



## Equalities and Diversity Impact Assessment (EqIA) for the Statement of Community Involvement

## 1. Introduction

- 1.1 Merton's Statement of Community Involvement (SCI) sets out how the Merton Council will involve local people, local businesses, other key organisations and stakeholders when preparing development planning documents and on submitted planning applications. All local planning authorities (the Council) are required under section 18 (1) of the Planning and Compulsory Purchase Act 2004, to prepare and keep a SCI. This EqIA will be assessing the draft SCI against the Protected Characteristic as set out in the Equalities Act 2010.
- 1.2 This EDqIA is a working document that will be updated and informed by a 6-week consultation on the draft SCI, taking place from 28<sup>th</sup> October to the 8<sup>th</sup> December 2019. The SCI document will be reviewed following the consultation period and changes made if appropriate in accordance with planning legislation and policies.

## 2. What is a SCI?

- 2.1 In 2006 Merton Council adopted its SCI. However, since its adoption there have been several changes to planning legislation, planning guidance and technological advances such as social media, which have changed the way public consultations and engagements are carried out which means Merton's SCI (2006) requires updating. The draft SCI looks to clarify several existing planning processes and engagement methods, enabling residents to be better informed about how to meaningfully take part in various planning processes.
- 2.2 In accordance with the relevant legislation the SCI sets out how, when and who will be consulted throughout the preparation of a development planning document such as a Local Plan and other statutory development planning documents for example Supplementary Planning Documents (SPDs) prepared by the council. Furthermore, it also sets out how the council will consult on planning applications.
- 2.3 In addition to legislative requirements of what should be included in an SCI, it also sets out the principles for consultation on Neighbourhood Plans/planning<sup>1</sup>.

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<sup>1</sup> Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Communities can shape development in their areas through the production of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders <https://www.gov.uk/guidance/neighbourhood-planning--2>

- 2.4 The SCI has been prepared following:
- The Planning and Compulsory Purchase Act 2004 (as amended)
  - The Localism Act 2011,
  - The Town and Country Planning (Local Planning) (England) Regulations 2012
  - The Town and Country Planning (Development Management Procedure) (England) Order 2010 and
  - The National Planning Policy Framework (NPPF 2019).

### 3. What is an Equality Impact Assessment (EDqIA?)

- 3.1 An EDqIA is an essential tool that helps local authorities to ensure policies and the way they are carried out (once adopted) do what they are intended to do. EDqIA's helps local authorities to meet the requirements of their equality duties and identify active steps they can take to promote equality.
- 3.2 Carrying out an EDqIA involves systematically assessing the likely (or actual) effects of policies on the population in regards of the Protected Characteristics<sup>2</sup> and where authorities choose, wider equality areas. This importantly includes looking for opportunities to promote equality that have previously been missed or could be better used, as well as negative or adverse impacts that can be removed or mitigated. Furthermore, if any negative or adverse impacts amount to unlawful discrimination, are at once removed.

#### **Key stages of an EDqIA**

- 3.3 There are five key stages in the policy development process at which the EIA will be relevant and should be built into the wider policy development process:
- Stage 1: Pre policy development or policy review planning
    - deciding whether a policy or service requires an EIA
    - Scope of the EDqIA
  - Stage 2: Policy drafting and assessing impact Stage
  - Stage 3: Putting in place monitoring, evaluation and review approaches
  - Stage 4: Signing off and publishing the policy Stage
  - Stage 5: Monitoring and reviewing the Plan

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<sup>2</sup> Protected characteristics are the nine groups protected under the Equality Act 2010. They are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation

## 4. Equality legislation and strategies

4.1 The Equality Act 2010<sup>3</sup> replaces previous anti-discrimination laws with a single Act, making the law easier to understand, strengthening the protection and sets out the different ways in which it's unlawful to treat someone. Before the Act came into force there were several pieces of legislation to cover discrimination, including:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

4.2 At the decision-making stage local authorities are required to assess how changes to policies and service delivery will affect different people. In 2011, the Act extended protection against discrimination to nine '*Protected Characteristics*'- which includes the following:

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<sup>3</sup> [www.legislation.gov.uk/EqualityAct2010](http://www.legislation.gov.uk/EqualityAct2010)



- 4.3 The Act introduces a '**Public Sector Equality Duty**' to ensure that in exercising functions, delivering services and partnership we:
- eliminates discrimination, harassment and victimisation
  - Advance equality of opportunity between persons who share a protected characteristic and persons who do not share protected characteristic foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **The London Borough of Merton Equality Community Cohesion Strategy**

- 4.4 Merton Council's Equality Strategy 2017-21<sup>4</sup> sets out the council's approach to valuing diversity and promoting equality.

<sup>4</sup> [www2.merton.gov.uk/equality-strategy](http://www2.merton.gov.uk/equality-strategy)

The strategy aims to deliver good quality services that meet the needs and aspirations of all the borough's residents, service users, employees and visitors. The strategy addresses the needs of people who have traditionally faced discrimination or received less favourable treatment based on their 'Protected Characteristics' (age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, sexual orientation). Additionally, it covers issues related to socio-economic disadvantage, health inequalities, child poverty, community safety and social mobility.

4.5 The aim of the Strategy is to address keys issues such as:

- bridging the gap between the levels of deprivation and prosperity in the borough particularly focusing on:
  - raising educational attainment for all children and young people and reduce attainment gaps for target groups including children with special education needs or disabilities, those who are looked after in care, specific BAME groups, specific groups of White boys and those who are excluded from school
  - tackling rising unemployment particularly among young BAME communities and disabled residents and supporting those who are long term unemployed back into work
  - reducing health inequalities particularly the issues affecting some BAME communities, disabled and older residents
  - support residents who may be affected by mental illness or dementia
  - increasing education and economic opportunity in the east of the borough
- Improving understanding of the borough's diversity and foster better understanding between communities.
- Improving understanding of 'hidden' disabilities and the challenges that disabled residents face in all aspects of their lives. We aim to work in a cross-cutting way and take a holistic approach to more effectively address the needs of disabled residents. supporting those who do not usually get involved in decision-making to better understand how they can get involved and get their voices heard
- Supporting residents to access on-line access services
- Providing services that meet the needs of a changing population.
- employing staff that reflect the borough's diversity


### *Equality Community Cohesion Strategy objectives*

4.6 Merton Council has developed 6 equality objectives that aim to improve the life chances of Merton residents and create a more level starting point for all. The objectives are:


- 1) To ensure key plans and strategies narrow the gap between different communities in the borough
- 2) Improve equality of access to services for disadvantaged groups
- 3) Ensure regeneration plans increase the opportunity for all Merton's residents to fulfil their educational, health and economic potential, participate in the renewal of the borough and create a health promoting environment.
- 4) Encourage recruitment from all sections of the community, actively promote staff development and career progression opportunities and embed equalities across the organisation
- 5) Promoting a safe, healthy and cohesive borough where communities get on well together
- 6) Fulfil our statutory duties and ensure protected groups are effectively engaged when we change our services

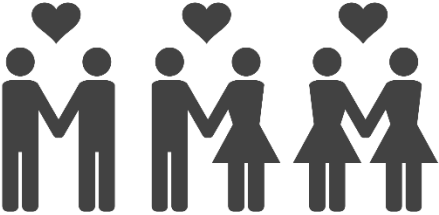
## 5. EDqIA screening

Figure 1: EqIA screening on the draft SCI.

Protected	Issues taken from evidence	Impact <i>Positive (+)</i> <i>Negative (-)</i>	Comments
 <p style="text-align: center;"><b>Age</b></p>	<p>Merton has a diverse and growing population. In 2018, Merton has an estimated resident population of 209,400, which is projected to increase by about 3.9% to 217,500 by 2025. The age profile is predicted to shift over this time, with notable growth in the proportions of older people (65 years and older) and a decline in the 0-4-year-old population.</p> <p>The east of the borough has an estimated resident population of 110,200 (2018), which is projected to increase to 113,900 by 2025 (+ 3.3%) compared to the west of the borough, which has an estimated resident population of 99,200 which is projected to increase to 103,600 by 2025 (+4.5%).</p> <p>Significant social inequalities exist within the Merton; the east of the borough has a younger, poorer and more ethnically mixed population. While the west of the borough a higher of the population is white, older and has a higher income when compared to the east of the borough. As a result, the population in the east of the borough has poorer health outcomes and a shorter life expectancy.</p> <p>The east of the borough is generally has a younger population of 0-29-year olds and has a</p>	<p>+</p>	<p>Proceed with consultation on the draft SCI engagement options.</p> <p>The draft SCI is designed to make development planning process more accessible for all.</p> <p>It is acknowledged that some older people may be less likely to utilise the internet in the same way as younger age groups or wish to undertake consultation events at the same time of day/ evening as those of working/school age.</p> <p>Such considerations will be taken into consideration when undertaking consultations for development planning documents/matters, in accordance with the principles of the SCI.</p> <p>With this in mind, the draft SCI clearly states that we will hold consultation events in places which are accessible to a range of people and will try to</p>



	<p>more diverse communities when compared to west of the borough; which is generally has a larger population of people aged 35 and over and a large white population.</p>		<p>hold these at times of the day which are convenient for as broad a range of people as possible.</p>
 <p><b>Disabled</b></p>	<p>It is estimated in Merton that, 10.8% of Merton residents were diagnosed with a long-term illness, disability or medical condition in 2014/15. This is lower than London figure (12.6%) and England figure (14.1%). In 2015, 13.5% of Merton 16 – 64, year olds were recorded as Equalities Act core disabled or work limiting disabled, which is lower than England (19.2%) but more like London (16.1%) and comparators.</p> <p><b>Physical disability:</b> People aged 18 - 64 estimated to have a moderate physical disability is 10,120 this figure is predicted to increase to 10,960 people by 2025, an 8% increase.</p> <p>People aged 18- 64 estimated to have a serious physical disability is 2,870 and is predicted to increase to 3,181 people by 2025 an increase of 10% increase</p> <p><b>Visual impairment:</b> People aged between 18- 64 estimated to have serious visual impairment is 90 this figure is predicted to increase to 95 people by 2025 an increase of 5%</p> <p>People aged 65 and over estimated to have moderate or severe visual impairment is 2,290 and predicted to increase to 2,648 people by 2025 an increase of 14%.</p>	<p style="text-align: center;">+</p>	<p>Proceed with consultation on the draft SCI engagement options. The draft SCI is designed to make development planning process more accessible for all.</p> <p>The draft SCI state clearly that, consultations and engagement must be accessible and outlines tools that may be used during consultation such as induction loops, signers for people who are either deaf or have impaired hearing, venues with disabled parking and for presentations to avoid using colours/imagery and special effects that could be harmful for people with dyslexia or be visually impaired.</p> <p>In addition the draft SCI clearly states that we will hold consultation events in places which are accessible, have accessible facilities such as toilets and parking and will try to hold these at times of the day which are convenient for as broad a range of people as possible.</p> <p>Merton Council complies with the Public Sector Bodies (Websites and Mobile Applications) (No. 2)</p>

	<p><b>Hearing loss:</b> people aged between 18 -64 estimated to have some hearing loss is 11,540 this is predicted to increase 12,970 people, an increase of 11% by 2025.</p> <ul style="list-style-type: none"> <li>• People 18 - 64 estimated to have serve hearing loss is 761 and is predicted to increase to 837 people a 9% increase by 2025</li> <li>• People aged 65 and over estimated to have serve hearing loss is 2,073 and is predicted to increase to 2,372 by 2025, an 13% increase</li> </ul> <p><b>Learning disability:</b> People aged 18 -64 estimated to have a learning disability 3, 390, it is predicted to increase to 3,550 people by 2025 of just under 5%.</p> <p>People aged 65 and over estimated to have a learning disability is 545, it is predicted that this figure will increase by 12% (621 people) by 2025.</p>		<p>Accessibility Regulations 2018.</p> <p>These regulations outline the service requirements for all public sector bodies that apply to public sector websites and apps. The SCI states that developer’s websites should be compliant with the international Web Content Accessibility Guidelines (known as WCAG 2.1).</p>
 <p><b>Marriage and civil marriage</b></p>	<p>According to the 2011 Census in Merton:</p> <ul style="list-style-type: none"> <li>• 67,417 people married</li> <li>• 16,932 people living in a couple (opposite sex)</li> <li>• 1,817 people in a registered same sex civil partnership or cohabitating</li> <li>• 3,333 people not living in a couple, but still legally married or still legally in a same sex civil partnership.</li> </ul>	<p style="text-align: center;">+</p>	<p>Proceed with consultation on the draft SCI engagement options.</p> <p>The draft SCI includes engagement practices that cover the whole borough for example for Local Plans, this will help to capture opinions from different groups identified across the spatial area.</p>



***Pregnancy and maternity***

The number of live births in Merton in 2016 was 3,246. There is a general downward trend in number of births in Merton: by 2025 it is projected that there will be an estimated 3,158 births.

In 2018 there are currently 15,450 , 0-4 year olds (7.4% of the total population) in Merton.

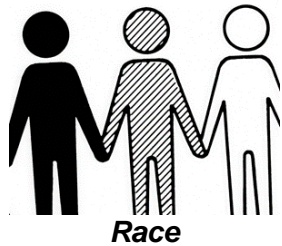
By 2025 this is predicted to decrease to 15,150 (-7%). In 2018 8,700, 0-4-year olds reside in east of the borough when compared to 6,750 in west.

Both east and west Merton are predicted to show a decrease in the 0-4 year population by 2025, to 8,470 in the east and 6,680 in the west.



It is important that venues for consultation events are accessible to heavily pregnant and nursing mothers. The draft SCI clearly states that any public consultation events will need to be held in places which are accessible to a range of people.

The draft SCI also provides different avenues for consultation, improving the likelihood of engagement by tackling barriers to access. Increasing the use of social media and online consultation tools and promoting the use of local print media, facilitates access for those who may be constrained from attending events.



Merton is a diverse borough. Some groups are more likely to be well represented during consultation events and planning processes.

The Census 2011 figures identified:

- 48.4% of the population are white British, compared to 64% in 2001.
- 35% of Merton’s population is from a Black, Asian and Minority Ethnic (BAME) groups (this includes non-white British).

The finding of the 2011 when compared to 2001 Census identified:

- -10% decrease in the overall White population
- +6% increase in the Asian,
- +3% increase in the Black population
- +2% increase in Mixed groups

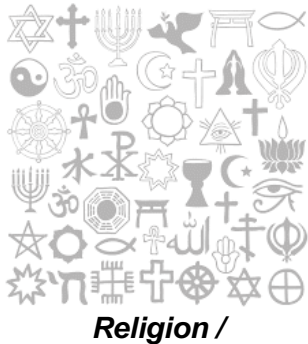
According to the Greater London Authority (GLA): 2015 round ethnic group projections there are currently 77,740 people (37% of Merton’s population) are from a BAME group. This projected to increase by 2025 to 84,250 people (+1%).

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The draft SCI also provides different avenues for consultation, improving the likelihood of engagement by tackling barriers to access. Increasing the use of social media and online consultation tools, working with faith/community groups including ethnic minority groups.




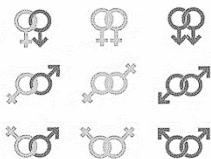
According to the 2011 Census, Merton is home to people of many religious, faiths and beliefs:

- 56% of Merton residents are Christians (a decrease of 7.5% since 2001),
- 8 Muslim
- 6% Hindu
- 0.9% Buddhists
- 0.4% Jewish
- 0.3% Sikh

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<p><b>Belief</b></p>	<ul style="list-style-type: none"> <li>21% of residents are not religious (+4% increase since 2001).</li> </ul>		
 <p><b>Sex (Gender)</b></p>	<p>Merton's gender breakdown is like neighbouring boroughs and London with more females than males, with 51% female and 49% males.</p>	+	<p>Proceed with consultation on the draft SCI engagement options.</p> <p>The draft SCI includes engagement practices that cover the whole borough for example for Local Plans, this will help to capture opinions from different groups identified across the spatial area.</p>
 <p><b>Sexual Orientation/ Gender Reassignment</b></p>	<p>There is no local information available so; this section will either refer to the national or regional picture. In 2016, it was estimated that just over 15,000 people who are gender identity patients in the UK: roughly 12,700 adults and 2,700 adolescents or children. However, based on UK rates and Merton 2018 population there approximately 42 transgender people in Merton.</p>	+	

## 6. Monitoring and review

- 6.1 This EDqIA is a live document until the SCI is adopted by the Merton Council. Any changes to the draft SCI, following the public consultation it will be assessed in an EDqIA.

## Appendix 1: Equalities legislation

**The Disability Discrimination Act 1995** outlaws the discrimination of disabled people in employment, the provision of goods, facilities and services or the administration or management of premises.

**The Disability Discrimination Amendment Act 2010** introduces a positive duty on public bodies to promote equality for disabled people.

**The Equality Act 2010** introduces a positive duty on public sector bodies to promote equality of opportunity between women and men and eliminate sex discrimination. The Act also protects access discrimination on the grounds of religion or belief in terms of access to good facilities and services.

**Gender Recognition Act 2004** - The purpose of this Act is to provide transsexual people with legal recognition in their acquired gender. Legal recognition follows from the issue of a full gender recognition certificate by a gender recognition panel.

**The Race Relations Act 1976** prohibits discrimination on racial grounds in the areas of employment, education, and the provision of goods, facilities, services and premises.

**The Race Relations Amendment Act 2000** places a statutory duty on all public bodies to promote equal opportunity, eliminate racial discrimination and promote good relations between different racial groups.

**The Race Relations Act 1976 (Amendment) Regulation 2003** introduced new definitions of indirect discrimination and harassment, new burden of proof requirements, continuing

protection after employment ceases, new exemption for a determinate job requirement and the removal of certain other exemptions.

**The Sex Discrimination Act 1975** makes it unlawful to discriminate on the grounds of sex. Sex discrimination is unlawful in employment, education, advertising or when providing housing, goods, services or facilities. It is unlawful to discriminate because someone is married, in employment or advertisements for jobs.

Along with:

- Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations 2001,
- Sex Discrimination Act 1975 (Amendment) Regulations 2003, and
- Sex Discrimination Act 1975 (Amendment) Regulations 2008.

**Marriage (Same Sex Couples) Act 2013** makes provision for the marriage of same sex couples in England and Wales, about gender change by married persons and civil partners, about consular functions in relation to marriage, for the marriage of armed forces personnel overseas, for permitting marriages according to the usages of belief organisations to be solemnized on the authority of certificates of a superintendent registrar, for the review of civil partnership, for the review of survivor benefits under occupational pension schemes, and for connected purposes.

**The Sex Discrimination (Gender Reassignment) Regulations 1999** seeks to prevent sex discrimination relating to gender reassignment. It clarified the law for transsexual people in relation to equal pay and treatment in employment and training.

