

# Equalities Impact Assessment

Camden Council

## What is an Equality Impact Assessment?

An Equality Impact Assessment (“EIA”) is a way of analysing a proposed organisational policy or decision to assess its effect on people with protected characteristics covered by the Equality Act 2010\*. To meet the Council’s statutory duty the EIA should also address issues of advancing opportunities and fostering good relations between different groups in the community.

There is no legal requirement to carry out an EIA, but the courts place significant weight on the existence of some form of documentary evidence of compliance with the Public Sector Equality Duty\* when determining judicial review cases. Having an EIA as part of the report which goes to the decision makers and making reference to the EIA within that report helps to demonstrate that we have considered our public sector equality duty and given “due regard” to the effects the decision will have on different groups..

The EIA must be considered at an early stage of the formation of a policy/decision and inform its development, rather than being added on at the end of the process. The EIA form should be completed and updated as the policy / decision progresses and reviewed after the policy or change has been implemented.

Please note all sections must be completed. However the obligation is to have due regard and it may be that while an issue requires the completion of an EIA equally the matters at hand may not lend themselves to some of the obligations for example fostering good relations. As long as this has been properly considered it is legitimate to conclude that this cannot be applied in a particular case.

\*Please read the notes at the end of this document.

Name of proposed decision/policy being reviewed:

Camden Goods Yard Planning Framework.

### Question 1

What is changing and why?

If the issue is going for decision, e.g. at Cabinet meeting, what are the decision makers being asked to decide? If you are reviewing a policy what are its main aims? How will these changes affect people?

What is changing and why?

The Council is preparing the Camden Goods Yard Planning Framework. This is a new piece of guidance, relating to a specific area of the borough near Chalk Farm and Camden Town. It is intended that the framework will be adopted by the Council as a Supplementary Planning Document (SPD).

The recently adopted Local Plan sets out the Council's planning policies covering the period from 2017-2031. Proposals for development will be considered against the policies in the Local Plan. The planning framework is aligned with the Local Plan and is intended to provide additional advice and guidance for development in this specific area of the borough. If adopted the framework will be a 'material consideration' when assessing planning applications and in decision-making.

The framework is also aligned with the Camden Plan and is particularly relevant to the objectives of developing new solutions with partners to reduce inequality and creating the conditions for and harnessing the benefits of economic growth and investing in our communities to secure sustainable neighbourhoods.

What are the decision makers being asked to decide?

A single member decision is required to adopt the planning framework as an SPD, whether to adopt the planning framework is the decision to be taken.

What are the main aims?

The decision to prepare a planning framework has arisen as significant redevelopment may take place in the Camden Goods Yard area in the coming years. The Council is aware of potential development proposals that may be brought forward in the area, including plans being developed for the Morrisons supermarket site and early stage options being considered by One Housing for their estates in the area. There may also be other opportunities for development in the area.

If development was to happen this would need to be brought forward by the landowners. The land and existing properties in the framework area are not owned by the Council and are in multiple ownerships.

If development occurs, the London Borough of Camden wants to ensure a strategic and coordinated approach is taken to deliver the best outcomes for our communities. One tool to influence this is through the preparation and adoption of planning guidance.

The framework sets out a vision and strategic objectives for the area to help shape any future of the area. The guidance will need to be taken into account by developers when preparing any proposals for the area.

How will the changes affect people?

The framework is a planning guidance document. It does not in itself authorise or action development to take place in the area, it is a guide for planning and growth if development were to occur.

The framework promotes mixed, balanced and sustainable communities and well planned development including to promoting the provision of a significant number of new homes, affordable homes, jobs and community facilities. It seeks to achieve the best development outcomes that will benefit existing and future communities of the area.

## Notes to Question 1

- Summarise briefly and precisely just what the decision is about. In particular what changes will happen if this decision is agreed and put into effect? What happens now and what will happen in the future? What will be different?
- **Do not cut and paste the report or policy** but concisely restate it, considering equalities issues directly against the facts
- **Focus on the impacts on people** e.g. the users of any facility or service.

## Question 2

Who will be affected by this decision and how?

In particular do those from protected groups benefit or will they experience specific and disproportionate impacts? Will there be any direct or indirect discrimination?

The adoption of the planning framework will be relevant to existing and future communities of the area including residential and commercial occupiers. If development is to be brought forward it will affect the landowners and the framework will have to be taken into account in the preparation and decision making relating to any development proposals.

### Socio-economic background

The Camden Goods Yard area represents a broad mix of people of all ages of various socio-economic backgrounds. Those affected include mainly residents as well as local businesses and representatives of local groups. Broadly speaking, the socio-economic profile of the Camden Goods Yard is similar to that of the profile of Camden as a whole. There is a slightly higher proportion of younger people in the Goods yard area and a slightly higher proportion of Bangladeshi and African ethnicities. The proportion of people whose health was good ('very good' or 'good') was slightly lower than that of the Camden-wide data whilst those requiring various levels of care was broadly in line with the Camden data.

The Council is aware that there are a number of specialist housing units in the area such as wheelchair accessible homes. There are also a significant number of socially rented residential units which may be affected should development come forward in the area. It is also recognized that the local supermarket provides an important local service that is used by many of the population of the Goods Yard area.

A number of community facilities are within the close vicinity to the site including 5 places of worship, 3 community centres, 4 schools and a health centre (as identified on page 20 of the framework).

### Consultation and engagement - Equalities

The Council has consulted with a number of groups as part of the consultation of the SPD. This has included discussions with the Camden Goods Yard Working Group (CGYWG). Two drop-in events were also held for local residents and the wider community. During the consultation officers were in discussion with relevant TRAs regarding specific needs and requirements, including discussion about language needs. Consultation events were held in the local area in an accessible location and fully accessible building.

As well as receiving completed questionnaires, the consultation event was used to discuss the framework with other individuals and groups including the Juniper Crescent TRA.

A broad spectrum of the local population was represented throughout the consultation period. A small proportion of respondents had disabilities (6%) compared to the Census data for the area (9%) whilst, in terms of ethnicities, those consulted were broadly in line with the Census data for the area apart from two divergents from the data. The number of White British respondents was higher than the Census data for the area. There was also a slightly lower turnout from the Asian or Asian British Bangladeshi community when compared to the Census data. Those that responded to the consultation were generally from an older generation when compared to the Census data which has a high proportion of young people. Having said that, the consultation events themselves represented a broader spectrum of the local population which included people from all ages and socio-economic backgrounds. It would appear that a certain portion of the local community were prepared to complete a consultation questionnaire that didn't necessarily represent the socio-economic mix of the Camden Goods Yard area.

### Protected groups

It is considered that protected groups are not expected to experience disproportionate impacts or discrimination as a result of the framework. The possible impacts are however set out in the sections below.

## Notes to Question 2

- Here use data to show who could be affected by the decision – e.g. who uses the service now and might use it in the future
- **Do not simply repeat borough wide or general service equality data** – be as precise and to the point as possible

## Question 2

- We are under a legal duty to be properly informed before making a decision. If the relevant data is not available we are under a duty to obtain it and this will often mean some consultation with appropriate groups is required.
- Is there a particular impact on one or more of the protected groups? Who are the groups and what is the impact?
- Consider indirect discrimination (which is a practice, policy or rule which applies to everyone in the same way, but has a worse effect on some groups and causes disadvantage) - for example not allowing part-time work will disadvantage some groups or making people produce a driver's licence for ID purposes.

### Question 3

Does the proposed decision have an impact (positive or adverse) on our duty to eliminate discrimination/harassment and victimisation, promote equality of opportunity or foster good relations between different groups in the community (those that share characteristics and those that do not)?

#### Eliminate discrimination

There could be potential for a number of people living within areas of lower public transport provision that could be disadvantaged by Camden's car-free policy. However, one of the strategies of the framework is to improve pedestrian and cycle links for all that will enhance the accessibility to public transport provision which would help to mitigate the impacts of car free development. Those with disabilities will however be provided with an appropriate form of parking.

#### Promote equality

The Council is aware that there are a number of specialist housing units in the area such as wheelchair accessible homes. This is accounted for in the framework and improving accessibility across the area is a key objective of the framework, so if development did come forward the framework should help guide improved accessibility for all. The framework also states that in the case of redevelopment, all homes including specialist homes should be replaced to at least an equal standard.

As the framework promotes mixed use development and states that large developments must contribute towards employment and training opportunities for local people and will be expected to produce an Employment and Training Strategy, there may be greater opportunities for the local community and young people to benefit from the increased number of jobs that will be created in the immediate vicinity which will further the social cohesion within the Camden Goods Yard area.

#### Foster good relations between different groups

One of the driving objectives of the SPD is that development of the area should be mixed use. The framework states that development should promote inclusive, cohesive and resilient communities. It also states that development should seek to bring together existing and new communities creating a place that is accessible to all and that includes accessible facilities and services to meet community needs and help reduce inequality.

The SPD advocates the provision of public open spaces that meets the needs of all ages. This will be particularly beneficial to young people in the area whilst the spaces will also be multi-functional to cater for all age groups and foster a sense of 'community'. By promoting the creation of a number of new publicly used open spaces, it is considered that it will deter the levels of anti-social behaviour currently apparent in the Camden Goods Yard area. It is considered that the heightened sense of community will reduce levels of anti-social behaviour in the local area.

### Notes to Question 3

- Here, think about our other duties (see the notes at the end) and do the proposals impact (positive and or negative) upon those wider duties and aspirations?
- What might say a reduction in the hours of a facility that mainly serves a particular group have on our wider duties?
- Examples of eliminating discrimination: Taking action to ensure that services are open to all groups – e.g. targeting help at particular deprived sections of the community or funding services who work to prevent discrimination

## Question 4

If there is an adverse impact can it be avoided?

If it can't be avoided what are we doing to mitigate the impact?

Some residents expressed concerns during the consultation about the potential for an increase in night time activities and the impact this could have on residential amenity and anti-social behaviour. This could have a disproportionate adverse impact on older and disabled people and those who have shift work and work anti-social hours. However, the SPD advocates an appropriate mix of uses, managing the nighttime economy and protecting residential amenity. It also seeks to achieve measures to address current issues experienced by residents.

Some residents were concerned about disruption and disturbance from construction work. This could have a disproportionate impact on older people, disabled people, new parents, and children in the area as a result of the increased level of lorries and associated noise and air pollution. The adoption of the framework will not directly result in the construction work being undertaken, but if development does occur the Local Plan requires construction management plans to minimise impacts and disruption. This is also recognised in the framework.

Should large scale redevelopment occur, then there is the potential for residents to be displaced from their homes. Due to the concentration of socially rented homes in the area, this would have a disproportionate impact on these residents. However, in the event of redevelopment, the framework requires the replacement of all residential floor space, including socially rented floor space and encourages developers to follow the Good Practice Guide for Estate Regeneration by the Mayor of London, which includes measures such as residents being able to stay in the area and a preference for only having to move once to minimise disruption.

## Notes to Question 4

- Assuming there is an impact what are we going to do about it? We need to make sure the **decision makers understand the impacts**
- All our policies and decisions should be designed to eliminate discrimination and contribute to our other obligations such as promoting good relations.
- If it can't be avoided can it be mitigated in some other way?
- There might be decisions elsewhere or perhaps additional spending on other services which could reduce the impact. Beware of simply saying that we will direct service users to other services or resources without considering the feasibility of doing so or the knock-on effect for those services
- We don't have to completely eliminate a negative impact, but we must identify it and try to mitigate it and the **decision makers must be in a position to fully understand the implications of their decision and balance off the competing interests** – e.g. the impact against the need to make savings and balance our budget

## Question 5

How can/have we advance/d equality of opportunity via this decision/policy?

How can/have we foster/ed good relations via this decision/policy?

Once adopted, the Council will use the Camden Goods Yard SPD to guide development in the area and in decision making. This will support the objectives of both the Camden Plan and the Local Plan.

The SPD promotes the provision of more efficient land use in this area including a significant increase in housing in the area, including providing the maximum viable quantum of additional affordable housing. It promotes a range of unit types and tenures. This, combined with the policies in the Local Plan, will enable people from all socio-economic backgrounds to live in the area.

Further to this, the aspirations with regards to enhancing the connectivity around and through the site will help to address the sense of isolation in some areas within the framework. This will again help to foster a sense of community and remove physical and perceived barriers.

One of the driving strategies of the SPD is that development should be mixed use. This provides greater opportunities for the local community to benefit from the increased number of jobs that will be created in the immediate vicinity which will further the social cohesion within the Camden Goods Yard area.

The framework also advocates the provision of inclusive and sustainable mixed use environments and community facilities to foster a sense of community. This will benefit people of all ages and provide space for communities to meet, socialise and interact, benefitting all social groups.

## Notes to Question 5

- **There may be decisions or policies where this is not going to be applicable. Quickly explain this in the box above. However the important point is that it is carefully considered.**
- Suggest positive steps that can be achieved towards our statutory obligations to remove or minimise disadvantages suffered because of protected characteristics, e.g. taking steps to meet the needs of people from the different backgrounds when they are different to the needs of others, encouraging participation from groups when participation is disproportionately low
- Advancing equality of opportunity - (NB this doesn't apply to marriage and civil partnership). **This is a "positive duty"** which requires public authorities to consider taking proactive steps to root out discrimination and harassment and advance equality of opportunity in relation to their functions—from the design and delivery of policies and services to their capacity as employers. The duties require us to give consideration to taking positive steps to dismantle barriers. Advancing equality of opportunity might require treating some groups differently e.g. targeting training at disabled people to stand as councillors. **The legislation requires when we have due regard in terms of advancing equality of opportunity to. A. Remove/minimises disadvantage suffered by those who share a characteristic and is connected to it B. Take steps to meet the different needs of those who share a characteristic C. Encourage those who share a characteristic to participate in public life or any other activity when participation is disproportionately low.**



## Notes to Question 5 (continued)

- Advancing opportunity includes the fact that the steps needed to meeting the needs of disabled persons **take into account the disabled persons disabilities**
- We are required to **have “due regard” to the need to foster good relations** between people who share a relevant protected characteristic and people who do not share it. This **involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.**

Examples:

- ↘ an employer to provide staff with education and guidance, with the aim of fostering good relations between its trans staff and its non-trans staff.
- ↘ a school to review its anti-bullying strategy to ensure that it addresses the issue of homophobic bullying, with the aim of fostering good relations, and in particular tackling prejudice against gay and lesbian people.
- ↘ local authority (Not Camden) to introduce measures to facilitate understanding and conciliation between Sunni and Shi’a Muslims living in a particular area, with the aim of fostering relations between people of different religious beliefs.
- ↘ our work to encourage Bangladeshi tenants involvement in TA’s.

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(Relevant Director Sponsor)

# Explanatory Notes

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## What is our Public Sector Equality Duty (PSED)?

Under section 149 all public authorities must, in the exercise of their functions, have 'due regard' to the need to:

1. Eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act; EqA 2010 (section 149(1)(a)).
2. To advance equality of opportunity between people who share a relevant protected characteristic and those who don't; This involves having due regard to the needs to:
  - o remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - o take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(4)); and
  - o encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

**Section 149(6)** makes it clear that compliance with the PSED in section 149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the EqA 2010 (this includes breach of an equality clause or rule or breach of a non-discrimination rule (section 149(8)).

### (Section 149(3), EqA 2010.)

3. Foster good relations between people who share a relevant protected characteristic and those who don't (section 149(1)(c)). (which involves having due regard to the need to tackle prejudice and promoting understanding) (section 149(5), EqA 2010)..

**Under the Duty the relevant protected characteristics are: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion, Sex, Sexual orientation.**

- In respect of the first aim only i.e. reducing discrimination, etc. the protected characteristic of marriage and civil partnership is also relevant.
- In meeting the needs of disabled people we have a duty to take account of their disability and make reasonable adjustments to our services and policies where appropriate.
- We must be able to demonstrate that we have considered and had due regard to all three parts of this duty. We must also look for anything that directly or indirectly discriminates.

## What do we mean by “due regard”?

- This is not a question of ticking boxes, but should be at the heart of the decision-making process.
- decision-makers must be made aware of their duty to have due regard – so understand the legal requirements on them;
- There should be an analysis of the data – who is this going to affect and how will it put against the legal requirements
- We need to have thought about these duties both before and during consideration of a particular policy and we need to be able to demonstrate that we have done so
- The Duty is “non-delegable” so it is for the decision maker themselves to consider with assistance from the report and officer analysis. What matters is what he or she took into account and what he or she knew so it is important to have the relevant papers accompanying the report. The report should make explicit reference to the EIA. the duty is continuing so while this guide is aimed at the point of decision we should at appropriate points review our duties against the decision/policy
- The decision maker must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy or decision has been taken
- Officers reporting to or advising decision makers must not merely tell the decision maker what he/she wants to hear but need to be “rigorous in both enquiring and reporting to them”
- The duty should be reconsidered if new information comes to light

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What is due regard? In my view, it is the regard that is appropriate in all the circumstances. These include on the one hand the importance of the areas of life of the members of the disadvantaged ... group that are affected by the inequality of opportunity and the extent of the inequality; and on the other hand, such countervailing factors as are relevant to the function which the decision-maker is performing”

**Lord Justice Dyson**

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**We need to take a sensible and proportionate approach to this based on the nature of the decision or policy being reviewed**