

Blackpool Council - Equality Impact Assessment Record Form from February 2008

Department:

Team or Service Area Leading Assessment: Building Control

Title of Policy/ Service or Function: Service

Proposals to introduce/ alter/ delete policy, service, expenditure etc:

Date of proposals: Feb 2008

Committee/Team: Building Control

Lead Officer: Rick Riding

STEP 1 - IDENTIFYING THE PURPOSE OR AIMS

1. What type of policy, service or function is this?

Existing/

2. What is the aim and purpose of the policy, service or function?

The services delivered by the Building Control Section have a real impact on the welfare of the citizens of Blackpool and relate to priorities identified in the Councils 'Corporate Performance Plan for Blackpool 2005 – 2007.

The Building Regulation process is a statutory function with its basis in the Building Act 1984. The primary objective of the function is to secure the health, safety and welfare of people in and around buildings. The function is linked to the planning process, in that many developments are required to gain both Planning and Building Regulations approval. Because statutory Building Regulation requirements extend to site inspections, building control surveyors also undertake checks on some basic planning requirements during their site visits.

A person carrying out 'building work' is required to make a building regulation application, usually in the form of plans and specifications for the proposed development, which are, subject to any necessary amendments, passed by the authority. In the case of domestic work application may be by way of a Building Notice, which merely describes the proposed development and includes a block plan. In the case of the Building Notice, no approval of the application is given, compliance with the Building Regulations being achieved through appropriate site inspection.

With both types of application the person undertaking the work is legally required to notify the authority of certain stages of work (statutory inspections).

The authority inspects the work at these and other stages to ensure, as far as practicable, compliance with the regulations.

3. Please outline any proposals being considered.

All Building Control primary and secondary functions

4. Why are the proposals being made - for what reason?

The ensure the impact on equality is considered in all policies and procedures.

5. What outcomes do we want to achieve

An inclusive service that does not discriminate to customers.

6. Who is the policy; service or function intended to help/ benefit?

All Blackpool population.

7. Who are the main stakeholders/ customers/ communities of interest?

Builders, Agents, Developers, members of public engaging in a construction project.

8. Does the policy, service or function have any existing aims in relation to equality, social inclusion or community cohesion?

See the "Disability Equality Scheme" on intranet

9. How is the resulting service or function delivered/ administered?

Although a statutory function the wording of the regulatory requirements do allow for the exercise of discretion in that they typically require 'reasonable' provision. Extensive guidance in terms of what provision would be 'reasonable' is given in supporting documents 'Approved' by the ODPM but these document point out that there are other ways of meeting the requirement.

The vast majority of applications however are approved on the basis of compliance with the Approved Documents and thus offer little scope for discretion.

Discretionary scope increases with size and complexity of the development but as size of development increases the practicality and relevance of monitoring decreases. The service is provided to large architectural practices or developers who have no ethnic, gender etc, identity. It has been assessed therefore that monitoring of these, typically £1m+ schemes undertaken by the Team Leader is inappropriate.

Monitoring of the remainder of work undertaken by the Team was therefore examined. Even here monitoring potential adverse impact of the service is not straight forward. From start to finish of the service we will interact with/impact upon several people: typically the owner, their agent or architect, sometimes an engineer and the builder. The nature of domestic extensions means also that we will frequently interact with the neighbour.

Who then should be monitored and how would adverse impact be detected or indicated.

It is also appropriate to note that the function is unique in local authority terms in that it is subject to full competition across the full spectrum of Building Regulation work. Our competitors (Approved Inspectors) can choose to accept or refuse work without reason and exercise discretion without external justification.

Further, we are legally required to break-even over a three year rolling programme.

Monitoring, therefore, has to be justified and effective if it is not to threaten the achievement of our primary health and safety function.

STEP 2 - CONSIDERING EXISTING INFORMATION AND WHAT THIS TELLS YOU

10. Please summarise the main data/ research and performance management information in the box below.

<i>Date/ information</i>
Customer Survey response and the Corporate staff survey on diversity
<i>Research or comparative information</i>

Primary Function

For reasons identified above, monitoring to date has been limited. Consisting of a voluntary declaration of ethnic background on a sheet accompanying a satisfaction survey.

The return rate of these forms has been low at 16%. Thus, any conclusions drawn, on the basis of forms returned is questionable. Further, it has been difficult to determine application outcomes that might suggest an 'adverse effect'. Because of the objective technical nature of the assessment, rejections have to be accompanied by detail of technical deficiencies which, when corrected, will generate an approval. This, when viewed against a first time approval rate of 85% of applications (and an 85% turn-around within 3 weeks) suggests that only a small minority of applications result in what an applicant might consider to be an undesirable outcome.

Further analysis of this very small return rate has therefore not taken place. It is, however, proposed that following receipt of recent corporate advice on monitoring application forms can be adjusted to incorporate this monitoring information and thus hopefully improve the response rate and therefore the validity of future analysis.

Contraventions and Enforcement Action

Enforcement action is very rarely sought and has in effect, only resulted in one court action in the last 5 years and contraventions are always resolved through negotiation of the officer. These pieces of information, if somewhat imprecise, offer sufficient justification for future monitoring of contraventions to be undertaken. Further, if action is to be proposed that will address any adverse impact, then the monitoring should include some assessment of the reason for the contravention, e.g. lack of knowledge; misled by builder etc - such that appropriate corrective action can be taken. Proposed monitoring should also be undertaken on the same basis in our linked Planning function.

Other Equality Considerations

It is pertinent to mention in this assessment a responsibility, which the function has for the implementation of legislation, which has a profound impact on equality, in particular, for people with disabilities but is also intended to address some inequalities, which may relate to gender and age.

Part 'M' of the Building Regulations is designed to secure suitable access to and use of buildings.

It is hoped that application of this requirement would have a positive effect on equality. It could be argued however, that inappropriate or ineffectual application of the legislative might result in a relatively adverse effect.

THE CONSULTATION PROCESS

Another stage in the consultation process will involve Building Controls Management Team (RR, DS,) approving the content of this report. Process and final outcomes will be reflected in the Divisions report on the Equality Needs Impact Assessment process to be approved by Strategic Management Team.

Communication of issues

Monthly team meetings allow frequent opportunities for comment on equality issues. The inspection process ensures frequent and regular contacts with customers throughout the town.

Agent/Customer Panel consultation takes place quarterly. It's composition is however, as might be expected from the industry, far from representative of the local community. Attempts to increase the diversity of the group have to date proved unsuccessful.

Partner Consultation

<p>Although not a statutory responsibility, a surveyor from Building Control sits on the Access Committee for Blackpool. Advice is offered on suitable access and facilities for people with disabilities both in terms of regulatory requirements and good practice.</p>
<p>Key findings of consultation and feedback</p>
<p>Monitoring Mechanisms</p> <ul style="list-style-type: none"> • Continual feedback will occur from the Equalities Advisor in the Organisational Change Unit • The Action Plan will be reviewed twice yearly as part of the Building Control Management Team agenda. <p>Key Performance Indicators</p> <ul style="list-style-type: none"> • Any racial incidents arising from a service delivery or staff perspective, would be recorded in minutes of monthly team meetings <p>The likelihood of equality issues being understood and raised by staff will increase with the diversity of the workforce.</p> <p>The construction industry's record on ethnicity and gender is not good, but in Building Consultancy we have had considerable success in achieving a more representative workforce.</p> <p>Customer Consultation</p> <p>Agent/Customer Panel consultation takes place quarterly. It's composition is however, as might be expected from the industry, far from representative of the local community. Attempts to increase the diversity of the group have to date proved unsuccessful.</p> <p>Partner Consultation</p> <p>Although not a statutory responsibility, a surveyor from Building Consultancy sits on the Access Committee for Blackpool. Advice is offered on suitable access and facilities for people with disabilities both in terms of regulatory requirements and good practice.</p>

11. What are the impacts or effects for communities?

<p>Race or ethnicity</p> <p>No greater than generic impact as described above.</p>
<p>Gender and transgender</p> <p>No greater than generic impact as described above.</p>
<p>Age</p> <p>No greater than generic impact as described above.</p>

<i>Disability</i>
No greater than generic impact as described above.
<i>Religion or belief/ faith communities</i>
No greater than generic impact as described above.
<i>Lesbian, gay, bisexual people</i>
No greater than generic impact as described above.
<i>Other socially excluded communities or groups</i>
No greater than generic impact as described above.
<i>Relationships between or within communities</i>
No greater than generic impact as described above.

12. What do you know about how the proposals will impact on different communities?

Customer Satisfaction surveys highlight ethnicity on response. This is discussed in the ISO 9001/200 Management review

STEP 3 - ASSESSING THE IMPACT

13. Is there any evidence of higher or lower take-up by any group or community, and if so, how is this explained?

No evidence

14. Does the geography or demography of service users reveal anything?

No evidence

15. Do any rules or requirements prevent any groups or communities from using or accessing the service?

No evidence

16. Does the way a service is delivered/ or the policy create any additional barriers for any groups of disabled people? (DDA duties arising out of DDA 1995)

No evidence

17. Does the way a service is delivered/ or the policy create any additional barriers for any other groups or communities, for example, due to limited income or because of the time during the week or day when the service is available? E.g. women, cultural reasons.

No evidence

18. Do any of these limitations amount to unlawful discrimination?

No

If yes, please explain (referring to relevant legislation) in the box below

19. If No, do they amount to a differential impact, which should be addressed?

Yes No

If yes, please give details in the boxes below.

20. If the impact or effects are adverse for any community or group, can they be defended in order to provide equality for another community under legislation or policy?

Yes No

Please give details below.

No evidence

21. Do you have enough information to make a judgement?

Yes No

If no, what information do you require, about which communities?

No, highlighted in action plan

22. Is it possible to get the information quickly and easily or is it recommended that the collection of such data be included as an action for the action plan that will be developed? Please detail below.

Yes See Action Plan

STEP 4 - DEALING WITH ADVERSE OR UNLAWFUL IMPACT

23. What can be done to improve the policy, service, function or any proposals in order to reduce or remove any adverse impact or effects identified?

Implement Action plan ASAP

24. What would be needed to be able to do this? Are the resources likely to be available?

Yes

25. What other support or changes would be necessary to carry out these actions?

None identified

STEP 5 - CONSULTING THOSE AFFECTED FOR THEIR VIEWS

26. Please outline the steps taken to test out your findings and possible courses of action below.

Staff test out findings followed by further reviews and customer satisfaction surveys

27. What feedback or responses have you received to the findings and possible courses of action? Please give details below.

None yet done

28. If you have not been able to carry out any consultation, please indicate below how you intend to test out your findings and recommended actions.

None yet done

29. If you are impact assessing some proposals, what steps have been taken to ensure that stakeholders have been able to voice their opinions on the proposals or the need for change?

None yet done

STEP 6 - ACTION PLANNING

Please outline your proposed action plan below.

Issues/ adverse impact identified	Proposed action/ objectives to deal with adverse impact	Targets/Measure	Timeframe	Responsibility	Indicate whether agreed
Gather evidence on diversity of applicants	Incorporate ethnic monitoring of Building Regulations into new application forms. Analysis to be computer based.	New Form	2008/09	RPR	Yes May 2008 (ISO)
Gather evidence on diversity of applicants	Incorporate ethnic monitoring of customer satisfaction into current completion questionnaires. Analysis to be computer based	New Form	2008/09	RPR	Yes May 2008 (ISO)
Equality monitoring	Develop and agree with Planning Enforcement the equality monitoring of contraventions/enforcement activity including an officer assessment of contributory factors to give evidence for future corrective action.	Crystal Report	2008/09	RPR	Yes May 2008 (ISO)
Keep abreast of legislation	Monitor and evaluate case law arising out of the Disability Discrimination Act and refine our application of Part M accordingly.	Research	2008/09	RPR	Yes May 2008 (ISO)

STEP 7 - ARRANGEMENTS FOR MONITORING AND REVIEW

Please outline your arrangements for future monitoring and review below.

Agreed action	Monitoring arrangements	Timeframe	Responsibility	Added to Service Plan etc.
All	ISO 9001/2000 Management Review	YEARLY	R Riding	Yes

Date completed:

Signed:

Name:

Position: