

Equality Impact Analysis Full Tool with Guidance

Overview

This Tool has been produced to help you analyse the likelihood of impacts on the protected characteristics – including where people are represented in more than one– with regard to your new or proposed policy, strategy, function, project or activity. It has been updated to reflect the new public sector equality duty and should be used for decisions from 5th April 2011 onwards. It is designed to help you analyse decisions of high relevance to equality, and/or of high public interest.

General points

- 1. 'Due regard' means the regard that is appropriate in all the circumstances. In the case of controversial matters such as service closures or reductions, considerable thought will need to be given the equalities aspects.
- 2. Wherever appropriate, and in all cases likely to be controversial, the outcome of the EIA needs to be summarised in the Cabinet/Cabinet Member report (section 08 of this tool) 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.

Timing, and sources of help

Case law has established that having due regard means analysing the impact, and using this to inform decisions, thus demonstrating a conscious approach and state of mind ([2008] EWHC 3158 (Admin), <u>here</u>). It has also 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, through to the recommendation for decision. It should demonstrably inform, and be made available when the decision that is recommended. This tool contains guidance, and you can also access guidance from the EHRC <u>here</u>. If you are analysing the impact of a budgetary decision, you can find EHRC guidance <u>here</u>. Advice and guidance can be accessed from the Opportunities Manager: <u>PEIA@lbhf.gov.uk</u> or ext 3430.

Full Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2012/Q2
Name and details of policy, strategy, function, project, activity, or	Title of EIA: Shepherds Bush Market Compulsory Purchase Order. This is a new EIA which analyses the impact of the CPO.
programme	The relevant recommendations of the Cabinet report are
	3. That a compulsory purchase order be made and thereafter that confirmation be sought from the Secretary of State for the use of compulsory purchase powers for the acquisition of all relevant property interests (as set out in Section 2 of this report) required to facilitate the implementation of the proposed scheme of development and regeneration at Shepherds Bush Market.
	4. That approval be given to enter into a CPO Indemnity Agreement with Orion Shepherds Bush group of companies generally in the terms set out in this report and Appendix B.
	For the purposes of analysis of impact on protected groups, this EIA will focus on the result of the recommendations, which would be the serving of a CPO, rather than both recommendations separately
	The CPO will facilitate the start on site of the building works which it is acknowledged will be disruptive to the local business community and will impact on local shoppers, workers and residents. Through the planning process, the Council has set out a series of measures that the developer will need to adhere to, in order to mitigate the negative impacts during construction and after completion of the improvements. These measures are not in themselves positive but are necessary to alleviate negative impacts on the public and business owners. These measures include:
	 a construction plan showing how issues such as lighting, access and signage will be managed through the construction period;
	 an obligation to maintain the business activity of the market at its current level through the construction period; and the creation of a business continuity fund.
	These mitigation measures are being developed by the developer in liaison with the Council, local businesses, and where appropriate, users of the market.

	On conclusion of the construction works, the development will provide up to 212 residential units, widening of the market, new shop units, introducing new servicing arrangements for traders, creating additional public space and creating additional trading areas. The new homes will be lifetime home compliant and 10% of its housing will be wheelchair accessible. The scheme increases the accessibility of the public realm and will provide step free access to residential accommodation.
	The development will result in the loss of the 26 units of supported accommodation and day centre provided by Broadway. It is anticipated that this service will be reprovided locally through the Lime Grove Hostel however this EIA shows the impact on relevant groups of this service not being reprovided.
Lead Officer	Name: Matin Miah Position: Head of Area Regeneration Email: <u>matin.miah@lbhf.gov.uk</u> Telephone No: 020 8753 3480
Date of completion of final EIA	21/09/2012

Section 02	Scoping of Full EIA
Plan for completion	Timing: July to September 2012
	Resources: Officer time
	Lead Officer: Matin Miah
What is the policy,	
strategy, function, project, activity, or programme looking to	Analysis of serving a CPO against the protected characteristics and the public sector equality duty ('PSED') is given below. S149 of the Equality Act 2010 states that, when discharging our functions, we must have due regard to the need to:
achieve?	 Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited under the Act;
	 Advance equality of opportunity between people who share a protected characteristic and those who do not; and
	 Foster good relations between people who share a protected characteristic and those who do not.

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

Other considerations

There are other considerations relating to the serving of a CPO which are included here in this EIA but not against each protected characteristic below. This is because it may be that those affected (residents with differing rights) may be of one or more protected groups but this is not known at this stage.

Residents: freeholders, leaseholders, social rented tenants of the Council, and private rented tenants Residents may be freeholders, leaseholders, or private rented tenants. They may be from one or more protected groups under the Equality Act 2010 but this is not known at this stage. Their compensations rights will be different, dependant on the circumstances. This element of serving a CPO will be dealt with on a one to one basis, with those residents directly affected. The relevant section of the Cabinet Report is 5.9.

Age	The public The Census shows a slightly higher % of 0-17 year olds in the area (19.5% against a Borough average of 18.3%) and a marginally lower level of 65+ (5% against a borough average of 10.5%)		
	The market has a high level of usage from elderly people who will be negatively impacted during the construction work, as well as those with small children who will be using buggies. In the short term, the contractor will improve signage and lighting as a way of mitigating this, albeit there will still be disruption during this phase. In the long term the scheme will provide a better lit, more accessible shopping environment.	н	-

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It is identified that the market provides for a level of social interaction for different age groups particularly the elderly and also those with small children. In the short time, the construction work will have a negative impact on this group which cannot be mitigated although in the longer term increased public space will enhance this interaction.	Н	-
It has been identified that those with small children, and elderly visitors to the market may incur the following negative impacts:	Н	-
 Impeded access due to uneven surfaces. Reduced sense of safety due to on-going construction works. Temporarily altered layout, impeding wayfinding. Interruptions to established businesses frequented by elderly customers. Interruption to the use of the Market as a meeting venue. 	Н	+
Mitigation measures to alleviate these will include:	Н	+
 Ensure level surfaces in all areas of public access. Maintain and, as necessary, enhance lighting to ensure a well-lit, safe environment. Provide clear, legible signage to guide routes through the Market. Support established businesses to continue trading through works period. Maximise opportunities for meeting and seating areas during works period and consider sign-posting to alternative facilities e.g. café at Bush Theatre. 		
It is identified that the market has a focus on selling goods aimed at distinct age groups particularly the elderly. During the construction works, the existing businesses will continue to operate. In the longer term, the ambition is for an increase in the diversity of goods sold.	Н	-
Broadway The relocation or potential loss of the supported accommodation and services provided by Broadway will have a negative impact upon both the users of the centre and the wider community who fall into all age groups. Relocation would be likely to	Н	-

	have a short-term negative impact but the aim of reprovision in a different location is to mitigate for this and to cause as little disruption as possible. Details are given in the Cabinet Report at 1.4.1 b), c) and e). Should it not be possible to relocate the hostel, this service will be lost in the area.		
	Business owners It is identified that a number of business owners and workers are elderly. They may be adversely affected by the construction works due to a potential reduction in trade. As part of the ongoing business liaison through the construction period, the developer will provide specialist advice for elderly business owners and workers in order to address their concerns and assist on issues such as business relocation. In addition the developer will provide a business continuity fund.	н	-
	Those business owners whose premises would be subject to CPO would be negatively impacted and this would not help to advance equality of opportunity or foster good relations between people of different age groups. It would also not be an action that would unlawfully discriminate. It should be noted that business owners affected are against redevelopment in this area. Those affected would be able to appeal to the Secretary of State. They would also be compensated in accordance with the Compensation Code. The relevant section of the Cabinet Report is paragraph 5.10	н	-
	Stall owners Stall owners will be from all age groups over 18. The Council has prepared a draft Statement of Intent and a Policy on Relocation (annexed to the draft Statement of Reasons) which sets out how the Council will deal with stall holders and where they can be relocated to, should it be necessary to use CPO powers to progress the redevelopment. In this case, CPO of the stalls would be of high relevance to age and be negative for stall owners of all ages, as well as those who shop there.	н	-
Disability	The public It is identified that there is a negative impact during the construction period due to changes in accessibility of the area. This will be mitigated by the contractor by measures such as the provision of access ramps and improved lighting. In the longer term, the area will be more accessible to disabled people.	н	-

During the construction works, there may be a reduction or relocation of disabled parking which may impact negatively on disabled businesses and visitors to the market. The developer through the planning process has agreed to ensure that there will be no impact on disabled parking during the construction period. The Council will work with the developer to agree how any relocation is implemented.	Н	-
The new wheelchair accessible homes will meet an identified need in the Borough.	Н	+
It is identified that the developer will provide, where requested or likely to be needed, all information materials translated into accessible formats for disabled people.	н	+
Broadway The relocation or potential loss of the supported accommodation and services provided by Broadway will have a negative impact upon both the users of the centre and the wider community. It is anticipated that a proportion of both the users of the centre and the wider public will have a disability. Relocation would be likely to have a short-term negative impact but the aim of reprovision in a different location is to mitigate for this and to cause as little disruption as possible. Details are given in the Cabinet Report at 1.4.1 b), c) and e). Should it not be possible to relocate the hostel this service will be lost to the area.,	Η	_
Business owners It has been identified that there may be disabled business owners or workers. These will be targeted with specialist business advice by the developer. There will be the opportunity for them to move into new premises which may be more accessible. The business continuity fund will assist in mitigating the potential impact on trade.	Н	-
Those business owners whose premises would be subject to CPO would be negatively impacted and this would not help to advance equality of opportunity or foster good relations between those who have a disability and those who do not. It would also not be an action that would unlawfully discriminate. It should be noted that business owners affected are against redevelopment in this area. Those affected would be able to appeal to the Secretary of State. They would also be compensated in accordance with the Compensation Code. The relevant section of the Cabinet Report is paragraph 5.10	Н	-

	Stall owners Stall owners may have a disability but there is not sufficient information to be precise. The Council has prepared a draft Statement of Intent and a Policy on Relocation (annexed to the draft Statement of Reasons) which sets out how the Council will deal with stall holders and where they can be relocated to, should it be necessary to use CPO powers to progress the redevelopment. In this case, CPO of the stalls would be of high relevance to disability (where the owners have a disability) and be negative for stall owners with a disability, as well as those with a disability who shop there.	Н	-
Gender reassign ment	Recommendations 3 and 4 contained within the Cabinet report have not emerged as relevant to this protected characteristic	N/A	N/A
Marriage and Civil Partnersh ip	Recommendations 3 and 4 contained within the Cabinet report are not applicable to this protected characteristic as this is not a service that the Council is seeking to provide.	N/A	N/A
Pregnanc y and maternity	The public It is identified that mothers with babies and small children shop and visit the market. During the construction period, there will be a negative impact through changes in access and potential reduction in trade. Through the planning process, the developer will set out a series of measures to mitigate this impact. In the short term, the contractor will improve signage and lighting as a way of mitigating this, albeit there will still be disruption during this phase. In the long term the scheme will provide a better lit, more accessible shopping environment.	Н	-
	Mitigation measures include the following:	Н	+

	 The developer will maintain access through the Market by maintaining open pedestrian routes capable of accommodation pushchairs and buggies. In the completed scheme the Market lane will be widened to provide permanent full access for prams and buggies, replacing the current arrangement where some walkway widths are insufficiently wide to accommodate such movements, particularly during busy periods. 			
	It is identified that the market provides for a level of social interaction for different age groups particularly those with small children. In the short time, the construction work will have a negative impact on this group which cannot be mitigated although in the longer term increased public space will enhance this interaction.	Н	-	
Race	The public The census information shows that there are a lower number of white people in the ward (70.4% as against 77.8% in the Borough). The level of all other ethnic groups other than Chinese is higher in the ward than the Borough (33% for the ward against 23.5% for the Borough).			
	It is identified that the developer will provide, where requested or likely to be needed, all information materials translated into relevant community languages and that they make interpreters available if required.	н	+	
	Broadway The relocation or potential loss of the supported accommodation and services provided by Broadway will have a negative impact upon both the users of the centre and the wider community who fall into all race groups. Relocation would be likely to have a short-term negative impact but the aim of reprovision in a different location is to mitigate for this and to cause as little disruption as possible. Details are given in the Cabinet Report at 1.4.1 b), c) and e). Should it not be possible to relocate the hostel, this service will be lost to the area.	Н	-	
	Business owners It is identified that there are a high number of ethnic minority business owners and workers who would be affected. Specialist business advice including translation will be made available to these businesses to assist on issues such as business	Н	-	

relocation. The business continuity fund will minimise any impact on business trade during the construction period.		
It is identified that during the construction period there will be a negative impact on businesses that serve particular ethnic minority groups. It is intended that the improvements will increase the diversity of traders and goods sold.	н	-
There is a risk that the ethnic minority business owners businesses and the customers they serve could be adversely impacted upon by the proposed works to the Market. It is acknowledged that many ethnic groups are under-represented in the employment market and in the Small and Medium-sized Enterprise sector. It is therefore important to ensure that such groups are not disproportionately affected by impacts consequential upon the implementation of the CPO.		
Mitigation measures will include the following:	н	+
 Specialist business advice supported by the Council, including translation services, will be made available to these businesses to assist with issues such as business relocation. 		
 The s106 obligations to honour existing tenancy arrangements, combined with the Business Continuity Fund will minimise impacts on business trade during the construction period. 		
 Schedule 8 of the s106 provides for the developer to incorporate within the Shepherds Bush Market Lettings Policy, provisions to facilitate local entrepreneurs, including those from ethnic communities to secure low-cost entry business start-ups within Shepherds Bush Market 		
 Schedule 15 of the s106 obligates the developer to ensure that not fewer than 25 stalls are offered to local start-up SME's or entrepreneurs with an emphasis on businesses generated from local ethnic groups. 		
 The business protection measures set out in the s106-governed Market Lettings Policy will ensure protection of existing businesses through the construction period, thereby protecting the present diversity of offer within the 		

	Market. This will protect the availability of services to the existing customer catchment.			
	Those business owners whose premises would be subject to CPO would be negatively impacted and this would not help to advance equality of opportunity or foster good relations between people of different race groups. It would also not be an action that would unlawfully discriminate. It should be noted that business owners affected are against redevelopment in this area. Those affected would be able to appeal to the Secretary of State. They would also be compensated in accordance with the Compensation Code. The relevant section of the Cabinet Report is paragraph 5.10	Η	-	
	Stall owners The Council has prepared a draft Statement of Intent and a Policy on Relocation (annexed to the draft Statement of Reasons) which sets out how the Council will deal with stall holders and where they can be relocated to, should it be necessary to use CPO powers to progress the redevelopment. It is likely that the stall owners will be from many of the protected groups but in particular, be from BME (black, minority, ethnic) group(s) and so the protected characteristic of race will be applicable and it will be of high relevance to race. In this case, CPO of the stalls would be of high relevance to race and may not help to foster good relations between people of different race groups. It would also be likely that there would be a negative impact on BME and all other stall holders of all other race groups, as well as those who shop there.	Η	-	
Relig elief (inclu non- belie	ion/b ding It is identified that Hindu and Muslim faiths are over represented in the area (10% in the ward against 8% in the Borough).			
	It was identified that there will be an impact during the construction period on the Mosque including at prayer times. Through the planning process the contractor will minimise the impact of the construction works on the times of worship at the Mosque. This mitigation measure will be consulted on with the Council and the Mosque in advance of works starting. There are no other places of worship affected.	Н	-	

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Mitigation measures will include:	Н	+	
 The developer is obligated to ensure that there is continuous access through the Market, from which the Mosque may be reached. 			
 In addition there is access from Lime Grove, which is not directly affected by construction works. 			
 The developer is required to maintain liaison with Market representatives prior to and through the works period to ensure that impacts upon existing Market activities – including the Mosque – are anticipated and averted or mitigated. 			
Broadway The relocation or potential loss of the supported accommodation and services provided by Broadway will have a negative impact upon both the users of the centre and the wider community who may fall into all religious and belief groups. Relocation would be likely to have a short-term negative impact but the aim of reprovision in a different location is to mitigate for this and to cause as little disruption as possible. Details are given in the Cabinet Report at 1.4.1 b), c) and e). Should it not be possible to relocate the hostel, this service will be lost to the area.	Н	-	
Business owners It is identified that some of the trade may be aimed at particular religious groups. During the construction period, there may be a detrimental impact on local businesses. Through the planning process, the developer has committed to maintaining the level of local business activity including the creation of a business continuity fund.	Н	-	
Those business owners whose premises would be subject to CPO would be negatively impacted and this would not help to advance equality of opportunity or foster good relations between people of different religious and belief groups. It would also not be an action that would unlawfully discriminate. It should be noted that business owners affected are against redevelopment in this area. Those affected would be able to appeal to the Secretary of State. They would also be	Н	-	

	compensated in accordance with the Compensation Code The relevant section of the Cabinet Report is paragraph 5.10 Stall owners The Council has prepared a draft Statement of Intent and a Policy on Relocation (annexed to the draft Statement of Reasons) which sets out how the Council will deal with stall holders and where they can be relocated to, should it be necessary to use CPO powers to progress the redevelopment. It is likely that the stall owners will be from many of the protected groups and that they will be of different beliefs or non-beliefs, as such, this will be of high relevance to religion and belief. In this case, CPO of the stalls would be of high relevance to race and may not help to foster good relations between people of different faith groups. It would also be likely that there would be a negative impact on all stall holders of all other faith groups, as well as those who shop there.	Н	-
Sex	The Public		
	It is identified that women may form the majority of those who shop at the market. There is a potential negative impact due to the construction works and the potential	Н	-
	reduction in trade. Mitigation measures will include:	Н	+
	 The developer will ensure that the market is accessible throughout the construction period and will ensure that information will be available on the location of any relocated businesses. 		
	 Security measures will include additional lighting and CCTV, which are intended to reduce the incidence and fear of crime, to which women shoppers and workers may be more vulnerable. 		
	Broadway		
	The relocation or potential loss of the supported accommodation and services provided by Broadway will have a negative impact upon both the male and female	Н	-
	users of the centre and the wider community. Relocation would be likely to have a short-term negative impact but the aim of reprovision in a different location is to		
	mitigate for this and to cause as little disruption as possible. Details are given in the Cabinet Report at 1.4.1 b), c) and e). Should it not be possible to relocate the hostel		

this service will be lost from the area.,		
Business owners Although there is a higher representation of women than men in the ward, women are underrepresented in the number of business owners and workers. Specialist business advice will aim to increase the representation of women in local businesses. Mitigation measures will include:	н Н	-+
 Specialist business advice will aim to increase the representation of women in local businesses. Additional security measures. The council will support the developer in seeking to ensure no disproportionate reduction in the percentage of women entrepreneurs and employees within the Market. 		
It is identified that there are a number of female business owners and workers. Specialist business advice will be made available to these businesses to assist on issues such as business relocation. The business continuity fund will minimise any impact on business trade during the construction period.	Н	+
Those business owners whose premises would be subject to CPO would be negatively impacted and this would not help to advance equality of opportunity or foster good relations between men and women. It would also not be an action that would unlawfully discriminate. It should be noted that business owners affected are against redevelopment in this area. Those affected would be able to appeal to the Secretary of State. They would also be compensated in accordance with the Compensation Code. The relevant section of the Cabinet Report is paragraph 5.10	Н	-
Stall owners The Council has prepared draft Statement of Intent and a Policy on Relocation (annexed to the draft Statement of Reasons) which sets out how the Council will deal with stall holders and where they can be relocated to, should it be necessary to use CPO powers to progress the redevelopment. It is likely that the stall owners will be from many of the protected groups and that they will be male and female, as such, this will be of high relevance to sex. In this case, CPO of the stalls would be of high relevance to sex and may not help to foster good relations between men and	Н	-

	women. It would also be likely that there would be a negative impact on all male and female stall holders, as well as those who shop there.		
n t	Recommendations 3 and 4 contained within the Cabinet report are not applicable to this protected characteristic as this has not emerged as relevant to sexual orientation	N/A	N/A
Will it affect H Yes. Article 1 committed to businesses w displaced bus consider the e balance these need to be sa would be strue	Ats and Children's Rights Human Rights, as defined by the Human Rights Act 1998? of Protocol 1 and Article 8 are relevant. Through the section 106 agreement, the dever relocate any businesses displaced by the CPO. Whilst it cannot be guaranteed that d vill take up these offers the availability of premises will serve to reduce the impact on r sinesses. In deciding whether to proceed with these recommendations in the report, C extent to which the decision may impact upon the Human Rights of the landowners ar e against the overall benefits to the community which the redevelopment would bring. atisfied that any interference with these rights is justified in all the circumstances and t ick between the protection of the rights of individuals and the public interest.	isplaced nany of f abinet n nd reside Membe	l the needs to ents and rs will

Section 03	Analysis of relevant data and/or undertake research
Documents and data	Census information
reviewed	
New research	None

Section 04	Undertake and analyse consultation
Consultation	Consultation with the public on the planning application.
	Consultation with local businesses.

	Consultation with land owners including specific consultation on the principle of serving a CPO.
Analysis	Support from the majority of land owners. A number of land owners have not yet agreed terms of purchase with the developer hence the need for the CPO. As part of the formal CPO process, these objectors have the right to representation to the Secretary of State and this may lead to a public inquiry. A number of local traders are opposed to the scheme due to their concerns about potential disruption during construction and impact on security of tenure.

Section 05	Analysis of impact and outcomes
Analysis	Potential and likely impacts, while not capable of being reduced to havin no effect, are being addressed and where possible, mitigated by the contractor during the construction period and the developer in the planned improvements. The serving of a CPO on those with interests in land and property where terms have not been agreed will be detrimental to those impacted, and there is no way for the Council to mitigate for this if the Council resolves to agree recommendations 2 and 3. Those affected have the opportunity for their views to be formally considered by the Department for Communities and Local Government.

Section 06	Reducing any adverse impacts
Outcome of Analysis	The developer and contractor, as a condition of the planning agreement, are responsible for minimising the impact of the construction works. Any issues identified will be addressed through regular meetings with the traders, the Council, the developer and the contractor. The serving of a CPO on those with interests in land and property where terms have not been agreed will be detrimentally impacted, and there is no way for the Council to mitigate for this if the Council resolves to agree recommendations 2 and 3. Those affected have the opportunity for their views to be formally considered by the Department for Communities and Local Government.

Section 07	Action Plan
Action Plan	

Issue identified	Action (s) to be taken	When	Lead officer	Expected outcome	Date added to business/service plan
Disruption during construction period impacting a number of equality groups	Developer and contractor to produce a more detailed construction plan identifying access, lighting etc. This plan is to be consulted in with local business, local residents and users of the market.	One month before start on site.	Matin Miah	Reduced impact of the construction works on equality groups.	July 2012
Impact on the level of business and workers of the construction programme	Monitoring of the position.	Before, during and after the planned improvements.	Matin Miah	Reduced impact of the construction works on trade through mitigation measures such as the business continuity fund.	July 2012
Impact on the Broadway day centre and supported accommodation	Negotiate relocation into Lime Grove Hostel	July 2013	Matin Mlah	Relocation of the service without detrimental impact on exiting users or the wider community	September 2012

Section 08	Agreement, publication and monitoring
Chief Officer sign-off	Name: Mel Barrett

	Position: Executive Director of Housing and Regeneration Email: <u>Melbourne.barrett@lbhf.gov.uk</u> Telephone No: 02087534228
Key Decision Report	Date of report to Cabinet/Cabinet Member: Confirmation that key equalities issues found here have been included: Yes/No
Opportunities Manager	Name: Carly Fry
for advice and guidance	Position: Opportunities Manager
only	Date advice / guidance given: 24 September 2012
	Email: PEIA@lbhf.gov.uk
	Telephone No: 020 8753 3430