existent or poor service could impact on an individuals right.

It also impacts on people’s right to a fair trial (art 6). This right includes the right to have a decision within a reasonable time and without undue delay.

If you have answered “maybe” or “yes” to any of the Stage 1 questions above then proceed to complete the Stage 2 Integrated Impact Assessment questions below.

If you have answered “no” to the Stage 1 questions above then provide the details below and submit to [email]

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| Lead Officer for developing the contract | |
| Other people involved in the screening (this may be council staff, partners or others i.e. contractor or community) | |
| Date | |

STAGE 1

STAGE 2: INTEGRATED IMPACT ASSESSMENT

Brief description of the affected service

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| <p>1. Describe what the service does:</p> <p>Determination of planning application and enforcement of planning legislation.</p> |
| <p>2. Who are your main stakeholders?</p> <p>Public, developers, agents, legal, Scottish government.</p> |
| <p>3. What changes as a result of the proposals? Is the service reduced or removed?</p> <p>Service reduced</p> |
| <p>4. How will this affect your customers?</p> <ul style="list-style-type: none">• Option 2 – Remove Enforcement Officer Post<p>We currently deal with 350 cases a year many are from members passed on from their local constituents. These enquiries will have to be answered to maintain the integrity of the planning system.</p><p>Mitigation Triage enforcement cases to prioritise Stop investigating enforcement related to Household development except where it impacts safety Remaining Cases shared amongst 2 Principle Officers and Senior Planners.</p><p>Impact Significant workload pressure on senior staff potential breach of the Health and Safety at work Act in terms of work related stress Delays in processing planning applications Potential loss of Retrospective fee income estimated £20k Planning performance will decline</p><p>Option 2 (a) As above but impacts lessened (loss of income £10k giving a net £18k saving compared with £36k in Option 1</p>• Option 3- Remove Part Time Planning Officer Post<p>We cannot stop applications coming in, these are pressured jobs and increase workloads and delays will make them worse and increase complaints and appeals for non-determination which in themselves create further work.</p><p>Mitigation Stop discretionary work with resulting loss of income £46k</p> |

New legislation April 2024 may reduce workload with increased permitted development.

Impact

- Significant workload pressure on remaining planning staff potential breach of the Health and Safety at work Act in terms of work related stress
- Delays in processing planning applications
- Stop discretionary work for preliminary enquiries and informal determinations
- loss of discretionary fee income estimated £46k
- Customer complaints and enquires will increase
- Planning performance will decline
- Increased number of appeals
- Lower quality of development/more refusals
- Potential breach of human rights

5. Impact on staff providing the service
increase in workloads

6. Please indicate if these apply to any of the protected characteristics

| Protected groups | Potential impacts and considerations |
|--|--------------------------------------|
| Race | N/A |
| Disability | N/A |
| Carers (for elderly, disabled or minors) | N/A |
| Sex | N/A |
| Pregnancy and maternity (including breastfeeding) | N/A |
| Sexual orientation | N/A |
| Age (include children, young people, midlife and older people) | N/A |
| Religion, and or belief | N/A |
| Gender reassignment | N/A |
| Inequalities arising from socio-economic differences | N/A |

Human rights

| List of convention rights | Describe, where applicable, if and how specific rights are engaged |
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| Article 5: Right to liberty and security | |
| Article 6: Right to a fair trial | |

| List of convention rights | Describe, where applicable, if and how specific rights are engaged |
|---|---|
| Article 8: Right to respect for private and family life, correspondence and the home | |
| <i>Article 10: Freedom of expression</i> | |
| <i>Article 11: Freedom of assembly and association</i> | |
| <i>Article 12: Right to marry</i> | |
| <i>Article 14: Prohibition of discrimination (in relation to the convention rights)</i> | |
| <i>Article 1 of Protocol 1: Protection of property</i> | Enforcement and application of planning policies provides protection for the rights people expect in relation to property. Enforcement of planning is an important aspect of securing that right. Undue delays or absence of enforcement would breach peoples human rights in relation to this expectation. It also impacts on people’s right to a fair trial (art 6). This right includes the right to have a decision within a reasonable time and without undue delay. |
| <i>Article 2 of Protocol 1: Right to education</i> | |
| <i>Article 3 of Protocol 1: Right to free elections by secret ballot</i> | |

Children’s Rights and Wellbeing

| Relevant articles – UNCRC | |
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| Article 2 – Non discrimination | |
| Article 12 – Respect of the views of the child | |
| Article 3.1 – Best interest of the child | |
| Article 6.2 – Right to survival and development | |
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7. Evidence. What information have you used to make your assessment? *(add dates for updates/additional information)*

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|--|---|
| Performance data | We currently deal with 350 cases a year many are from members passed on from their local constituents. These enquiries will have to be answered to maintain the integrity of the planning system. |
| Internal consultation | Development Management and Building Standards Service Manager |
| Consultation with affected groups | None, would need wide public engagement, often those impacted only take an interest in planning when they are directly impacted by a development so consultation would not necessarily identify the level of risk associated with the change. |
| Local statistics | |
| National statistics | |
| Other | |

8. Evidence gaps *(add dates for updates/additional information)*

Do you need additional information in order to complete the information in the previous questions?
No

9. Mitigating action

Can the impact of the proposed policy/activity be mitigated? Please explain

Triage enforcement cases to prioritise
Stop investigating enforcement related to Household development except where it impacts safety
Remaining Cases shared amongst 2 Principle Officers and Senior Planners.

10. Justification *(add dates for updates/additional information)*

If nothing can be done to reduce the negative impact(s) but the proposed policy/activity must go ahead, what justification is there to continue with the change?
The proposal must be judged against other proposals that may have similar or greater impacts together with options around increase in Council Tax which in itself has an impact on inequalities.

SECTION 3 CONCLUDING THE IIA

Concluding the IIA

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|--|---|
| 1. No potential negative impacts on any of the protected groups were found. | |
| 2. Some potential negative impacts have been identified. The impacts relate to: | |
| Reducing discrimination, harassment, victimisation or other conduct prohibited under the Equality Act 2010 | |
| Promoting equality of opportunity | |
| Fostering good relations | |
| 3. The proposals interfere with human rights and/or the rights of the child | |
| 4. Negative impacts can be mitigated the proposals as outlined in question 8 | x |
| 5. The negative impacts cannot be fully mitigated but are justified as outlined in question 9. | |
| 6. Further consultation with affected groups is needed. | |
| 7. It is advised not to go ahead with the proposals. | |

Decision (*add dates for updates/additional information*)

Set out the rationale for deciding whether or not to proceed with the proposed actions:

This is a matter for Committee. The proposal must be judged against other proposals that may have similar or greater impacts together with options around increase in Council Tax which in itself has an impact on inequalities.

Date of Decision:

Sign off and authorisation:

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|---|-----------------------------|
| Service | |
| Department | |
| Policy/activity subject to IIA | |
| We have completed the integrated impact assessment for this policy/activity. | Name: Position: Date: |
| Authorisation by head of service | Name: Position: Date: |
| Permission to publish on website - | |
| Please return this form to the Equal Opportunities Officer, Chief Executive's Office. | |

STAGE 1