Minutes of the **PLANNING COMMITTEE** meeting held on Monday 15<sup>th</sup> January 2018 at 7.00pm in the Council Chamber, Town Council Offices, Cornwalls Meadow, Buckingham

Present:	Cllr. Mrs. J. Bates	
	Cllr. M. Cole	(Chairman)
	Cllr. J. Harvey	Town Mayor
	Cllr. P. Hirons	(Vice Chairman)
	Cllr. D. Isham	
	Cllr. A. Mahi	
	Cllr. M. Smith	
	Cllr. Mrs. C. Strain-Clark	
	Cllr. R. Stuchbury	
Also present:	Mrs. C. Cumming	(co-opted member)
	Mrs. N. Stockill	(Committee Clerk)

For the Town Clerk: Mrs. K. McElligott

In accordance with Standing Order 3.f the Planning Committee meeting was preceded by a public session.

# PUBLIC SESSION

## Mr. P. Burgess - Land at the rear of 10 Market Square (17/04725/APP)

Mr. Burgess explained that the previous application for 5 dwellings had been refused for lack of amenity space. The pedestrian site access would be through the arch way from Market Hill and access for construction has been agreed via the side of the Verney Centre at Verney Close. Following questioning by Cllr. Smith, Mr Burgess said the plans showed adequate space for the required number of bins (2 per unit) and would have access to the street via the archway. Mr Burgess stated that the units would be simple, low cost buildings to enable local people to get onto the housing ladder.

Mrs. Cumming asked if there had been any parking arrangements for residents elsewhere. Mr. Burgess said the units did not require the provision of car parking spaces, although there were some annual paid parking arrangements at the top of Verney Close.

## Mr. Parsonage - Willowby, Bath Lane (17/04624/APP)

Mr. Parsonage read the following statement:

The Character of the Conservation Area

- In 1983 the application for a house and garage on this site was rejected. What has changed now that means it should be approved?
- In 1985 the application for Willowby Bungalow was approved with conditions that were to ensure the character of the area.
- The Willowby Bungalow site is immediately adjacent to the conservation area so we must consider the AVDC Planning Guidelines for Conservation Areas, Section 3.1., Development adjacent to, or affecting the setting of a Conservation Area', Subsection 3.1.1 that states:

"In addition to development within a Conservation Area, development immediately adjacent to, or within the setting of, a Conservation Area can greatly influence the character and appearance of the area. Development that does not reflect the traditional form, layout and scale of buildings within the Conservation Area can be particularly problematic."

• If this bungalow is converted to a house this will set a precedent that will allow Salisbury Bungalow (next to Willowby) to also be redeveloped into a house. This would completely close in the open side of the conservation area further destroying the character of the conservation area.

## Flood Risk to others

- Whilst this new house may not flood as it will be placed high on a plinth, what is the effect on the numerous (80+) properties that are at danger of flooding who are being shown little consideration by the applicant.
- The Garage is additional to the existing footprint of the property and protrudes further into the zone 3 flood plain.
  - This will displace many cubic meters of water. Whose house will that go into?
  - This would set a dangerous precedent that suggests it is ok to build on the flood plain as long as it's only a small intrusion. All of these small compromises would have an accumulative effect over time.
- Despite the applicant suggesting that a soakaway is a viable option based on his data we are concerned about this solution on a number of counts:
  - The measurements were taken in September 2017 when the ground was relatively dry and the river levels normal. How well will this solution work when the river level rises.
  - He does not seem to have understood the comments by Buckinghamshire County Council who objected to this solution in the previous application. They stated that "the site is at risk of groundwater flooding due to groundwater levels being 0.025m below ground level. We would like to make the applicant aware that a minimum of 1m is required between the base of a soakaway and the highest groundwater level".
  - Given that the location in the garden of the proposed soakaway has itself been underwater in previous flood events, the soakaway would not work as it would be underwater
- The claim that the site is a 1:15 slope is only part of the truth. The river side of the slope to the back of the property is much more gently sloping than this suggests and so more likely to flood. This can be seen on the plan provided by the applicant
- The Flood report tries to play down the risk of flooding with talk of 1000 year flood and 100 year floods. It should be remembered that flooding occurred in 1998 and 2007. There have been a number of near misses since then. 100 years is not what it used to be.
- The plans show that the house is on mains sewage. It is not at the moment so will have to flow uphill to the main sewer.
- The decking area at the back of the proposed building should not cause water to be displaced. How will this be constructed?

The meeting moved into formal session.

## 697/17 Apologies for Absence

Members received and accepted apologies from County Councillor Whyte and Town Cllrs. Try and O'Donoghue.

Planning Minutes (15<sup>th</sup> January 2018) DRAFT SUBJECT TO RATIFICATIONpage 2 of 11 EQUALITIES ACT 2010/CRIME AND DISORDER ACT, 1988: the decisions made during the course of the meeting were duly considered and it was decided that there were no resulting direct or indirect implications in respect of crime and disorder, racial equality or diversity.

# 698/17 Declarations of Interest

To receive declarations of any personal or prejudicial interest under consideration on this agenda in accordance with the Localism Act 2011 Sections 26-34 & Schedule 4.

Cllr. Harvey declared an interest in application 17/04725/APP as a former customer of Mr. Burgess and a pecuniary interest in application (16/00151/AOP) as a close neighbour to the development.

## 699/17 Minutes

To receive the minutes of the Planning Committee Meeting held on Monday 18<sup>th</sup> December 2017 to be put before the Full Council meeting to be held on 22<sup>nd</sup> January 2018.

Planning Preview Meeting (615/17) Cllr. Cole read out an email from the Town Clerk that raised concern over the use of the Planning Clerk's time and suggested that Members should be cautious that a pre-planning meeting could suggest predetermination. Cllr. Strain-Clark said it was simply to view the plans in advance of the meeting and it was not vital that members of staff were present at both meetings. Members held a discussion on the options and **AGREED** to discuss the item further during Full Council.

Proposed by Cllr. Smith, seconded by Cllr. Harvey, and **RECOMMENDED** to the Full Council to discuss minute 615/17 regarding the restricting of Councillor's access to view plans to one preview meeting as this was not convenient for all the Councillors who wished to attend.

#### Minutes AGREED

Members **AGREED** to bring forward items 3 and 7 for the benefit of Members of the public present.

## 700/17 Planning Applications

## 17/04725/APP

#### NO OBJECTIONS

Land rear of 10 Market Square

Erection of four dwellings

In the preceding Public Session, the applicant had clarified some questions raised on the previous application for this site, notably re access for the delivery of materials.

Noting that, as a town centre site, parking provision was not required, Members felt that the proposal would be an asset to the town.

#### 17/04776/APP

## **OPPOSE & ATTEND**

Willowby, Bath Lane

Demolition of existing bungalow and rebuild bungalow with attached garage Changed to

Demolition of existing bungalow and construction of a part single storey, part twostorey house with integral garage mainly based on the re-use of the existing footprint.

Members noted that while the house itself was approximately the same footprint as the bungalow, the new garage and the decking fell outside this, and were on a solid plinth, thus increasing the amount of intrusion into the floodable land. Though the

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fall is stated to be 1/15, this is not a consistent slope, being steeper at the landward end, and almost flat at the river end. The proposed house may be safe from flooding itself (and major flooding occurs at approximately 10 year intervals in Buckingham, and minor flooding annually), the displaced floodwaters have to go somewhere, and it is unjust and unneighbourly to cause flooding to other people's property. The cumulative effect of small and large encroachments into the floodplain is a matter of concern to Members. Should the LPA be minded to approve this application, Members suggested that mounting the decking on stilts might be a solution.

The position of the soakaway seemed to contradict its practicability when river levels are high, and the existing bungalow is not connected to the main sewer so should the proposed house be so connected, it would need a pump and new pipeline to Bath Lane, construction of which would cause a major disruption to the neighbouring properties which share the access.

It was also considered that this part of the Conservation Area was attractive because of its open and natural character, and that a two-storey replacement dwelling would affect this.

The members of the public left the chamber at 19.38 and the agenda order was resumed.

## 701/17 Buckingham Neighbourhood Plan/Vale of Aylesbury Plan

To receive any update from the Town Clerk. Nothing to note.

## 702/17 Action Reports

To receive action reports as per the attached list.

608.2 (Vegetation in Ford) – Mrs Cumming reported that the Ford was now clear of vegetation.

374/17 (Buckingham Conservation Area) - The Chair provided a verbal report on the meeting between Mrs Cumming, Roger Edwards, & Cllrs Harvey & Cole to explore raising the profile of the Conservation Area. The group had agreed to publish a leaflet outlining the planning enforcement criteria of the Buckingham Conservation Area. The group also asked the Planning Committee to consider co-opting two members of the Buckingham Society onto a working group for the redraft of the Buckingham Neighbourhood Development Plan.

Proposed by Cllr. Cole, seconded by Cllr. Harvey and **AGREED** to **RECOMMEND** to Full Council to co-opt two members of the Buckingham Society onto the working group for the Neighbourhood Development Planning Group.

## 703/17 Planning Applications

For Member's information the next scheduled Development Management Committee meetings are 25<sup>th</sup> January and 15<sup>th</sup> February 2018, with SDMC meetings on 24<sup>th</sup> January and 14<sup>th</sup> February 2018.

To consider planning applications received from AVDC and other applications

## 17/04424/AAD

## NO OBJECTIONS

Land off London Road [Lidl]

Two 2.5m x 2.5m illuminated fascia signs; three 6.3m x 3.05m wall mounted advertising hoarding signs; one  $7.45m \times 2.67m$  illuminated totem sign

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# 17/04624/APP

10 Bath Lane Proposed demolition of existing outbuildings and construction of new outside store (Part-retrospective)

## 17/04734/APP

6 Rogers Lane

Loft conversion with two pitched roof dormers to front roofslope, rooflights to rear roofslope and rooflights to side roofslope

In view of the number of new bedrooms and bathrooms, Members expressed concern that the premises may be rented as a HiMO and would therefore like to see it properly licensed and inspected if so.

## 17/04746/APP

1A Hillcrest Rise, Buckingham Industrial Estate Two commercial units (B1)

# 17/04763/APP

46 Kingfisher Road Single storey rear extension, new windows in side elevations

# 17/04784/APP

11 Swallow Close Single storey side extension

Members noted that the proposed extension was to the curtilage of the site, contrary to AVDC guidelines and affecting the amenity of the neighbour who shared the driveway. It was also felt that the size of the extension constituted overdevelopment of the site, especially as parking for three vehicles within the curtilage had not been demonstrated

# 17/04861/APP CONDITIONAL SUPPORT SUBJECT TO HBO (NO CHANGE)

Stoneleigh House, Castle Street

Change of use of 7 bedroom residential property to a 6 bedroom hotel with associated works

This is a duplicate of 17/04023/APP which had been approved already, but a correction has had to be made to the red line plan, so a new application had to be made. There is no difference to the previous application aside from this, so Members had no comments to add.

#### ADDITIONAL PLANS: NOT IN OUR PARISH 16/00151/AOP OPPOSE & ATTEND (NO CHANGE)

Land off Walnut Drive and Foscote Road, Maids Moreton

Outline application with all matters reserved except access for up to 170 dwellings, public open space and associated infrastructure

Additional document: revised Transport Assessment and associated correspondence with BCC in regard to the changes to the Stratford Road/College Road [Mill Lane] junction, and the agreed solution to the Walnut Drive/Main Street junction.

A summary of the documents had been circulated with the agenda. Members had the following comments:

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NO OBJECTIONS

NO OBJECTIONS

## OPPOSE

**NO OBJECTIONS** 

The proposed traffic lights are to be vehicle activated by traffic on Mill Lace (College Road); this takes no account of traffic right-turning into Mill Lane – only two vehicles queuing on the A422 are to be accommodated when observation shows traffic to be held up as far back as the Foscote turn in the evening peak

No account has been taken of the effect on

The Old Stratford A5 roundabout, where queuing of 20 minutes in the morning peak is commonly experienced;

The village end of Mill Lane – all traffic passing through its junction with the A422 must also pass through the junction with Church Street, whether bound for the new estate or elsewhere;

The A422 junction is not the narrowest part of Mill Lane; this is further up towards the village end, where there are bends, high banks and tree shade, and it is prone to icing. It is difficult to see what difference the additional 8"/20cm width would make;

No reference is made to the (as yet undecided) application 16/02320/AOP for 170 dwellings on the land west of Mill Lane and its proposed access on to the A422 between this junction and the bypass roundabout at Page Hill; at the very least an integrated approach should be employed in case both applications are approved.

Concerns remain about the Walnut Drive/Main Street junction especially in respect of the lack of pedestrian footways on Main Street, and the policing of parked cars on the proposed double yellow lines on kerbs adjacent to the mini-roundabout.

Members have already expressed their concerns about both these applications outside their boundary but leaning heavily on Buckingham's infrastructure, and this traffic 'solution' has done nothing to ease their disquiet. Should either or both these extensive proposals be approved, substantial developer contributions should be sought to benefit Buckingham's road & cycling infrastructure, primary, secondary and special needs schooling, medical and cultural facilities.

Members asked that their response be circulated to both North Ward and the Luffield Abbey District Members.

# Not consulted on: 17/04706/ACL

4 Osprey Walk

Application for a Lawful Development Certificate for a proposed removal of existing conservatory and erection of single storey rear extension. Certificate has bee granted.

## 17/04707/ATP

Land between Brookfield Lane & Chandos Road [Waglands Garden proper]

Reduce Thuja by approx. 4-5m; tree is excessively shading neighbour at 24 Chandos Close

Light reduction on Norway Spruce by 3-4m; excessive shade on neighbouring property at 24 Chandos Close

No unequivocal decision had been reached by email circulation; the meeting voted to Oppose the proposed work, especially to the Thuja which would not recover its appearance after such a large reduction.

The following information has been received, for information only: **17/A0057/NON** 

Beefeater Restaurant, Lace Hill.

Non material amendment sought on planning permission 17/00057/APP relating to internal rearrangement of single storey Beefeater to re-orientate the pedestrian entrance

The proposal is to relocate the restaurant entrance on the side facing the Premier Inn; the previous main entrance was on the spine road facing towards Lidl, and has been demoted to Fire Exit. This is more convenient for the Premier Inn customers and the car park. The flagged footway has been extended round the building to match and is level (no steps). The internal layout has also been changed but still seats 190. The new entrance has had a feature tower added above the roof level rather taller than the curved roof of the tower over the previous entrance. Comparison drawings will be available in the Chamber at the meeting.

Members noted that they had advocated moving to the door to this position to benefit hotel clients.

## 704/17 Planning Decisions

To receive for information details of planning decisions made by AVDC as per 'Bulletin' and other decisions.

		BTC	Office	er
Approved		response	recom	m <sup>n.</sup>
17/02256/AAD SH Harrold, 3 Bridg	e St. Illuminated fascia sign (retrosp.)	No objections	5	-
17/03922/APP28 Candleford Court	Ch/use café (A3) to gymnasium (D2	) No objections	5	-
17/03959/APP 2 Jacob	Conv. loft with dormers & rooflights	No objections	5	-
17/04023/APP Stoneleigh Ho.	Ch/use residential to hotel	Support subj.	HBO	-
17/04223/APP 5 Boswell Court	Conv. conservatory to permanent st	ructure		
		No objections	5	-
17/04247/APP 1 Jacob	Single storey rear extension	No objections	5	-
Refused				
		<b>•</b> • • •		

16/00337/APP Well Street Centre	Re-fenestration of old part of bldg.	Oppose & Attend	-
17/02448/APP 16 Meadow Gardens	Front fences – retrospective	Oppose & Attend	-
17/03760/COUM 24 Market Hill	Whether prior approval required for	No objections	-
	change of use shop $\rightarrow$ residential		

## Decision quashed

16/03302/APP Land behind Grand Junction: 61 bed care home & 14 assisted living apartments.

Following completion of a satisfactory s106 agreement, this application was formally approved on 25<sup>th</sup> October 2017. However Montpelier Estates (developer for the Lace Hill care home) submitted an application for a judicial review of the decision. AVDC has decided that, in light of inadequacies in the Officer's report to the Committee, the decision should be quashed and the matter remitted back to the council in due course to redetermine.

Members discussed and **AGREED** to continue to reiterate their original objections and continue to oppose the application.

## 705/17 Planning Inspectorate

705.1/17 An appeal was lodged on 20<sup>th</sup> December 2017 on application 17/01694/APP (2 Butterfly Close, Insertion of front and rear roof lights, approved 12<sup>th</sup> September 2017 (grounds for appeal attached, **Appendix B**). If Members wish to add any further comments, these have to be with the Inspector by 24<sup>th</sup> January. Members initially responded (5/6/17) **OPPOSE & ATTEND** – "Members noted that the red line curtilage was at variance with the original phase drawing boundary which showed only

one parking space in front of the shared garage, the remainder of the area between the two houses being designated for the turning space required by the refuse lorry (and other large traffic). The Close was so narrow that any on-street parking rendered turning difficult for a car.

The Committee had no objections to the proposed roof lights, but the conversion of the loft added a fifth bedroom to the dwelling, which did not appear to have the guideline 3 spaces within the curtilage at present, and opposed the application on the grounds of inadequate parking and effect on highway safety – vehicles reversing out into the estate spine road because there was no room to turn and emerge forwards."

(24/7/17) Further information had been supplied in Land Registry documents showing the actual curtilage to be larger than that outlined in the original documents, and to encompass not only the space in front of the garage but the whole road width at this point and the

frontage including the layby beyond the plot boundary, with the capacity to accommodate 5 vehicles. Members consequently withdrew their opposition to the application and changed it to **NO OBJECTIONS**.

Noted.

705.2/17 To note that the hearing into the non-determination appeal on 16/02320/AOP (Land to the east of Buckingham, Stratford Road; 170 houses, amenity space, etc.) is scheduled for 23<sup>rd</sup> January 2018 at The Gateway. The Chairman has volunteered to attend and observe.

The Chair reported that the issue of non determination within 13 weeks had been exceeded.

705.3/17 17/01978/APP 1 Lace Lane; change of use from residential to day nursery.

Appeal against refusal. *Appeal has been withdrawn.* Noted.

# 706/17Equality Advisory Support Service (Min. 549/17 refers)

Members discussed the EASS's response to Cllr. Harvey's personal enquiry and its implications on the lack of disabled access via Cotton End steps.

Members AGREED to forward a copy of the response to the Lace Hill Residents Association and, with Cllr. Harvey's agreement, the document would be attached to the Committee's minutes at Appendix A. ACTION PLANNING CLERK

# 707/17 Development Management Committee

707.1/17 Strategic Development Management

(3<sup>rd</sup> January 2018) Cancelled

(24<sup>th</sup> January 2018) agenda not yet available

(17/04668/ADP) The Planning Clerk raised concern that the design code had not yet been published and yet the Town Council were being consulted on these matters and would be asked to make a decision at Full Council on the 22<sup>nd</sup> January 2018, and AVDC were holding an informal briefing on 24<sup>th</sup> January for Ward Members. The consultation response date was 25<sup>th</sup> January.

707.2/17 Development Management

(4<sup>th</sup> January 2018) Cancelled

(25<sup>th</sup> January 2018) agenda not yet available

# 708/17 Enforcement

708.1/17 To receive the November & December updates There were none. Cllr. Stuchbury would look into the issue.

# ACTION CLLR. STUCHBURY

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708.2/17 To report any new breaches None.

# 709/17 Transport

709.1/17 To receive details of the proposed cycleway extension consultation and agree any Committee comments.

Mrs Cumming highlighted the following comments of the Buckingham Society:

- The crossing at Hare Close must have dismount signs and additional lighting along this stretch.
- The Bourton Road crossing adjacent to Badgers Way should have a zebra crossing as it is frequently used by dog walkers and school children.
- The section of cycleway that crosses the portion of Burleigh Piece and the Bourton Park footpath should be have a barrier to prevent cars parking in front of the cycleway. The same section of cycleway should be realigned across the road and onto the route through Bourton Park.

Cllr. Stuchbury suggested asked the County Council to consult further with residents living close to the cycleway routes.

Members AGREED to adopt the comments of the Buckingham Society.

# ACTION PLANNING CLERK

To report any damaged superfluous and redundant signage in the town.

Cllr. Strain-Clark reported that the depth gauge at Tingewick Road bridge had been damaged. This had been reported to the Environment Agency.

# 710/17 Access

To report any access-related issues.

Cllr. Hirons said that the steep path leading from Chandos Road to Brookfield Lane (Dark Alley) required steps as it was precarious in icy conditions. Cllr. Strain-Clark suggested adding a hand rail.

# 711/17 Correspondence

None.

# 712/17 News releases

Cllr Stuchbury suggested a press release on the Town Council's concerns regarding the new Traffic Assessment for application 16/02320/AOP (land to the east of Buckingham, Stratford Road) and the proposed solution

# ACTION PLANNING CLERK

# 713/17 Chairman's items for information

None.

# 714/17 Date of the next meeting: Monday 29<sup>th</sup> January 2018 at 7pm.

Meeting closed at 9.18pm

Chairman..... Date.....

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# Appendix A – Equality Advisory Support Service (Minute 706/17 refers).

Hallo Are planninį	By Web Form (Jon Harvey) g authorities legally required to ensure (using their planning powers) that in any
new large ho discriminate	using development, there are pedestrian access arrangements that do not against people with mobility problems?
Thank you	
Jon Harvey	
Question R	efference #171205-000016 Date Created: 05/12/2017 10:38 Last Updated: 06/12/2017 11:14 Status: Resolved Incident Country: Let Us Know: No Your Rights: Disability Discrimination RequestForInfo: Strategic Referral: No For Info: No
From: Equal Date: 6 Dece: Subject: Hall [Enquiry: 17] To:	warded message ity Advisory Support Service < <u>eass@custhelp.com</u> > mber 2017 at 11:14 o Are planning authorities legally required to ensure (using their planning 205-000016] requested personal assistance from our on-line support centre. Below is a
summary of y	our request and our response.
If this issue is	not resolved to your satisfaction, you may reopen it within the next 30 days.
Thank you fo	r allowing us to be of service to you.
Subject Hallo Are pla	nning authorities legally required to ensure (using their planning
Date: 06/12/ Reference N	a Email (Melanie) 06/12/2017 11-14

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#### Dear Jon Harvey

Thank you for contacting the Equality Advisory Support Service (EASS) regarding your issue around pedestrian access.

The EASS can provide you with advice and guidance on the Equality Act 2010 and the Human Rights Act 1998; however, if you require a legal opinion on the merits of your case, you would need to consult a lawyer. For more information, please see our legal disclaimer. You state in your email are planning authorities legally required to ensure there are providing pedestrian access arrangements for people with mobility problems. I have provided some information below which may help you with your question.

Public authorities (e.g. local councils, NHS, Education providers etc) have a duty to follow the Public Sector Equality Duty. You can find information on this on the <u>www.gov.Uk/government/publications/public-sector-equality</u>

**Public Sector Duty**, this is a duty on public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority has not properly considered its public sector duty, you can challenge it in courts. When public authorities carry out their functions, the Equality Act says they must have due regard or think about the following things:

- eliminate unlawful discrimination
- advance equality of opportunity between people who share a protected characteristic and those who don't
- foster or encourage good relations between people who share a protected characteristic and those who don't

Having due regard means public authorities must consciously consider or think about the need to do the three things set out in the public sector equality duty.

If an individual thinks they have been, or will be, affected by the way a public authority has made a decision about how it delivers its service or implements a policy an individual may be able to use the public sector equality duty.

An individual can take action saying a public authority has not properly considered its duty before making a decision or adopting a policy that affects that individual. An individual may also use the public sector equality duty to strengthen a discrimination complaint against a public authority.

However because we aren't legally trained we wouldn't be able to give any legal advice, we can only advise on how an individuals issue may fall within the Equality Act. So if you require legal advice we recommend you speak to a solicitor.

I hope this information has been helpful, and it answers your question. You could try contacting your local council about this, unless you already have. If we could be of any assistance or you require any further information please don't hesitate to contact us again. Regards, Melanie

Equality Advisory Support Service

You can also contact us by telephone and textphone

Telephone - 0808 800 0082 Textphone - 0808 800 0084

For regular updates about our service follow us on:

Facebook: <u>www.facebook.com/EqualityAdvisorySupport</u> Twitter: @EASShelpline

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