

Equality and Fairer Scotland Impact Assessment (EFSIA) **Summary of Assessment**

Title: Proposed update of the Council's published Planning Enforcement Charter, last produced in 2022.

Key findings from this assessment (or reason why an EFSIA is not required):

An EFSIA is not required because the update to the Charter would not change the experience of people who share protected characteristics in any way to their detriment.

Summary of actions taken because of this assessment:

The draft updated Planning Enforcement Charter will be considered at relevant Council Group and public Committee or Council meetings, in the light of the Recommendation made by the relevant service (Development Management, part of Development Services, Place Directorate).

Ongoing actions beyond implementation of the proposal include:

- Adoption and publication of agreed/approved Charter as soon as possible after relevant Council or Committee meeting, should the draft be accepted.
- Review and next update of the Charter in 2027.

Lead person(s) for this assessment:

John Hiscox, Principal Planner, Development Management

Senior officer approval of assessment:

Pauline Elliott, Team Leader, Planning and Building Standards

DATE: **2 October 2025**

Equality and Fairer Scotland Impact Assessment (EFSIA)

An Equality and Fairer Scotland Impact Assessment (EFSIA) must be completed in relation to any decisions, activities, policies, strategies or proposals of the Council (referred to as 'proposal' in this document). The first stage of the assessment process will determine the level of impact assessment required.

This form should be completed using the guidance contained in the document: EQUALITY AND FAIRER SCOTLAND IMPACT ASSESSMENT (Final Guidance). Please read the guidance before completing this form.

The aim of this assessment is to allow you to critically assess:

- the impact of the proposal on those with protected characteristics and, where relevant, affected by socio-economic disadvantage (referred to as 'equality groups' in this document);
- whether the Council is meeting its legal requirements in terms of Public Sector Equality Duty and the Fairer Scotland Duty;
- whether any measures need to be put in place to ensure any negative impacts are eliminated or minimised.

The Fairer Scotland Duty requires public authorities to pay 'due regard' to how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making **strategic decisions**. Strategic decisions are key, high-level decisions such as decisions about setting priorities, allocating resources, delivery or implementation and commissioning services and all decisions that go to Council or committee for approval.

Step A – Confirm the details of your proposal

1. Describe the aims, objectives and purpose of the proposal.

The current published Planning Enforcement Charter is from 2022. In line with Planning Circular 10/2009 'Planning Enforcement' planning authorities in Scotland must review the Charter regularly, at least every 2 years. The proposed updated version of the Council's Charter seeks to improve its helpfulness and bring it up to date in terms of the information it contains. Planning Enforcement Charters are required to set out how the enforcement system works; in particular, the role of the planning authority and the service standards it sets itself.

2. Why is the proposal required?

To provide an up-to-date version of the Charter which can be published and made available on the Council's website.

3. Who is affected by the proposal?

The proposal should affect approximately the same audience as the current version, insofar as it is guidance for anyone interested, or involved in planning enforcement issues in the County. The Charter is also the document upon which officers engaged in planning enforcement rely, in terms of actions taken and consideration of potential enforcement breaches.

4. What other Council policies or activities may be related to this proposal? The EFSIAs for related policies might help you understand potential impacts.

The Council has published a Customer Charter [Customer Charter](#)

5. Is the proposal a strategic decision? If so, please complete the steps below in relation to socio-economic disadvantage. If not, please state why it is not a strategic decision:

No, the proposal does not represent a strategic decision. It does not introduce a new policy or action principle, and does not involve any substantive changes to the way officers will undertake their duties. There are no increases in costs either to the Council or customers arising from the introduction of the updated Charter, in particular with regard to fixed penalties set out in the document.

Step B – Consider the level of EFSIA required

You should consider the available evidence and data relevant to your proposal. You should gather information in order to:

- *help you to understand the importance of your proposal for those from equality groups,*
- *inform the depth of EFSIA you need to do (this should be proportionate to the potential impact), and*
- *provide justification for the outcome, including where it is agreed an EFSIA is not required.*

6. What information is available about the experience of those with protected characteristics in relation to this proposal? Does the proposal relate to an area where there are already known inequalities? Refer to the guidance for sources of evidence and complete the table below.

Equality Group	Evidence source (e.g. online resources, report, survey, consultation exercise already carried out)	What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C).
Age	Population Estimates webpage (Clackmannanshire Council) 2023 Population Estimates National Records of Scotland webarchive (Archived Content – Clackmannanshire Council Area Profile)	The median age of Clackmannanshire's residents, based on the 2022 census, was expected to be 45 years in 2023, slightly higher than for Scotland (42). The age groups of 25-44 and 45-64 are substantially the largest with approximately 12000 in the former and 15000 in the latter. People aged 65 and over number at around 10000. In terms of expendable income and property ownership it is much more likely that these groups represent the most likely people to be involved in activity that the Charter will affect. The update to the Charter will not change experiences of people because of their age. It identifies ways in which people can contact officers to discuss relevant issues and does not discriminate in relation to the age of customers.
Disability	Scottish Census 2022	According to Census mapping information, the mean percentage of people living with a long-term health problem or disability in Clackmannanshire is slightly under 26%. This includes people whose day-to-day activities are limited (i) a little, and (ii) a lot. Individuals with disability who may be involved in the planning process because they require alteration/extension to their property to meet changing accessibility requirements could become involved in matters covered by the Charter, for example if planning permission should have been applied for and hasn't been; or if there are breaches of any planning permission granted/implemented.

Equality Group	Evidence source (e.g. online resources, report, survey, consultation exercise already carried out)	What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C).
		However, it is not anticipated that the updated Charter will have a disproportionate impact on this group and any impact is mitigated by the Charter itself which provides that any decision will be based upon the circumstances of the case and relevant planning policy, this provides flexibility to enable disability factors to be taken into consideration when making any decision or undertaking any related enforcement action. The update to the Charter, taking into consideration the current/previous published Charter, will not change experiences of people because of their ability. A particular aspect of the current Charter in terms of accessibility, is that the Council's website makes it clear that the document can be made available in other formats including Braille and audio. This would be the same for the updated Charter.
Race	Scottish Census 2022	According to Scottish Census data from 2022, the main ethnic grouping within Clackmannanshire is White Scottish at 84.1%. Other groups of White people represent 12.8% and 3.1% of the population comprises other ethnic groups including Asian, African, Caribbean, Arab and other people. The Charter is applicable to all individuals living across local authority area, regardless of race; there is no indication of adverse impact on this protected characteristic.
Sex	Scottish Census 2022	According to Scottish Census data from 2022, 51% of people are male and 49% are female. The Charter is applicable to all individuals living across local authority area, regardless of sex; there is no indication of adverse impact on this protected characteristic by the proposal.
Gender Reassignment	Scottish Census 2022	The Scottish Census 2022 reports that 0.44% of people aged 16 and over in Scotland identify as transgender, with Clackmannanshire's rate slightly lower at 0.35% (151 individuals).

Equality Group	Evidence source (e.g. online resources, report, survey, consultation exercise already carried out)	What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C).
		While there is limited information available on the experiences of this protected characteristic both locally and nationally, the very small number of transgender individuals in Clackmannanshire suggests that this group is unlikely to be impacted by the proposals within this update to the Charter.
Sexual orientation	Scottish Census 2022	According to the 2022 Census, 1,343 individuals (3.12%) aged 16 and over in Clackmannanshire identify as LGB+. The Charter is applicable to all individuals living across local authority area, regardless of sexual orientation; there is no indication of adverse impact on this protected characteristic by the proposal.
Religion or Belief	Scottish Census 2022	According to the 2022 Census, 58.3% of people aged 16 and over in Clackmannanshire stated that they do not have a religion. 5.4% of people did not answer the question in the Census relating to religion. This means that 36.3% of people in Clackmannanshire stated that they belong to a religious denomination or body. The Charter is applicable to all individuals living across local authority area, regardless of religion or belief; there is no indication of adverse impact on this protected characteristic by the proposal.
Pregnancy or maternity	Scottish Census 2022	The Census indicated that in 2022, the percentage of households where either single or co-habiting people had dependent children living with them was 40.9%. This group is unlikely to be impacted by the proposals within this update to the Charter; it does not discriminate in relation to the pregnancy and maternity status of customers.
Marriage or civil partnership (only the first aim of the Duty is relevant to this protected characteristic)		Not an employment matter, does not apply.

Equality Group	Evidence source (e.g. online resources, report, survey, consultation exercise already carried out)	What does the evidence tell you about the experiences of this group in relation to the proposal? NB Lack of evidence may suggest a gap in knowledge/ need for consultation (Step C).
and only in relation to work matters)		
Socio economic disadvantage (if required)		Not a strategic decision, does not apply.

7. Based on the evidence above, is there relevance to some or all of the equality groups? ~~Y/ N unclear~~

If yes or unclear, proceed to further steps and complete full EFSIA

If no, explain why below and then proceed to Step E:

The updated Planning Enforcement Charter would give rise to the same experience for people who share protected characteristics as the current Charter. It is therefore not necessary to undertake further assessment involving stakeholders in the light of equality and fairness considerations.

Step C – Stakeholder engagement

This step will help you to address any gaps in evidence identified in Step B. Engagement with people who may be affected by a proposal can help clarify the impact it will have on different equality groups. Sufficient evidence is required for you to show ‘due regard’ to the likely or actual impact of your proposal on equality groups.

8. Based on the outcome of your assessment of the evidence under Step B, please detail the groups you intend to engage with or any further research that is required in order to allow you to fully assess the impact of the proposal on these groups. If you decide not to engage with stakeholders, please state why not:

9. Please detail the outcome of any further engagement, consultation and/or research carried out:

Step D - Impact on equality groups and steps to address this

10. Consider the impact of the proposal in relation to each protected characteristic under each aim of the general duty:

- Is there potential for discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010? How will this be mitigated?
- Is there potential to advance equality of opportunity between people who share a characteristic and those who do not? How can this be achieved?
- Is there potential for developing good relations between people who share a relevant protected characteristic and those who do not? How can this be achieved?

If relevant, consider socio-economic impact.

Age	Place 'X' in the relevant box(es)			Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes
	Positive impacts	Negative impacts	No impact	
risk of discrimination				
potential for developing good relations				
potential to advance equality of opportunity				

Disability	Place 'X' in the relevant box(es)			Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes
	Positive impacts	Negative impacts	No impact	
risk of discrimination				
potential for developing good relations				

potential to advance equality of opportunity				

Race	Place 'X' in the relevant box(es)			Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes
	Positive impacts	Negative impacts	No impact	
risk of discrimination				
potential for developing good relations				
potential to advance equality of opportunity				

Sex	Place 'X' in the relevant box(es)			Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes
	Positive impacts	Negative impacts	No impact	
risk of discrimination				
potential for developing good relations				
potential to advance equality of opportunity				

Gender Reassignment	Place 'X' in the relevant box(es)			Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes
	Positive impacts	Negative impacts	No impact	
risk of discrimination				
potential for developing good relations				
potential to advance equality of opportunity				

Sexual Orientation	Place 'X' in the relevant box(es)			Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes
	Positive impacts	Negative impacts	No impact	
risk of discrimination				
potential for developing good relations				
potential to advance equality of opportunity				

Religion or Belief	Place 'X' in the relevant box(es)			Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes
	Positive impacts	Negative impacts	No impact	
risk of discrimination				
potential for developing good relations				
potential to advance equality of opportunity				

Pregnancy/maternity	Place 'X' in the relevant box(es)			Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes
	Positive impacts	Negative impacts	No impact	
risk of discrimination				
potential for developing good relations				
potential to advance equality of opportunity				

Marriage/civil partnership	Place 'X' in the relevant box(es)			Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes
	Positive impacts	Negative impacts	No impact	
risk of discrimination (only the first aim of the Duty is relevant to this protected characteristic and only in relation to work matters)				

Socio-economic disadvantage	Place 'X' in the relevant box(es)			Describe any actions you plan to take, eg. to mitigate any impact, maximise positive impact, or record your justification to not make changes
	Yes	No	No impact	
(If required) Will the proposal reduce inequalities of outcome caused by socio-economic disadvantage?				

11. Describe how the assessment might affect the proposal or project timeline?

Examples of the items you should consider here include, but are not limited to:

- **Communication plan:** do you need to communicate with people affected by proposal in a specific format (e.g. audio, subtitled video, different languages) or do you need help from other organisations to reach certain groups?
- **Cost:** do you propose any actions because of this assessment which will incur additional cost?
- **Resources:** do the actions you propose require additional or specialist resource to deliver them?
- **Timing:** will you need to build more time into the project plan to undertake research, consult or to complete any actions identified in this assessment?

12. **Having considered the potential or actual impacts of your proposal, you should now record the outcome of this assessment.** Choose from one of the following:

Please select (X)	Implications for the proposal
	No major change Your assessment demonstrates that the proposal shows no risk of unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.
	Adjust the proposal and/or implement mitigations You have identified ways of modifying the proposal to avoid discrimination or to better advance equality of opportunity or foster good relations. In addition, or alternatively, you will introduce measures to mitigate any negative impacts. Adjustments and mitigations should be recorded in the tables under Step D above and summarised in the summary sheet at the front of the document.
	Continue the proposal with adverse impact The proposal will continue despite the potential for adverse impact. Any proposal which results in direct discrimination is likely to be unlawful and should be stopped and advice taken. Any proposal which results in indirect discrimination should be objectively justified and the basis for this set out in the tables under Step D above and summarised in the summary sheet at the front of the document. If objective justification is not possible, the proposal should be stopped whilst advice is taken.

	Stop the proposal The proposal will not be implemented due to adverse effects that are not justified and cannot be mitigated.
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Step E - Discuss and review the assessment with decision-makers

13. You must discuss the findings of this assessment at each stage with senior decision makers during the lifetime of the proposal and before you finalise the assessment. Record details of these discussions and decisions taken below:

Step F – Post-implementation actions and monitoring impact

It is important to continue to monitor the impact of your proposal on equality groups to ensure that your actual or likely impacts are those you recorded. This will also highlight any unforeseen impacts.

14. Record any post-implementation actions required.
15. Note here how you intend to monitor the impact of this proposal on equality groups.
16. Note here when the EFSIA will be reviewed as part of the post-implementation review of the proposal:
August/September 2027

Step G – Assessment sign off and approval

Lead person(s) for this assessment:

Signed: John Hiscox

Date: 2 October 2025

Senior officer approval of assessment:

Signed: 

Date: 2 October 2025

All full EFSIAs must be published on the Council's website as soon as possible after the decision is made to implement the proposal.