

Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. All **Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA**. An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

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Section 1: Identifying details

Your function, service area and team:

Housing Management working in partnership with Residents Associations

If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team:

As above

Title of policy or decision:

Small-Scale Care Facility – Variation of Restrictive Covenant

Officer completing the EqIA:

Mrs Rachel Smith

Tel: 01992 562701

Email: rrsmith@eppingforestdc.gov.uk

Date of completing the assessment:

14.05.20

Section 2: Policy to be analysed

2.1

Is this a new policy (or decision) or a change to an existing policy, practice or project?

Yes

2.2

Describe the main aims, objectives and purpose of the policy (or decision):

To allow the owner/freeholder of a former Council property to use the property for either its current use or as small-scale care facility (a Children's Home).

What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?

As above

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2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> • service users • employees • the wider community or groups of people, particularly where there are areas of known inequalities? <p>The decision will enable up to 3 young people with emotional and behavioural difficulties between the ages of 5-18 years to supported with care and accommodation.</p> <p>However, the decision could also affect the wider community, in the form of increased anti-social behaviour and nuisance. Lavender Groves Cares does have a Behaviour Management Policy and a Location Risk Assessment, both of which has been provided to the Council. They have also explained how they will manage parking at the facility. If the Housing Portfolio Holder is minded to agree, the agreement could include conditions to ensure that occupiers do not cause any general management problems including anti-social behaviour, or excessive noise nuisance, or that their occupation does not create excessive parking problems in the area, further it could be stipulated in the agreement, that the agreement could be terminated if there are any justified complaints from the local community.</p> <p>Despite there being no firm decision to vary the covenant to permit the freeholder to run of a business from the dwelling / or allow the property to be used by more than one family, Officers have become aware that Lavender Groves Cares started taking residents around April 2020.</p> <p>The Council has heard from local residents who are not supportive of the facility. Despite the facility only being open a short while, increased noise levels have been reported and other nuisances.</p> <p>Further, it is understood that between 14th May 2020 and 8th June 2020, Essex Police have recorded seven separate incidents involving the welfare of residents living at the new facility.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>No</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The approach will mirror the policy decision of Cabinet at its meeting on 12 September 2011 relating to restrictive covenants – Houses of Multiple Occupation (C-022-2011/12).</p>

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Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>A positive decision will enable young people with emotional and behavioural difficulties to be access supported housing.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>The Council has heard from local residents who are not supportive of the facility. Mindful of the specific needs of the client group being supported, residents are concerned about safety and potential nuisance / anti-social behaviour.</p> <p>Lavender Groves Cares does have a Behaviour Management Policy and a Location Risk Assessment, both of which has been provided to the Council. They have also explained how they will manage parking at the facility. If the Housing Portfolio Holder is minded to agree, the agreement could include conditions to ensure that occupiers do not cause any general management problems including anti-social behaviour, or excessive noise nuisance, or that their occupation does not create excessive parking problems in the area, further it could be stipulated in the agreement, that the agreement could be terminated if there are any justified complaints from the local community.</p> <p>Whilst the Council has been advised of increased noise levels from the facility, no formal complaints have been received.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p>

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Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

A positive decision will enable young people with emotional and behavioural difficulties to be access supported housing.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Positive	H
Disability	Neutral	
Gender	Neutral	
Gender reassignment	Neutral	
Marriage/civil partnership	Neutral	
Pregnancy/maternity	Neutral	
Race	Neutral	
Religion/belief	Neutral	
Sexual orientation	Neutral	

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No	
			If 'YES' , use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

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Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
Increase in anti-social behaviour or nuisance	Condition of agreement that occupiers do not cause any general management problems including anti-social behaviour, or excessive noise nuisance and that the agreement could be terminated if there are any justified complaints from the local community	In the event of formal complaints, complaints will be investigated at the time they arise in line with Council procedure.

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Director of Property and Housing: D FENTON	Date: 22.06.20
Signature of person completing the EqIA: R SMITH	Date: 22.06.20

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqIA you undertake to the director responsible for the service area. Retain a copy of this EqIA for your records. If this EqIA relates to a continuing project, ensure this document is kept under review and updated, e.g after a consultation has been undertaken.

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