

**MEETING**

**COUNCIL**

**DATE AND TIME**

**TUESDAY 1ST MARCH, 2022**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
14.3	Report of the Head of Governance - Administrative matters	3 - 4
14.5	Report of the Deputy Chief Executive - Barnet Community Infrastructure Levy Charging Schedule Review - Approval of Charging Schedule and Infrastructure Payments Policy	5 - 60

Abigail Lewis abigail.lewis@barnet.gov.uk 020 8359 4369

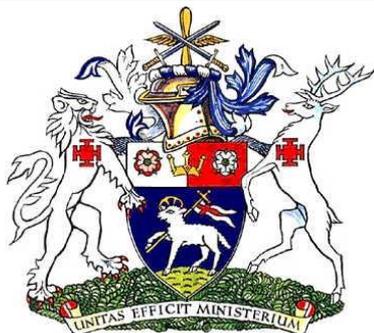
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## Appendix A2 – Additional changes to calendar of meetings

It is recommended that Council note the changes to the calendar of meetings outlined below: AGENDA ITEM 14.3

Original Date of Committee	New date of Committee
Policy and Resources Committee 30 <sup>th</sup> June 2022	8 <sup>th</sup> June 2022

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## Full Council

1 March 2022

<b>Title</b>	<b>Barnet Community Infrastructure Levy Charging Schedule Review – Approval of Charging Schedule and Infrastructure Payments Policy</b>
<b>Report of</b>	Deputy Chief Executive in consultation with the Leader as Chairman of Policy and Resources Committee
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	Yes – Full Council are requested to consider this as an urgent item to enable the CIL Charging Schedule to be approved to be effective from 1 <sup>st</sup> April 2022. Delaying this decision until the next ordinary Council meeting on 26 July 2022 will impact on CIL income. See section 1.12 below.
<b>Key</b>	Yes
<b>Enclosures</b>	Appendix A – Community Infrastructure Levy Charging Schedule Appendix B – Examiner’s Report and Recommendations Appendix C – Infrastructure payments policy Appendix D – Equality Impact Assessment (EQIA)
<b>Officer Contact Details</b>	Alice Leach, Infrastructure Planning Manager, 020 8359 2899 <a href="mailto:Alice.Leach@barnet.gov.uk">Alice.Leach@barnet.gov.uk</a> Neeru Kareer, Assistant Service Director, Planning and Building Control <a href="mailto:Neeru.Kareer@barnet.gov.uk">Neeru.Kareer@barnet.gov.uk</a>
<b>Summary</b>	
This report seeks Full Council agreement to approve the CIL Charging Schedule, following receipt of the Examiner’s Report.	

## **Officers Recommendations**

- 1. To note the Examiner's Report dated 15<sup>th</sup> February 2022 at Appendix B.**
- 2. To approve the new Community Infrastructure Levy Charging Schedule as set out in Appendix A subject to the recommended modification by the Examiner with effect from 1<sup>st</sup> April 2022 ('the Commencement Date').**
- 3. To approve the Infrastructure Payments Policy as set out in Appendix C and if approved to allow infrastructure payments with effect from 1 April 2022.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 Community Infrastructure Levy ("CIL") is a standard charge collected from developers on a rate per square metre basis after their planning permissions have been implemented and the funds raised are spent on infrastructure to support the development of an area.
- 1.2 The Council has charged CIL since May 2013. Since 2019 the Council has been engaged in a process to review the CIL rate, by following the Community Infrastructure Regulations 2010 (as amended) ("Regs") procedure for publication, consultation, examination and adoption of a CIL charging schedule.
- 1.3 The Policy and Resources Committee agreed the CIL Draft Charging Schedule and evidence documents for consultation at their meeting on 8 February 2021.
- 1.4 The Policy and Resources Committee considered the results of consultation and agreed that the Charging Schedule should be submitted for Examination at their meeting on 24<sup>th</sup> May 2021.
- 1.5 Jameson Bridgwater PGDip TP MRTPI was appointed as the Examiner. The Examination has now taken place The hearing session was held on 25<sup>th</sup> November 2021. The Examiner's report was received on 15<sup>th</sup> February 2022 and is attached to this report at Appendix B.
- 1.6 The Examiner had to consider whether the requirements set out in Part 11 of the PA 2008 and the CIL Regs had been complied with and give reasoned recommendations for the draft charging schedule to be approved, rejected or modified.
- 1.7 Subject to a recommended modification, the Examiner has concluded that the London Borough of Barnet Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended) and has therefore recommended that the Charging Schedule be approved
- 1.8 The modification is that the proposed £20 per square metre charge for leisure uses is reduced to £0. The Council has discretion over how they respond to any of the

Examiner's recommendations. However it is recommended that the modification should be accepted by the Council as this will allow the Charging Schedule to be approved and the new rates (excluding the leisure use charge) to come into effect.

- 1.9 The next step after the examination, in accordance with section 212(8) of the Planning Act 2008, is that the Council must publish the recommendations and reasons given by the Examiner and comply with the procedure for publication of the recommendations and reasons under Regulation 23. The Council must, as soon as practicable after the day on which it receives the recommendations and reasons:
1. Make the Examiner's recommendations and reasons available for inspection as previously had done so.
  2. Publish the examiner's recommendations and reason on the Council's website and
  3. Notify any persons who asked to be informed about the publication of the examiner's report.
- 1.10 The requirements above have been carried out. The Examiner's recommendation and reasons are available for inspection as previously - as the Council Offices were closed for much of 2021 and the Planning Reception remains closed, documents were not made available for inspection physically, but officers advised consultees that printed copies of any documents would be sent if requested. No requests for printed documents have been received. The Examiner's recommendations and reasons were published on the Council website on 16th February 2022. An email notifying consultees of the receipt of the report has been sent.
- 1.11 Thereafter, under section 213 of the Planning Act 2008, the Council may approve a recommendation made by the Examiner and must approve the Charging Schedule at a Council meeting by a majority of votes of members present. It should be noted that the Policy and Resources Committee does not have the authority to make any decisions post the examination stage of the process. The Charging Schedule, post consultation and examination, needs to be approved by the full Council in line with section 213(2) Planning Act 2008 and Government Guidance on approving and implementing the Charging Schedule. The Charging Schedule is attached to this report at Appendix A.

### **Urgency**

- 1.12 The Examiner's report was received on 15th February 2022. Legal advice on the process for approval was sought. The legal advice established that it was not necessary for the matter to be reported to Policy and Resources Committee in advance of Full Council. However, when officers reviewed dates, the next available Full Council would not be until July as the agenda for 1st March Full Council had been published on 21st February and the May Full Council is reserved for appointments to committees etc. Delaying the approval and subsequent implementation of the Charging Schedule to July 2022 would mean that the new CIL rates would not apply to planning permissions granted until after July rather than from 1st April 2022, which would have a significant impact on CIL income.

### **Infrastructure Payments Policy**

- 1.13 As part of consultation on the Draft Charging Schedule a number of developers suggested that infrastructure payments be made available under regulations 73A, 73B

and 74. These regulations allow for CIL payments to be made in kind, by providing infrastructure on site as part of a development. These comments were reported to Policy and Resources Committee in May 2021 and an infrastructure payments policy was drafted and discussed with consultees and submitted to the CIL examination for information. The Examiner did not consider the policy as it is a matter for the Council to decide whether to allow infrastructure payments. However, the policy was supported by a number of consultees. Allowing infrastructure payments may reduce the number of strategic sites that seek Exceptional Circumstances Relief and may be a more efficient way of bringing forward critical infrastructure ahead of or in line with the pace of development. It is therefore considered appropriate to allow Infrastructure Payments and for the Infrastructure Payments Policy to be approved alongside the charging schedule. The Infrastructure Payments Policy is attached to this report at Appendix C.

### **Position on Discretionary Reliefs**

- 1.14 The Council made Exceptional Circumstances Relief available when it adopted the current charging schedule in 2013. This allows charging authorities to offer relief from the levy in exceptional circumstances where a person responsible for a specific scheme cannot afford to pay the levy. The option to allow discretionary social housing relief and discretionary charitable relief was provided through changes to the CIL regulations in 2014, but was not made available in Barnet. It is proposed that the Council continues to make Exceptional Circumstance Relief available and does not make discretionary social housing relief or discretionary charitable relief available. Therefore applicants that meet the criteria for discretionary social housing relief or discretionary charitable relief will continue to have to apply for exceptional circumstances relief based on evidence.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 Approval of the Charging Schedule will mean that the CIL rates set out in the Charging Schedule will apply to all planning permissions granted from 1 April 2022. Depending on the development proposed, the CIL charge will increase and will make an important contribution to meeting the acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the borough.
- 2.2 Making infrastructure payments available may reduce the number of strategic sites that seek Exceptional Circumstances Relief and may be a more efficient way of bringing forward critical infrastructure ahead of or in line with the pace of development. It is therefore considered appropriate for Infrastructure Payments to be made available and the Infrastructure Payments Policy to be approved alongside the charging schedule.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 There is the option of not approving the charging schedule at this time. However, there would appear to be no advantage to the council in delaying approval.
- 3.2 There is the option of approving the charging schedule but not bringing it into effect until a later date. However, 1st April 2022 is a pragmatic date for the new rate to apply as it aligns with the financial year. It also allows some time for planning decisions to be made on cases that are currently with the local planning authority for determination, and the current rate to apply to those cases. It should also be noted that when consulting on the

new charging schedule it was anticipated that the new rates would come into effect in late 2021 or early 2022, depending on the timescales for examination.

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 The Community Infrastructure Regulations 2010 (as amended) sets out the procedure for publication, consultation, examination and adoption of a CIL charging schedule.
- 4.2 Once approved, Regulation 25 requires the Charging Schedule and any report to be published on the Council's website, made available for inspection at Council offices, notice to be given to those persons who requested to be notified of the approval as well as the commencement date on which it is to come into effect.
- 4.3 Under regulation 28A (2) the Charging Schedule which was approved in 2013 will be replaced by the Charging Schedule approved in 2022. The 2013 Schedule will cease to have effect on 1 April 2022 when the 2022 Charging Schedule comes into effect. This means that planning permissions granted prior to 1 April 2022 will be charged the 2013 (indexed) rates and planning permissions granted after 1 April 2022 will be charged the 2022 rates. Later phases of phased schemes may also pay the new rates in accordance with regulation 8.

#### **5. IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

5.1.1 The increased income generated from an increase to the CIL rate will help to meet Corporate Plan 2019-24 three main outcomes by helping to pay for the infrastructure to support development and the increasing population of the borough:

5.1.2 The three main outcomes are:

- Our residents live happy, healthy, independent lives with the most vulnerable protected
- A pleasant, well maintained borough that we protect and invest in –and
- Safe and strong communities where people get along well –.

##### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 The financial implications of the increase in the CIL rate are built into the capital programme and Infrastructure Delivery Plan.

##### **5.3 Legal and Constitutional References**

5.3.1 As set out in Section 1.11, approval of the CIL Charging Schedule is a matter reserved to Full Council under Section 213 of the Planning Act 2008.

5.3.2 Council Constitution, Article 7 (Committees, Forums, Working Groups and Partnerships) states the following in relation to urgent business:

7.15 When an urgent matter has arisen after the publication and dispatch of an appropriate agenda the following procedure applies:

7.16 The Chairman has the authority to agree to take urgent items not on the agenda. The Chair will consult with the Vice-Chairman and Opposition Spokesperson for the committee. The Chairman (with advice from the Monitoring Officer as appropriate) needs to be satisfied as to the need for urgency under the following criteria:

- the item has arisen between the compilation of the agenda and the date of the meeting.
- the item requires an urgent decision in the public interest which cannot be dealt with by other means

7.17 In all cases the reason for the urgency shall be clearly stated and recorded in the minutes of the meeting and the urgent item will be taken as the Chairman may decide.

- 5.3.3 The Mayor has agreed to take this as an urgent item of business. The Leader (who is also Chairman of the Policy & Resources Committee), the Leader of the Opposition and the Leader of the Liberal Democrat Group have been consulted. The reason for urgency is as set out on the cover page and in the body of the report.
- 5.3.4 CIL is a planning charge that was introduced by the Planning Act 2008 Part II to help deliver infrastructure to support the development in an area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 as amended (“the Regulations”).
- 5.3.5 Section 216(2) of the Planning Act 2008 lists some examples of infrastructure which CIL can fund. i.e. roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreation facilities and open spaces.
- 5.3.6 Additionally, regulation 59(F)(3) of The Community Infrastructure Levy (Amendment) Regulations 2013 allow the Council, as the Charging Authority to use the CIL to support the development of the relevant area by funding the provision, improvement, replacement, operation or maintenance of infrastructure or, anything else that is concerned with addressing the demands that development places on an area.
- 5.3.7 The relevant legislation applicable to introducing or amending the CIL Charging Schedule is set out in Part II of the Planning Act 2008 and the CIL Regulations 2010 (as amended). The relevant provisions and procedure are set out in this report.
- 5.3.8 The Planning Practice Guidance on Community Infrastructure Levy provides that Charging Authorities may amend their Charging Schedule in whole or in part. However, the revisions must follow the same statutory processes as the preparation, examination, approval and publication of a Charging Schedule (as set out in Part 3 of the CIL Regulations 2010 as amended).
- 5.3.9 There is currently no power or discretion in the CIL Regulations to amend an adopted CIL Charging Schedule without going through the formal statutory process.
- 5.3.10 The Charging Schedule must be formally approved by a resolution of the full Council of the charging authority. The resolution should include an appropriate commencement date following approval.

5.3.11 An approved Charging Schedule must be published by the Council. The date the Charging Schedule comes into effect is chosen by the Council and is specified within the Charging Schedule, but this must be at least one day after the date of publication.

5.3.12 Section 217(4) of the Planning Act 2008 allows for regulations to make provision for payment of CIL in-kind rather than in cash. Regulations 73, 73A, 73B and 74 of the CIL Regulations 2010 allow for the payment of CIL in-kind ('now known as infrastructure payment'). This is a discretionary policy and where a charging authority chooses to adopt a policy of accepting infrastructure payments, they must publish a document which sets out the conditions to be met in detail (regulation 73A), including the requirement to enter into a written agreement. If the Council chooses to permit infrastructure payments then it must comply with the procedure set out in regulation 73B

#### 5.4 **Insight**

5.4.1 n/a

#### 5.5 **Social Value**

5.5.1 The increase in receipts from the introduction of a new Charging Schedule will secure funding for a range of infrastructure to support development in Barnet, which in turn will have a range of social, economic and environmental benefits.

#### 5.6 **Risk Management**

5.6.1 It is considered that there are limited risks associated with approving the Charging Schedule. The decision will be open to legal challenge, however it is considered that the legislative requirements for approval have been met.

#### 5.7 **Equality and Diversity**

5.7.1 The Equality Act 2010 imposes a legal duty, known as the Public Sector Equality Duty which requires Public Bodies to have due regard to the need to:-

- Eliminate unlawful (direct or indirect) discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share a protected characteristic and those who do not share it; and
- Foster good relations between people with protected characteristic and those who do not share it.

Relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

5.7.2 An EQIA has been carried out and is included as Appendix D. The EQIA has not identified any potential for a disproportionate impact and all opportunities to advance equality of opportunity are being addressed.

#### 5.8 **Corporate Parenting**

5.7.1 n/a

## 5.9 Consultation and Engagement

- 5.9.1 At this stage of the process, there are no consultation requirements set out in the regulations.

## 6. BACKGROUND PAPERS

- 6.1 Community Infrastructure Levy guidance. <https://www.gov.uk/guidance/community-infrastructure-levy>
- 6.2 Infrastructure Funding Statement <https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>
- 6.3 Barnet CIL Charging Schedule 2013 <https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>
- 6.4 Policy & Resources Committee, 8 February 2021 Charging Schedule Review Barnet Community Infrastructure Levy  
<https://barnet.moderngov.co.uk/documents/s63176/Charging%20Schedule%20Review%20Barnet%20Community%20Infrastructure%20Levy.pdf>
- 6.5 Policy & Resources Committee 24 May 2021 Barnet Community Infrastructure Levy Charging Schedule Review – submission for examination  
<https://barnet.moderngov.co.uk/documents/s64966/Barnet%20Community%20Infrastructure%20Levy%20Charging%20Schedule%20Review%20submission%20for%20examination.pdf>



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LONDON BOROUGH OF BARNET

Community Infrastructure Levy

Charging Schedule

Date: 1 March 2022

**Section 211(1) Planning Act (As Amended)  
Part 3 Community Infrastructure Levy Regulations 2010 (As Amended)**

**1. The Charging Authority**

1.1 The London Borough of Barnet is the 'Charging Authority'.

**2. Date of Approval**

2.1 The Charging Schedule was approved by the Charging Authority on 1 March 2022.

**3. Date that takes effect**

3.1 The Charging Schedule will come into effect on 1 April 2022.

**4. Community Infrastructure Levy ('CIL') Rates**

4.1 The Charging Authority intends to charge different rates of CIL by the land use of a proposed development (expressed as pounds per square metre) as set out in table 1 below.

**Table 1: CIL Rates**

<b>Development</b>	<b>Proposed Amount</b>
<b>Residential including C2, C3 and C4 use classes and sui generis HMOs and other sui generis residential uses</b>	£300
<b>Hotels (C1)</b>	£200.09
<b>Retail (including former A1-A5 uses)</b>	£200.09
<b>Leisure (including former D2 uses and sui generis leisure uses)</b>	£0
<b>Employment (including former B use classes and / or B2 and B8 uses)</b>	£20
<b>All other uses</b>	£0

NB 1 In accordance with government guidance, the rates have been set on the basis of the intended use of development. The definition of "use" for this purpose is not tied to the classes of development in the Town and Country Planning Act (Use Classes) Order 1987 (as amended) although reference has been made in the table above to use classes in that Order in order to provide a useful reference point. Therefore, in the table above, the reference made to the use classes are not limited to those use classes.

2 The rate for Hotels (C1) and Retail (including former A1-A5 uses) is the same as that adopted on 1<sup>st</sup> May 2013 and is shown in the table above as with inflation from 2013 to 2022. Going forward, these rates will be indexed from  $I_c$  = the index figure for the calendar year in which the charging schedule containing rate R took effect to  $I_p$  = the index figure for the calendar year in which planning permission was granted.

i.e. the rate R will be £200.09 and the Ic will be 332.

## **5. Calculating the Chargeable Amount**

5.1 The amount to be charged for each development will be calculated in accordance with Schedule 1 of the Community Infrastructure Levy Regulations 2010 (as amended). For the purposes of the formulae in Schedule 1, the relevant rate (R) is the rate for each use shown in Table 1 above.

## **6. Statutory Compliance**

6.1 The Charging Schedule has been issued, approved and published in accordance with the CIL Regulations 2010 (as amended) and Part 11 of the Planning Act 2008 (as amended).

## **7. Further Information**

7.1 Further information on the Community Infrastructure Levy is available on the Charging Authority's website: <https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>

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## **Report to the Council of the London Borough of Barnet**

**by Jameson Bridgwater PGDip TP MRTPI**

an Examiner appointed by the Council

Date 15 February 2022

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Planning Act 2008 (as amended)

Section 212(2)

## **Report on the Examination of the Draft London Borough of Barnet Community Infrastructure Levy Charging Schedule**

Charging Schedule submitted for examination on 12 August 2021

The examination hearing was held on 25 November 2021

File Ref: PINS/N5090/429/9

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## **Abbreviations used in this report**

BLP	Barnet's Local Plan (Core Strategy) – September 2012
dBLP	Barnet Draft Local Plan 2021 to 2036
CIL	Community Infrastructure Levy
MM	Modification
The Council	London Borough of Barnet
VA	CIL Viability Review December 2019 and CIL Viability Review – Update (January 2021).

## **Non-Technical Summary**

This report concludes that, subject to the modification detailed below, the London Borough of Barnet Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the Borough. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk.

One modification is needed to meet the statutory requirements. This can be summarised as follows:

- That the CIL charge for 'Leisure (including former D2 uses and sui generis leisure uses)' is reduced from £20sqm to £0sqm.

The specified modification recommended in this report is based on matters discussed during the public hearing sessions and does not significantly alter the basis of the Council's overall approach or the appropriate balance achieved.

## Introduction

1. This report contains my assessment of the London Borough of Barnet Community Infrastructure Levy (CIL) Charging Schedule in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national guidance.
2. The proposed partial review of CIL Charging Schedule seeks to revise and modify the extant London Borough of Barnet Community Infrastructure Levy Charging Schedule, adopted on 1 May 2013.
3. To comply with the relevant legislation the local charging authority has to submit a charging schedule which sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the Borough. The basis for the examination, on which hearing session held on 25 November 2021 is the submitted schedule of 12 August 2021, which is effectively the same as the document published for public consultation between 18 February and 21 March 2021.
4. The submitted charging schedule from the London Borough of Barnet [the Council] proposed the following revised and new CIL rates:
  - Residential including C2, C3 and C4 use classes and sui generis HMOs and other sui generis residential uses - £300sqm
  - Leisure (including former D2 uses and sui generis leisure uses) - £20sqm
  - Employment (including former B use classes and/or B2 and B8 uses) - £20sqm
  - All other uses - £0sqm

Extant CIL Charging rates (1 May 2013) retained:

- Hotels (C1) - £202sqm - Index linked
- Retail (including former A1-A5 uses) - £202sqm - Index linked

### **Is the charging schedule supported by background documents containing appropriate available evidence?**

#### **Infrastructure planning evidence**

5. Barnet's Local Plan (Core Strategy) (BLP) was adopted in September 2012. This sets out the strategy for future growth and development in the Borough to 2026. The Council are therefore currently undertaking a review of the BLP,

preparing a new development plan for the borough, the Barnet Draft Local Plan 2021 to 2036 (dBLP), that was submitted for examination on the 26 November 2021.

6. The spatial strategy for Barnet in the dBLP sets out the broad locations where the Council expects a concentration of development to be located and expected levels of growth up to 2036. The dBLP seeks to deliver a minimum of 35,460 new homes, 395,000m<sup>2</sup> of new office space at Brent Cross Town and 56,600 m<sup>2</sup> of new retail space at Brent Cross North, up to 67,000 m<sup>2</sup> of additional office space across Barnet's town centres, including the provision of affordable workspace, a new Regional Park and 3 new destination hubs for sport and recreation. Although the Local Plan process is not yet completed, the development strategy across the plan area is already sufficiently clear, with the relevant up to date and extensive supporting evidence in place, including infrastructure requirements and viability.
7. Therefore, in these specific local circumstances I conclude that there is no reason why the CIL charging schedule cannot be submitted, examined and adopted, if viable and appropriate. I am satisfied that this accords with the national Planning Policy Guidance, which states that "information on the charging authority's infrastructure needs should be drawn from the infrastructure assessment that was undertaken as part of preparing the relevant plan".
8. This conclusion is reinforced by the decision of the Court of Appeal in the *Oxted Residential Ltd v Tandridge DC* case on 29 April 2016 (EWCA Civ 414), which effectively confirmed, amongst other things, that there is no statutory obstacle to adoption of a CIL charging schedule in advance of a new Local Plan if this is justified in all of the relevant local circumstances. However, in the event of a significant change to the development strategy as a result of the Local Plan examination, it would be appropriate for the Council to consider whether a review of the CIL charging schedule is needed.
9. The draft Barnet Infrastructure Delivery Plan 12 August 2021 (IDP) outlines the new/improved infrastructure required to facilitate planned growth within the borough to the end of the dBLP plan period (2036). The IDP indicates that spending will be directed towards social, physical, and environmental infrastructure. These amongst other things include sports and physical activities, strategic open space projects, community equipment and assistive technology, early years child place sufficiency, highways asset management network recovery plan, Colindale parks and open spaces, Colindale highways and transport, and Town Centre Improvement, all of which will contribute towards implementing the objectives of both the BLP and the emerging dBLP.
10. Taking into account other likely funding sources, including direct from government, the Council's IDP estimates a total infrastructure gap of about

£1,347m. Since coming into force, the amount raised by the Council from their existing CIL levy rates is approximately £10m per year. It is anticipated that the revised CIL charges, as proposed, would raise between £25.5m rising to around £33.9m a year when the new rate is fully embedded. Therefore, it is projected that the CIL would generate between £382.5m and £509m in total up to 2036 towards infrastructure needs. In light of this evidence, the proposed CIL charges would make a significant contribution towards meeting the likely funding gap. The figures demonstrate the need to levy CIL in the London Borough of Barnet.

### **Economic viability evidence**

11. The Council commissioned the London Borough of Barnet: Community Infrastructure Levy Viability Review (December 2019). As a result of the coronavirus pandemic the Council carried out a CIL Viability Review – Update (January 2021). These two documents taken together form the Council's CIL Viability Assessment (VA). The development typologies on sites across the borough selected for testing were not intended to represent specific development proposals, but to reflect typical forms of development that are likely to come forward in Barnet over the plan period. Whilst I accept that mixed use schemes were not included within the Council's development typologies, I do not consider that this is necessary nor is it practical, due to the mix and quantum of uses within each scheme almost certainly being unique to the site specific circumstances. The assessments use a residual valuation approach, using reasonable standard assumptions for a range of factors such as building costs, profit levels, fees, and changes in relation to national policy.
12. The VA sets out that the viability testing for the CIL review was carried out during a period of sustained growth, with the proposed CIL rates based on current values and costs. However, to take into account the market uncertainties related to exiting the European Union the model was subject to sensitivity testing in relation to projected growth over the plan period. This was achieved by carrying out indicative analysis that applies growth to sales values and inflation on costs to provide an indication of the extent of improvement to viability that might result. The model was adapted by relevant local data on existing land values; including Land Registry data and some recent transactions, taking into account that there are variations in average land values across the borough. Therefore, in general, the benchmark land values used are sufficiently realistic for comparison purposes in a generic study of this type.
13. The charging schedule has been informed by discussions with stakeholders and consideration of the representations made on the series of consultations carried out by the Council. The Submission Statement (CIL 3) demonstrates that an adequate and proportionate approach in relation to local stakeholder participation was taken by the Council. This was further reinforced by local developers being represented at the Examination Hearings.

14. The VA seeks to establish a residual value by subtracting all costs (except for land purchase) from the value of the completed development (the Gross Development Value). This is tested across a wide range of 'trial CIL rates' – i.e., with increasing CIL cost included. The price at which a typical willing landowner would be prepared to sell the land (the Benchmark Land Value) is then compared with the residual value to arrive at the 'theoretical maximum charge' that may be supportable. This informs the scope from which the CIL charge can be taken provided that there is a sufficient viability buffer or margin.
15. The Guidance states that it would be appropriate to include a buffer or margin so that the levy rates are not set at the margins of viability and are able to support development when economic circumstances adjust. This can also provide some degree of safeguard in the event that gross development values have been over-estimated or costs under-estimated and to allow for variations in costs and values between sites. As discussed below, the Council have apart from Leisure and Employment uses (both £20sqm) proposed CIL charges that provide a reasonable viability buffer or margin commensurate with the type of development being brought forward.

## **Conclusion**

16. The draft Charging Schedule is supported by documentation demonstrating detailed evidence of community infrastructure needs and economic viability testing. On this basis, the evidence which has been used to inform the Charging Schedule is robust, proportionate, and appropriate.

## **Is the charging rate informed by and consistent with the evidence?**

### **Residential CIL rate**

#### **Residential including C2, C3 and C4 use classes and sui generis HMOs and other sui generis residential uses - £300sqm**

17. The proposed requirement of a minimum of 35,460 new homes to be delivered in the borough is set out in Policies BSS01 Spatial Strategy for Barnet and GSS01 Delivering Sustainable Growth of the dBLP. To inform the VA the Council have used representative property sales data localised to the London Borough of Barnet. The approach considers a sufficient range and number of size and type of residential development schemes across the borough. These range from a very small residential house (1 Unit 108sqm) to large residential schemes (Flats 2,500 units), using average floor areas and a mix of units that are consistent with policies of the BLP. The analysis also includes estate regeneration schemes and older people's housing. The extensive testing of flatted schemes is particularly relevant in that this will be the key to the delivery of the residential growth planned to come forward in the borough over the plan period. Consequently, whilst there are differences in the results obtained, the

schemes are suitably reflective of the new housing projects likely to come forward locally in the current market conditions and provide the necessary information against which to assess viability in the borough. I consider that the Council's use of property sales data is sufficiently representative of the variations in the housing market across the London Borough of Barnet.

18. The VA recognises that, by definition, site specific abnormal costs cannot be accounted for in such generic analyses. Additionally, it is likely that any significant abnormal costs would reasonably be expected to be reflected in lower land sale values. Furthermore, the viability testing has properly examined the most likely scenarios but clearly cannot address all possible eventualities surrounding new development projects. Moreover, the residential CIL rates have been the subject of extensive viability testing to take into account land values, construction costs, density, residual planning obligation costs and the requirement for affordable housing.
19. Whilst overall there is an underlying strength and viability in the London Borough of Barnet property market, the Council's analysis also demonstrates the difference in the ability of residential development in different parts of the borough to viably support a CIL charge, in particular Golders Green/Hampstead which could viably support a CIL charge significantly higher than the rest of the borough. Notwithstanding this, the Council have proposed a single CIL rate of £300sqm for residential uses in the borough, that would replace the extant index linked rate of £202sqm. I concur with the Council's contention that a single residential rate is simpler to administer and that there would be limited benefit in setting a differential rate in Golders Green and Hampstead due to development in those areas being likely to benefit from self-build relief. I therefore consider that a single boroughwide residential rate is appropriate and justified by the available evidence.
20. With regard to the provision of affordable housing BLP Policies CS4 and DM10 set a boroughwide target of 40% affordable homes on sites capable of accommodating 10 or more dwellings. The Council's evidence indicates that the proposed residential CIL rate may possibly lead to a potential reduction in delivery of 1.2% when compared to the existing affordable housing delivery rates in the borough. As such, there could be implications for the delivery of affordable housing in the borough, albeit marginal. However, should viability issues come to the fore in relation to affordable housing there are established mechanisms that allow schemes to be tested on a site by site basis. Moreover, the Council confirmed that they intend to retain the Exceptional Circumstances Relief policy along with the introduction of a CIL in Kind policy. As such, I consider that there are adequate safeguards in place to ensure that the proposed residential CIL charge would not materially undermine the delivery of affordable housing in the London Borough of Barnet.

21. The proposed CIL rate of £300sqm is below the maximum theoretical CIL rate in the majority of circumstances and overall would remain a very low proportion of overall development costs, typically around 2.5%. The proposed rate would ensure a sufficient viability margin which would provide some degree of safeguard for variations in the market, ensuring that the vast majority of new housing development could be delivered in accordance with the BLP and emerging dBLP. I am therefore satisfied the proposed rate of £300sqm for Residential including C2, C3 and C4 use classes and sui generis HMOs and other sui generis residential uses is justified on viability grounds and would strike an appropriate balance.

### **Commercial rates**

22. Representative commercial rent and yield data was used to inform the commercial elements of the VA. With the exception of Leisure uses which are discussed below, the approach considers an adequate range and size and type of commercial development schemes across the borough. These included office, industrial, storage and schemes. RICS BCIS data in relation to build costs was also utilised. This data was reviewed to take into account the Covid-19 Pandemic in January 2021. Consequently, the VA as a whole considers schemes that are suitably reflective of commercial projects likely to come forward in the borough in the current market conditions and provide the necessary information against which to assess viability in the borough. I consider that the Council's VA data is sufficiently representative of the variations in the commercial market across the London Borough of Barnet.
23. Based on their evidence the Council have proposed nominal rates for Leisure (including former D2 uses and sui generis leisure uses) and Employment (including former B use classes and/or B2 and B8 uses).

### **Leisure (including former D2 uses and sui generis leisure uses) - £20sqm**

24. The Council have proposed a nominal CIL rate of £20sqm for Leisure (including former D2 uses and sui generis leisure uses). I have carefully considered the evidence submitted by the Council along with their hearing session representations. In particular I have taken into account the setting of similar rates elsewhere in London and that a CIL rate of £20sqm would be less than 0.5% of overall development costs. Furthermore, I accept that leisure uses are increasingly important to the vibrancy of the high street and their inclusion in development schemes can increase overall development value.
25. However, I must consider the appropriateness of the CIL rates based on the very limited evidence and analysis provided in relation to leisure typologies, in comparison with that provided for other uses. As such, I do not consider that the available evidence demonstrates that leisure development has the scope to absorb any material level of CIL. Consequently, I conclude that setting a rate of

£20 for leisure (including former D2 uses and sui generis leisure uses) would not be consistent with the viability evidence. I therefore recommend that the rate should be reduced to nil (**MM1**). In reaching this conclusion I have considered the impact on the delivery of new/improved infrastructure required to facilitate planned growth within the borough and conclude that setting the charge at £0/sqm is unlikely to materially reduce CIL income.

### **Employment (including former B use classes and/or B2 and B8 uses) - £20/sqm**

26. In relation to Employment (including former B use classes and/or B2 and B8 uses), the Council have proposed to set a nominal CIL rate of £20/sqm. In doing this the Council accepts that their updated office appraisals (January 2021) show less capacity to absorb CIL contributions than was previously the case in 2019, although storage appraisals show improved capacity to absorb a CIL charge.
27. I recognise the evidence suggests potential viability implications of a CIL rate of £20/sqm in particular in relation to office development. However, the proposed CIL rate of £20/sqm would only be a very small proportion (0.5%) of overall development costs and in effect would be likely to have a neutral effect on viability. Therefore, whilst challenging in the current market, the nominal CIL charge would be unlikely to prevent office schemes coming forward in the borough. Conversely, there is significant demand for warehousing development, which has resulted in a significant increase in yields for this type of development providing an adequate margin for the nominal CIL rate.
28. Having reached the conclusions above, adequate evidence has been provided that gives reasonable assurance that the proposed rate of £20/sqm for employment (including former B use classes and/or B2 and B8 uses) would not undermine the deliverability of the BLP or the emerging dBLP. It would therefore strike an appropriate balance between securing additional albeit limited investment to support development and the potential effect on the viability of this specific type of development. I therefore consider that the proposed rate is reasonable and pragmatic, given the available evidence, accepting there is no requirement for a proposed rate to exactly mirror the evidence.

### **Hotels (C1) and Retail (including former A1-A5 uses)**

29. The PPG is clear that charging authorities may revise their charging schedule in whole or in part. As set out above the Council have undertaken a partial review of their charging schedule with no changes proposed to the extant CIL rates for Hotels (C1) and Retail (including former A1-A5 uses), as such they will continue to be applied. Whilst it is noted that there has been some turbulence in both the hotel and retail sectors since the CIL came into force in May 2013 there is no

substantive or technical evidence that would suggest that the continued index linked CIL charges for Hotels and Retail would undermine the deliverability of the BLP or the emerging dBLP.

### **All other development**

30. In relation to all other development, that includes education and health the Council have decided not to charge a levy. This is consistent with the evidence in the VA. This demonstrates that viability for these uses is challenging and with these types of development having limited scope to absorb any material level of CIL. I am satisfied that for the reasons given in the VA, setting a rate of £0sqm for these uses is evidence based and appropriate.

### **Does the evidence demonstrate that the proposed charge rate would not put the overall development of the area at serious risk?**

31. Having reached the conclusions above, with the exception of leisure (including former D2 uses and sui generis leisure uses), the Council's decision to set rates for the following development:

- Residential including C2, C3 and C4 use classes and sui generis HMOs and other sui generis residential uses
- Employment (including former B use classes and/or B2 and B8 uses)

And retain the existing rates for;

- Hotels (C1)
- Retail (including former A1-A5 uses)

is based on reasonable assumptions about development values and likely costs. The evidence suggests that residential and commercial development will remain viable across most of the area if the charges are applied. Only if development sales values are at the lowest end of the predicted spectrum would development in some parts of the Borough be at risk, however, I consider this situation to be unlikely.

### **Conclusion and Legal Requirements**

32. In setting the CIL charging rates, the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in the London Borough of Barnet. The Council has sought to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the borough.

33. Subject to the recommended modification the Charging Schedule complies with national policy/guidance.
34. Subject to the recommended modification, the Charging Schedule complies with the 2008 Act and the 2010 Regulations (as amended), including in respect of the statutory processes and public consultation, consistency with the adopted BLP and the IDP and is supported by an adequate financial appraisal.
35. Subject to the recommended modification, I conclude that the London Borough of Barnet Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended). I therefore recommend that the Charging Schedule be approved.

*Jameson Bridgwater*

Examiner

## **Appendix A**

Modification that the Examiner specifies so that the Charging Schedule may be approved:

### **MM1**

Leisure (including former D2 uses and sui generis leisure uses) - ~~£20sqm~~ **£0sqm**

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## Appendix C Infrastructure Payments Policy

### London Borough of Barnet Community Infrastructure Levy (CIL)

The London Borough of Barnet is willing to accept infrastructure payments in its area.

The London Borough of Barnet will begin accepting infrastructure payments on 1 April 2022.

#### **Payment in Kind / Infrastructure Payments Policy**

In accordance with Regulation 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), London Borough of Barnet may accept one or more land and/or infrastructure payments in satisfaction of the whole, or part of, the CIL due in respect of a chargeable development.

This will be subject to the following conditions:

- 1) The Council must be satisfied that the land and/or infrastructure to be paid in lieu of CIL would be appropriate for the provision of necessary infrastructure to support the growth of the Borough. It is entirely at the Council's discretion as to whether to accept a land/infrastructure payment in lieu of CIL. Supplementary Planning Documents may set out what infrastructure will be considered necessary in particular areas. The Council's Infrastructure List is published annually in the Infrastructure Funding Statement – reference will be made to that list when considering whether to accept an infrastructure payment.
- 2) The chargeable development must not have commenced before a written agreement with the Council to pay all or part of the CIL amount as land and/or infrastructure has been made. This agreement must state the value of the land/infrastructure to be transferred.
- 3) Where CIL is paid by way of a land payment and/or infrastructure the amount of CIL paid is the amount equal to the value of the acquired land and/or infrastructure.
- 4) The value of any land and/or infrastructure offered by way of payment must be determined by a suitably qualified independent person and is the price that the land might reasonably be expected to obtain if sold on the open market on the day the valuation takes place. The Council will require the costs related to the independent valuation to be paid for at the applicant's expense.
- 5) The person making the land and/or infrastructure payment to the charging authority must have assumed liability to pay CIL and completed the relevant CIL forms.
- 6) The land, subject to the transfer, must be fit for a relevant purpose being the provision of necessary infrastructure to support the growth of the Borough.
- 7) The land, subject to transfer, must be free from any interest in land and any encumbrance to the land, buildings or structures. (This may require the owner to demonstrate that the land is suitable through the submission of further information to the Council, including but not limited to topographical information, reports on contamination and archaeology and details of any underground services).
- 8) The Council may transfer the land and/or infrastructure, at nil cost, to a third party for the provision of infrastructure.
- 9) Any outstanding CIL liable to the chargeable development after the transfer of land and/or delivery of infrastructure should be paid in line with the payment dates set out in the demand notice.

It should be noted that the agreement to pay in land may not form part of a planning obligation entered into under Section 106 of the Town and Country Planning Act 1990 (as amended).

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## Equalities Impact Assessment (EIA)

**EIAs make services better for everyone and support value for money by getting services right first time.**

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then create an action plan to get the best outcomes for service users and staff<sup>1</sup>. They analyse how all our work as a council might impact differently on different groups protected from discrimination by the Equality Act 2010<sup>2</sup>. They help us make good decisions and evidence how we have reached them.<sup>3</sup>

An EIA needs to be started as a project starts to identify and consider possible differential impacts on people and their lives, inform project planning and, where appropriate, identify mitigating actions. A full EIA must be completed before any decisions are made or policy agreed so that the EIA informs that decision or policy. It is also a live document; you should review and update it along with your project plan throughout.

You should first consider whether you need to complete this full EIA<sup>4</sup>.

### **Other key points to note:**

- Full guidance notes to help you are embedded in this form – see the End Notes or hover the mouse over the numbered notes.
- Please share your EIA with your Equalities Champion and the final/updated version at the end of the project.
- Major EIAs should be reviewed by the relevant Head of Service.
- Examples of completed EIAs can be found on the Equalities Hub

## 1. Responsibility for the EIA

Title of proposal <sup>5</sup>	<b>Barnet Community Infrastructure Levy Charging Schedule - Adoption</b>
Name and job title of completing officer	Alice Leach – Infrastructure Planning Manager
Head of service area responsible	Neeru Kareer
Equalities Champion supporting the EIA	Rosie Evangelou
Performance Management rep	n/a
HR rep (for employment related issues)	n/a
Representative (s) from external stakeholders	n/a

## 2. Description of proposal

Is this a: (Please tick all that apply)	
New policy /strategy / function / procedure / service <input type="checkbox"/>	Review of Policy /strategy / function / procedure / service <input checked="" type="checkbox"/>
Budget Saving <input type="checkbox"/>	Other <input checked="" type="checkbox"/>
If budget saving please specify value below:	If other please specify below: The increase in the CIL result would over the medium term result in an increase to the CIL applied in the borough by 50%
<i>Please outline in no more than 3 paragraphs<sup>6</sup>:</i>	
<ul style="list-style-type: none"> <li><i>The proposal which is being assessed:</i></li> </ul>	

Officers are seeking Full Council agreement to approve the adoption of a new Community Infrastructure Levy (CIL) Charging Schedule that will increase the Council's infrastructure charging payments. The Charging Schedule has been through statutory public consultation and independent examination process in accordance with the regulations and approval of its adoption is recommended.

- *The key stakeholders who may be affected by the policy or proposal*

The main stakeholders who would be affected would in the first instance be property developers in the borough who would have to pay the new CIL rates. All residents and businesses in Barnet would benefit from the increase in CIL income that will go towards significant improvements to Barnet's infrastructure through the CIL income raised.

- *The decision-making route being taken (eg. business planning, committee) and date of decision:*

Full Council meeting on 1 March to approve the adoption of a new CIL Charging Schedule.

### 3. Supporting evidence

**What existing data informs your assessment of the impact of the proposal on protected groups of service users and/or staff?**

*Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis*

Protected group	<p><b>What does the data tell you<sup>7</sup>?</b>  <i>Provide a summary of any relevant demographic data about the borough's population from the <u>Joint Strategic Needs Assessment</u>, or data about the council's workforce</i></p>	<p><b>What do people tell you<sup>8</sup>?</b>  <i>20 responses were received as part of the consultation, only four of which were submitted by residents through the Engage Barnet portal and answered the equalities questions. The other 16 responses were mainly from developers active in the Barnet area and statutory consultees. The responses below refer to the 4 responses submitted through Engage Barnet. 3 out of the 4 respondents supported the increase to the CIL charges, 1 was concerned about the charge being unaffordable for local residents. The CIL regulations provide for existing and proposed residents who build their own homes to benefit</i></p>

		<p><i>from 'self build relief' so such residents will not be directly affected by the increase in the charge.</i></p> <p><i>Given the small response rate and low completion rate of the protected characteristics questions it is difficult to draw conclusions. The table below we have set out the numbers that responded by protected characteristics, for those that responded through the Engage Barnet portal and answered the equalities questions.</i></p>
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Protected group	<b>What does the data tell you<sup>9</sup>?</b> <i>Provide a summary of any relevant demographic data about the borough's population from the <u>Joint Strategic Needs Assessment</u>, or data about the council's workforce</i>	<b>What do people tell you<sup>10</sup>?</b>
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Age <sup>11</sup>	Table 1: Age range proportions – 2011 Census data			<p>Through the Engage Barnet portal we received a total of 4 responses from the following age groups</p> <table border="1"> <tr><td>16-17</td><td></td><td>0%</td></tr> <tr><td>18-24</td><td></td><td>0%</td></tr> <tr><td>25-34</td><td></td><td>0%</td></tr> <tr><td>35-44</td><td></td><td>0%</td></tr> <tr><td>45-54</td><td>1</td><td>25%</td></tr> <tr><td>55-64</td><td>1</td><td>25%</td></tr> <tr><td>65-74</td><td>2</td><td>50%</td></tr> <tr><td>75+</td><td></td><td>0%</td></tr> <tr><td>Prefer not to say</td><td>0</td><td>0%</td></tr> <tr><td>Not answered</td><td>0</td><td>0%</td></tr> <tr><td>Answered</td><td>4</td><td>100%</td></tr> <tr><td><b>Total</b></td><td><b>4</b></td><td><b>100%</b></td></tr> </table> <p>All age groups, who completed the age question, supported the proposal to increase the CIL rate, with the exception of the 65-74 year old, was concerned about the CIL rate being unaffordable for local residents. .</p>			16-17		0%	18-24		0%	25-34		0%	35-44		0%	45-54	1	25%	55-64	1	25%	65-74	2	50%	75+		0%	Prefer not to say	0	0%	Not answered	0	0%	Answered	4	100%	<b>Total</b>	<b>4</b>	<b>100%</b>
	16-17		0%																																							
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	35-44		0%																																							
	45-54	1	25%																																							
	55-64	1	25%																																							
	65-74	2	50%																																							
	75+		0%																																							
	Prefer not to say	0	0%																																							
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	Answered	4	100%																																							
	<b>Total</b>	<b>4</b>	<b>100%</b>																																							
	Age	Barnet (%)	Greater London (%)				National (%)																																			
	Age 0 to 4	7.4	3.68				6.26																																			
	Age 5 to 7	3.9	2.22				3.45																																			
Age 8 to 9	2.4	5.59	2.16																																							
Age 10 to 14	6.0	1.15	5.81																																							
Age 15	1.2	2.28	1.23																																							
Age 16 to 17	2.5	2.34	2.48																																							
Age 18 to 19	2.1	7.71	2.59																																							
Age 20 to 24	6.7	10.19	6.78																																							
Age 25 to 29	8.8	25.34	6.89																																							
Age 30 to 44	23.5	17.00	20.64																																							
Age 45 to 59	17.5	4.19	19.39																																							
Age 60 to 64	4.7	5.79	5.98																																							
Age 65 to 74	6.7	3.78	8.59																																							
Age 75 to 84	4.5	0.99	5.52																																							
Age 85 to 89	1.3	0.52	1.46																																							

Protected group	<b>What does the data tell you<sup>9</sup>?</b> <i>Provide a summary of any relevant demographic data about the borough's population from the <a href="#">Joint Strategic Needs Assessment</a>, or data about the council's workforce</i>	<b>What do people tell you <sup>10</sup>?</b>						
	<table border="1" data-bbox="452 296 1400 408"> <tr> <td data-bbox="452 296 694 408">Age 90 and over</td> <td data-bbox="694 296 936 408">0.8</td> <td data-bbox="936 296 1178 408"></td> <td data-bbox="1178 296 1400 408">0.76</td> </tr> </table> <p data-bbox="452 480 1400 679">The age structure of Barnet is relatively young, with proportionally more people aged between 0 and 17 years and 30 to 64 years when compared to that of Greater London and nationally. There is a lower proportion of people aged between 20 to 29 compared to Greater London.</p> <p data-bbox="452 719 1400 879">The number of people aged 65 and over is predicted to increase by 33% between 2018 and 2030, compared with a 2% decrease in young people (aged 0-19) and a 4% increase for working age adults (aged 16-64), over the same period.</p>	Age 90 and over	0.8		0.76			
Age 90 and over	0.8		0.76					
<b>Disability<sup>12</sup></b>	<p data-bbox="452 997 1400 1142">The 2011 census indicated that within Barnet, 6% of the overall population have their day to day activities limited a lot by their health, while 14% of residents suffered from a long-term health problem or disability.</p> <p data-bbox="452 1174 1400 1278">The west and east regions of the borough have the biggest proportion, with the proportion of people whose daily lives are affected by a long-term condition or disability ranges from 2-14%.</p>	<p data-bbox="1426 997 2047 1262">Through the Engage Barnet portal we received a total of 4 responses. 1 respondent indicated that they had a disability. All supported the proposal to increase the CIL rate, with the exception of 1 (who did not have a disability) who was concerned about the CIL rate being unaffordable for local residents</p> <table border="1" data-bbox="1426 1305 1854 1391"> <tr> <td data-bbox="1426 1305 1675 1353">Disability</td> <td data-bbox="1675 1305 1742 1353"></td> <td data-bbox="1742 1305 1854 1353"></td> </tr> <tr> <td data-bbox="1426 1353 1675 1391">Yes</td> <td data-bbox="1675 1353 1742 1391">1</td> <td data-bbox="1742 1353 1854 1391">25.00%</td> </tr> </table>	Disability			Yes	1	25.00%
Disability								
Yes	1	25.00%						

Protected group	<b>What does the data tell you<sup>9</sup>?</b> <i>Provide a summary of any relevant demographic data about the borough's population from the <a href="#">Joint Strategic Needs Assessment</a>, or data about the council's workforce</i>	<b>What do people tell you <sup>10</sup>?</b>		
	<p>Within the west of the borough, Burnt Oak, Childs Hill and Golders Green comprise some of the biggest areas, between 11% and 13%.</p> <p>This trend is replicated across the East, where the highest proportions range between 11 and 14%, with the majority of region falling between 5% and 9%.</p> <p>In 2018, there was an estimated 6,100 adults in the Borough aged under 65 with a learning disability and 1,176 older people (aged 65+) giving a total of 7,276 adults for Barnet. The prevalence of physical disability (both moderate and severe) increases in older age groups. In 2018, there was an estimated 23,735 adults in Barnet with either a moderate or serious physical disability. Projecting Adult Needs and Service Information (PANSI) indicate that this figure may increase to 28,907 by 2035, a rise of 22%.</p>	No	3	75.00%
		Prefer not to say	0	0%
		Not answered	0	0%
		Answered	4	100%
		<b>Total</b>	<b>4</b>	<b>100%</b>
<b>Gender reassignment<sup>13</sup></b>	<p>There is no official census data for the number of gender variant people in Barnet. However, the ONS estimates that the size of the transgender community in the UK could range from 65,000 to 300,000<sup>1</sup>.</p>	<p>Through the Engage Barnet portal we received a total of 4 responses. Of the respondents none identified as having a reassigned gender. All supported the proposal to increase the CIL rate, with the exception of 1 who was concerned about the CIL rate being unaffordable for local residents</p>		

<sup>1</sup> ONS (2009): 'Trans Data Position Paper'.

Protected group	What does the data tell you <sup>9</sup> ? <i>Provide a summary of any relevant demographic data about the borough's population from the <a href="#">Joint Strategic Needs Assessment</a>, or data about the council's workforce</i>	What do people tell you <sup>10</sup> ?																																										
		<table border="1"> <tr> <td colspan="3">Is the gender you identify with the same as your sex registered at birth?</td> <td></td> <td></td> </tr> <tr> <td>Yes, it's the same</td> <td>4</td> <td></td> <td>34</td> <td>85.00%</td> </tr> <tr> <td>No, it's different</td> <td>0</td> <td></td> <td>1</td> <td>2.50%</td> </tr> <tr> <td>Prefer not to say</td> <td>0</td> <td></td> <td>5</td> <td>12.50%</td> </tr> <tr> <td>Not answered</td> <td>0</td> <td></td> <td>33</td> <td>45%</td> </tr> <tr> <td>Answered</td> <td>4</td> <td></td> <td>40</td> <td>55%</td> </tr> <tr> <td><b>Total</b></td> <td><b>4</b></td> <td></td> <td><b>73</b></td> <td><b>100%</b></td> </tr> </table>			Is the gender you identify with the same as your sex registered at birth?					Yes, it's the same	4		34	85.00%	No, it's different	0		1	2.50%	Prefer not to say	0		5	12.50%	Not answered	0		33	45%	Answered	4		40	55%	<b>Total</b>	<b>4</b>		<b>73</b>	<b>100%</b>					
Is the gender you identify with the same as your sex registered at birth?																																												
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Answered	4		40	55%																																								
<b>Total</b>	<b>4</b>		<b>73</b>	<b>100%</b>																																								
Marriage and Civil Partnership <sup>14</sup>	<p>The 2011 Census indicated that Barnet has a higher proportion of married couples (47%) when compared with Greater London (40%), but a lower proportion of same sex civil partnerships (0.21%) than Greater London (0.42%)<sup>2</sup>. Approximately 37% of the population is single and 16% either divorced, widowed or separated.</p>	<p>Through the Engage Barnet portal we received a total of 4 responses. 3 respondents indicated they were married, 1 preferred not to say. All supported the proposal to increase the CIL rate, with the exception of 1 heterosexual who was concerned about the CIL rate being unaffordable for local residents</p> <table border="1"> <tr> <td colspan="3">Marital Status</td> <td></td> <td></td> </tr> <tr> <td>Single</td> <td>0</td> <td></td> <td>0%</td> <td></td> </tr> <tr> <td>Co-habiting</td> <td></td> <td></td> <td>0%</td> <td></td> </tr> <tr> <td>Married</td> <td>3</td> <td></td> <td>75%</td> <td></td> </tr> <tr> <td>Divorced</td> <td>0</td> <td></td> <td>0%</td> <td></td> </tr> <tr> <td>Widowed</td> <td>0</td> <td></td> <td>0%</td> <td></td> </tr> <tr> <td>In a same sex civil partnership</td> <td>0</td> <td></td> <td>0%</td> <td></td> </tr> <tr> <td>Prefer not to say</td> <td>1</td> <td></td> <td>25.00%</td> <td></td> </tr> </table>			Marital Status					Single	0		0%		Co-habiting			0%		Married	3		75%		Divorced	0		0%		Widowed	0		0%		In a same sex civil partnership	0		0%		Prefer not to say	1		25.00%	
Marital Status																																												
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Prefer not to say	1		25.00%																																									

<sup>2</sup> Census data 2011

Protected group	What does the data tell you <sup>9</sup> ? <i>Provide a summary of any relevant demographic data about the borough's population from the <a href="#">Joint Strategic Needs Assessment</a>, or data about the council's workforce</i>	What do people tell you <sup>10</sup> ?												
		Not answered	1	25%										
		Answered	3	75%										
		<b>Total</b>	<b>4</b>	<b>100%</b>										
Pregnancy and Maternity <sup>15</sup>	<p>In 2016, there were 5,301 live births (2,726 males and 2,575 females) in Barnet (only 1.3% to mothers aged less than 20 years and 35.7% to mothers aged 30-34 years). The highest birth rate in Barnet was in women aged 30-34 years (116.5 per 1,000 women) in Barnet, compared to 107.3 per 1,000 for London and 112.4 per 1,000 in England, for the same age group (JSNA 2016).</p>	<p>Through the Engage Barnet portal we received a total of 4 responses. None of the respondents were pregnant or on maternity leave. All supported the proposal to increase the CIL rate, with the exception of 1 who was concerned about the CIL rate being unaffordable for local residents</p>												
		Pregnancy												
		Pregnant	0	0%										
		On maternity leave	0	0%										
		Prefer not to say	0	0%										
		Neither	4	100%										
		Not answered	0	0%										
		Answered	4	100%										
		<b>Total</b>	<b>4</b>	<b>100%</b>										
Race/ Ethnicity <sup>16</sup>	Table 2: Population by ethnicity, 2015 (Barnet and Regional)		<p>Through the Engage Barnet portal we received a total of 4 responses. All 4 respondents indicated that their ethnic origin was British. All supported the proposal to increase the CIL rate, with the exception of 1 who was concerned about the CIL rate being unaffordable for local residents.</p>											
	<table border="1"> <thead> <tr> <th data-bbox="450 1185 853 1252">Ethnicity</th> <th data-bbox="853 1185 1254 1252">Barnet (%)</th> <th data-bbox="1254 1185 1417 1252">Outer Lon</th> </tr> </thead> <tbody> <tr> <td data-bbox="450 1252 853 1323">White</td> <td data-bbox="853 1252 1254 1323">61.3</td> <td data-bbox="1254 1252 1417 1323">57.8</td> </tr> <tr> <td data-bbox="450 1323 853 1394">Black, Asian and Minority</td> <td data-bbox="853 1323 1254 1394">38.7</td> <td data-bbox="1254 1323 1417 1394">42.2</td> </tr> </tbody> </table>	Ethnicity			Barnet (%)	Outer Lon	White	61.3	57.8	Black, Asian and Minority	38.7	42.2		
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	Other Asian	9.3	8																								
	Indian	7.5	8.9	<table border="1"> <tr> <td colspan="3" data-bbox="1415 331 1709 371">Ethnicity</td> <td data-bbox="1709 331 1771 371"></td> <td data-bbox="1771 331 1895 371"></td> </tr> <tr> <td data-bbox="1415 371 1653 427">British</td> <td data-bbox="1653 371 1709 427"></td> <td data-bbox="1709 371 1771 427">4</td> <td data-bbox="1771 371 1895 427">100%</td> </tr> <tr> <td data-bbox="1415 427 1653 467">Not answered</td> <td data-bbox="1653 427 1709 467"></td> <td data-bbox="1709 427 1771 467">0</td> <td data-bbox="1771 427 1895 467">0%</td> </tr> <tr> <td data-bbox="1415 467 1653 523">Answered</td> <td data-bbox="1653 467 1709 523"></td> <td data-bbox="1709 467 1771 523">4</td> <td data-bbox="1771 467 1895 523">100%</td> </tr> <tr> <td data-bbox="1415 523 1653 563"><b>Total</b></td> <td data-bbox="1653 523 1709 563"></td> <td data-bbox="1709 523 1771 563"><b>4</b></td> <td data-bbox="1771 523 1895 563"><b>100%</b></td> </tr> </table>			Ethnicity					British		4	100%	Not answered		0	0%	Answered		4	100%	<b>Total</b>		<b>4</b>	<b>100%</b>
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	Answered		4	100%																							
	<b>Total</b>		<b>4</b>	<b>100%</b>																							
	Other	7.1	4.8																								
	Black African	5.8	6.8																								
	Black other	3.2	4.2																								
Chinese	2.4	1.2																									
Pakistani	1.6	3.6																									
Black Caribbean	1.3	3.4																									
Bangladeshi	0.7	1.3																									
Source: GLA Projections (Preferred Options Projections)																											
<p>Table 2 shows that Barnet has a higher proportion of people from within the white ethnic group than outer London. Almost 40% of the boroughs population is from Black, Asian or Minority Ethnic (BAME) groups. Barnet also has higher rates of the population within Other; Other Asian and Chinese ethnic groups.</p>																											
<p>GLA projections indicate that the proportion of BAME people in the Borough will increase by 2.3% by 2030. The ethnic groups with the largest projected increase during the same period are 'Other ethnic</p>																											

Protected group	<b>What does the data tell you<sup>9</sup>?</b> <i>Provide a summary of any relevant demographic data about the borough's population from the <a href="#">Joint Strategic Needs Assessment</a>, or data about the council's workforce</i>	<b>What do people tell you <sup>10</sup>?</b>									
	<p>groups' and 'other Asian group' but all BAME categories are expected to show increases overall.</p> <p>Based on 2011 Census data, the most commonly spoken languages after English were Polish, Arabic and Gujarati.</p> <p>Romany Gypsies and Travellers are recognised in law as distinct ethnic groups, therefore they are protected under the Equality Act from discrimination on the basis of race. The West London Gypsy, Travellers and Travelling Show people Accommodation Assessment (GTAA) identified no current or future need in Barnet for pitches and plots for Gypsy and Traveller households as well as Travelling Show people.</p>										
<b>Religion or belief<sup>17</sup></b>	<p>According to the 2011 Census over 75% of the population indicate that they have a religious affiliation. Approximately 41% of the population described their religion as Christian, making this the most common religion within the Borough. There is a significantly high proportion of people describing themselves as Jewish (15%) when compared with London average (1.8%) or nationally (0.5%). Over 16% of the population were recorded as having 'no religion'.</p> <p>Christianity is particularly concentrated in the Centre and East of the borough, with Underhill, East Barnet and High Barnet wards averaging over 50% of the population.</p>	<p>Through the Engage Barnet portal we received a total of 4 responses. 3 respondents indicated they were Christian, 1 identified as having no religion. All supported the proposal to increase the CIL rate, with the exception of 1 Christian who was concerned about the CIL rate being unaffordable for local residents.</p> <table border="1" data-bbox="1429 1233 2007 1370"> <thead> <tr> <th data-bbox="1429 1233 1821 1281">Faith</th> <th data-bbox="1821 1233 1861 1281"></th> <th data-bbox="1861 1233 2007 1281"></th> </tr> </thead> <tbody> <tr> <td data-bbox="1429 1281 1821 1326">Baha'i</td> <td data-bbox="1821 1281 1861 1326">0</td> <td data-bbox="1861 1281 2007 1326">0%</td> </tr> <tr> <td data-bbox="1429 1326 1821 1370">Buddhist</td> <td data-bbox="1821 1326 1861 1370">0</td> <td data-bbox="1861 1326 2007 1370">0%</td> </tr> </tbody> </table>	Faith			Baha'i	0	0%	Buddhist	0	0%
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	<p>By contrast, the Jewish population is most prevalent in wards across the south and east of the borough in the wards of Garden Suburb, Golders Green and Hendon, accounting for 30% of the populations,</p> <p>Furthermore, the highest proportion of Muslim population is centred in the west of the borough. Colindale, Burnt Oak and West Hendon are particularly prevalent. Indeed, the 2011 census estimates that the Muslim population accounts for almost 20% of the population in Colindale</p> <p>Table 3: Religion 2011</p> <table border="1" data-bbox="452 865 1402 1331"> <thead> <tr> <th>Religion 2011</th> <th>Christian</th> <th>Buddhist</th> <th>Hindu</th> <th>Jewish</th> <th>Muslim</th> <th>Sikh</th> </tr> </thead> <tbody> <tr> <td><b>Barnet</b></td> <td>41.20%</td> <td>1.30%</td> <td>6.20%</td> <td>15.20%</td> <td>10.30%</td> <td>0.40%</td> </tr> <tr> <td><b>London</b></td> <td>59.40%</td> <td>0.50%</td> <td>1.50%</td> <td>0.50%</td> <td>5.00%</td> <td>0.80%</td> </tr> <tr> <td><b>England</b></td> <td>48.40%</td> <td>1.00%</td> <td>5.90%</td> <td>1.80%</td> <td>12.40%</td> <td>1.50%</td> </tr> </tbody> </table>	Religion 2011	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	<b>Barnet</b>	41.20%	1.30%	6.20%	15.20%	10.30%	0.40%	<b>London</b>	59.40%	0.50%	1.50%	0.50%	5.00%	0.80%	<b>England</b>	48.40%	1.00%	5.90%	1.80%	12.40%	1.50%	<table border="1"> <tbody> <tr><td>Christian</td><td>4</td><td>75%</td></tr> <tr><td>Hindu</td><td>1</td><td>0%</td></tr> <tr><td>Humanist</td><td>0</td><td>0%</td></tr> <tr><td>Jain</td><td>0</td><td>0%</td></tr> <tr><td>Jewish</td><td>0</td><td>0%</td></tr> <tr><td>Muslim</td><td>0</td><td>0%</td></tr> <tr><td>Sikh</td><td>0</td><td>0%</td></tr> <tr><td>No religion</td><td>1</td><td>25%</td></tr> <tr><td>Prefer not to say/not stated</td><td>0</td><td>0%</td></tr> <tr><td>Other Faith</td><td>0</td><td>0%</td></tr> <tr><td>Not answered</td><td>0</td><td>0%</td></tr> <tr><td>Answered</td><td>4</td><td>100%</td></tr> <tr><td><b>Total</b></td><td><b>4</b></td><td><b>100%</b></td></tr> </tbody> </table>	Christian	4	75%	Hindu	1	0%	Humanist	0	0%	Jain	0	0%	Jewish	0	0%	Muslim	0	0%	Sikh	0	0%	No religion	1	25%	Prefer not to say/not stated	0	0%	Other Faith	0	0%	Not answered	0	0%	Answered	4	100%	<b>Total</b>	<b>4</b>	<b>100%</b>	
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Sex <sup>18</sup>	<p>The resident population in 2011 in Barnet was 356,286 of which 51.55% was female and 48.45% was male. However, the Joint Strategic Needs Assessment (JSNA) for Barnet shows that women have a longer life expectancy than men<sup>3</sup>. This is likely to have implications on the female population of the Borough. For example, there is a higher proportion of women in the borough who suffer from circulatory and respiratory diseases<sup>4</sup>. In addition, there is a higher proportion of women across all age groups, but particularly in those aged 75+ who have been diagnosed with dementia<sup>5</sup>.</p>	<p>Through the Engage Barnet portal we received a total of 4 responses. 3 of the 4 respondents were female. The 3 females supported the proposal to increase the CIL rate, however the male was concerned about the CIL rate being unaffordable for local residents.</p> <table border="1" data-bbox="1429 639 1854 959"> <thead> <tr> <th>Gender</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>3</td> <td>75%</td> </tr> <tr> <td>Male</td> <td>1</td> <td>25%</td> </tr> <tr> <td>Prefer not to say</td> <td>0</td> <td>0%</td> </tr> <tr> <td>Not answered</td> <td>0</td> <td>0%</td> </tr> <tr> <td>Answered</td> <td>4</td> <td>100%</td> </tr> <tr> <td><b>Total</b></td> <td><b>4</b></td> <td><b>100%</b></td> </tr> </tbody> </table>	Gender			Female	3	75%	Male	1	25%	Prefer not to say	0	0%	Not answered	0	0%	Answered	4	100%	<b>Total</b>	<b>4</b>	<b>100%</b>
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Answered	4	100%																					
<b>Total</b>	<b>4</b>	<b>100%</b>																					
Sexual Orientation <sup>19</sup>	<p>There is no borough data available on this protected characteristic. However, statistics relating to sexual identity are available nationally and at a regional level.</p> <p>In 2016, estimates from the Annual Population Survey (APS)<sup>6</sup> showed that 93.4% of the UK population identified as heterosexual</p>	<p>Through the Engage Barnet portal we received a total of 4 responses. 2 respondents were heterosexual, 2 preferred not to say. All supported the proposal to increase the CIL rate, with the exception of 1 heterosexual who was concerned about the CIL rate being unaffordable for local residents</p>																					

<sup>3</sup> JSNA shows that the average life expectancy for women in Barnet is 85 and 83 for men.

<sup>4</sup> Barnet JSNA (2019)

<sup>5</sup> Barnet Dementia Needs Assessment (2019) Kayikci, S.

<sup>6</sup> Office of National Statistics (2017)

Protected group	<b>What does the data tell you<sup>9</sup>?</b> <i>Provide a summary of any relevant demographic data about the borough's population from the <a href="#">Joint Strategic Needs Assessment</a>, or data about the council's workforce</i>	<b>What do people tell you <sup>10</sup>?</b>																													
	<p>or straight and 2.0% of the population identified themselves as lesbian, gay or bisexual (LGB). This comprised of:</p> <ul style="list-style-type: none"> <li>• 1.2% identifying as gay or lesbian</li> <li>• 0.8% identifying as bisexual</li> <li>• A further 0.5% of the population identified themselves as "Other", which means that they did not consider themselves to fit into the heterosexual or straight, bisexual, gay or lesbian categories.</li> </ul> <p>In addition, 2011 census data showed that 0.21% of Barnet residents (aged 16+) were in a same sex civil partnership.</p>	<table border="1"> <thead> <tr> <th data-bbox="1429 331 1778 379">Sexuality</th> <th data-bbox="1778 331 1839 379"></th> <th data-bbox="1839 331 1962 379"></th> </tr> </thead> <tbody> <tr> <td data-bbox="1429 379 1778 427">Bisexual</td> <td data-bbox="1778 379 1839 427">0</td> <td data-bbox="1839 379 1962 427">0%</td> </tr> <tr> <td data-bbox="1429 427 1778 475">Gay or Lesbian</td> <td data-bbox="1778 427 1839 475">0</td> <td data-bbox="1839 427 1962 475">0%</td> </tr> <tr> <td data-bbox="1429 475 1778 523">Straight or heterosexual</td> <td data-bbox="1778 475 1839 523">2</td> <td data-bbox="1839 475 1962 523">50%</td> </tr> <tr> <td data-bbox="1429 523 1778 571">Prefer not to say</td> <td data-bbox="1778 523 1839 571">2</td> <td data-bbox="1839 523 1962 571">50%</td> </tr> <tr> <td data-bbox="1429 571 1778 619">Other sexual orientation</td> <td data-bbox="1778 571 1839 619">0</td> <td data-bbox="1839 571 1962 619">0%</td> </tr> <tr> <td data-bbox="1429 619 1778 667">Not answered</td> <td data-bbox="1778 619 1839 667">2</td> <td data-bbox="1839 619 1962 667">50%</td> </tr> <tr> <td data-bbox="1429 667 1778 715">Answered</td> <td data-bbox="1778 667 1839 715">2</td> <td data-bbox="1839 667 1962 715">50%</td> </tr> <tr> <td data-bbox="1429 715 1778 746"><b>Total</b></td> <td data-bbox="1778 715 1839 746"><b>4</b></td> <td data-bbox="1839 715 1962 746"><b>100%</b></td> </tr> </tbody> </table>			Sexuality			Bisexual	0	0%	Gay or Lesbian	0	0%	Straight or heterosexual	2	50%	Prefer not to say	2	50%	Other sexual orientation	0	0%	Not answered	2	50%	Answered	2	50%	<b>Total</b>	<b>4</b>	<b>100%</b>
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<b>Other relevant groups<sup>20</sup></b>	<p>The proposal to increase the CIL rate will affect landowners and developers in the Borough. However, it is not considered that landowners and developers fall within a particular group with protected characteristics.</p>																														

## 1. Assessing impact

What does the evidence tell you about the impact your proposal may have on groups with protected characteristics <sup>21</sup>?

Protected characteristic	For each protected characteristic, explain in detail what the evidence is suggesting and the impact of your proposal (if any). Is there an impact on service deliver? Is there an impact on customer satisfaction? Click the appropriate box on the right to indicate the outcome of your analysis.	Positive impact	Negative impact		No impact
			Minor	Major	

<b>Age</b>	It is likely that an increase to the CIL received will have a positive impact on all age groups as it will provide additional funding for community and social infrastructure which is used by a range of age groups. Funds raised from CIL have already been allocated towards improvements to nurseries and provision of equipment to help people that may need care to stay in their own homes for longer (community equipment and assistive technology) which benefit younger and older age groups.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Disability</b>	People with disabilities are likely to be positively affected by the CIL approval as the funds raised may be allocated to particular projects which will increase the capacity and enhance the accessibility of community, social and specialist facilities to support residents in Barnet. CIL can be used to improve the accessibility of community buildings, the public realm and public transport and so is likely to have a positive impact on the lives of people with disabilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Gender reassignment</b>	It is considered that increased CIL income will benefit all types of people. No specific impact relating to gender reassignment has been identified during this assessment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Marriage and Civil Partnership</b>	It is considered that increased CIL income will benefit all types of people. No specific impact relating to marriage or civil partnership has been identified during this assessment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Pregnancy and Maternity</b>	The increase to the CIL rate will allow for more improvements to community infrastructure to be made which may benefit women who are pregnant or on maternity leave. Improvements to leisure, parks, public realm or public transport may also benefit pregnant women or women on maternity leave.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Race/ Ethnicity</b>	The increase to the CIL income has the potential to have a positive impact upon people from ethnic minority groups through enhancing provision of community facilities which cater for the needs of these groups.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Religion or belief</b>	It is considered that increased CIL income will benefit all types of people. No specific impact relating to religion or belief has been identified during this assessment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Sex</b>	No specific impact relating to gender has been identified during this assessment. An increase in CIL income is likely to have a positive impact on both male and female residents and service users alike through developing and improving community infrastructure required in the local area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sexual Orientation</b>	It is considered that increased CIL income will benefit all types of people. No specific impact relating to sexual orientation has been identified during this assessment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>2. Other key groups</b>		Positive impact	Negative impact		No impact
Are there any other vulnerable groups that might be affected by the proposal? <i>These could include carers, people in receipt of care, lone parents, people with low incomes or unemployed</i>			Minor	Major	
<b>Key groups</b>	<a href="#">None</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 3. Cumulative impact<sup>22</sup>

Considering what else is happening within the council and Barnet could your proposal contribute to a cumulative impact on groups with protected characteristics?

Yes      No

If you clicked the Yes box, which groups with protected characteristics could be affected and what is the potential impact? Include details in the space below

#### 4. Actions to mitigate or remove negative impact

Only complete this section if your proposals may have a negative impact on groups with protected characteristics. These need to be included in the relevant service plan for mainstreaming and performance management purposes.

Group affected	Potential negative impact	Mitigation measures <sup>23</sup> <i>If you are unable to identify measures to mitigate impact, please state so and provide a brief explanation.</i>	Monitoring <sup>24</sup> <i>How will you assess whether these measures are successfully mitigating the impact?</i>	Deadline date	Lead Officer

## 5. Outcome of the Equalities Impact Assessment (EIA) <sup>25</sup>

Please select one of the following four outcomes

**Proceed with no changes**

The EIA has not identified any potential for a disproportionate impact and all opportunities to advance equality of opportunity are being addressed

**Proceed with adjustments**

Adjustments are required to remove/mitigate negative impacts identified by the assessment

**Negative impact but proceed anyway**

This EIA has identified negative impacts that are not possible to mitigate. However, it is still reasonable to continue with the activity. Outline the reasons for this and the information used to reach this decision in the space below

**Do not proceed**

This EIA has identified negative impacts that cannot be mitigated and it is not possible to continue. Outline the reasons for this and the information used to reach this decision in the space below

**Reasons for decision**

The EIA has not identified any potential for a disproportionate impact and all opportunities to advance equality of opportunity are being addressed

## Sign-off

9. Sign off and approval by Head of Service / Strategic lead <sup>26</sup>	
Name Neeru Kareer	Job title Assistant Director Planning & Building Control
<input checked="" type="checkbox"/> Tick this box to indicate that you have approved this EIA	Date of approval: 28 February 2022
<input checked="" type="checkbox"/> Tick this box to indicate if EIA is to be published	Date of next review: Dec 2022

## Footnotes: guidance for completing the EIA template

<sup>1</sup> The following principles explain what we must do to fulfil our duties under the Equality Act when considering any new policy or change to services. They must all be met or the EIA (and any decision based on it) may be open to challenge:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately
- **Timeliness:** the duty applies at the time of considering proposals and before a final decision is taken
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and must influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that anyone who provides services on our behalf complies with the equality duty.
- **Review:** the equality duty is a continuing duty – it continues after proposals are implemented/reviewed.
- **Proper Record Keeping:** we must keep records of the process and the impacts identified.

### <sup>2</sup> Our duties under the Equality Act 2010

The council has a legal duty under this Act to show that we have identified and considered the impact and potential impact of our activities on all people with ‘protected characteristics’ (see end notes 9-19 for details of the nine protected characteristics). This applies to policies, services (including commissioned services), and our employees.

We use this template to do this and evidence our consideration. You must give ‘due regard’ (pay conscious attention) to the need to:

- **Avoid, reduce or minimise negative impact:** if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately.
- **Promote equality of opportunity:** by
  - Removing or minimising disadvantages suffered by people with a protected characteristic
  - Taking steps to meet the needs of these groups
  - Encouraging people with protected characteristics to participate in public life or any other activity where participation is disproportionately low
  - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **Foster good relations between people who share a protected characteristic and those who don’t:** e.g. by promoting understanding.

### <sup>3</sup> EIAs should always be proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The size of the likely impact – e.g. the numbers of people affected and their vulnerability

The greater the potential adverse impact of the proposal on a protected group (e.g. disabled people) and the more vulnerable the group is, the more thorough and demanding the process required by the Act will be. Unless they contain sensitive data – EIAs are public documents. They are published with Cabinet papers, Panel papers and public consultations. They are available on request.

### <sup>4</sup> When to complete an EIA:

- When developing a new policy, strategy, or service
- When reviewing an existing service, policy or strategy

- 
- When making changes that will affect front-line services
  - When amending budgets which may affect front-line services
  - When changing the way services are funded and this may impact the quality of the service and who can access it
  - When making a decision that could have a different impact on different groups of people
  - When making staff redundant or changing their roles

Wherever possible, build the EIA into your usual planning and review processes.

**Also consider:**

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people who will be affected?

If there are potential impacts on people but you decide not to complete an EIA you should document your reasons why.

<sup>5</sup> **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing.

<sup>6</sup> **Focus of EIA:** A member of the public should have a good understanding of the proposals being assessed by the EIA after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the proposed change?
- Who implements, carries out or delivers the service or function in the proposal? Please state where this is more than one person or group, and where other organisations deliver it under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the service, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? E.g.: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the service tell you?
- What is the reason for the proposed change (financial, service, legal etc)? The Act requires us to make these clear.

<sup>7</sup> **Data & Information:** Your EIA needs to be informed by data. You should consider the following:

- What data is relevant to the impact on protected groups is available? (is there an existing EIA?, local service data, national data, community data, similar proposal in another local authority).
- What further evidence is needed and how can you get it? (e.g. further research or engagement with the affected groups).
- What do you know from service/local data about needs, access and outcomes? Focus on each characteristic in turn.
- What might any local demographic changes or trends mean for the service or function? Also consider national data if appropriate.
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any group(s)?
- Is the service having a positive or negative effect on particular people or groups in the community?

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**<sup>8</sup> What have people told you about the service, function, area?**

- Use service user feedback, complaints, audits
- Conduct specific consultation or engagement and use the results
- Are there patterns or differences in what people from different groups tell you?
- Remember, you must consult appropriately and in an inclusive way with those likely to be affected to fulfil the equality duty.
- You can read LBB [Consultation and Engagement toolkit](#) for full advice or contact the Consultation and Research Manager, [rosie.evangelou@barnet.gov.uk](mailto:rosie.evangelou@barnet.gov.uk) for further advise

**<sup>9</sup> Data & Information:** Your EIA needs to be informed by data. You should consider the following:

- What data is relevant to the impact on protected groups is available? (is there an existing EIA?, local service data, national data, community data, similar proposal in another local authority).
- What further evidence is needed and how can you get it? (e.g. further research or engagement with the affected groups).
- What do you know from service/local data about needs, access and outcomes? Focus on each characteristic in turn.
- What might any local demographic changes or trends mean for the service or function? Also consider national data if appropriate.
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any group(s)?
- Is the service having a positive or negative effect on particular people or groups in the community?

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- You can read LBB [Consultation and Engagement toolkit](#) for full advice or contact the Consultation and Research Manager, [rosie.evangelou@barnet.gov.uk](mailto:rosie.evangelou@barnet.gov.uk) for further advise

**<sup>11</sup> Age:** People of all ages, but consider in particular children and young people, older people and carers, looked after children and young people leaving care. Also consider working age people.

**<sup>12</sup> Disability:** When looking at disability, consideration should be given to people with different types of impairments: physical (including mobility), learning, aural or sensory (including hearing and vision impairment), visible and non-visible impairment. Consideration should also be given to: people with HIV, people with mental health needs and people with drug and alcohol problems. People with conditions such as diabetes and cancer and some other health conditions also have protection under the Equality Act 2010.

**<sup>13</sup> Gender Reassignment:** In the Act, a transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected. Consider transgender people, transsexual people and transvestites.

**<sup>14</sup> Marriage and Civil Partnership:** consider married people and civil partners.

**<sup>15</sup> Pregnancy and Maternity:** When looking at pregnancy and maternity, give consideration to pregnant women, breastfeeding mothers, part-time workers, women with caring responsibilities, women who are lone parents and parents on low incomes, women on maternity leave and 'keeping in touch' days.

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<sup>16</sup> **Race/Ethnicity:** Apart from the common ethnic groups, consideration should also be given to Traveller communities, people of other nationalities outside Britain who reside here, refugees and asylum seekers and speakers of other languages.

<sup>17</sup> **Religion and Belief:** Religion includes any religion with a clear structure and belief system. As a minimum you should consider the most common religious groups (Christian, Muslim, Hindu, Jews, Sikh, Buddhist) and people with no religion or philosophical beliefs.

<sup>18</sup> **Sex/Gender:** Consider girls and women, boys and men, married people, civil partners, part-time workers, carers (both of children with disabilities and older cares), parents (mothers and fathers), in particular lone parents and parents on low incomes.

<sup>19</sup> **Sexual Orientation:** The Act protects bisexual, heterosexual, gay and lesbian people.

<sup>20</sup> **Other relevant groups:** You should consider the impact on our service users in other related areas.

<sup>21</sup> **Impact:** Your EIA must consider fully and properly actual and potential impacts against each protected characteristic:

- The equality duty does not stop changes, but means we must fully consider and address the anticipated impacts on people.
- Be accurate and transparent, but also realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific where you can so decision-makers have a concrete sense of potential effects.
- Questions to ask when assessing whether and how the proposals impact on service users, staff and the wider community:
  - Are one or more protected groups affected differently and/or disadvantaged? How, and to what extent?
  - Is there evidence of higher/lower uptake of a service among different groups? Which, and to what extent?
  - Does the project relate to an area with known inequalities (where national evidence or previous research is available)?
  - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
  - If there is negative differential impact, how can you minimise that while taking into account your overall aims?
  - Do the effects amount to unlawful discrimination? If so the plan **must** be modified.
  - Does it relate to an area where equality objectives have been set by LBB in our [Barnet 2024 Plan](#) and our [Strategic Equality Objective](#)?

## <sup>22</sup> **Cumulative Impact**

You will need to look at whether a single decision or series of decisions might have a greater negative impact on a specific group and at ways in which negative impacts across the council might be minimised or avoided.

## <sup>23</sup> **Mitigating actions**

- Consider mitigating actions that specifically address the impacts you've identified and show how they will remove, reduce or avoid any negative impacts
- Explain clearly what any mitigating measures are, and the extent to which you think they will reduce or remove the adverse effect
- Will you need to communicate or provide services in different ways for different groups in order to create a 'level playing field'?
- State how you can maximise any positive impacts or advance equality of opportunity.
- If you do not have sufficient equality information, state how you can fill the gaps.

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<sup>24</sup> **Monitoring:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further monitoring, equality assessment, and consultation are needed.

<sup>25</sup> **Outcome:**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Also explain what positive impacts will result from the actions and how you can make the most of these.
- Make it clear if a change is needed to the proposal itself. Is further engagement, research or monitoring needed?
- Make it clear if, as a result of the analysis, the policy/proposal should be stopped.

<sup>26</sup> **Sign off:** You will need to ensure the EIA is signed off by your Head of Service, agree whether the EIA will be published, and agree when the next review date for the EIA will be.

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