**Document No: 4** 

Equalities Impact Report for each of the Draft Policies





# **Equalities Impact Assessment**

Partial review of the Core Strategy Revisions to Policy CL3: Heritage Assets – Conservation Areas and Historic Spaces

October 2012

# **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. If your EqIA does not require you to carry out additional consultation, please omit section 04.
- 7. Further advice and guidance can be accessed from the separate guidance document (link), as well as from your service or borough lead:

#### **RBKC**

Corporate Equalities Officer: <a href="mailto:angela.chaudhry@rbkc,gov.uk">angela.chaudhry@rbkc,gov.uk</a> 020 7361 2654

# **Equality Impact Analysis Tool**

Overall Information	Details of Full Equality Impact Analysis
Financial Year and	2012 Q4
Quarter	
Name and details of	Partial review of the Core Strategy: Policy CL3, Heritage Assets – Conservation Areas and Historic Spaces
policy, strategy,	
function, project,	The purpose of the Partial Review of the Core Strategy is to revise relevant policies so that they include resisting the loss
activity, or programme	of local facilities valued by the community. The relevant policies are Policy CL3: Heritage Assets – Conservation Areas and Historic Spaces and Policy CK2: Local Shopping Facilities. Two separate Equalities Impact Assessments (EqIAs) are being undertaken for amendments to each of the policies. This EqIA relates to revisions to Policy CL3: Heritage Assets – Conservation Areas and Historic Spaces. The revisions resist the change of use of any buildings that contribute to the character of the surrounding area and to its sense of place.
Lead Officers	Name: Jonathan Wade
	Position: Planning Policy Team Leader
	Email: jonathan.wade@rbkc.gov.uk
	Telephone No: 020 7361 3000
Lead Borough	RBKC
Date of completion of final Full EIA	October 2012

Section 02	Scoping of Full EIA
Plan for completion	For submission December 2012-11-27
	Resources: 1X Senior Planning Officer, 1 X Planning Policy Team Leader
Analyse the impact of	Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in
the policy, strategy,	more than one protected characteristic). You should use this to determine whether the policy will have a positive,
function, project,	neutral or negative impact on equality, giving due regard to relevance and proportionality.
activity, or programme	
	This section assesses the impact of the revisions to Policy CL3 on nine protected characteristics. The revisions to
	the policy are given a score to indicate whether they have a positive (+) or a negative impact on the nine protected
	characteristics. The relevance of the revisions to the protected characteristics is further indicated proportionately as
	low (L), medium (M) or high (H). Where the revisions have no relevance to a protected characteristic, the impact is

classed as neutral (N).

Protected characteristic	Borough Analysis	Impact: Positive (+), Negative (-), Neutral (N), Low (L), Medium (M), High (H)
Age	Where age is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).  The revisions resist the change of use of valued local facilities to protect the character of a Conservation Area and the sense of place. This would enable local facilities to continue to be available to people in all age ranges. This is likely to have a particularly beneficial impact on older people who would value local facilities within easy walking distance even more than people in other age ranges.	+ (M)
Disability	A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.  The revisions are likely to benefit people with a disability by resisting loss of local facilities where they contribute to the character and sense of place of a Conservation Area. The revisions will enable local facilities to continue to be located in accessible locations which have been used by the community for a long time historically. The revised policy will help provide convenient and walkable local facilities for those with mobility impairments (including all age groups). Protecting places such as public houses and restaurants will help social interaction, encourage involvement in local community activities and reinforce the local community.	+ (H)
Gender reassignment	Gender reassignment is the process of transitioning from one gender to another.  The revisions to Policy CL3 are not particularly aimed at people who are in the	N

	process of transitioning from one gender to another. The revisions are not considered relevant to this protected characteristic.	
Marriage and Civil Partnership	Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.	N
	The revisions are not considered relevant to this particular protect characteristic as they are not specifically aimed at protecting a service for married people or civil partners.	
Pregnancy and maternity	Pregnancy is the condition of being pregnant or expecting a baby.  Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.	+ (L)
	There is likely to be a low benefit to women who are pregnant or on maternity leave with infant/s to have easily accessible local facilities such as public houses, restaurants and cafes. This would make it easier for them to meet, socialise and use these facilities.	
Race	Race refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.	+ (L)
	The revisions support a range of local uses valued by all races to continue to operate. They will help reinforce the local community and should have a low benefit for this protected characteristic.	
Religion/belief (including non- belief)	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.	+ (L)
	As with race above, the range of local uses valued by people from all religious	

	persuasions will be protected where they contribute to the character and sense of place of the area. In addition the protection in some instances could be for religious buildings such as historic churches which are part of the character and sense of place. Therefore the revisions are likely to have a low benefit to this protected characteristic.	
Sex	Sex means a man or a woman  The revisions are likely to benefit both men and women equally by protecting local facilities so they remain within easy access. These local facilities are used to meet and socialise and will benefit both sexes.	+ (M)
Sexual Orientation	Sexual orientation means whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.  The revisions to Policy CL3 are not particularly aimed at people with any particular sexual orientation. The revisions are not considered relevant to this protected characteristic.	N

# **Human Rights or Children's Rights**

If your decision has the potential to affect Human Rights or Children's Rights, please contact your Borough Lead for advice

Resisting the loss of valued local facilities where they contribute to the character and sense of place of an area, may have a marginal benefit in relation to Article 27 of Human Rights.

Article 27 states "1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

The revisions are in accordance with the National Planning Policy Framework (para 69 and 70). The revisions will help facilitate social interaction and create healthy, inclusive communities. Para 70 of the NPPF requires positive planning for the provision and use of shared space, community facilities (such as local shops, meeting places, sport venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. It further requires protection against unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs.

The revisions will not have any impact on Children's Rights.

Section 03	Analysis of relevant data  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.
Documents and data reviewed	Survey of Pubs presenting a time series data from 1980, 2002, 2007 and 2012. The survey shows a decline in the number of public houses in the Borough from 168 in 1980 to 110 in 2012.  Research on appeals – Research was undertaken on appeals lodged against other Councils' decision to grant planning permission for a loss of public house and other community facilities to other uses.  This data is unlikely to have any impact on protected characteristics.  The contents of the National Planning Policy Framework (NPPF) March 2012 have been taken into account.
New research	If new research is required, please complete this section  NA

Section 04	Consultation
	Complete this section if you have decided to supplement existing data by carrying out additional consultation.
Consultation in each borough	Consultation was undertaken at the Issues and Options stage in accordance with the Regulations. The document was available on-line. People could submit an on-line response to the consultation or post their response. There was a consultation workshop and other targeted discussions with groups at this stage. We also wrote to people on our Local Development Framework consultation database.
	We consulted on the soundness of the draft policies in September – October 2012. As before the document was available on-line with the response form also available on-line or in paper as convenient.
	We will be submitting the revised policies to the Secretary of State December 2012. We will be consulting on the soundness of the policies at this stage.

Analysis of consultation outcomes for each borough	The Issues and Options consultation indicated support for revising the policies to include resisting the loss of local facilities where they contribute to the character and sense of place of the surrounding Conservation Area.

Section 05	Analysis of impact and outcomes
Analysis	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).
	There is no direct relevant impact as a result of consultation or data analysis on any of the protected characteristics. The impact of the revisions to each protected characteristic has been presented earlier in section 2.
	Age: Neutral impact Disability: Neutral Gender reassignment: Neutral Marriage and Civil Partnership: Neutral Pregnancy and Maternity: Neutral Race: Neutral Religion/belief (Including non-belief): Neutral Sex: Neutral Sexual Orientation: Neutral

Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	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.
	No adverse impacts have been identified.

Section 07	Action Plan					
Action Plan	Note: You will only	need to use this se	ction if you have ide	entified actions as a	result of your analy	rsis
	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service plan
	None	Continue with work to prepare the revisions to Policy CL3 for submission to the Secretary of State.	December 2012	Jonathan Wade, RBKC	Submission to the Secretary of State, Examination and Adoption	January 2012

Section 08			
Chief Officers' sign-off	Name: Jonathan Bore		
	Position: Executive Director		
	Email: jonathan.bore@rbkc.gov.uk		
	Telephone No: 020 7361 3000		
<b>Key Decision Report</b>	Key equalities issues have been included: Yes		
(if relevant)			
Lead Equality Manager	Name:		
(where involved)	Position:		
	Date advice / guidance given:		
	Email:		
	Telephone No:		

Please ensure that a final version of your EqIA is sent to the Equalities Officer, Angela Chaudhry, so that it can be published on our intranet



# **Equalities Impact Assessment**

Partial review of the Core Strategy Revisions to Policy CK2: Local Shopping Facilities

October 2012

# **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. If your EqIA does not require you to carry out additional consultation, please omit section 04.
- 7. Further advice and guidance can be accessed from the separate guidance document (link), as well as from your service or borough lead:

#### **RBKC**

Corporate Equalities Officer: <a href="mailto:angela.chaudhry@rbkc,gov.uk">angela.chaudhry@rbkc,gov.uk</a> 020 7361 2654

# **Equality Impact Analysis Tool**

Overall Information	Details of Full Equality Impact Analysis
Financial Year and	2012 Q4
Quarter	
Name and details of	Partial review of the Core Strategy: Policy CK2: Local Shopping Facilities
policy, strategy,	
function, project,	The purpose of the Partial Review of the Core Strategy is to revise relevant policies so that they include resisting the loss
activity, or programme	of local facilities valued by the community. The relevant policies are Policy CL3: Heritage Assets – Conservation Areas and Historic Spaces and Policy CK2: Local Shopping Facilities. Two separate Equalities Impact Assessments (EqIAs) are being undertaken for amendments to each of the policies. This EqIA relates to revisions to Policy CK2: Local Shopping Facilities. The revisions extend the policy to include 'other facilities' which are CK2(a) shops (Class A1), CK2(b) resist the loss of Public Houses and other Drinking Establishments (Class A4) throughout the Borough and CK2(c) resist the loss of Restaurants and Cafes (Class A3) and Financial and Professional Services (Class A2) outside of Higher Order Town Centres.
Lead Officers	Name: Jonathan Wade
	Position: Planning Policy Team Leader
	Email: jonathan.wade@rbkc.gov.uk
	Telephone No: 020 7361 3000
Lead Borough	RBKC
Date of completion of final Full EIA	October 2012

Section 02	Scoping of Full EIA
Plan for completion	Submission: December 2012
	Resources: 1X Senior Planning Officer, 1 X Planning Policy Team Leader
Analyse the impact of the policy, strategy, function, project, activity, or programme	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.
	This section assesses the impact of the revisions to Policy CK2 on nine protected characteristics. The revisions to the policy are given a score to indicate whether they have a positive (+) or a negative impact on the nine protected

characteristics. The relevance of the revisions to the protected characteristics is further indicated proportionately as low (L), medium (M) or high (H). Where the revisions have no relevance to a protected characteristic, the impact is classed as neutral (N).

Ductoctod	Danassah Anaksala	Inches and a
Protected	Borough Analysis	Impact:
characteristic		Positive (+),
		Negative (-),
		Neutral (N),
		Low (L),
		Medium (M),
		High (H)
Age	Where age is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).	+ (M)
	The revisions resist the loss of public houses and other drinking establishments (Class A4) throughout the Borough. They also resist the loss of restaurants and cafes (Class A3) and Financial and Professional services (Class A2) outside of Higher Order Town Centres.	
	National Planning Policy Framework para 70 states that planning policies and decisions should, "plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venue, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments".	
	At para 69, the NPPF states that "the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities."	
	The revised policy will enable an extended protection of local facilities which will help with social interaction at all age groups. In particular this will be supported through the protection of public houses and restaurants as these are popular places for people to meet. It also protects local services which is mentioned at para 70 of the NPPF.	
	The revised policy is also likely to have a particularly beneficial impact on older people who would value local facilities within easy walking distance even more than people in other age ranges.	

Disability	A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.	+ (H)
	The revisions are likely to benefit people with a disability by resisting the loss of local facilities which keep life local. The revisions will enable local facilities to continue to be located in accessible locations which have been used by the community for many years. The revised policy will help provide convenient and walkable local facilities for those with mobility impairments (including all age groups). Protecting places such as public houses and restaurants will help people with disabilities to interact socially, encourage their involvement in local community activities and reinforce the local community. The protection of other service uses will also help in this respect.	
Gender reassignment	Gender reassignment is the process of transitioning from one gender to another.  The revisions to Policy CK2 are not particularly aimed at people who are in the process of transitioning from one gender to another. The revisions are not considered relevant to this protected characteristic.	N
Marriage and Civil Partnership	Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.  The revisions are not considered relevant to this particular protected characteristic as they are not specifically aimed at protecting a service for married people or civil partners.	N
Pregnancy and maternity	Pregnancy is the condition of being pregnant or expecting a baby.  Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this	+ (M)

	includes treating a woman unfavourably because she is breastfeeding.	
	There is likely to be a moderate benefit to women who are pregnant or on maternity leave with infant/s to have easily accessible local facilities such as shops, public houses, restaurants and cafes. This would make it easier for them to shop, meet, socialise and use these facilities. The protection of service uses within Class A2 should also help in this respect.	
Race	Race refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.	+ (L)
	The revisions support a range of local uses valued by all races to continue to operate. They will help reinforce the local community and should have a low benefit for this protected characteristic.	
Religion/belief (including non- belief)	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.	+ (L)
	As with race above, the range of local uses valued by people from different religious persuasions will be protected and therefore will have a benefit for this protected characteristic.	
Sex	Sex means a man or a woman	+ (M)
	The revisions are likely to benefit both men and women equally by protecting local facilities so they remain within easy access and there are likely to be moderate benefits for both sexes.	
Sexual Orientation	Sexual orientation means whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	N
	The revisions to Policy CK2 are aimed at people with any particular sexual orientation. The revisions are not considered relevant to this protected characteristic.	

### **Human Rights or Children's Rights**

If your decision has the potential to affect Human Rights or Children's Rights, please contact your Borough Lead for advice

The protection of local shopping and other facilities which keep life local, may have a marginal benefit in relation to Article 27 of Human Rights.

Article 27 states "1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

The revisions are in accordance with the National Planning Policy Framework (para 69 and 70). The revisions will help facilitate social interaction and create healthy, inclusive communities. Para 70 of the NPPF requires positive planning for the provision and use of shared space, community facilities (such as local shops, meeting places, sport venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. It further requires protection against unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day-to-day needs.

The revisions will not have any impact on Children's Rights.

Section 03	Analysis of relevant data  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.
Documents and data reviewed	Survey of public houses presenting a time series data from 1980, 2002, 2007 and 2012. The survey shows a decline in the number of public houses in the Borough from 168 in 1980 to 110 in 2012.  Research on appeals – Research was undertaken on appeals lodged against other Councils' decision to grant planning permission for a loss of public house and other community facilities to other uses.  This data is unlikely to have any impact on protected characteristics.
New research	If new research is required, please complete this section  NA

Section 04	Consultation
	Complete this section if you have decided to supplement existing data by carrying out additional consultation.
Consultation in each borough	Consultation was undertaken at the Issues and Options stage in accordance with the Regulations. The document was available on-line. People could submit an on-line response to the consultation or post their response. There was a consultation workshop and other targeted discussions with groups at this stage. We also wrote to people on our Local Development Framework consultation database.
	We consulted on the soundness of the draft policies in September – October 2012. As before the document was available on-line with the response form also available on-line or in paper as convenient.
	We will be submitting the revised policies to the Secretary of State in December 2012. We will be consulting on the soundness of the policies at this stage.
Analysis of consultation outcomes for each borough	The Issues and Options consultation indicated support for revising the policies to protect local shopping and other facilities which keep life local.

Section 05	Analysis of impact and outcomes
Analysis	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).
	There is no direct relevant impact as a result of consultation or data analysis on any of the protected characteristics. The impact of the revisions to each protected characteristic has been presented earlier in section 2.
	Age: Neutral impact Disability: Neutral Gender reassignment: Neutral Marriage and Civil Partnership: Neutral Pregnancy and Maternity: Neutral Race: Neutral Religion/belief (Including non-belief): Neutral

Sex: Neutral Sexual Orientation: Neutral	
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Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	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.
	No adverse impacts have been identified.

Section 07	Action Plan					
Action Plan	Note: You will only need to use this section if you have identified actions as a result of your analysis					
	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business/service
						plan
	None	Continue with work to prepare the revisions to Policy CL3 for submission to the Secretary of State.	December 2012	Jonathan Wade, RBKC	Submission to the Secretary of State, Examination and Adoption	January 2012

Section 08				
Chief Officers' sign-off	Name: Jonathan Bore			
	Position: Executive Director			
	Email: jonathan.bore@rbkc.gov.uk			
	Telephone No: 020 7361 3000			
<b>Key Decision Report</b>	Key equalities issues have been included: Yes			
(if relevant)				
Lead Equality Manager	Name:			

(where involved)	Position:
	Date advice / guidance given:
	Email:
	Telephone No:

Please ensure that a final version of your EqIA is sent to the Equalities Officer, Angela Chaudhry, so that it can be published on our intranet