

Equality & Human Rights Impact Assessment (EHRIA)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service** for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service** may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA [guidance](#), for further information about undertaking and completing the assessment. For further advice and guidance, please contact your [Departmental Equalities Group](#) or equality@leics.gov.uk

***Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

Key Details	
Name of policy being assessed:	Enforcement Plan
Department and section:	Chief Executive's, PHNE
Name of lead officer/ job title and others completing this assessment:	John Wright Team Leader Planning
Contact telephone numbers:	0116 3057041
Name of officer/s responsible for implementing this policy:	Planning officers in Planning Team, PHNE
Date EHRIA assessment started:	An Equality Questionnaire was completed in October 2012 as part of EqIA of a Planning Charter and Enforcement Plan. This concluded that the impact was neutral.
Date EHRIA assessment completed:	November 2014

Section 1: Defining the policy

Section 1: Defining the policy

You should begin this assessment by defining and outlining the scope of this policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in Leicestershire County Council's Equality Strategy.

1	<p>What is new or changed in this policy? <i>What has changed and why?</i></p> <p>The Enforcement Plan policies remain very similar to those in a previous Enforcement Policy Statement adopted by the County Council in June 2005. It has been decided to review and update the Enforcement Policy Statement taking into account new government planning policy (the National Planning Policy Framework) legislation (the Localism Act) and government guidance (Planning Practice Guidance) and retitle the document as an Enforcement Plan. The Council's approach to monitoring and enforcing will not be changed in any substantial way but references in the Plan to planning legislation and policy have been updated.</p>										
2	<p>Does this relate to any other policy within your department, the Council or with other partner organisations? <i>If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.</i></p> <p>The Enforcement Plan sets out the Council's approach to monitoring and enforcing minerals and waste development and as such must have regard to the Council's Minerals and Waste Core Strategies and Development Control Policies documents and National Planning Policy and planning legislation. It has some relationship to enforcement work undertaken by the Environment Agency and District Planning Authorities in Leicestershire.</p>										
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>All people carrying out or affected by mineral and waste development which potentially could be anyone in the County. It has a particular impact on mineral and waste site operators in Leicestershire. The outcome for operators is to make sure they are complying with planning requirements and that those potentially affected by site operations are not subjected to unacceptable impacts.</p>										
4	<p>Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? (Please tick and explain how)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 10%; text-align: center;">Yes</th> <th style="width: 10%; text-align: center;">No</th> <th style="width: 50%; text-align: center;">How?</th> </tr> </thead> <tbody> <tr> <td>Eliminate unlawful discrimination, harassment and victimisation</td> <td style="text-align: center;">Yes</td> <td></td> <td>The Plan requires the European Convention on Human Rights to be taken into account in deciding whether enforcement action should be taken both in respect of the perpetrators of the breach of planning control and those adversely affected by the breach.</td> </tr> </tbody> </table>				Yes	No	How?	Eliminate unlawful discrimination, harassment and victimisation	Yes		The Plan requires the European Convention on Human Rights to be taken into account in deciding whether enforcement action should be taken both in respect of the perpetrators of the breach of planning control and those adversely affected by the breach.
	Yes	No	How?								
Eliminate unlawful discrimination, harassment and victimisation	Yes		The Plan requires the European Convention on Human Rights to be taken into account in deciding whether enforcement action should be taken both in respect of the perpetrators of the breach of planning control and those adversely affected by the breach.								

	Advance equality of opportunity between different groups	Yes		All groups are potentially affected by the Plan albeit as individuals and it will be universally applied and no distinction will be made between individuals.
	Foster good relations between different groups			The Plan deals with people on an individual basis or mineral or waste companies and is non discriminatory. By being even handed it should foster good relations.

Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

Section 2: Equality and Human Rights Impact Assessment Screening

The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to [Section 3](#) on Page 7 of this document.

Section 2

A: Research and Consultation

5.	Have the target groups been consulted about the following? a) their current needs and aspirations and what is important to them; b) any potential impact of this change on them (positive and negative, intended and unintended); c) potential barriers they may face	Yes	No*
			No
		Yes	
			No
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?	Yes	
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		No
8.	*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.		
	The County Council worker equality groups (BWB, DWB and LGBTWG)		

were consulted none of which identified any issue being raised of relevance to them. A wider consultation is taking place on the Enforcement Plan with District, and Parish Councils and minerals and waste businesses operating in Leicestershire. This consultation runs from 31.10.14 to 05.12.14.

Section 2

B: Monitoring Impact

9.	Are there systems set up to:	Yes	No
	a) monitor impact (positive and negative, intended and unintended) for different groups;		No
	b) enable open feedback and suggestions from different communities	Yes	

Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.

Section 2

C: Potential Impact

10.	Use the table below to specify if any individuals or community groups who identify with any of the ‘protected characteristics’ may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.		
	Yes	No	Comments
	Age	Yes	The Enforcement Plan does not change statutory procedures and does not differentiate between types of service users and consequently is neutral in its impact on groups with protected characteristics.
	Disability	Yes	The Enforcement Plan does not change statutory procedures and does not differentiate between types of service users and consequently is neutral in its impact on groups with protected characteristics
	Gender Reassignment	Yes	The Enforcement Plan does not change statutory procedures and does not differentiate between types of service users and consequently is neutral in its impact on groups with protected characteristics
	Marriage and Civil Partnership	Yes	The Enforcement Plan does not change statutory

				procedures and does not differentiate between types of service users and consequently is neutral in its impact on groups with protected characteristics
	Pregnancy and Maternity	Yes		The Enforcement Plan does not change statutory procedures and does not differentiate between types of service users and consequently is neutral in its impact on groups with protected characteristics
	Race	Yes		The Enforcement Plan does not change statutory procedures and does not differentiate between types of service users and consequently is neutral in its impact on groups with protected characteristics
	Religion or Belief	Yes		The Enforcement Plan does not change statutory procedures and does not differentiate between types of service users and consequently is neutral in its impact on groups with protected characteristics
	Sex	Yes		The Enforcement Plan does not change statutory procedures and does not differentiate between types of service users and consequently is neutral in its impact on groups with protected characteristics
	Sexual Orientation	Yes		The Enforcement Plan does not change statutory procedures and does not differentiate between types of service users and consequently is neutral in its impact on groups with protected characteristics
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after	Yes		The Enforcement Plan does not change statutory procedures and does not differentiate between types of service users and consequently is neutral in its

	children, deprived or disadvantaged communities			impact on groups with protected characteristics
	Community Cohesion	Yes		In so far as the Plan seeks to protect all communities and individuals equally it should have a positive impact
11.	<p>Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? Yes</p> <p>Explain why you consider that any particular article in the Human Rights Act may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]</p>			
		Yes	No	Comments
	Part 1: The Convention- Rights and Freedoms			
	Article 2: Right to life		No	
	Article 3: Right not to be tortured or treated in an inhuman or degrading way		No	
	Article 4: Right not to be subjected to slavery/ forced labour		No	
	Article 5: Right to liberty and security		No	
	Article 6: Right to a fair trial		No	
	Article 7: No punishment without law		No	
	Article 8: Right to respect for private and family life	Yes		In taking decisions on enforcement there will be a need to make sure it is proportionate and the correct balance is struck between the interests of those carrying out the development and those potentially adversely affected.
	Article 9: Right to freedom of thought, conscience and religion		No	
	Article 10: Right to freedom of expression		No	
	Article 11: Right to freedom of assembly and association		No	

	Article 12: Right to marry		No		
	Article 14: Right not to be discriminated against	Yes		In taking decisions on enforcement there will be a need to make sure it is proportionate and the correct balance is struck between the interests of those carrying out the development and those potentially adversely affected	
Part 2: The First Protocol					
	Article 1: Protection of property/ peaceful enjoyment	Yes		In taking decisions on enforcement there will be a need to make sure it is proportionate and the correct balance is struck between the interests of those carrying out the development and those potentially adversely affected.	
	Article 2: Right to education		No		
	Article 3: Right to free elections		No		
Section 2					
D: Decision					
12.	Is there evidence or any other reason to suggest that:		Yes	No	Unknown
	a) this policy could have a different affect or adverse impact on any section of the community;			No	
	b) any section of the community may face barriers in benefiting from the proposal			No	
13.	Based on the answers to the questions above, what is the likely impact of this policy				
	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input checked="" type="checkbox"/>	Negative Impact or Impact Unknown <input type="checkbox"/>	
Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.					
14.	Is an EHRIA report required?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

Section 2: Completion of EHRIA Screening

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is required for further investigation of the impacts of this policy.

Option 1: If you identified that an EHRIA Report is required, continue to [Section 3](#) on Page 7 of this document to complete.

Option 2: If there are no equality, diversity or human rights impacts identified and an EHRIA report is not required, continue to [Section 4](#) on Page 14 of this document to complete.

Section 3: Equality and Human Rights Impact Assessment (EHRIA) Report

Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think thoroughly about the impact of this policy and to critically examine whether it is likely to have a positive or negative impact on different groups within our diverse community. It is also to identify any barriers that may detrimentally affect under-represented communities or groups, who may be disadvantaged by the way in which we carry out our business.

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council's Equality Strategy.

Section 3

A: Research and Consultation

When considering the target groups it is important to think about whether new data needs to be collected or whether there is any existing research that can be utilised.

15. Based on the gaps identified either in the EHRIA Screening or independently of this process, how have you now explored the following and what does this information/data tell you about each of the diverse groups?

a) current needs and aspirations and what is important to individuals and

	<p>community groups (including human rights);</p> <p>b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);</p> <p>c) likely barriers that individuals and community groups may face (including human rights)</p>
<p>16.</p>	<p>Is any further research, data collection or evidence required to fill any gaps in your understanding of the potential or known affects of the policy on target groups?</p>
<p>When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal.</p>	
<p>17.</p>	<p>Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you further consulted with those affected on the likely impact and <u>what</u> does this consultation tell you about each of the diverse groups?</p>

18.	Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?

Section 3															
B: Recognised Impact															
19.	Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics' are <u>likely</u> be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.														
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	Religion or Belief	
	Sex	
	Sexual Orientation	
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	
	Community Cohesion	

20.	Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <u>likely</u> apply to your policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?	
		Comments
	Part 1: The Convention- Rights and Freedoms	
	Article 2: Right to life	
	Article 3: Right not to be tortured or treated in an inhuman or degrading way	
	Article 4: Right not to be subjected to slavery/ forced labour	
	Article 5: Right to liberty and security	
	Article 6: Right to a fair trial	
	Article 7: No punishment without law	
	Article 8: Right to respect for	

	private and family life	
	Article 9: Right to freedom of thought, conscience and religion	
	Article 10: Right to freedom of expression	
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	Article 12: Right to marry	
	Article 14: Right not to be discriminated against	
	Part 2: The First Protocol	
	Article 1: Protection of property/ peaceful enjoyment	
	Article 2: Right to education	
	Article 3: Right to free elections	
Section 3		
C: Mitigating and Assessing the Impact		
Taking into account the research, data, consultation and information you have reviewed and/or carried out as part of this EHRIA, it is now essential to assess the impact of the policy.		
21.	If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.	
N.B.		
i) If you have identified adverse impact or discrimination that is <u>illegal</u> , you are required to take action to remedy this immediately.		
ii) If you have identified adverse impact or discrimination that is <u>justifiable or legitimate</u> , you will need to consider what actions can be taken to mitigate its effect on those groups of people.		
22.	Where there are potential barriers, negative impacts identified and/or barriers or	

	<p>impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.</p> <ul style="list-style-type: none"> a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination b) consider what barriers you can remove, whether reasonable adjustments may be necessary, and how any unmet needs that you have identified can be addressed c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why
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Section 3
D: Making a decision

23.	Summarise your findings and give an overview as to whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights.
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Section 3
E: Monitoring, evaluation & review of your policy

24.	Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?
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25.	How will the recommendations of this assessment be built into wider planning and review processes? <i>e.g. policy reviews, annual plans and use of performance management systems</i>

**Section 3:
F: Equality and human rights improvement plan**

Please list all the equality objectives, actions and targets that result from the Equality and Human Rights Impact Assessment (EHRIA) (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when

Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to louisa.jordan@leics.gov.uk, Members Secretariat, in the Chief Executive's department for publishing.

Section 4

A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

Equality and Human Rights Assessment Screening

Equality and Human Rights Assessment Report

1st Authorised Signature (EHRIA Lead Officer):

Date:

2nd Authorised Signature (DEG Chair):

Date: