

## Full Equality Impact Analysis Template – Introduction

This **Full EqIA Template** should be read in conjunction with the **EqIA Guidance Document** which supports completion of all EqIA related documentation.

A separate **EqIA Screening Template** is also available. This can be used to determine whether a full EqIA is necessary, as this may be unclear initially.

### Conducting an Equality Impact Assessment (EqIA)

We use an Equality Impact Assessment (EqIA) to help us determine whether our plans and activities will affect equality outcomes for different groups of employees (where the activity is employment related) OR for different communities (where the activity is related to service delivery or the exercise of our functions). It helps assess whether the impacts will be positive, negative or unlikely to have a significant impact on each protected characteristic<sup>1</sup> group. The core purpose of carrying out an EqIA is therefore to:

- a) **analyse a proposed activity** i.e. policy/ strategy/ process/ function / service/ restructure/ programme etc (hereafter referred to as *proposed activity*) against the three specific requirements of the Duty (above), AND
- b) **use the outcomes of that analysis** to inform further decision/s and action aimed as mitigating potential adverse impacts, or else to provide clear justification for continuing with a proposed course of action.

The Public Sector Equality Duty (PSED) states that a public authority **must**, in the exercise of its functions, have due regard to the need to:

1. **Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;**
2. **Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
3. **Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Using this Full EqIA Template (pp.3 – 6) to carry out a thorough and considered EqIA will ensure that the Council remains compliant with PSED requirements **and** help ensure we avoid or mitigate / minimise adverse impacts on certain groups.

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<sup>1</sup> People who share one (or more) of 9 *protected characteristics* (PCs) are protected from unlawful discrimination, victimisation and harassment under the Equality Act (2010 ). These groups are referred to as 'protected characteristic groups' in this and related documentation. The 9 PCs are: Age; Disability; Ethnicity; Gender re-assignment; Marriage & Civil Partnership; Pregnancy& Maternity; Religion/ belief; Sex; Sexual orientation.

## Governance

- Key Decision Reports (KDRs) MUST always have either an initial screening assessment OR a full EqIA, which must be signed off by Head of Service and Lead Member and be submitted alongside the KDR for approval and scrutiny. Any equalities issues should be fully addressed and cross referenced as appropriate in the Report
- Budget proposals MUST always have either an initial screening assessment OR a full EqIA, which must be signed off by Head of Service

## General points

The following principles should be borne in mind when conducting an EqIA

- **Timeliness:** the duty to assess potential impacts **applies at the time of considering proposals** and **before** a final decision is taken.
- **Consideration:** the duty to assess and consider must be an integral and rigorous part of your decision-making and influence the process.
- **Initial Screening:** A full EqIA is not always necessary, but this may not be immediately obvious. Use the EqIA Screening Template if you are unsure, to help you determine what level of assessment is needed. The initial scoping must still be recorded as evidence of 'due regard'.
- **Sufficient Information:** we must evaluate what information we have and think about what more might be needed to give proper consideration.
- **Breadth:** Where dealing with obvious equalities issues e.g. changing services to specific groups such as disabled people or children for example, care must be taken not to lose sight of other less obvious issues for other protected characteristic groups.
- **Review:** the Equality Duty is a 'continuing duty'. This means it continues to apply **after** proposals are implemented/reviewed. Monitoring is key.
- **Record Keeping:** we must keep records of the EqIA process, any impacts identified and what we plan to do as a result.

Failure to fully consider the above when conducting an EqIA (and in any decision based on that), may leave the Council open to legal challenge, cause considerable delay and lead to financial and/or reputational damage

If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the relevant ED&I Officer/ Lead for support and advice (see below).

If your EqIA does not require you to carry out additional consultation (with either employees or community groups), please omit section 04.

Further advice and guidance **should** be accessed from the separate EqIA Guidance document as well as from your service or borough lead:

### **RBKC**

For external facing EqIAs: Corporate Equalities Officer: [angela.chaudhry@rbkc.gov.uk](mailto:angela.chaudhry@rbkc.gov.uk) Tel: 020 7361 2654

For internal facing EqIAs: Strategic ED&I Lead (HR): [amanda.rice@rbkc.gov.uk](mailto:amanda.rice@rbkc.gov.uk) Tel: xxxxxxxxxxxxxxxx

## Equality Impact Analysis

| Section 01: Overall Information  | Details of Full Equality Impact Analysis  |
|--|---|
| <b>Financial Year and Quarter</b>  | 2021 Q2   |
| <b>Name &amp; details of proposed activity</b> (i.e. the policy/ strategy/ process/ function / service/ restructure/ programme etc) to be assessed - hereafter referred to as ' <i>proposed activity</i> ' | <p>Article 4 direction to remove permitted development rights for changes of use from commercial, business and service (Class E) to residential (Class C3)</p> <p>The Council is intending to make an Article 4 direction to ensure that planning permission can continue to be required for the change of use of a range of commercial “E class” uses to residential.</p> <p>This will allow the Council to consider the policies within the Local Plan when determining a relevant planning application and not merely the narrow suite of issues allowed under “prior approval”.</p> |
| <b>Lead Officers</b> (i.e. those responsible for /managing the proposed activity)  | <p>Name: Chris Turner<br/>           Position: Principal Planning Officer<br/>           Email: <a href="mailto:chris.turner@rbkc.gov.uk">chris.turner@rbkc.gov.uk</a><br/>           Telephone No: 07739 313788</p>  |
| <b>Single or BI-Borough</b>  | Single Borough - RBKC   |
| <b>Date of completion of final Full EqIA</b>   | N/A   |

| Section 02                 | Scoping of Full EqIA  |
|----------------------------|---|
| <b>Plan for completion</b> | <p>Timing: The Article 4 Direction will be made by the end of July 2021. The Council intends to confirm it a year later in August 2022. However, we will have regard to the views of stakeholders before a final decision is made.</p> <p>Resources: The Article 4 Direction will be prepared within the existing staff and budget resources of the Planning Policy Team.</p> |

**Analyse the impact of the proposed activity**

The Article 4 Direction means that planning permission will continue to be required for applications to change the use of a class E “commercial, business and service uses” to residential.

In particular it will allow use to use the following policies when determining an application:

***Keeping Life Local***

Policy CK1 Social and Community Uses

Policy CK2 Local Shopping and other facilities which Keep Life Local

Some “social and community” uses now fall into Class E. These include indoor sporting facilities. Without the Article 4 Direction planning permission will not be required for a change of use to residential. Whilst the liberalisation will include registered nurseries and medical facilities, a LPA will be allowed to consider the impact on local provision of the type of service lost.

***Fostering Vitality***

Policy CF2 Retail Development within Town Centres

Policy CF3 Diversity of uses within Town Centres

These policies relate to those uses which can help maintain the vitality and the viability of our town centres. The unfettered introduction of residential uses within the ground floor of our centres can harm this vitality.

Policy CF5 Business Uses

Policy CF6 Creative and Cultural Businesses

These policies relate to the creation of new, and the protection of existing office, uses. This is considered necessary if the borough is to meet its objectively assessed need for such uses. The protection of such uses also allows the borough’s office sector to contribute to the local and the wider economy.

***Diversity of Housing***

Policy CH1 Increasing Housing Supply

This policy encourages development which delivers additional housing, which assists the borough in meeting its housing targets. However, it is clear that housing will not be favoured above all other uses. The policy references the need to protect offices floorspace as outlines in Policy CF5.

Section 9.4 of the [Integrated Impact Assessment \(IIA\)](#), sets out the IIA objective for equalities. This is to, “*encourage social inclusion (including access), equality, the promotion of equality and a respect for diversity.*” The section assesses the Local Plan policies, explains how equalities groups have been considered and summarises the assessment on equalities of the Local Plan policies. It concludes that the potential effect of the above Local Plan Policies is that they will have a positive effect on equalities.

The IIA reports that “*Policies CF5 and CF6 can help to preserve local jobs or to increase the employment opportunities available close to where people live.*”

It is helpful to consider how the continued use of the policies within our adopted Local Plan will have upon the different groups specifically protected (the “protected characteristics”) by legislation.

An overall appraisal of the positive, negative or neutral impact is set out below.

| Protected characteristic | Borough Analysis  | Impact:<br>Positive,<br>Negative,<br>Neutral |
|--------------------------|---|--|
| Age                      | <p>The Article 4 Direction will allow the Council to protect shops and other similar uses be these within our town centres, within small parades or when stand alone. This will ensure that our residents will be able to continue to benefit from easy access to such uses. This may be of particular value to older residents who are less able to travel longer distances to access the shops and other services they need on a daily basis.</p> <p>The Council does note that the Article 4 direction (and the need for planning permission) may result in the provision of fewer new homes than would be the case if such applications were merely determined through prior approval. However, those homes that would have been provided would be market homes and not particularly directed to our older residents. There is no requirement under the prior approval system for even those small number of developments which might otherwise trigger the need to make an affordable housing contribution, to make that contribution.</p> | Positive                                     |
| Disability               | <b>RBKC</b>   |  |

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|  | <p>The Article 4 Direction will allow the Council to protect shops and other similar uses be these within our town centres, within small parades or standalone shops. This will ensure that our residents will be able to continue to benefit from easy access to such uses. This may be of particular value to those who are less mobile and are less able to travel further to access the shops and other services they need on a daily basis.</p> <p>The Council does note that the Article 4 direction (and the need for planning permission) may result in the provision of fewer new homes than would be the case if such applications were merely determined through prior approval. However, those homes that would have been provided through prior approval would not be inherently more suitable to those with particular mobility needs. The nature of new homes would comply with the relevant building regulations. However, they will not be subject to the enhanced requirements required through the London Plan.</p> | Positive |
| Gender reassignment                    | The making of the Article 4 Direction will not have a particular impact on this protected characteristic.  | Neutral  |
| Marriage and Civil Partnership         | The making of the Article 4 Direction will not have a particular impact on this protected characteristic.  | Neutral  |
| Pregnancy and maternity                | The making of the Article 4 Direction will not have a particular impact on this protected characteristic.  | Neutral  |
| Race                                   | The making of the Article 4 Direction will not have a particular impact on this protected characteristic.  | Neutral  |
| Religion/belief (including non-belief) | The making of the Article 4 Direction will not have a particular impact on this protected characteristic.  | Neutral  |
| Sex                                    | The making of the Article 4 Direction will not have a particular impact on this protected characteristic.  | Neutral  |
| Sexual Orientation                     | The making of the Article 4 Direction will not have a particular impact on this protected characteristic.  | Neutral  |

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|  | <b>Human Rights &amp; Children's Rights</b>   |
|  | Does your proposal impact on Human Rights as defined by the Human Rights Act 1998?<br>(See guidance for more information on this) |
|  | No  |
|  | Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child?                   |
|  | No  |
| If your decision has the potential to affect Human Rights or Children's Rights, please contact your Borough Lead for advice. |   |

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| <b>Section 03</b>                  | <b>Analysis of relevant data</b><br>Examples of data include census data; customer satisfaction surveys; customer complaints data workforce demograpinc data. Data should involve specialist data and information and, where possible, should be disaggregated by different protectd characteristics. |
| <b>Documents and data reviewed</b> | National planning Policy Framework, Planning Practice Guidance, London Plan (2020), RBKC Local Plan (2019).   |
| <b>New research</b>                | N/A   |

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| <b>Section 04</b>   | <b>Consultation</b>  |
|                     | Complete this section if you have decided to supplement existing data by carrying out additional consultation with<br>a) employees b) local communities  |
| <b>Consultation</b> | The Council will not consult the public on the appropriateness of the Article 4 Direction at this stage. Formal consultation will take place once the direction has been "made". This will run for 6 weeks. Any representations made will be considered before a final decision is made to "confirm" the direction in a year's time. |

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|---|---|
| <b>Analysis of consultation outcomes</b>                              | N/A   |
| <b>Section 05</b>   | <b>Analysis of impact and outcomes</b>  |
| <b>Analysis</b>   | The Article 4 direction will allow the polices within the Local Plan be used as a material consideration in determining planning applications. The A4D retains the status quo.                              |
| <b>Section 06</b>   | <b>Reducing any adverse impacts and recommendations</b>   |
| <b>Outcome of Analysis</b>  | N/A   |
| <b>Section 07</b>   | <b>Action Plan</b>  |
| <b>Action Plan</b>  | Please see section 05 and 06 above.   |
| <b>Section 08</b>   |   |
| <b>Director/ Head of Service sign-off</b>                             | Name: Amanda Reid<br>Position: Director, Planning and Place<br>Email: amanda.reid@rbkc.gov.uk<br>Telephone No: 07790363868  |
| <b>Key Decision Report (if relevant)</b>                              | Name of Lead/ Cabinet Member: LT/EMT Meeting<br><br>Date of report to Lead/Cabinet Member: 7 July 2021<br><br>Key equalities issues have been included and the EqlA presented alongside the KDR: <b>Yes</b> |
| <b>Lead ED&amp;I Officer (where involved)</b>                         | Name:<br>Position:<br>Date advice / guidance given:<br>Email:<br>Telephone No:  |
| <b>Review Date/s Recommended at: 3 months; 6 months and 12 months</b> |   |



