

Equality Impact Assessment

Name of the policy or service being assessed:

Gypsy and Traveller Site Allocation DPD: Publication Version

Is this a new or existing policy or service? New ~~Y~~~~N~~ Existing ~~Y~~~~N~~

State the context for this EIA (eg service redesign, policy):

The North West Leicestershire Local Plan was adopted by North West Leicestershire District Council on 21 November 2017. The Local Plan provides a planning policy framework for guiding development in the District up to 2031. It comprises a vision, strategic objectives, site allocations and development management policies. With regard to housing, the Local Plan aims to meet the housing needs of the community. The Local Plan states that the accommodation needs of Gypsies and Travellers and Travelling Showpeople are to be met through the production of a Gypsy and Traveller Site Allocations Development Plan Document (DPD).

Which protected characteristics are likely to be impacted on Equality Impact Assessment been carried out?

| | |
|-----------------------------------|---|
| Protected Characteristic | ✓ |
| Race | ✓ |
| Gender | |
| Transgender | |
| Marriage (inc Civil Partnerships) | |
| Beliefs/Religion | ✓ |
| Disability | |
| Sexual Orientation | |
| Pregnancy and Maternity | |
| Age | |

Name of person carrying out this Equality Impact Assessment:

Colin Wilkinson

Date: 20/02/2018

Names and roles of other people involved in carrying out this Equality Impact Assessment:

Ian Nelson - Planning Policy Team Manager

Step 1:

Brief description of the policy or service:

The main aim of the Gypsy and Traveller Site Allocation Development Plan Document (DPD) is to ensure that sufficient pitches are provided to meet the needs of Gypsies and Travellers.

The Gypsy and Traveller DPD will form part of the Council's Local Plan.

This stage concerns the publication version of the Gypsy and Traveller Site Allocations DPD.

Why is this policy or service needed?

The Government requires local planning authorities to assess the accommodation needs of Gypsies and Travellers and Travelling Showpeople and to meet those needs through the identification of land for suitable sites.

As in many other areas of the country, there has been a shortage of authorised Gypsy and Traveller sites in North West Leicestershire to meet identified need. This leads to unauthorised developments and encampments and results in uncertainty for both the settled population and the Gypsy and Traveller community. It is also recognised that Gypsies and Travellers are amongst the most socially excluded groups in society and research has consistently confirmed the link between the lack of good quality sites and poor health and education outcomes. The provision of sites can therefore be the key to tackling a host of issues.

Who is responsible for implementing, monitoring and/or developing the policy or practice?

North West Leicestershire District Council: Head of Planning and Infrastructure,
Head of Housing and Asset Management

Leicester and Leicestershire Multi-Agency Traveller Unit

Step 2:

Does or could the policy or service affect different “protected groups” differently (please explain)?

Everyone with an interest in the District could potentially be affected by the issues addressed by the DPD, as its scope is District-wide and it concerns future development. The most significant impacts are, however, likely to be felt by Gypsy and Traveller communities and by members of settled communities living near existing or future traveller sites. This is because the document is about development of accommodation specifically for Gypsies and travellers.

There may be an indirect benefit for both the Gypsy and Traveller and settled communities from providing greater certainty, and delivery of new sites across the region should reduce the need for illegal encampments. The Commission for Racial Equality found in 2006 that 67% of local authorities reported tension between Gypsies and Travellers and other groups in their area, while 94% of these identified unauthorised encampments as the cause of the tension. The settled population is not a protected group.

Does it relate to an area with known inequalities (for example, access to public transport for disabled people, racist/homophobic bullying)?

Gypsies and Travellers experience some of the worst outcomes of any group, across a wide range of social indicators. The Equality and Human Rights Commission (EHRC) has published a number of reports highlighting the multiple inequalities

experienced by Gypsies and Travellers. An EHRC review in 2015 concluded that the life chances of Gypsies and Travellers had declined since the Commission's previous review in 2010. The contributory factors are complex and often inter-related, but may include deprivation, social exclusion and discrimination.

Step 3:

Which protected groups and which parts of the public sector equality duty is the policy or practice relevant to (see Appendix)?

Romany Gypsies and Irish Travellers are recognised as having a protected characteristic under the Equality Act 2010. In accordance with its public sector duty under section 149 of the Equality Act 2010, the Council has had due regard to the needs of these protected groups in formulating the new traveller site policy. In addition the Council recognises the duty to facilitate the traveller way of life and protect this without discrimination. The impacts of the new policy on traveller sites are set out in this assessment and where relevant the Council provides how the equality duty has been discharged.

What equality information is available about the relevant protected groups? (State the main sources of data and information):

Summarise the key findings of this evidence in relation to actually or potentially discriminatory outcomes.

The term 'Gypsies and Travellers' is difficult to define as it does not constitute a single, homogenous group, but encompasses a range of groups with different histories, cultures and beliefs including: Romany Gypsies, Irish Travellers, Scottish Gypsies/Travellers and Welsh Gypsies/Travellers. There are also Traveller groups which are generally regarded as 'cultural' rather than 'ethnic' Travellers. These include 'New' (Age) Travellers and occupational travellers, such as showmen and waterway travellers.

Historically there has been a lack of robust data on Gypsy and Traveller communities. For the first time, the 2011 Census included an ethnic category to collect data on Gypsy, Traveller and Irish Traveller communities. In total around 63,000 people in the UK identified themselves as members of these groups, of which 58,000 were living in England and Wales. The South East region of England had both the largest number of Gypsies and Irish Travellers and the largest number per 10,000 people. However, other sources suggest the 2011 Census figures may be underestimates.

In 2014, ONS published an article 'What does the 2011 Census tell us about the characteristics of Gypsy or Irish travellers in England and Wales?' which explores characteristics of the Gypsy and Irish Traveller community for the first time, based on data from the 2011 Census. Analysis is focused on qualifications, economic activity, family relationships, health and accommodation. The key points were:

- People identifying as Gypsy or Irish Traveller had a higher proportion of residents under the age of 20 at 39 per cent. This compares to 24 per cent of the overall England and Wales population who were under 20
- Gypsy or Irish Travellers born in non-UK EU countries was double the proportion for England and Wales as a whole – 8 per cent compared to 4 per cent
- The majority of people who identified as Gypsy or Irish Traveller identified with an English only national identity (66 per cent) and were Christian (64 per cent)
- Just under half of Gypsy or Irish Traveller households had dependent children (45 per cent) – above the average for the whole of England and Wales (29 per cent)
- Whole house or bungalow was the most common type of accommodation for respondents who identified as Gypsy or Irish Traveller, at 61 per cent (84 per cent for England and Wales as a whole), followed by caravan or other mobile or temporary structure at 24 per cent (0.3 per cent for England and Wales as a whole)
- Gypsy or Irish Travellers were more than twice as likely to live in social housing than the overall population of England and Wales (41 per cent compared to 16 per cent) and less likely to own their accommodation outright (21 per cent compared to 26 per cent)
- Gypsy or Irish Travellers had the lowest proportion of any ethnic group rating their general health as 'good' or 'very good' at 70 per cent compared to 81 per cent overall of the overall population of England and Wales
- Gypsy or Irish Traveller ethnic group was among the highest providers of unpaid care in England and Wales at 11 per cent (10 per cent for England and Wales as a whole) and provided the highest proportion of people providing 50 hours or more of unpaid care at 4 per cent (compared to 2 per cent for England and Wales as a whole)

In North West Leicestershire District, at September 2016, there was 13 Gypsy and Traveller site with 41 pitches and 7 Travelling Showpeople sites with 36 plots.

Between 1997 and 2016 a total of 1,711 unauthorised encampments were recorded across Leicestershire and Leicester City, with a general trend showing an increase from 2008 onwards. When broken down by individual local authorities over the same time period it can be seen that the highest number of unauthorised encampments were recorded in North West Leicestershire (453), Leicester City (453), Charnwood (183), Melton (180) and Hinckley and Bosworth (172).

Looking at more recent data for the period 2011-2016 again shows that the highest number of unauthorised encampments were recorded in Leicester City (248) and North West Leicestershire (184).

The Council has been working with the other local planning authorities (excluding Hinckley and Bosworth Borough Council) in the Leicester and Leicestershire Housing Market Area to update the pitch targets for Gypsies and travellers and the plot targets for travelling showpeople. The Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment provides up to date evidence of need and supersedes the information presented in the Local Plan and has informed the preparation of the Gypsy and Traveller Site Allocations DPD. Some of the GTAA outputs for North West Leicestershire are detailed below.

What is the equality profile of the population and/or workforce that is intended to benefit from the policy or practice?

Describe the profile in terms of: Age, Disability including physical or sensory impairment, mental health problems, learning difficulties and long term conditions Gender re-assignment Marriage and civil partnership Pregnancy and maternity Race, including nationality and ethnicity Religion or belief Sex Sexual orientation. If you are providing statistics about a small staff team, please seek advice from HR before publishing this – the key principle is not to disclose any personally identifiable information related to protected characteristics.

The Government's planning policy for Traveller sites was published in August 2015. The Government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled community.

'Planning policy for traveller sites' also includes changes to the definition of "traveller" for planning related purposes from that used to inform previous assessments of needs, so that it now excludes those who have permanently ceased from travelling.

The 2017 Gypsy and Traveller Accommodation Needs Assessment (GTAA) takes account of the latest definition of "traveller". The 2017 GTAA is based on a combination of desk-based research, stakeholder interviews and engagement with members of the travelling community living on all known sites. In North West Leicestershire, 16 interviews were completed with Gypsies and Travellers and 25 interviews were completed with Travelling Showpeople.

Taking account of the need that may arise from households where an interview was not completed, the additional needs for permanent pitches and plots are set out below:

| | 2016-2031 | 2016-2036 |
|------------------------|-----------|-----------|
| Gypsies and Travellers | 6 pitches | 7 pitches |
| Travelling Showpeople | 20 plots | lots |

The needs of Gypsies and Travellers who either travel all year round or for large parts of the year can be met by transit sites which only provide temporary accommodation. The 2017 GTAA identifies a need for a minimum of 12 caravan spaces (or managed equivalent) in Leicester City, and a minimum of 36 caravan spaces (or managed equivalent) spread over 2-3 sites elsewhere in Leicestershire. The 2017 GTAA states 'The data suggests that the need is greatest in the North West of the county and the City and that transit provision should be prioritised in these locations', although it does not make any specific recommendations as to where transit provision should be made.

What are your information gaps?

Consider whether you need to take steps to fill in your information gaps.

The 2011 Census included an ethnic category to collect data on Gypsy, Traveller and Irish Traveller communities. In total 77 people in the North West Leicestershire identified themselves as members of these groups. Low counts may be present in this data and statistical disclosure control (SDC) has been applied to protect the data against disclosure risk.

As well as calculating need for households that meet the planning definition, the needs of the households where an interview was not completed (either due to refusal to be interviewed or households that were not present during the fieldwork period) need to be considered as part of the GTAA where they are believed to be ethnic Gypsies and Travellers who may meet the planning definition.

The 2017 GTAA notes that it has been suggested that there will be a need to increase transit provision across the country as a result of the revised definition of Gypsies and Travellers introduced by the Government's 2015 'Planning Policy for Traveller Sites'. This may be the case, but it will take some time for any robust evidence to be available to substantiate these claims.

What consultation and engagement activities have already been undertaken regarding this policy or practice?

State any engagement activities used to develop the policy or practice or to seek feedback on its implementation.

The Leicester and Leicestershire Multi Agency Travellers Unit (MATU) has also been involved in the preparation of this Gypsy and Traveller Site Allocations Development Plan Document. MATU is a county-wide Gypsy and Traveller management and enforcement partnership which comprises all Leicester and Leicestershire Local Authorities, Leicestershire Police and the NHS Travelling Families Team. The unit is hosted by Leicestershire County Council and acts on behalf of (but in liaison with) these other bodies and organisations. MATU's work covers a range of functions including traveller welfare, reducing friction between travellers and the settled community, dealing with unauthorised encampments, and providing advice on the development and implementation of traveller related policies.

A Consultation Draft document published in February 2016 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 provided an opportunity for individuals, organisations and stakeholders who may have an interest in provision for Gypsies, Travellers and Travelling Showpeople to make initial comments and suggest sites that may be suitable for allocation. Responses received were used to inform the preparation of this publication DPD.

In addition, there has been some involvement by those that support travellers in the site selection process.

The DPD which Council is being recommended to approve is the 'publication' stage DPD (Regulation 19). The publication stage DPD represents the document that the Council considers ready for examination. This DPD must be published for representations for not less than six-weeks, together with other "proposed submission documents", before it can be submitted to the Planning Inspectorate for examination. This provides a formal opportunity for the local community and other interests to consider the DPD which the Council would like to adopt.

The established process of independent challenge, scrutiny and testing of local planning policies through consultation and examination in public will play a central role in verifying the evidence of need on which pitch targets are based and the subsequent bringing forward of suitable and available sites to meet targets. During the examination in public, an independent planning inspector will consider whether the DPD complies with legal requirements and whether it is sound. There is no legal definition of what is "sound". However, in order to be found sound in this context, the inspector will need to consider whether the plan is positively prepared, justified, effective and consistent with national policy. "Positively prepared" means that the DPD should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development "Justified" means that the document must be founded on a robust and credible evidence base and must be the most appropriate strategy when considered against the reasonable alternatives. "Effective" means that the document must be deliverable, flexible, and able to be monitored. If it is concluded that the plan is not justified, effective and consistent with national policy, the DPD may not be found sound, in which case further work may be required before it can be adopted by the Council. Where an Inspector judges that

there has not been effective cooperation, under the duty to cooperate, the plan cannot proceed. The DPD may not be adopted if it is not found sound.

State the key outcomes of the consultation and engagement including key points of feedback and any differences between the views of the different protected groups. Identify how the feedback was taken into account in the final drafting/design of the policy or practice.

The Gypsy and Traveller Site Allocations DPD: Consultation Draft published in February 2016 provided an opportunity for individuals, organisations (including parish councils) and stakeholders who may have an interest in provision for Gypsies, travellers and travelling showpeople to suggest sites that may be suitable for allocation. However, this 'call for sites' exercise failed to identify any new sites.

As a consequence, to identify as wide a range as possible of site options, other types of sites and relevant sources of data have been looked at. Over 500 sites have been assessed against national policies and designations to identify those that had a reasonable potential for development.

Which additional groups could usefully be engaged?

The DPD will provide an opportunity for individuals, organisations and stakeholders with an interest in provision for Gypsies, Traveller and Travelling Showpeople to give their views on a number of key issues regarding accommodation needs and the identification of potential sites. Consultees will include:

The Gypsy Council

The National Federation of Gypsy Liaison Group

Showman's Guild – Midlands

Leicester Gypsy Council Liaison Group

Leicester and Leicestershire Multi-Agency Travellers Unit (MATU)

Consultation with these groups has already taken place in connection with the Consultation Draft document published in February 2016 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Some of these groups have been actively involved in the site selection process.

Depending on the policy/service being assessed, consider engaging with employees, service users and/or equality organisations.

Step 4:

Remember that equality impact assessment is not simply about identifying and removing negative effects or discrimination, but it is also an opportunity to identify ways to advance equality of opportunity and to foster good relations.

This section is about bringing together all of your equality information in order to make a judgement about what the likely effect of the policy or practice will be on equality and whether you need to make any changes to the policy or practice. Be wary of general conclusions – it is not acceptable to simply conclude that a policy will universally benefit all service users or employees and, therefore, the protected groups will automatically benefit, without having evidence to support that conclusion.

Key questions:

Could the policy outcomes differ between protected groups?

The Gypsy and Traveller DPD has been specifically developed to ensure that the needs of Gypsy/Travellers are met.

What are the key findings of your engagement?

The failure to allocate sufficient land to meet the need for new pitches and plots has several impacts including:

- Continuing the current problem of unauthorised development and encampments, as well as tensions with the settled community;
- Restricting the ability to enforce against unauthorised development as the ability to enforce is related to how proactive the council is in meeting the need for sites; and
- Increasing the difficulty of ensuring that the Gypsy and Traveller community has access to all the support and services they need.

Is there different take-up of services by different groups?

The Gypsy and Traveller DPD has been specifically developed to ensure that the needs of Gypsy/Travellers are met.

Whilst the Gypsy and Traveller DPD has been specifically developed to ensure that the needs of Gypsy/Travellers are met, non-Gypsy /Traveller communities will also benefit from the Gypsy and Traveller DPD. There is plenty of opportunity for public engagement during the Plan's development, including influencing site location and design. Providing additional sites to meet needs should reduce illegal encampments which cause friction between the Gypsy/Travellers and the settled communities.

Could the policy affect different groups disproportionately?

The Gypsy and Traveller DPD has been specifically developed to ensure that the needs of Gypsy/Travellers are met.

If there is a greater effect on one group, is that consistent with the policy aims?

The Gypsy and Traveller DPD has been specifically developed to ensure that the needs of Gypsy/Travellers are met.

Has the policy delivered practical benefits for protected groups?

To be monitored.

Assessment of the legality of the policy or practice (see Appendix)

Key questions:

Could the policy disadvantage people from a particular group?

The Council does not believe that there will be any adverse impacts on any group with protected characteristics under the Equality Act 2010. In addition, it believes that the policy will have a positive impact on Gypsies and Travellers and community relations between traveller and settled communities and that it will promote equality. The impacts of the policy in relation to equality and the reasoning for the conclusion that there is no adverse equality impact are discussed in detail in this assessment.

Could any part of the policy discriminate unlawfully?

No- the impacts of the policy in relation to equality and the reasoning for the conclusion that there is no adverse equality impact are discussed in detail in this assessment.

How does the policy advance equality and foster good relations, including participation in public life?

The provision of sites is generally supportive of travelling communities and the proposed sites are in locations where the impact on neighbours is limited. Reducing the current problem of unauthorised development and encampments is expected to reduce tensions with the settled community.

The DPD preparation process provides an opportunity for individuals, organisations and stakeholders who may have an interest in provision for Gypsies, Travellers and Travelling Showpeople to participate in the process of site selection etc.

Are there other policies that need to change to support the effectiveness of the policy under consideration?

The provision of a transit site by a public authority would enable the police to direct those on unauthorised sites to move to the transit site, so reducing the impact on the settled community and reducing costs to the Council associated with dealing with unauthorised sites.

The scope of discrimination as well as direct and indirect discrimination (including because of pregnancy and maternity' or marriage and civil partnership), acts prohibited by the Equality Act 2010 include harassment, victimisation and failure to make a reasonable adjustment.

What steps will you take in response to the findings of your impact assessment?
(please tick)

1. No major change – Your impact assessment demonstrates that the policy or practice is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.

2. Adjust the policy or practice – This involves taking steps to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential effect.

3. Continue the policy or practice – This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate.

4. Stop and remove the policy or practice – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy altogether. **If a policy shows unlawful discrimination it must be removed or changed.**

Step 5:

How will you review the actual effects of the policy or practice after implementation?

Consider:

How you will measure the effects of the policy or practice, when the policy/ practice will be reviewed and what could trigger an early revision.

Who will be responsible for monitoring and review, what type of information is needed for monitoring and how often it will be analysed.

How to engage relevant stakeholders in implementation, monitoring and review

The established process of independent challenge, scrutiny and testing of local planning policies through consultation and examination in public will play a central role in verifying the evidence of need on which pitch targets are based and the subsequent bringing forward of suitable and available sites to meet targets. During the examination in public, an independent planning inspector will consider whether the DPD complies with legal requirements and whether it is sound. There is no legal definition of what is "sound". However, in order to be found sound in this context, the inspector will need to consider whether the plan is positively prepared, justified, effective and consistent with national policy. "Positively prepared" means that the DPD should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development "Justified" means that the document must be founded on a robust and credible evidence base and must be the most appropriate strategy when considered against the reasonable alternatives. "Effective" means that the document must be deliverable, flexible, and able to be monitored. If it is concluded that the plan is not justified, effective and consistent with national policy, the DPD may not be found sound, in which case further work may be required before it can be adopted by the Council. Where an Inspector judges that there has not been effective cooperation, under the duty to cooperate, the plan cannot proceed. The DPD may not be adopted if it is not found sound.

The following data will be used to monitor the policy's effects:

- Bi-annual Caravan Count figures
- Planning statistics
- Planning Inspectors appeal case reports

Step 6:

Once the equality impact assessment is sufficiently robust and detailed to properly inform decision-making, it should be signed off below by the senior manager responsible for this policy or practice area.

Name of Senior Manager: Jim Newton

Signature: 

Department: Head of Planning and Infrastructure

Date: 01/03/2018

Appendix

Highlights of the Equality Act 2010

The Equality Act 2010 outlaws direct and indirect discrimination, including less favourable treatment, harassment and victimisation of people based upon their protected characteristics. The Act applies to all individuals, providers of services and employers.

Direct discrimination means less favourable treatment of a person compared with another person because of a protected characteristic.

Indirect discrimination means the use of an apparently neutral practice, provision or criterion which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and applying the practice, provision or criterion cannot be objectively justified.

The public sector equality duty, arising from Section 149(1) of the Act, applies to public authorities, such as North West Leicestershire District Council.

A public authority must, in the exercise of its functions, have due regard to the need to—

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

S149 (3) of the Act states that having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.