

# EQUALITY IMPACT ASSESSMENT

## Partial Assessment Form

<b>Policy, practice, function or project assessed</b>	<b>Cost Recovery Policy for class B persons under Part 2A of the Environmental Protection Act 1990</b>
<b>Lead Officer</b>	<b>Susan Walford</b>
<b>Team</b>	<b>Health and Environmental Services</b>
<b>Start date of assessment</b>	<b>2<sup>nd</sup> December 2010</b>
<b>Completion of assessment</b>	

**Please use this form to record your findings in relation to the assessment of an existing policy, function, service or practice.**

## **A. POLICY, PRACTICE, FUNCTION OR PROJECT TO BE ASSESSED**

### **A1. Please describe what are the main aims, objectives, purpose and intended outcomes of the policy or function?**

This Policy sets out South Cambridgeshire District Council's (SCDC) position with regard to waiving or reducing the recovery of the remediation costs associated with owner-occupiers of residential dwellings situated on, or affected by, contaminated land.

The policy is based on the relevant sections of the primary legislation and associated statutory guidance. However, it is recognised that there is likely to be a wide variation in the circumstances associated with land contamination (including its history, ownership and liability for its remediation) therefore the adopted approach is to view nationally published guidance in terms of *principles* and *approaches* rather than rigid rules. This policy defines how these principles and approaches will be interpreted and applied by SCDC.

This policy relates specifically to Class B persons who currently own and reside in property on the land in question but were not responsible for pollution affecting it. The Class B persons may only be held liable for remediation of contamination within the boundary of their property and cannot be held liable for any pollution of controlled waters.

The guidance and this policy place no requirement on the Council to pay for remediation for which it is not liable. This policy is solely intended to set out the framework for considering the reduction or waiving of cost recovery for a Class B owner-occupier.

### **A2. Is this policy or function associated with any other Council policy or priority?**

Contaminated Land Strategy 2001, Enforcement Policy, Debt Recovery Policy, Means Test methodology approved for use in the assessment of applications for Housing Renovation Grants under the Housing Renewal Grants Regulations 1996.

Strategic Aims: - a listening council, providing first class services accessible to all; make the district a safe and healthy place for all; a place in which residents can feel proud to live

### **A3. Who are the intended beneficiaries/stakeholders of the policy or function? How many people are affected and from what sections of the community?**

The direct beneficiary will be the Class B Owner Occupier. However it is in the wider public interest to ensure that land is remediated. Numbers affected cannot be quantified at this stage as the application is site specific but will be applicable to resident landowners affected by contamination.

**A4. Is the policy/function corporate and far-reaching?**

Yes and potentially far-reaching.

**A5. Are you expecting to make any significant change to the policy or service in the near future? If so, please give details.**

No

**A6. Is this a new or existing policy or function?**

New policy sitting under an existing strategy.

**B. EVIDENCE/ DATA and CONSULTATION**

It is important to consider all information that is available in determining whether the policy or function could have a differential impact. Please attach examples of monitoring information, research or consultation reports.

**B1. What monitoring or other information do you have about relevant target groups, which will show the impact of the policy or function?**

Relevant target group is the Class B owner-occupier. The Guidance DEFRA Circular 01/2006 Contaminated Land is very specific about the target group limiting this to the owner-occupier. The policy is split into the reasonable/fairness test and the means testing which adopts the principles of the HRA.

**B2. Have you compared the data you have with the equality profile of the local population? What does it show?**

Not applicable to the limited scenario of this policy.

**B3. Have you identified any improvements or other changes that could be made from monitoring the data?**

Not applicable to the limited scenario of this policy.

**B4. Have you consulted or involved external stakeholders about the policy or function? If so, what were their views?**

Research of other local authority's policy.

**B5. Have you undertaken any consultation with staff to assess their perception of any impacts of the policy or function? If so, what has been learnt from them?**

Home Improvements Agency (in relation to application of HRA – disability grant applications), Revenue and Benefits (in relation to Housing Benefit applications) and Legal. Methodology proposed in guidance is aimed at means testing disposable income and savings but does not account for property. Owing to potential costs of remediation a ceiling on the amount to be waived or reduced is not appropriate.

**B6. Please provide information about any other consultation, research, or involvement undertaken in relation to this impact assessment.**

Policies researched attached for information.

**C1. IMPACT OF THE POLICY OR FUNCTION**

Assess the potential impact on each of the following protected characteristics. The impact could be negative, positive or neutral. If you assess a negative impact for any of the groups then you will need to assess whether that impact is low, medium or high. Refer to the evidence you use.

<b>DESCRIPTION OF IMPACT</b>	<b>Nature of Impact</b> (Positive, Neutral, Adverse)	<b>Extent of Impact</b> (Low, Medium, High)
<b>AGE:</b> Identify the potential impact of the policy or function on different age groups.	<b>Neutral</b>	
Age of owner-occupier and ability to get a mortgage is dependant on market value of property and mean to pay so not age dependant policy will relate equity to cost of remediation. Age is not a determining factor.		
<b>DISABILITY:</b> Identify the potential impact of the policy or function on disabled people.	<b>Neutral</b>	
Technical area assistance would already be in place to ensure the means to access this policy. The contaminated land team would already have been involved through part 2a process.		

<b>GENDER REASSIGNMENT:</b> Identify the potential impact of the policy or function on people that have changed gender identity.	<b>Neutral</b>	
Applies to owner of property irrespective of gender reassignment.		
<b>MARRIAGE AND CIVIL PARTNERSHIPS:</b> Identify the potential impact of the policy or function on people who are married or in a civil partnership.	<b>Neutral</b>	
Applies to owner of property irrespective of marriage or civil partnership.		
<b>PREGNANCY AND MATERNITY:</b> Identify the potential impact of the policy or function on pregnant or maternal mothers and those women who wish to breastfeed.	<b>Neutral</b>	
Applies to owner of property irrespective of pregnant or maternal mothers.		
<b>RACE:</b> Identify the potential impact of the policy or function on different ethnic groups, including national origins, colour and nationality.	<b>Neutral</b>	
Gypsies and Travellers: Owing to nature of policy mechanisms would already be in place to access this policy as such technical area the contaminated land team would already have been heavily involved through part 2a process.		
<b>RELIGION/BELIEF:</b> Identify the potential impact the policy or function on different religious/faith groups.	<b>Neutral</b>	
Owing to nature of policy mechanisms would already be in place to access this policy as such technical area the contaminated land team would already have been heavily involved through part 2a process.		

<b>SEX:</b> Identify the potential impact of the policy or function on men and women.	<b>Neutral</b>	
Applies to owner of property irrespective of sex.		
<b>SEXUAL ORIENTATION:</b> Identify the potential impact of the policy or function on lesbian, gay men, bisexual or heterosexual people.	<b>Neutral</b>	
Applies to owner of property irrespective of sexual orientation.		
<b>OTHER CHARACTERISTIC SPECIFIC TO SOUTH CAMBRIDGESHIRE – RURALITY:</b> Identify the potential impact of the policy or function on people who are rurally isolated.	<b>Neutral</b>	
Applies to owner of property irrespective of rural location.		

**PLEASE NOTE:** Following completion of the section above, if the nature of the impact is adverse then you may need to proceed to a full equality impact assessment.

**C2. Could you minimise or remove any adverse or potential impact that is high, medium or low significance, in advance of a full impact assessment? Explain how.**

N/A



**C3. Does the policy or function actively promote equal opportunities and good community relations? Or could changes be made so that it does so?**

N/A

**C4. Please provide any further information, qualitative or quantitative that does not fit into the questions but you feel has a likely impact on this assessment.**

None

<b>D. CONCLUSIONS</b>			
<b>D1. Was there sufficient data to complete the partial assessment?</b>	Yes?	<input checked="" type="checkbox"/>	<b>If “NO”, what arrangements are in place for evidence gathering and continuing with the assessment?</b>
	No?	<input type="checkbox"/>	
<b>D2. Is the outcome of the partial assessment that the policy or function would have an adverse impact (medium or high impact) on one or more target group?</b>	Yes?	<input type="checkbox"/>	<b>If “YES”, will you proceed to a full assessment? If so, what arrangements are in place to carry out the full assessment?</b>
	No?	<input checked="" type="checkbox"/>	

D3. Is the outcome of the partial assessment that the policy or function would have a neutral or positive impact on equalities?	Yes?	<input checked="" type="checkbox"/>	<p>If “YES”, have you included proposals in the Action Plan to further improve the impact of the policy or function on equalities?</p> <p>Yes</p> <p>Do you plan to review the service or policy again in future to assess whether there has been any change? If so, when?</p> <p>Yes in 12 months</p>
	No?	<input type="checkbox"/>	<p>Has the Equalities Steering Group and the Consultative Forum reviewed the assessment? If so what were their comments?</p> <p>Yet to be undertaken</p>
<p>D4. Do you have any other conclusions/outcomes from the partial assessment? No</p>			

#### **ACTION PLAN for enhancing existing practice**

<b>Recommendation/ issue to be addressed</b>	<b>Planned Milestone</b>	<b>Planned completion of milestone (date)</b>	<b>Officer Responsible</b>	<b>Progress</b>
<b>Add Glossary to policy</b>		<b>Wednesday 8/12/10</b>	<b>Claire Sproats</b>	

#### **RESOURCES**

**Does the above action plan require any additional resources?**

No

## ARRANGEMENTS FOR MONITORING

Please give your plans for monitoring the achievement of the above actions.

N/A

**SIGN OFF: The officers below confirm that this partial assessment has been completed in accordance with the Council's guidance**

<b>Signature of Lead Officer</b>	<b>Susan Walford</b>	<b>Date: 2/12/10</b>
<b>Signature of Corporate Manager or Chief Officer:</b>		<b>Date:</b>

**Please retain the original form on your service area and return a copy of the completed form to the Equality & Diversity Officer.**