

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: City Development	Service area: Forward Planning and Implementation
Lead person: Lora Hughes	Contact number: 50714

1. Title: The Leeds Community Infrastructure Levy – Spending of the Neighbourhood Fund, and Other Spending Matters

Is this a:

Strategy / Policy **Service / Function** **Other**

If other, please specify

2. Please provide a brief description of what you are screening

The Council adopted the Community Infrastructure Levy (CIL) Charging Schedule on 12th November 2014, and charging commenced on the 6th April 2015.

This Screening Report assesses the recommendations on guidelines for spending of the CIL neighbourhood fund, and particularly the guidance to be adopted by Community Committees as the delegated authority to make those decisions. It is also intended that town and parish councils may voluntarily sign up to make spending decisions in accordance with this guidance.

Specifically, the report to Executive Board recommends the following:

- The content of the CIL neighbourhood fund spending guidance.
- That the CIL neighbourhood fund spending guidance is adopted by all Community Committees in making decisions on CIL spending.
- To continue to work closely with town and parish councils and other community

groups, with the aim of shared infrastructure planning and maximising use of CIL resources.

iv) To note the other issues and points made by attendees at the workshops which relate to the CIL and neighbourhood planning.

The Screening also assesses other minor points relating to the CIL which are proposed to Executive Board:

v) To agree the minor changes to the Regulation 123 List.

vi) To agree to remove the Council's policy allowing discretionary charitable relief for investment activities.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	X	
Have there been or likely to be any public concerns about the policy or proposal?	X	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	X	
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 	X	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?**

(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

- 1.1 In developing the Community Infrastructure Levy (CIL) charge setting process, previous screening reports have already considered equality to ensure that there is equal and fair consultation throughout the charge setting process, and equality for those who will have to pay the charge. Executive Board in February 2015 also determined the broad principles for spending of the CIL, which was accompanied by an EIA Screening Report. The conclusions of that screening were that there are no equality impacts that have not been given due regard or which are not planned to be mitigated through future work. A key element of the recommendations to Executive Board were concerned with ensuring that the governance structure for allocating CIL will be transparent and ensure that the allocation of funds to projects is undertaken in a fair and consistent manner. Crucially, this will include considerations of equality and cohesion within those decisions. Overall the CIL will be a benefit for the people of the District. It was anticipated that much of the agreed spending would be locality based, reflecting Members' views on priorities at the time, and in turn reflecting views of their local communities. This was expected to reflect where significant development had taken place or was on-going as well as other funding sources. Flexibility enables the balance to vary year on year to respond to changing circumstances, and any impacts (real or perceived) on equality. Annual monitoring of a number of elements of the CIL will be important in managing and responding to any real or perceived risks and any other implications on equality which have not been identified or addressed.
- 1.2 This current report is concerned with equality as a result of decisions on spending the CIL neighbourhood fund, and the subsequent infrastructure delivery as a result. It also addresses the positive community and relationship building benefits of the approach taken in preparing and using the CIL neighbourhood fund guidance.
- 1.3 There are a number of possibilities in how the CIL neighbourhood fund may be spent. In narrowing these down to the final recommendations, issues which have been considered include:
 - The consensus gained at the four Community Committee workshop events in July 2015.
 - The need to ensure equal outcomes across the Community Committee areas and across the District, bearing in mind the constraints about where development occurs and the differential CIL rates charged.
 - The need to ensure transparency in decision making and involve local communities in decision making.
 - The relationships with town and parish councils, Neighbourhood Forums, and other community planning groups.

- 1.4 The neighbourhood fund is not the total amount of the CIL which could be spent by LCC in local communities with new development, as the Council could choose to match fund local spending, plus the strategic infrastructure items provided by the LCC strategic fund will inevitably have a local benefit wherever they are located. The Government's intention for the CIL is to specifically break the link between a specific development, and the infrastructure it funds, in order to provide pooled funds for strategic infrastructure necessary as a cumulative result of development.
- 1.5 It is difficult to ascertain where any impact on people with protected characteristics may lie. The inner area has a low CIL rate of £5 psm for residential development compared to £90 psm in the north. However, the exemptions from paying the CIL relating to whether a scheme includes affordable housing, existing buildings on site to be demolished, or self-build, are non-geographic and vary on a site by site basis. In addition, some areas in the £90 zone may have little development anyway. Both of these points may alleviate to some extent the range of the charges.
- 1.6 The area not covered by emerging Neighbourhood Plans (and which therefore will receive 15% for their neighbourhood fund rather than 25% in a Neighbourhood Plan area) is the majority of the main Leeds urban area. This contains a very wide range of communities and therefore will not impact solely on certain protected characteristics. This concept has already been subject to an equalities screening as part of the February 2015 Executive Board decisions. The neighbourhood fund spending guidance has considered the relationship with Neighbourhood Plans and the consequences for those areas without.
- 1.7 Community Committees are an important part of the Council's decision making process and each Committee has elected members as voting members. Attending the meetings allows local people and councillors to get to know groups and organisations that work in the area. Similarly, the role of parish councils as democratically accountable bodies means they offer a way of shaping the decisions that affect their communities. Parish and town councillors and officers possess local knowledge to make informed decisions, including on the equality needs and impacts of their communities.
- 1.8 Executive Board is also considering some other CIL spending issues which are not related to the neighbourhood fund. In relation to proposed minor changes to the Regulation 123 List, it is considered that these are solely to give more clarity to communities and the development industry and will not have any equality impacts as a result. The proposal to remove the Council's policy allowing discretionary charitable relief for investment activities would disadvantage any charities proposing to use the current policy. However, it was not fully appreciated that this policy would allow charities, and in particular the Universities, to avoid paying any the CIL if their land is developed for market housing, particularly land which is not within one of the campus areas. It is expected to be very rare that the policy would have been used anyway (as the majority of charities would either have a CIL exemption through the statutory charity exemption in the CIL Regulations, or not be in the business of providing market housing). It is considered that all market housing should be liable for the CIL, and this would create increased income for communities and equity for a wider range of stakeholders, which outweighs the potential negative impact for very occasional instance for a charity. It would be to the benefit of all people in those local communities, including those with protected characteristics.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

- 2.1 Bringing forwards the CIL in Leeds aims to enable the Council to direct spending on necessary infrastructure items, give more choice in priority setting for spending to local communities, and balance out the costs and benefits of growth across the District (these matters have already been subject to an equality screening). It is therefore considered that it is a beneficial mechanism to help promote equality overall. The CIL has never been expected to fund all the necessary infrastructure for Leeds and other sources of funding will continue to be sought.
- 2.2 The introduction of the CIL should benefit all groups by contributing to the delivery of strategic and local infrastructure and helping to achieve more sustainable development. Preparing CIL Spending Guidance in conjunction with Community Committees and relevant community representatives has been positive in building relationships between them, and with LCC officers. The content of the CIL neighbourhood fund guidance will enable communities to determine their own priorities, within the context of giving due regard to equality. It provides increased potential and requirements for groups to work together to shared outcomes, and so different groups will come into increased contact with each other. Working closely with parish councils and local communities to identify shared priorities will be a positive equality action.
- 2.3 The detailed governance of the CIL may have unequal impacts in Leeds, primarily based on a geographical basis (because of concentrations of groupings of people with the protected characteristics in different areas). The workshop events did highlight that representatives felt some groups were not sufficiently consulted in spending decisions, specifically, young people, Neighbourhood Forums, and the City Centre community (the latter because it is too broad to define a specific community). Comments were also made about the more disadvantaged inner city communities adjoining the City Centre and the need for further investment in those areas.
- 2.4 Communities across Leeds are too diverse and the amount and timing of the CIL which will be generated in each too complex and unknowable to be able to generalise about equality impacts and specify any bespoke CIL %s accordingly at the moment. No CIL income has as yet been received.
- 2.5 The types of impacts would arise at the point at which money has been secured through CIL and new or improved infrastructure is actually delivered. Such matters will also involve consultation and agreement with a wide range of stakeholders, and equality and cohesion will need to be fully integrated into decision making, including monitoring, to mitigate any disproportionate impacts.
- 2.6 The CIL Regulations require LCC to publish an annual report of spending in relation to the strategic and neighbourhood fund CIL, and also requires town and parish councils to report annually on their own proportion of the neighbourhood fund. This will allow for transparency of decisions and for the Council and other stakeholders to monitor, review, and feedback as necessary.

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

- 3.1 The CIL neighbourhood fund spending will be locality based, reflecting Members' views on priorities at the time, and in turn reflecting views of their local communities. This will reflect where significant development had taken place or was on-going as well as other funding sources. Flexibility enables decisions to vary year on year to respond to changing circumstances, and any impacts (real or perceived) on equality.
- 3.2 The need for spending to consider cross boundary working and projects will assist the more disadvantaged inner city communities adjoining the City Centre, and allow best value for money and maximise infrastructure provision across the District.
- 3.3 The governance structure for allocating CIL will be transparent and ensure that the allocation of funds to projects is undertaken in a fair and consistent manner, taking account of the views of stakeholders and local communities for instance through neighbourhood planning. Any impacts would be dependent on the type of infrastructure to be provided and its location.
- 3.4 The Scrutiny report 'Strengthening the Council's relationship with local Parish and Town Councils' (Scrutiny Board Safer and Stronger Communities, May 2013) contained recommendations relating to a commitment from parish councils and Area Committees (now Community Committees) to work closely together for open and meaningful dialogue, and that "Area Leaders proactively work with local councils and Area Committees to identify opportunities for maximising available resources to best meet the needs of their local communities." An action proposed as part of the report's recommendations is therefore that the Council continues to work closely with parish councils and other community groups and infrastructure providers, including through the Site Allocations Plan and Neighbourhood Planning, with the aim of shared infrastructure planning and maximised use of CIL resources. This action has been carried through by the workshop methods used to draft the CIL spending guidance, and by the provisions within it relating to consultation.
- 3.5 The guidance requires Community Committees to have awareness of the need to include young people in their engagement work, with bespoke consultation as necessary. It also requires local communities to be consulted on spending, including as a minimum the relevant Neighbourhood Forum or other constituted urban environment group covering that area, plus those and Town and/or Parish Councils in adjacent areas. It recommends that City Councillors should continue to strengthen relationships with Town and/or Parish Councils through the Community Committee, and that the CC should strongly consider the use of sub groups and co-optees to be advisory consultees, with the potential for a formal agenda item on neighbourhood planning or infrastructure planning at meetings.
- 3.6 The Council will monitor the type, location, and value of CIL receipts and CIL infrastructure funding, and town and parish councils will also have to report on their own spending.
- 3.7 Annual monitoring of a number of elements of the CIL will be important in managing and responding to the risks identified above and any other implications on equality which have not been identified or addressed. This includes keeping a record of any

discretionary charitable relief requests, to monitor the impact of removal of the existing charitable relief policy.

5. If you are **not already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment**.**

Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Lora Hughes	Principal Planner	17/09/2015
Date screening completed		

7. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: