



# Basements Equalities Impact Assessment

Partial Review of the Core Strategy

July 2013



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

## **Tri-Borough Equality Impact Analysis Tool**

### **Conducting an Equality Impact Analysis**

An EqIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative or unlikely to have a significant impact on each of the protected characteristic groups.

The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It 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.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

## General points

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.
4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. 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 Equality Officer for support.
6. Further advice and guidance can be accessed from the separate guidance document (link), as well as from your service or borough leads:

<b>LBHF</b> Opportunities Manager: <a href="mailto:PEIA@lbhf.gov.uk">PEIA@lbhf.gov.uk</a> or ext 3430	<b>RBKC</b> Corporate Equalities Officer: <a href="mailto:angela.chaudhry@rbkc.gov.uk">angela.chaudhry@rbkc.gov.uk</a> 020 7361 2654	<b>WCC</b> Senior Policy Officer: <a href="mailto:doleary@westminster.gov.uk">doleary@westminster.gov.uk</a> 020 7641 8024
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## Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis		
<b>Financial Year and Quarter</b>	2013/14 2Q		
<b>Name and details of policy, strategy, function, project, activity, or programme</b>	<p>Title of EIA: Core Strategy Review: Basements The Council is reviewing/ amending the policies within its adopted Core Strategy which relate to new basement development within the Royal Borough of Kensington and Chelsea.</p> <p>These policies will form the basis of decision making when assessing planning applications which include an element of basement development.</p> <p>The policies will be RBKC specific, and therefore have no impact upon LBHF or WCC.</p> <p>The Council considers that the proposal is likely to have a neutral, or positive impact upon the range of equality issues. As such a full EIA is not considered to be appropriate.</p> <p>The Council consulted on the second draft policy for a 6 week period in March/May 2013. All individuals and stakeholders on the Council's LDF data base are consulted. The Council will undertake a consultation on the 'soundness' of the policy for an 8 week period starting in July 2013.</p> <p>Following this consultation the policies will be submitted to the Secretary of State for examination.</p>		
<b>Lead Officers</b>	<p><b>LBHF</b> Name: Position: Email: Telephone No:</p>	<p><b>RBKC</b> Name: Preeti Gulati Tyagi Position: Senior Planning Officer Email: preeti.gulativityagi@rbkc.gov.uk Telephone No: 020 7341 5784</p>	<p><b>WCC</b> Name: Position: Email: Telephone No:</p>
<b>Lead Borough</b>	RBKC		
<b>Date of completion of final Full EIA</b>	N/A		

<b>Section 02</b>	<b>Scoping of Full EIA</b>
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<b>Plan for completion</b>	Timing: Resources:		
<b>Analyse the impact of the policy, strategy, function, project, activity, or programme</b>	Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.		
<b>Protected characteristic</b>	<b>Borough Analysis</b>		<b>Impact:</b> Positive, Negative, Neutral
Age	<b>LBHF</b>		
	<b>RBKC</b> The proposed change to the Council's approach to new basement development within the Borough will not have a significant impact, be this positive or negative, of any particular age group. It relates solely to the policies to be used when assessing the appropriateness of new basements. It considers visual impact (both direct and indirect), the impact upon the environment (including upon all types of flooding) as well as upon the amenity off those living next to such extension.  A more restrictive approach to basement development may have a positive effect on the quality of life of those living close by to those properties which are implementing a basement permission. This positive impact may be experienced by people of all ages. The impact may be greatest for those who are within their homes during the period of the day when building works are being undertaken. This is likely to include older retired people and the very young.		Positive
	<b>WCC</b>		
Disability	<b>LBHF</b>		
	<b>RBKC</b> The proposed change to the Council's approach to new basement development within the Borough will not have a significant impact, be this positive or negative of any particular group of people. It relates solely to the		Positive

		<p>policies to be used when assessing the appropriateness of new basements. It considers visual impact (both direct and indirect), the impact upon the environment (including upon all types of flooding) as well as upon the amenity off those living next to such extension.</p> <p>A more restrictive approach to basement development may have a positive effect on the quality of life of those living close by to those properties which are implementing a basement permission. The impact may be greatest for those who are within their homes during the period when building works are being undertaken. This is likely to include disabled people.</p>	
		<b>WCC</b>	
	Gender reassignment	<b>LBHF</b>	
		<b>RBKC</b> The proposed change to the Council's approach to new basement development within the Borough will not have any particular impact on people who have undergone gender reassessment. It is a land use policy only.	Neutral
		<b>WCC</b>	
	Marriage and Civil Partnership	<b>LBHF</b>	
		<b>RBKC</b> The proposed change to the Council's approach to new basement development within the Borough will not have any particular impact on opportunities for marriage and civil partnership. It is a land use policy only.	Neutral
		<b>WCC</b>	
	Pregnancy and maternity	<b>LBHF</b>	
		<b>RBKC</b> The proposed change to the Council's approach to new basement development within the Borough will not have a significant impact, be this positive or negative of any particular group of people. It relates solely to the policies to be used when assessing the appropriateness of new basements. It considers visual impact (both direct and indirect), the impact upon the	Positive

		environment (including upon all types of flooding) as well as upon the amenity off those living next to such extension.  A more restrictive approach to basement development may have a positive effect on the quality of life of those living close by to those properties which are implementing a basement permission. The impact may be greatest for those who are within their homes during the period when building works are being undertaken. This is likely to include mothers with very small children.	
		<b>WCC</b>	
	Race	<b>LBHF</b>	
		<b>RBKC</b> The proposed change to the Council's approach to new basement development within the Borough will not have any particular impact on people of any particular race. It is a land use policy only.	Neutral
		<b>WCC</b>	
	Religion/belief (including non-belief)	<b>LBHF</b>	
		<b>RBKC</b> The proposed change to the Council's approach to new basement development within the Borough will not have any particular impact on those with particular beliefs/non beliefs. It is a land use policy only.	Neutral
		<b>WCC</b>	
	Sex	<b>LBHF</b>	
		<b>RBKC</b> The proposed change to the Council's approach to new basement development within the Borough will not have any particular impact on any particular gender. It is a land use policy only.	Neutral
		<b>WCC</b>	
	Sexual	<b>LBHF</b>	

	Orientation		
		<b>RBKC</b> The proposed change to the Council's approach to new basement development within the Borough will not have any particular impact on people with a particular sexual orientation. It is a land use policy only.	Neutral
		<b>WCC</b>	
<p><b>Human Rights or Children's Rights</b>          If your decision has the potential to affect Human Rights or Children's Rights, please contact your Borough Lead for advice</p>			

<b>Section 03</b>	<b>Analysis of relevant data</b> Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
<b>Documents and data reviewed</b>	<b>LBHF:</b> <b>RBKC:</b> NA as the impacts are neutral or positive <b>WCC:</b>
<b>New research</b>	If new research is required, please complete this section <b>LBHF:</b> <b>RBKC:</b> NA as the impacts are neutral or positive <b>WCC:</b>

<b>Section 04</b>	<b>Consultation</b>
	Complete this section if you have decided to supplement existing data by carrying out additional consultation.
<b>Consultation in each borough</b>	<b>LBHF:</b> <b>RBKC:</b> NA as the impacts are neutral or positive <b>WCC:</b>
<b>Analysis of consultation outcomes for each borough</b>	<b>LBHF:</b> <b>RBKC:</b> NA as the impacts are neutral or positive <b>WCC:</b>

<b>Section 05</b>	<b>Analysis of impact and outcomes</b>
<b>Analysis</b>	<p>What has your consultation (if undertaken) and analysis of data shown? You will need to make an informed assessment about the actual or likely impact that the policy, proposal or service will have on each of the protected characteristic groups by using the information you have gathered. The weight given to each protected characteristic should be proportionate to the relevant policy (see guidance).</p> <p><b>LBHF:</b>  <b>RBKC:</b> NA as the impacts are neutral or positive  <b>WCC:</b></p>

<b>Section 06</b>	<b>Reducing any adverse impacts and recommendations</b>
<b>Outcome of Analysis</b>	<p>Include any specific actions you have identified that will remove or mitigate the risk of adverse impacts and / or unlawful discrimination. This should provide the outcome for each borough, and the overall outcome.</p> <p><b>LBHF:</b>  <b>RBKC:</b> NA as the impacts are neutral or positive  <b>WCC:</b></p>

<b>Section 07</b>	<b>Action Plan</b>																	
<b>Action Plan</b>	<p>Note: You will only need to use this section if you have identified actions as a result of your analysis</p> <p>NA</p> <table border="1"> <thead> <tr> <th>Issue identified</th> <th>Action (s) to be taken</th> <th>When</th> <th>Lead officer and borough</th> <th>Expected outcome</th> <th>Date added to business/service plan</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>						Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan						
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<b>Section 08</b>	<b>Agreement, publication and monitoring</b>		
<b>Chief Officers' sign-off</b>	<b>LBHF</b> Name: Position: Email: Telephone No:	<b>RBKC</b> Name: Jonathan Bore Position: Executive Director Email: jonathan.bore@rbkc.gov.uk Telephone No: 020 7361 2944	<b>WCC</b> Name: Position: Email: Telephone No:
<b>Key Decision Report (if relevant)</b>	<b>LBHF</b> Date of report to Cabinet/Cabinet Member: XX / XX / XX Key equalities issues have been included: Yes/No	<b>RBKC: NA</b> Date of report to Cabinet/Cabinet Member: XX / XX / XX Key equalities issues have been included: Yes/No	<b>WCC</b> Date of report to Cabinet/Cabinet Member: XX / XX / XX Key equalities issues have been included: Yes/No
<b>Lead Equality Manager (where involved)</b>	<b>LBHF</b> Name: Position: Date advice / guidance given: Email: Telephone No:	<b>RBKC : NA</b> Name: Position: Date advice / guidance given: Email: Telephone No:	<b>WCC</b> Name: Position: Date advice / guidance given: Email: Telephone No: