

## General Equality Impact Assessment (EIA) Form

### Support:

An [EIA toolkit](#), [workshop content](#), and guidance for completing an [Equality Impact Assessment \(EIA\) form](#) are available on the [EIA page](#) of the [EDI Internal Hub](#). Please read these before completing this form.

For enquiries and further support if the toolkit and guidance do not answer your questions, contact your Equality, Diversity, and Inclusion (EDI) Business Partner as follows:

- Economy, Environment and Culture (EEC) – [Chris Brown](#),
- Families, Children, and Learning (FCL) – [Jamarl Billy](#),
- Governance, People, and Resources (GPR) – [Eric Page](#).
- Health and Adult Social Care (HASC) – [Zofia Danin](#),
- Housing, Neighbourhoods, and Communities (HNC) – [Jamarl Billy](#)

### Processing Time:

- EIAs can take up to 10 business days to approve after a completed EIA of a good standard is submitted to the EDI Business Partner. This is not considering unknown and unplanned impacts of capacity, resource constraints, and work pressures on the EDI team at the time your EIA is submitted.
- If your request is urgent, we can explore support exceptionally on request.
- We encourage improved planning and thinking around EIAs to avoid urgent turnarounds as these make EIAs riskier, limiting, and blind spots may remain unaddressed for the 'activity' you are assessing.

### Process:

- Once fully completed, submit your EIA to your EDI Business Partner, copying in your Head of Service, Business Improvement Manager (if one exists in your directorate), Equalities inbox, and any other relevant service colleagues to enable EIA communication, tracking and saving.
- When your EIA is reviewed, discussed, and then approved, the EDI Business Partner will assign a reference to it and send the approved EIA form back to you with the EDI Manager or Head of Communities, Equality, and Third Sector (CETS) Service's approval as appropriate.
- Only approved EIAs are to be attached to Committee reports. Unapproved EIAs are invalid.

### 1. Assessment details

Throughout this form, 'activity' is used to refer to many different types of proposals being assessed.

Read the [EIA toolkit](#) for more information.

<b>Name of activity or proposal being assessed:</b>	<b>Determination of planning application for the permanent retention of an extension to an industrial building.</b>
<b>Directorate:</b>	City Development and Regeneration
<b>Service:</b>	Planning
<b>Team:</b>	Development Management

<b>Is this a new or existing activity?</b>	Existing
<b>Are there related EIAs that could help inform this EIA? Yes or No (If Yes, please use this to inform this assessment)</b>	No

## 2. Contributors to the assessment (Name and Job title)

<b>Responsible Lead Officer:</b>	<b>Planning Manager</b>
<b>Accountable Manager:</b>	Head of Planning
<b>Additional stakeholders collaborating or contributing to this assessment:</b>	Equalities, Diversity and Inclusion Manager

## 3. About the activity

Briefly describe the purpose of the activity being assessed:

Determination of planning application to grant/refuse permission for development.

What are the desired outcomes of the activity?

A fair, equitable, robust decision on a planning application.

Which key groups of people do you think are likely to be affected by the activity?

Experience of community tensions around the current operation of the premises and the consultation responses to the retention of the extension indicate that the decision on this application could have a disproportionately negative impact on minority ethnic groups in the city, principally Jewish, Israeli, Palestinian, Muslim and Arabic speakers.

## 4. Consultation and engagement

What consultations or engagement activities have already happened that you can use to inform this assessment?

- For example, relevant stakeholders, groups, people from within the council and externally consulted and engaged on this assessment. **If no consultation** has been done or it is not enough or in process – state this and describe your plans to address any gaps.

Consultation and publicity has been undertaken in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 resulting in responses from 600 individuals along with national and local politicians and three non-statutory consultees.

Full details of the planning application consultation process and responses are set out in the Officer Report to Planning Committee (though it was subsequently withdrawn from being heard at that meeting): [Officer Report March 2024](#)

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## 5. Current data and impact monitoring

Do you currently collect and analyse the following data to enable monitoring of the impact of this activity?  
Consider all possible intersections.

(State Yes, No, Not Applicable as appropriate)

Age	NO
Disability and inclusive adjustments, coverage under equality act and not	NO
Ethnicity, 'Race', ethnic heritage (including Gypsy, Roma, Travellers)	NO
Religion, Belief, Spirituality, Faith, or Atheism	NO
Gender Identity and Sex (including non-binary and Intersex people)	NO
Gender Reassignment	NO
Sexual Orientation	NO
Marriage and Civil Partnership	NO
Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum)	NO
Armed Forces Personnel, their families, and Veterans	NO
Expatriates, Migrants, Asylum Seekers, and Refugees	NO
Carers	NO
Looked after children, Care Leavers, Care and fostering experienced people	NO
Domestic and/or Sexual Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)	NO
Socio-economic Disadvantage	NO
Homelessness and associated risk and vulnerability	NO
Human Rights	NO
Another relevant group (please specify here and add additional rows as needed)	NO

**Additional relevant groups that may be widely disadvantaged and have intersecting experiences that create exclusion and systemic barriers may include:**

- Ex-offenders and people with unrelated convictions
- Lone parents
- People experiencing homelessness
- People facing literacy, numeracy and /or digital barriers
- People on a low income and people living in the most deprived areas
- People who have experienced female genital mutilation (FGM)
- People who have experienced human trafficking or modern slavery
- People with experience of or living with addiction and/ or a substance use disorder (SUD)

- Sex workers

If you answered “NO” to any of the above, how will you gather this data to enable improved monitoring of impact for this activity?

The activity of determining planning applications is reactive, we can only decide applications that are submitted to us. The impact of deciding this, or any application, on those with protected characteristics is not monitored by the planning service as we do not implement the development or control its impacts.

However, the wider impact of development within the City is monitored through the Annual Monitoring Report relating to the development plan that tracks the number and type of residential and non-residential developments, and any heritage, waste and sustainability impacts, the outcome of which feeds into the preparation of planning policy.

While not a quantitative data-gathering exercise, the Council has conducted consultation on the planning application and has given qualitative consideration to the consultation responses.

The council acknowledges that in neither the publicity/consultation undertaken as part of the planning process does it currently collect equality monitoring data. Therefore, it is not able to determine representation of diverse communities to inform a fuller impact assessment of decision-making or consider added context of consultation feedback i.e. whose views or extent of impact that is being conveyed to us. We have identified mitigating actions to evaluate what if any data we need to collect to improve equity considerations of any planning decisions in the fulfilment of our Public Sector Equality (PSED) duties in the future, further to legal advice and this EIA’s findings and reflections from this application.

What are the arrangements you and your service have for monitoring, and reviewing the impact of this activity?

As above, the impact of development in general is monitored through the Annual Monitoring Report which is considered the appropriate level of data gathering and monitoring. Representations on planning applications are anonymised so that all personal information is removed/redacted. However, we will investigate the value of gathering equality data from those making representations as a way to better understand whether any communities are under/over-represented and more targeted efforts could be made to reach communities, particularly in relation to larger applications. Appropriate mitigating actions have been identified in this EIA.

## 6. Impacts

### Advisory Note:

- **Impact:**
  - Assessing disproportionate impact means understanding potential negative impact (that may cause direct or indirect discrimination), and then assessing the relevance (that is: the potential effect of your activity on people with protected characteristics) and proportionality (that is: how strong the effect is).
  - These impacts should be identified in the EIA and then re-visited regularly as you review the EIA every 12 to 18 months as applicable to the duration of your activity.
- **SMART Actions mean:** Actions that are (SMART = Specific, Measurable, Achievable, Realistic, T = Time-bound)
- **Cumulative Assessment:** If there is impact on all groups equally, complete **only** the cumulative assessment section.
- **Data analysis and Insights:**

- In each protected characteristic or group, in answer to the question ‘If “YES”, what are the positive and negative disproportionate impacts?’, describe what you have learnt from your data analysis about disproportionate impacts, stating relevant insights and data sources.
- Find and use contextual and wide ranges of data analysis (including community feedback) to describe what the disproportionate positive and negative impacts are on different, and intersecting populations impacted by your activity, especially considering for Health inequalities, review guidance and inter-related impacts, and the impact of various identities.
- For example: If you are doing road works or closures in a particular street or ward – look at a variety of data and do so from various protected characteristic lenses. Understand and analyse what that means for your project and its impact on different types of people, residents, family types and so on. State your understanding of impact in both effect of impact and strength of that effect on those impacted.
- **Data Sources:**
  - **Consider a wide range (including but not limited to):**
    - Census and local intelligence data
    - Service specific data
    - Community consultations
    - Insights from customer feedback including complaints and survey results
    - Lived experiences and qualitative data
    - Joint Strategic Needs Assessment (JSNA) data
    - Health Inequalities data
    - Good practice research
    - National data and reports relevant to the service
    - Workforce, leaver, and recruitment data, surveys, insights
    - Feedback from internal ‘staff as residents’ consultations
    - Insights, gaps, and data analyses on intersectionality, accessibility, sustainability requirements, and impacts.
    - Insights, gaps, and data analyses on ‘who’ the most intersectionally marginalised and excluded under-represented people and communities are in the context of this EIA.
- Learn more about the Equality Act 2010 and about our Public Sector Equality Duty.

## 6.1 Age

<p><b>Does your analysis indicate a disproportionate impact relating to any particular Age group? For example: those under 16, young adults, with other intersections.</b></p>	<p><b>NO. The extension would not result in disproportionate impacts on different age groups.</b></p>
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### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

## 6.2 Disability:

<p><b>Does your analysis indicate a disproportionate impact relating to <u>Disability</u>, considering our <u>anticipatory duty</u>?</b></p>	<p><b>NO. The decision on the application would not result in disproportionate impacts on those with disabilities.</b></p>
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### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

What inclusive adjustments are you making for diverse disabled people impacted? For example: D/deaf, deafened, hard of hearing, blind, neurodivergent people, those with non-visible disabilities, and with access requirements that may not identify as disabled or meet the legal definition of disability, and have various intersections (Black and disabled, LGBTQIA+ and disabled).

### 6.3 Ethnicity, 'Race', ethnic heritage (including Gypsy, Roma, Travellers):

<b>Does your analysis indicate a disproportionate impact relating to ethnicity?</b>	<b>YES</b>
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#### If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Experience of community tensions around the current operation of the premises (recent protest camp) and the consultation responses to the retention of the extension indicate that the decision on this application could have a disproportionately negative impact on minority ethnic groups in the city, principally Jewish, Israeli, Palestinian, Muslim and Arabic speakers.

Nationally, there has been a significant rise in both anti-Semitic and anti-Islamic incidents. There has been a 147% rise in reported anti-Semitic incidents in 2023 over 2022, particularly since the Hamas attack on Israel on 7 October 2023, with 66% happening after that date. This represents a 589% increase over the same October – December period in 2022. There has been a similar spike in anti-Islamic incidents since that date, with a 335% increase in reported hate cases over the following four month period.

Figures relating specifically to anti-Semitic and anti-Islamic hate crimes are not separated out but there is anecdotal evidence that Brighton & Hove has experienced a rise in antisemitic and anti-Islamic hate incidents, as well as demonstrations calling for a ceasefire in Gaza/Israel hostilities. Representatives of local Muslim and Jewish communities have reported to elected members of the council that their respective communities feel increasingly unsafe and isolated.

### 6.4 Religion, Belief, Spirituality, Faith, or Atheism:

<b>Does your analysis indicate a disproportionate impact relating to Religion, Belief, Spirituality, Faith, or Atheism?</b>	<b>YES</b>
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#### If "YES", what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Experience of community tensions around the current operation of the premises (recent protest camp) and the consultation responses to the retention of the extension indicate that the decision on this application could have a disproportionately negative impact on minority ethnic groups in the city, principally Jewish, Israeli, Palestinian, Muslim and Arabic speakers.

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### 6.5 Gender Identity and Sex:

<p><b>Does your analysis indicate a disproportionate impact relating to <u>Gender Identity</u> and <u>Sex</u> (including non-binary and intersex people)?</b></p>	<p><b>NO. The decision on the application would not result in disproportionate impacts relating to gender identity and sex.</b></p>
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#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

### 6.6 Gender Reassignment:

<p><b>Does your analysis indicate a disproportionate impact relating to <u>Gender Reassignment</u>?</b></p>	<p><b>NO. The decision on the application would not result in disproportionate impacts relating to gender reassignment.</b></p>
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#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

### 6.7 Sexual Orientation:

<p><b>Does your analysis indicate a disproportionate impact relating to <u>Sexual Orientation</u>?</b></p>	<p><b>NO. The decision on the application would not result in disproportionate impacts based on sexual orientation.</b></p>
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#### If “YES”, what are the positive and negative disproportionate impacts?

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**6.8 Marriage and Civil Partnership:**

<p><b>Does your analysis indicate a disproportionate impact relating to Marriage and Civil Partnership?</b></p>	<p><b>NO. The decision on the application would not result in disproportionate impacts relating to marriage or civil partnership.</b></p>
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**6.9 Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum):**

<p><b>Does your analysis indicate a disproportionate impact relating to Pregnant people, Maternity, Paternity, Adoption, Menopause, (In)fertility (across the gender spectrum)?</b></p>	<p><b>NO. The decision on the application would not result in disproportionate impacts relating to pregnant people, maternity, paternity, adoption, menopause or infertility across the gender spectrum.</b></p>
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**6.10 Armed Forces Personnel, their families, and Veterans:**

<p><b>Does your analysis indicate a disproportionate impact relating to Armed Forces Members and Veterans?</b></p>	<p><b>NO. The decision on the application would not result in disproportionate impacts relating to armed forces members and veterans.</b></p>
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**6.11 Expatriates, Migrants, Asylum Seekers, and Refugees:**

<p><b>Does your analysis indicate a disproportionate impact relating to Expatriates, Migrants, Asylum seekers, Refugees, those New to the UK, and UK visa or assigned legal status?</b></p>	<p><b>YES</b></p>
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**(Especially considering for age, ethnicity, language, and various intersections)**

**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

Experience of community tensions around the current operation of the premises (recent protest camp) and the consultation responses to the retention of the extension indicate that the decision on this application could have a disproportionately negative impact on minority ethnic groups in the city, principally Jewish, Israeli, Palestinian, Muslim, and Arabic speakers.

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Figures relating specifically to anti-Semitic and anti-Islamic hate crimes are not separated out but there is anecdotal evidence that Brighton & Hove has experienced a rise in antisemitic and anti-Islamic hate incidents, as well as demonstrations calling for a ceasefire in Gaza/Israel hostilities. Representatives of local Muslim and Jewish communities have reported to elected members of the council that their respective communities feel increasingly unsafe and isolated.

Please see more information provided in [6.18 Cumulative Impacts section](#) of this EIA.

**6.12 Carers:**

**Does your analysis indicate a disproportionate impact relating to Carers (Especially considering for age, ethnicity, language, and various intersections).**

**NO. The decision on the application would not result in disproportionate impacts relating to carers.**

**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**6.13 Looked after children, Care Leavers, Care and fostering experienced people:**

**Does your analysis indicate a disproportionate impact relating to Looked after children, Care Leavers, Care and fostering experienced children and adults (Especially considering for age, ethnicity, language, and various intersections).**

**Also consider our Corporate Parenting Responsibility in connection to your activity.**

**NO. The decision on the application would not result in disproportionate impacts relating to care leavers, care and fostering experienced children and adults.**

**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**6.14 Homelessness:**

<p><b>Does your analysis indicate a disproportionate impact relating to people experiencing homelessness, and associated risk and vulnerability? (Especially considering for age, veteran, ethnicity, language, and various intersections)</b></p>	<p><b>NO. The decision on the application would not result in disproportionate impacts relating to people experiencing homelessness.</b></p>
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**6.15 Domestic and/or Sexual Abuse and Violence Survivors, people in vulnerable situations:**

<p><b>Does your analysis indicate a disproportionate impact relating to Domestic Abuse and Violence Survivors, and people in vulnerable situations (All aspects and intersections)?</b></p>	<p><b>NO. The decision on the application would not result in disproportionate impacts relating to domestic abuse and violence survivors and people in vulnerable situations.</b></p>
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

**6.16 Socio-economic Disadvantage:**

<p><b>Does your analysis indicate a disproportionate impact relating to Socio-economic Disadvantage? (Especially considering for age, disability, D/deaf/ blind, ethnicity, expatriate background, and various intersections)</b></p>	<p><b>NO. The decision on the application would not result in disproportionate impacts relating to socio-economic disadvantage. The socio-economic impact is considered as part of the planning process.</b></p>
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**If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

### 6.17 Human Rights:

<p><b>Will your activity have a disproportionate impact relating to Human Rights?</b></p>	<p><b>NO - The decision on the application would not have a disproportionate impact relating to Human Rights of people in the city, and any hypothetical link between the decision on the planning application and risk to human rights elsewhere is considered to be too remote. It is for other legislation to consider the implications in terms of the wider impacts of the activities on the site.</b></p>
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#### **If “YES”, what are the positive and negative disproportionate impacts?**

Please share relevant insights from data and engagement to show how conclusions about impact have been shaped. Include relevant data sources or references.

### 6.18 Cumulative, multiple intersectional, and complex impacts (including on additional relevant groups):

#### **What cumulative or complex impacts might the activity have on people who are members of multiple Minoritised groups?**

- For example: people belonging to the Gypsy, Roma, and/or Traveller community who are also disabled, LGBTQIA+, older disabled trans and non-binary people, older Black and Racially Minoritised disabled people of faith, young autistic people.
- Also consider wider disadvantaged and intersecting experiences that create exclusion and systemic barriers:
  - People experiencing homelessness
  - People on a low income and people living in the most deprived areas
  - People facing literacy, numeracy and/or digital barriers
  - Lone parents
  - People with experience of or living with addiction and/ or a substance use disorder (SUD)
  - Sex workers
  - Ex-offenders and people with unrelated convictions
  - People who have experienced female genital mutilation (FGM)
  - People who have experienced human trafficking or modern slavery

While the nature of products manufactured on the site is not within the control of the planning process, the decision on the application could have a disproportionately negative impact on minoritised ethnic and religious groups in the city, principally Israeli, Palestinian, Jewish, Muslim, and Arabic speakers.

The site is located within the Hollingdean and Fiveways Ward. Census statistics from 2021 indicate that:

- 2.05% of the ward identify as Muslim (309 people, compared with 3.07% across Brighton and Hove – 8,500 people), and
- 0.54% as Jewish (81 people, compared with 0.89% across Brighton and Hove – 2,455 people),

- 0.54% identifying as being within the Arab ethnic group (81 people, compared with 1.1% across Brighton and Hove – 3,049 people).
- Please note data is not collected separately regarding how many people identify as Palestinian or Israeli.

As noted above, there has been a significant increase in anti-Islamic and anti-Semitic hate crimes across the UK, and anecdotally in Brighton and Hove. Brighton and Hove City Council's Community safety and crime reduction strategy 2023 to 2026 highlights some key statistics and trends in the city in line with the national trend around increasing antisemitism and islamophobia. It also refers to rising hate crimes against those from racially, religiously, and ethnically minoritised backgrounds, which is compounded when there are additional intersections or disability, trans, intersex and non-binary identities:

- In Brighton & Hove in 2021/22 the police recorded:
  - 639 racist hate incidents and crimes (including 552 crimes)
  - 303 hate incidents and crimes motivated by perceived sexuality (including 267 crimes)
  - 73 hate incidents and crimes motivated by disability (including 57 crimes)
  - 62 hate incidents and crimes motivated by gender identity (including 48 crimes)
  - 55 hate incidents and crimes motivated by religion (including 44 crimes)
- The total number of incidents and crimes is less than the sum of these figures because some incidents and crimes are flagged as having more than one motivation.
- 93% of hate crimes are violence against the person crimes.
- Not all hate crimes are reported.
- The highest number of hate incidents reported to the Community Safety Casework Team in 2021/22 occurred in Moulsecoomb & Bevendean, Queen's Park, and St Peter's & North Laine wards.

The city has a strong Stop the War campaign and has seen significant protest against the L3 Harris facility for a number of years, particularly since information was put online alleging that parts manufactured in Brighton had been used in bombs against Palestinians.

Action against the site has increased since the application was submitted, particularly as the submission coincided with the conflict in Gaza. There have since been regular protests across the city in support of both Palestine and Israel.

The decision on the planning application could also have implications for those employed at the site if it is refused and the operator decides to move the business elsewhere, noting that the ward has 9.22% people of working age being involuntarily out of work (compared with 9.39% for Brighton and Hove).

## 7. Action planning

### What SMART actions will be taken to address the disproportionate and cumulative impacts you have identified?

- Summarise relevant SMART actions from your data insights and disproportionate impacts below for this assessment, listing appropriate activities per action as bullets. (This will help your Business Manager or Fair and Inclusive Action Plan (FIAP) Service representative to add these to the Directorate FIAP, discuss success measures and timelines with you, and monitor this EIA's progress as part of quarterly and regular internal and external auditing and monitoring)

1. Undertake an Equality Impact Assessment (EIA) of City Plan Parts 1 and 2 when reviewed. Carry out fulfilment of any actions identified in the EIA. Begin and complete the EIA review in one year from May 2024.

2. Evaluate and assess whether collection of equalities data from those making representations on planning applications would be appropriate (within GDPR), possible and useful for equality impact assessing planning decisions:
- Review current process and data collection point, purpose of collection, and use of data to assess for inequity and context within the planning process, appeals, and consultation.
  - Investigate current IT capability and gaps of current planning register system from an equalities impact and improved decision-making perspective.
  - Conduct research and assess for gaps in current approaches by local authorities including case studies and inclusive practice models which locally or nationally may not currently be followed given gaps in EDI considerations being embedded in decision-making, systems, processes and institutionally. Research whether/what other authorities have done and whether data has been useful in enabling more equitable planning decisions and fulfilment of Public Sector Equality Duty (PSED) duties as legal have advised.
  - Establish time/resource implications and action plan for any findings that need to be implemented to improve PSED related equity considerations in our current planning process, application submission/ data requests, appeals and consultation process, and application assessment.
  - Complete this process within 2 years from May 2024.

#### Which action plans will the identified actions be transferred to?

- For example: Team or Service Plan, Local Implementation Plan, a project plan related to this EIA, FIAP (Fair and Inclusive Action Plan) – mandatory noting of the EIA on the Directorate EIA Tracker to enable monitoring of all equalities related actions identified in this EIA. This is done as part of FIAP performance reporting and auditing. Speak to your Directorate’s Business Improvement Manager (if one exists for your Directorate) or to the Head of Service/ lead who enters actions and performance updates on FIAP and seek support from your Directorate’s EDI Business Partner.

Development Management Team Plan, Fair and Inclusive Action Plan for any service-level action monitoring and feedback at directorate level

#### 8. Outcome of your assessment

What decision have you reached upon completing this Equality Impact Assessment? (Mark ‘X’ for any ONE option below)

<b>Stop or pause</b> the activity due to unmitigable disproportionate impacts because the evidence shows bias towards one or more groups.	
<b>Adapt or change</b> the activity to eliminate or mitigate disproportionate impacts and/or bias.	
<b>Proceed</b> with the activity as currently planned – no disproportionate impacts have been identified, or impacts will be mitigated by specified SMART actions.	<b>X</b>
<b>Proceed with caution</b> – disproportionate impacts have been identified but having considered all available options there are no other or proportionate ways to achieve the aim of the activity (for example, in extreme cases or where positive action is taken). Therefore, you are going to proceed with caution with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.	

If your decision is to “Proceed with caution”, please provide a reasoning for this:

This proforma question is not apt. The Council is obliged to decide the planning application. It has to take steps to inform itself of and take account of the Public Sector Equality Duty when deciding the planning application.

**Summarise your overall equality impact assessment recommendations to include in any committee papers to help guide and support councillor decision-making:**

The determination of this application is considered to potentially result in negative impacts on minoritised ethnic and religious groups in the city, principally Israeli, Palestinian, Jewish, Muslim, and Arabic speakers.

Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Section 149(1)(a) and (c) of the Equality Act 2010 are considered to merit particular consideration in determining the planning application in view of the potential impacts as set out above.

In *(R (Hough) v SSHD [2022] EWHC 1635 Lieven J* considered the grant of a planning permission which extended the period of use of an asylum accommodation centre from one year to five years. The judge held that in granting planning permission there had been inadequate assessment of the public sector equality duty (“PSED”) as part of the decision to grant planning permission. The judge held at paragraphs 106-7:

“In my view there has been a failure to have proper regard to the PSED. The caselaw establishes that whether the s.149 duty has been complied with involves a highly fact sensitive inquiry, both into the nature of the decision and the form of the consideration of equality issues. The nature of the development here is one that raises very obvious issues under s.149, in particular relating to potential victimisation and harassment under s.149(1)(a), and the **fostering of good relations under s.149(c)**. The provision of a large amount of segregated accommodation for male asylum seekers on the edge of the town has **the obvious potential to create tensions within the local community**. This risk was set out in the EqIA and I accept that the Minister must therefore have been aware of the general issue.

However, there is a very significant difference between a development which is proposed to continue for two months and one for five years. This must especially be the case where the issue is developing community relations, as opposed to some physical impact which will vary little over time. Pressure on community services, for example on the local GP and community health services and possibly on the police, will be very much greater over a prolonged period than only two months. **The potential for impact on community relations are wholly different over the much longer period.** In the documentation before the Minister, there is no consideration of those longer-term impacts on the community relations. There is no consideration of the ability of local health services to manage this population over the much longer period, and how that situation might impact on issues relevant to s.149.”

In the case of this application, there is a proposal to make permanent what was originally a temporary permission, and so bears some similarity to the *Hough* case in that respect, albeit different in that the wider use of the site would remain lawful if permission for the operational development of the extension was refused. Also, as in *Hough*, there have already been community tensions arising from the existing use as summarised above and it is considered there is potential for those to continue and potentially to worsen. That is a factor relevant to section 149(1)(c) of the Equality Act 2010 (fostering good relations between different groups). There is also considered to be the potential for victimisation and harassment to be exacerbated by a grant of planning permission (section 149(1)(a)). It is also to be noted, however, that a refusal of planning permission may also have consequences of that nature.

It is for the planning committee to consider the weight it gives to these factors in the overall planning balance.

## 9. Publication

All Equality Impact Assessments will be published. If you are recommending, and choosing not to publish your EIA, please provide a reason:

Not applicable.

## 10. Directorate and Service Approval

Signatory:	Name and Job Title:	Date: DD-MMM-YY
Responsible Lead Officer:	Planning Manager	30-April-24
Accountable Manager:	Head of Planning	30-April-24

Notes, relevant information, and requests (if any) from Responsible Lead Officer and Accountable Manager submitting this assessment:

