

Equalities Analysis in Lambeth

Proposal Title *

Developer Contributions and Neighbourhood CIL Delivery Framework

Author

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Please provide name of lead author and/or those within project team who may be required to contribute to this assessment

Who will sign off the assessment?

Rob Bristow

Please indicate who will be involved in approving this assessment. This will need to be signed off by the Director

Q1a. What is changing?

National legislation regarding developer contributions changed in 2019 and now requires the publication of an Annual Infrastructure Funding Statement to detail how the financial contributions that arise from new property developments (CIL - Community Infrastructure Levy and S106 planning obligations) are being spent and allocated. There is also the potential for new Neighbourhood Plans to come forward in the borough over the next few years. Moreover there continues to be pressure on local government finances due to increasing demand for certain services, and the pandemic has demonstrated how quickly priorities and need can change.

Given these factors at a national and local level it is proposed that Cabinet adopt a revised delivery framework for the management of developer contributions. This will maintain the geographies established through the CLIPs but which will be renamed Neighbourhood Areas. It is proposed that residents' priorities within these areas will be established through using the Annual Resident Surveys, which are being strengthened to enable more information to be garnered; through the discussions undertaken by ward councillors and BIDs with communities and stakeholders in their areas; and through drawing on the understanding being gathered through the discussions taking place in multi-lateral fora such as Lambeth Made Safer Communities and the neighbourhood working fora.

This combination of hard data and insight will help ensure that future S106 negotiations can be informed to a greater extent by the understanding of local resident priorities. It will also enable spending decisions within the CIP (Capital Investment Programme) to be more informed by the understanding of resident priorities to ensure effective allocation and spending of developer contributions.

Finally, it is also proposed that cabinet agree to the whole borough being categorised as the 'local area' for the purposes of the CIL regulations, this will enable the allocation of NCIL (Neighbourhood CIL) to be targeted at areas of greatest need in the borough to ensure that spending is effective and equitable and most effectively addressing the impacts of growth (which is the purpose of NCIL).

Alongside this it is recommended that the Council reverts to 15% of the overall CIL levy being treated as NCIL (as opposed to 25% currently), where not in an area with a Neighbourhood Plan. This change will bring the Council back into line with national legislation and is in recognition that the greater flexibility to spend NCIL only applies up to the 15% threshold in areas without a Neighbourhood Plan (in the SOWN area in Southbank and Waterloo where there is a Neighbourhood Plan the 25% threshold will continue to apply). However, this change will not hinder the Council's ability to respond to local priorities and where need is greatest.

What is the most significant or key change taking place? Can you indicate the type of change in your response (e.g. policy/decision/strategy/ service/procedural/ geographic/procurement etc.) so it is clear what is being equalities assessed? Why is this change happening? What do you aim to achieve? Can you clearly indicate what decision-makers are being asked to take a decision on?

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Q1b. Who will be involved in approving this decision?

Cabinet

Who else will be involved in signing-off this decision?

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Q2a. What do we know about the people who will be impacted by this change?

All residents and other stakeholders in the borough will potentially be affected by these changes as the spending and allocation of developer contributions is designed to provide new infrastructure to enable sustainable developments to occur and to address the impacts of growth.

As set out above, the changes are intended to enable a more informed and transparent approach to spending decisions through a greater understanding of residents' priorities gathered through the consultation processes outlined. The changes will enable quicker and more targeted spending to respond to key priorities and to address areas of need such as socio-economic disadvantage.

This links into the Borough Plan ambitions around a growing economy that benefits everyone and supports residents to live independently. Additionally, the commitments to tackling inequality and its remit to Equality Diversity & Inclusion are met by this approach. Neighbourhood reviews and annual surveys will continue to inform the council for future spending decisions.

What does your information tell you about the people who will be affected by this change? Are protected groups impacted? What information do you hold on the protected characteristics of the people affected by the change? (Age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief, gender, sexual orientation, health, socio-economic, language) Are there any gaps or missing information?

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Q2b. How will they be impacted by the change?

It is considered that people with protected characteristics will be impacted positively by these changes. This is due to the fact that spending decisions will be better informed by residents' priorities. However, importantly the proposed changes will also provide the Council with the flexibility to better respond to need, such as socio-economic disadvantage and inequality, through more equitable and targeted spending on key infrastructure and other interventions that address the impacts of growth.

The changes will also enable more transparency on where developer contributions are being spent, both across the borough and where targeted at particular geographies. This will engender greater confidence in the system as residents with protected characteristics will be able to see more clearly how residents' priorities and key issues such as inequality are being addressed through spending decisions.

Would you assess the impact as positive, adverse, neutral? Do you have any uncertainty about the impact of your proposal? Is there a likelihood that some people will more impacted than others? Can you describe the ways in which they will be affected? How might this change affect our 'general duty'?

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Q3a. How do you plan to promote and deliver any positive impacts of the proposal?

There are a number of ways that the positive impacts of these proposals will be promoted and delivered.

- There will be questions raised in the annual residents' surveys and Pulse surveys seeking residents' views on key priorities for the spending of developer contributions.
- The discussions undertaken by ward members and BIDs in their communities around key priorities will be captured centrally in order to build a deeper understanding of these priorities.
- Importantly, to ensure that the views of certain communities with protected characteristics are heard more fully in the understanding of key priorities, the discussions taking place through fora like Lambeth Made Safer Communities will also feed into this intelligence gathering.
- The above measures will enable a deeper understanding of residents' priorities. The changes proposed to recognise the whole borough as the 'local area' for NCIL will provide the Council with the flexibility to respond to the areas of greatest need. This will ensure that sustainable growth can be delivered which is more inclusive, and that issues such as inequality which

impact on communities' ability to benefit from growth, can be more effectively targeted by this spending. The Council's decision earlier this year to invest around £5 million of NCIL into employment and skills support in the borough is an example of how socio-economic disadvantage and inequality is being targeted through more effective spending which is needs based.

- Greater transparency of spending decisions is also key here, and the Annual Infrastructure Funding Statement which is now published each summer by the Council provides clarity on where spending has been targeted and where future allocations are being made. Going forward this will be bolstered by an ability to report on the geographic breakdown (by neighbourhood area) of the spending, and by being able to reference to a stronger understanding of key resident priorities.

- Going forward strengthened Comms will also be developed to explain to residents and other stakeholders how they can engage to advise on priorities and how spending decisions are made.

How might the principles of fairness, equality of opportunity and positive relationships be further promoted as a consequence of this proposal? How do you propose to measure your positive outcomes and the benefits outlined to find out if these have been achieved?

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Q3b How do you plan to address and mitigate any negative impacts of the proposal?

Overall, as set out above, it is considered that the impacts of the proposal on people with protected characteristics will be positive as spending decisions will be better informed by resident priorities and there will be greater flexibility for the Council to respond to key areas of need, such as inequality of opportunity, in addressing the impacts of growth.

The proposal to categorise the whole borough as the 'local area' for the purposes of NCIL spend could be misconstrued as moving away from the concept of neighbourhood spending. Therefore it will be important to have clear comms on the Council's website and elsewhere which explains that these measures do not move away from the need to respond to residents' priorities, indeed that is a requirement of national legislation.

The move away from the consultation measures included in the CLIPS may also lead some communities to conclude that this is a weakening of consultation, whereas the measures proposed here will strengthen consultation methods as they will draw on a broader range of discussions to inform the understanding of local priorities. Again clear comms and a clear narrative will be essential here to avoid misunderstanding of the new processes.

What impact has this evidence had on what you are proposing? What can you do differently that might lessen the impact on people within the timeframes i.e. development-implementation? Who can help you to develop these solutions?

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Q4. How will you review/evaluate your proposal, mitigating actions and/or benefits? Who will be responsible for this?

The annual Infrastructure Funding Statement will be one of the key measures by which the Council will be held to account for the spending decisions it makes on developer contributions.

Accountability will also be achieved through the different resident surveys, ward member and BID discussions, and through the Lambeth Made Safer discussions, as these will enable residents and other stakeholders to engage on whether, and how, they consider their priorities are being addressed through the spending decisions taken by the Council.

It is also anticipated that an annual report will be brought to Cabinet to report on the geographic nature of spend across the seven neighbourhood areas which will provide members, residents and other stakeholders with greater transparency on where investments are being made area-by-area, and to account for that distribution.

Who will you be accountable to for the above actions/outcome? How will those responsible know these actions have worked? What performance indicators will you use to demonstrate this? Are there any other forms of evidence you can use to support this assessment of their effectiveness?

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The full impact of a proposal may only be known after the proposals have been implemented; therefore it is important that effective monitoring and feedback processes are in place to assess the impact. Have you identified who (e.g. project board, Steering or user group) will be accountable for reviewing and challenging progress/ achievement of mitigating actions? How will you feedback on any actions taken and speak to those affected? For example, where disabled people are affected, how might you feedback your initial suggestions for action? Can you demonstrate, where their comments have shaped the final decisions for action/change? When and where will the outcomes/actions from assessment be reviewed e.g. 6 months, annually. Is there scope for these for these mitigations / changes to be included within your service plan and owned at senior level?

Section to be completed by Sponsor/Director/Head of Service

Outcome of equality impact assessment

- No adverse impact, no change required
- Low adverse impact, minor adjustment required
- Significant adverse impact, further action required
- Significant impact identified unable to mitigate fully
- Unlawful in/direct discrimination, stop and rethink

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Comments from Sponsor/Director/Head of Service

These proposals are considered to have a positive impact on people with protected characteristics, as they will enable more effective allocation and expenditure of developer contributions against Borough Plan and local community priorities; and ensure expenditure can be targeted on the basis of need. They will also provide more transparency in how spending has been, and will be, undertaken; which will provide greater accountability and build more confidence in the process.

Submit for approval

Submit for approval

Executive Approval

Approved

Attachments

Close