

### **SECTION 3. DRAFT EQUALITY IMPACT ANALYSIS**

#### **West Kensington & Gibbs Green/ Earl's Court Potential Redevelopment Project (Available on the Council's website at 6 March 2012)**

##### **1. Summary**

The Council's latest draft Equality Impact Analysis lacks evidence to support its assertions, fails to identify many negative impacts and hardly address any of those it does identify. It cannot be relied on to support a decision to proceed with the three recommendations set out below.

The previous draft of the EqIA that was relied on for the Economic Appraisal and the provisional decision in November 2011 to sell the estates is reviewed at Section 6 below.

##### **2. Approach**

The latest version of the Draft Equality Impact Analysis (EqIA) considers the impact of three recommendations on people with the protected characteristics. It assesses whether the effect is positive, negative or neutral, on people with the characteristics, and whether the impact is high, medium or low. In some cases it sets out what action LBHF would take to reduce negative impacts, but in many cases it does not.

The document includes a profile of residents living on the estate in pages 10 to 16.

##### **3. Evaluation**

An Equalities Impact Assessment must be based on evidence: of who the community is that will be affected by proposed policy changes, a clear description of the policy proposed, and a thorough evaluation as to how these proposals will affect people with the protected characteristics.

##### **4. Policy**

The policy assessed is the proposal to enter into a Condition Land Sale Agreement (P1). There is no comment on any deadline for this decision, and therefore the point at which the Equalities Impact Assessment must be completed.

##### **5. Recommendations**

The three recommendations subject to the EqIA are:

1. That the Council grant an option to EC Properties to purchase the West Kensington and Gibbs Green estates.
2. That the council approve the early purchase by EC Properties of land formerly occupied by Gibbs Green School. This will provide the much needed funds to build a new borough wide Secondary autistic school facility in White City, the building of which has been stalled due to public sector cuts.
3. That the council approve the sale to EC Properties of land at 11 Farm Lane to support the redevelopment.

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Recommendation 2 contains not just a recommendation, but also the opinion on how and why work has stalled on the school in White City. It implies that one 'area of high deprivation' in the borough is being further deprived to divert resources elsewhere.

Recommendation 3 relates to selling a previously closed supported hostel. There is no assessment in the EqIA as to the need for the service it was providing. That decision has been made and the building declared 'surplus to requirements'. The building is South of Lillie Road, and is not an integral part of the estate.

Each recommendation is assessed for impact against protected characteristics. The assessment includes some commentary on how to reduce negative impacts, but very little.

## **6. Recommendation 1**

### **Age**

The estate profile shows a higher than borough average population of young people. There is no attempt to assess the impact of the recommendation on young people (P3).

Throughout the EqIA there is a commentary on the difficulties some groups will disproportionately feel in moving. This deals with the physical activity of packing, moving and unpacking. There is no assessment of the psychological effects of losing a home. Point (1) includes what the Council intends to do. There are significant qualifications, 'where possible' residents will be moved in groups. There is no idea of how the Council will plan or implement this vague hope.

There is no commentary (P4) on how the Council will reduce the high impact negative effect (2A) on the elderly of having to move to a smaller home.

For (2b) the positive impact of moving to a larger home, there is no evaluation as to what the level of need is, and whether the build that is proposed will meet the need or not. The positive impact cannot be proven without this evidence.

For (3) the assessed positive impact of improved access does not identify whether, and to what degree, this is a problem at present. Removing many houses with ground floor access and replacing them with higher blocks is likely to exacerbate this problem. Another approach to improving access would be to improve pedestrian routes on the existing estates and refurbish lifts in the higher blocks. This option is not evaluated.

The number of ground floor access homes, with access to gardens in the existing and proposed development is not assessed. Their loss could prove to have a negative impact on families with children in particular, and all households that do not get access to ground floor homes in the proposed development.

For (4) there is no assessment of whether new jobs would be temporary, or permanent, and how they would relate to the skills and employment opportunities for existing residents. Without targeting new employment opportunities towards existing residents, this effect is likely to be limited by competition from others outside of the area. The impact is not supported by evidence.

### **Disability**

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For (1) the same impact as for elderly residents is identified (P5). This deals with the physical activity of packing, moving and unpacking. There is no assessment of the psychological effects of losing a home, nor of the various impacts on people with different kinds of disabilities such as impaired vision or mobility.

There are significant possible impacts on the need for service provision changing as a result of large population movements, with the need for Occupational Therapists to assess significant numbers of new homes, and the need for the Council to provide adaptations, most of which have been made or installed already in existing homes. For residents with mental health problems, post move adjustment will generate significant needs for increased support. There is no assessment of how much may be required, whether the resources exist to provide it, and how it would be managed.

For (2) there is no assessment of how many residents with disabilities would move from ground floor access to upper floor access homes.

For (3) existing health facilities are very easily accessible for residents on Gibbs Green. It is unclear where the residents would be relocated, where the new facilities would be relocated, how this provision would be funded, and whether this would be an improvement or not.

For (4) the proposal does not evaluate the number of parking spaces needed for residents, and their location. Many existing estate residents park their car at their front door, or in their own private garage integral to their home. Around 100 houses have off street parking for up to three cars. The proposed development does not include parking arrangements as accessible as this. Rather than 3:1 they are proposed at 0.4:1

### **Gender Reassignment**

There is no assessment of any impacts (P5). Moving to a new block and being in a different community could generate more anxiety related to acceptance by new neighbours in this protected characteristic than in other residents.

### **Marriage and Civil Partnership**

There are no impacts identified (P6).

### **Pregnancy and Maternity**

For (1) this deals with the physical activity of packing, moving and unpacking (P6), and no other impacts. The ability to move decant dates for heavily pregnant or recently delivered mothers does is caveated, 'where possible'. How it relates to availability of accommodation and decant and sale of land dates is unclear. The safety of pregnant or recently delivered mothers in blocks that are substantially decanted is not evaluated.

For (2) options other than complete redevelopment are not assessed. The disruption during building works over 15-20 years, and the impact of closing pedestrian and vehicle routes during that period is not evaluated. There are likely to be 15-20 years of negative effects before many benefits may be realised.

### **Race**

For (1) there is a negative impact with no commentary on how to reduce the impact. The effect on community, and how BME households on the estate access support services, with an evaluation of the impact on those networks is missing.

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For (2) there is no cross-referencing of race and household size data in the estate profile. Without this the assertion is not based on evidence. The likely effect of making significant amounts of private tenants in large homes homeless through the decant process is not assessed by race, nor is there any commentary on the resources needed to provide for these households, or an assessment of the impact on them.

**Religion**

There is a negative impact (1) on Muslim households without any commentary on how this impact may be reduced (P8). There is no commentary on access to places of worship, or services provided by religious groups before and after any land sale.

**Sex**

The data quoted (P8) is 11 years old. It is likely to be significantly out of date.

There is a negative impact identified (1) without any commentary on reducing the impact.

The issue of safety and security in buildings during decant, and in living on a building site for up to 20 years is not evaluated.

**Sexual Orientation**

There is no assessment of any impacts (P8). Moving to a new block and being in a different community could generate some anxiety related to acceptance by new neighbours more than in other residents.

**7. Recommendation 2**

For a recommendation that involves selling a school currently used to educate Special Needs pupils there are surprisingly few identified impacts (P9).

Inevitably, there will be impacts on children and parents in moving the school from the current location and the change in travel needed to and from the schools where children are displaced to. These impacts will be greater for children with special need and disabilities (and their parents). The ethnic profile of school pupils and the impact on relocation could be significant.

As there are few impacts identified, there is no commentary on reducing these impacts.

**8. Recommendation 3**

There is no reference to whether the impacts identified as part of the decision to declare the former sheltered hostel 'surplus to requirements' have actions associated with them that should be noted and monitored, nor whether the need for the services in the hostel have been met elsewhere or through alternative provision.

Supported hostels are designed to provide services to people who have some of the protected characteristics set out in an EqIA. There is no evaluation of that in this document.

**9. Estate Profile**

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The information on the estate residents is based on *West Kensington and Gibbs Green Estates Profile* November 2009. The Council supplied us with a printed version of this document dated 2 December 2009. It has declined to supply it electronically and it has not made it available on its website or elsewhere.

Much of the information in Section 3 of the EqIA is not referenced, so it is unclear when the information was gathered, and therefore how close it is to the current situation.

The property profile (P12), which provides numbers for council, housing association and leasehold/freehold properties, is not dated.

### **Age**

The Age profile (P13) is not dated. It shows a higher concentration of children on the estate (24%) compared to the Borough. The EqIA does not assess the effect of the recommendations on children. The *Estates Profile* suggests the proportion of children on Gibbs Green is increasing, but does not identify the base and over what period this may have happened.

The analysis of Council owned properties is based solely on the age of main tenants. So in most cases this is likely to be the sole tenant or the first named joint tenant. It does not include the other members of the household.

Reliable information of the characteristics of individuals in that community is essential for evaluating the effect of policies on groups. The information used by the EqIA is partial and therefore subject to bias. The age analysis relates only to 464 Council owned properties so it completely omits information on the 58 Housing Association and 171 Leasehold and Freehold properties. It is information relating only to the main tenant, not to the complete household, in Council owned homes, and which omits 30% of the households living on the estates.

### **Disability**

The information on P14 describes the number of disabled people in the UK, London, the Borough and the Estates. There is no comment on the kind of disabilities that estate residents have; whether they are physical, sensory or relate to mental health issues.

Without understanding what limiting factors estate residents have, it is impossible to identify the impact of proposed policy changes. The effects for someone who is blind are different to the effects on someone who is quadriplegic.

### **Gender Reassignment**

There is no information on the existing profile of residents on the estate, or in the Borough (P15). Without any information on who the population is, it is impossible to assess the impact on West Kensington and Gibbs Green residents of any proposed policy change.

### **Marriage and Civil Partnership**

The information provided is in two sentences (P15). The first one contradicts the second.

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The majority of residents on the West Kensington and Gibbs Green estates are married (54%), which corresponds with the LBHF average (55%). A considerable proportion of residents on the estates are married (25%), which is also consistent with the LBHF average of 26%.

**Pregnancy and Maternity**

The profile identifies teenage pregnancy within the North End Ward as double the Borough average (P15). Whether or not this is accurate, there is no assessment of the impact of proposed policy change on this protected characteristic.

**Race**

The information on race is not dated (P15), so it is unclear how current it is. Information on Council tenants is incomplete, but it is not explicit what proportion of tenants it represents, 25% or 90%. There is no comment about the completeness of information on the other members of the household apart from the tenant, nor on the ethnicity of Housing Association tenants, leaseholders, freeholders and the tenants they have.

**Religion**

The information on religion is not dated (P15-16).

**Sex**

The information on sex (P16) describes the sex profile of London, England and LB HF but says nothing about the sex profile of West Kensington and Gibbs Green.

**Sexual Orientation**

The information on sexual orientation quotes two contrasting sources of information presumably national. There is an assertion that these are understatement for London (without reference). There is no information on LBHF or Gibbs Green.

## **SECTION 4: ECONOMIC APPRAISAL**

**Review of Proposed Estates Regeneration - Economic Appraisal by Jones Lang Lasalle/ Amion Consulting, November 2011**

**Prepared by Keith Colley, B.A. (Hons), FRICS, FCIH, Dip. GM, WKGGCH  
Independent Board Member**

### **Background and conclusion**

On 7 November 2011, the Leader of the Council and the Cabinet Member for Housing made the following decision:

#### **WEST KENSINGTON AND GIBBS GREEN ESTATES**

In consultation with residents, the Council has been exploring the potential benefits that will arise from the inclusion of the West Kensington and Gibbs Green estates in a comprehensive redevelopment scheme with adjacent landowners.

In order to help inform further consultation and the Council's decision the Council has undertaken an Economic Options Appraisal which concludes that the inclusion of the estates within the wider comprehensive redevelopment scheme delivers a compelling case for providing the optimum benefits for estate residents, the local area and the Borough as a whole.

1. To provisionally accept and endorse the conclusions contained within the Estates Regeneration Economic Options Appraisal relating to the West Kensington and Gibbs Green estates subject to the outcome of further consultation hereby authorised with local residents, tenants and leaseholders and any required consents from the Secretary of State.
2. To note that the ability for the scheme to be delivered will be contingent on the completion of the Conditional Land Sale Agreement, including Tenant and Leaseholder/ Freeholder Guarantees, that results in best consideration, and progress reports in that regard will be submitted to Cabinet in the usual way.

The Cabinet Members' report states:

The West Kensington and Gibbs Green estates are now between 30 and 40 years old and lie within the North Fulham area, which remains one of the most polarized in the borough in terms of social, economic and physical terms. In 2010, the area fell within the 20 percent most deprived areas in England as indicated by the Index of Multiple Deprivation.

Consequently the Council has been keen to fully explore the rationale for the redevelopment of the estates and understand whether the inclusion of the estates in the wider redevelopment proposals offers the optimum method for providing replacement housing. For this reason the Council instructed Jones Lang Lasalle to prepare an economic options appraisal to assess the optimum future proposals for the two estates in terms of delivering benefits to the local and wider economy and to inform the Council's future plans and consultation with residents.

The information it presents is drawn from the Economic Options Appraisal (EOA) prepared by Jones Lang Lasalle/ Amion Consulting and from the draft Equalities Impact Analysis (EqIA) prepared by Council Officers.

The Economic Appraisal is also an accompanying document to the revised Earl's Court/ West Kensington Opportunity Area Joint Supplementary Planning Document,

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November 2011, which says of the Economic Appraisal:

The initial conclusions are that estate regeneration as part of a wider Earl's Court masterplan development delivers the optimum benefits. LBHF, as landowner and being responsible for the estates as housing authority, has accepted and endorsed the conclusions contained within the Estates Regeneration Economic Appraisal, subject to the outcome of further consultation with local residents and any required consents from the Secretary of State.

The Economic Appraisal states:

AMION Consulting, in conjunction with Jones Lang LaSalle (JLL), has been appointed to prepare an Economic Appraisal Report to assist the London Borough of Hammersmith and Fulham (LBHF or the Council) in considering the possible inclusion of the West Kensington and Gibbs Green estates within a comprehensive phased scheme of regeneration for the Earl's Court and West Kensington Opportunity Area.

The conclusion we reach at the end of this section is that the Economic Appraisal is fundamentally flawed and cannot be relied on as a fair and proper assessment of the economic benefits and disbenefits of the options either by LBH&F for informing its decision as a landlord and planning authority on whether to include the estates in the development, or by the Mayor on whether redevelopment complies with the policies in the London Plan.

### **1. Generally**

Our specific comments are listed following the structure of the report. However, we have the following general comments on the entirety of the document:

- 1) There appears to have been no consultation whatever during its preparation with the 760 households living on the estate, including with any of the freehold or leasehold owners (including the housing associations which own 58 properties constructed in the last 10 years).
- 2) The document contains only minimal data about the estate itself to the extent that we cannot even be certain that the authors have ever visited it. There is no mention, for example, of the widely different built forms and design solutions on the estate, or indeed that there is any difference between the West Kensington and Gibbs Green estates, which are simply referred to as if they were interchangeable.
- 3) The document generally lists many subjective opinions masquerading as facts. It is written in a semi-formal passive rather than an active style in an attempt to give legitimacy (for example, the use of "it is considered that..." rather than the more straightforward "we think"). This makes it at times difficult to understand. Particularly confusing is the use of the term "regeneration" when what is meant is "demolition".
- 4) The document does not appear to pay any attention to phasing which of course with a massive scheme such as this will have enormous implications. In particular there is no attempt to take into account the fact that a scheme as large and complex as this is very unlikely to proceed smoothly in the current economic climate. The need and availability for development finance is neither identified nor risk-assessed, a stunning omission for an economic analysis written in the middle of the worst financial crisis since the 1930s.



- 5) Throughout it is not clear exactly what is being compared with what, possibly because the tables which back up the published data do not appear to be available and therefore cannot be interrogated. For example, the base data for crime statistics are not referenced, so it is impossible to assess whether the estates are high or low in incidents of current crimes, and therefore what difference is predicted or expected from the redevelopment options.
- 6) The document contains many unsubstantiated statements. Since these are generally not referenced, it is impossible to prove or disprove them. However, the lack of an evidence-based approach means, in our view, that this document should simply be ignored.

## **2. Overview**

- 1) Very little comment is made on the condition of the existing estates. The document states “the two estates suffer from discontinuous internal roads and poor quality open space”.
- 2) Taking the highway layout first, the current guidance is expressed in the DCLG/Department of Transport “Manual for Streets”, published in 2007. This runs to some 140 pages and its very length demonstrates that street design is a complex subject. However, at no point is there a statement that discontinuous streets are in all cases a poor design solution, and indeed many recent private estates ‘suffer’ from the same problem.

Broadly, the guidance suggests “A clear distinction can be drawn between streets and roads. Roads are essentially highways whose main function is accommodating the movement of motor traffic. Streets are typically lined with buildings and public spaces, and while movement is still a key function, there are several others, of which the place function is the most important... Providing for movement along a street is vital, but it should not be considered independently of the street's other functions”. The guidance suggests a place and movement matrix, with movement of primary importance on (for example) motorways and arterial roads, and place of primary importance on residential streets. In this context, discontinuous internal roads can be seen as an asset, not a liability.

- 3) Having said this, it is difficult to see quite what is meant by ‘discontinuous roads’. Thaxton Road provides vehicle access from North End Road to Aisgill Avenue and the southern part of West Kensington. Mund Steet provides vehicle access to the northern part of West Kensington and to Gibbs Green Estate and Dieppe Close. There is a set of bollards halfway up Aisgill Avenue, and there is a closed iron gate at the junction of Gibbs Green and Beaumont Crescent. These are a deliberate ploy to prevent rat-running and joyriding and could be reinstated at minimal cost if it was considered desirable for housing management reasons (which it is not). In any event, the presence of some bollards and a gate is very far from being a rational justification for demolishing 760 decent homes.
- 4) The statement concerning ‘poor quality open space’ is a purely subjective one not backed up by any evidence whatever – not even photographs of the offending areas. However, the estate as a whole betrays little or no obvious signs of poor management and disinterest amongst residents. So, for example,

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there is no discernable graffiti, no evidence of uncollected rubbish or dumped cars, play equipment in communal play areas is generally in excellent condition, and so on. The areas of open space already act as a useful 'open lung', are widely used for dog-walking, and provide a habitat for squirrels and birds in a dense urban area. Furthermore, children and young people whose activities are overlooked from surrounding properties use many of these spaces.

- 5) The estates do suffer from a lack of private defensible space in some areas, and there is some evidence of a lack of external building maintenance to some of the blocks. However, the estates are generally in reasonable condition for their age and inner London location and indeed are far better than many comparable estates. In any event, spaces can be made more defensible as part of the wider programme of improvements envisioned by residents, easily and for relatively little expenditure.
- 6) Certainly there is no justification whatsoever for demolishing the estates on the grounds of poor physical condition or social disintegration (See testimony from Gibbs Green resident below).
- 7) Generally we think the Economic Appraisal makes the mistake of recommending expensive physical solutions to management and maintenance problems. In other words, it presupposes that the answer to the problems of a deprived community is to demolish the homes they live in. There is a plethora of evidence from academic research and from experience that management and maintenance problems may simply reoccur in new buildings unless their root causes are dealt with. If the poverty of the occupants were to be used as the key criterion for deciding whether properties should be demolished, much of the country's housing stock would need to be destroyed!

### **Background to regeneration**

- 1) The West Kensington and Gibbs Green estates ('the estates' hereinafter) are between 40 and 50 years old. As such, given that there has been almost no new Council house construction since the mid-1980s, they are likely to be amongst the 'younger' buildings in the stock of LBHF. This is doubtless one of the reasons why, as the report acknowledges, "they remain relatively popular with a number of residents".
- 2) Whilst it is a statement of the obvious that buildings tend to require more maintenance as they get older, the statement that "the management and maintenance costs incurred by the Council are expected to increase above that for modern Council owned properties" is not backed by any evidence – not surprisingly given that there are so few of the latter to act as a comparator. This is of course even truer of the 58 housing association homes that are 'nearly new'. Similarly the statement that the "average cost per dwelling of the estate is above the average figure for LBHF housing estates" is not substantiated. There is no analysis of the costs of management and maintenance improvements in any of the options, nor of whether LBHF costs compare favourably (or not) with those of other landlords managing similar housing stock. Similarly, the fact many millions have been spent on the Decent Homes Programme on the estate (including new kitchens and bathrooms, new windows and doors, new roofs, lift refurbishment, etc.) is not even mentioned.

The Economic Appraisal seeks to justify demolition on the woolly grounds of "design obsolescence resulting from increasing housing standards". The