

## Equality Impact Assessment (EIA):

<b>Name of Report/Proposal/Strategy:</b>	Disposal of Town Hall Car Park, for Redevelopment		
<b>Name (Key Officer/Author):</b>	Steve Parrock / Iain Masters	<b>Business Unit:</b>	Torbay Development Agency
<b>Position:</b>	Senior Development Surveyor	<b>Tel:</b>	01803 208975 or 208973 ext 8975 / 8973
<b>Date:</b>	6 February 2013	<b>Email:</b>	<a href="mailto:steve.parrock@tedcltd.com">steve.parrock@tedcltd.com</a> iain.masters@tedcltd.com

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

### Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

1)	<b>Does this report relate to a key decision?</b>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
2)	<b>Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following:</b>		
	• <b>The Community (including specific impacts upon the vulnerable or equality groups)</b>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
	• <b>Our Partners</b>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
	• <b>The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision)</b>	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>

## Section 1: Purpose of the proposal/strategy/decision

No	Question	Details
1.	<b>Clearly set out the purpose of the proposal</b>	<p>The EIA relates to a proposal to lease land to a developer who wishes to promote a food retail development on the site of the Town Hall Car Park, at Castle Circus Torquay.</p> <p>The proposal will deliver a capital receipt for the Council, it will make best use of Council assets and it will ensure the Council obtains best value.</p>
2.	<b>Who is intended to benefit / who will be affected?</b>	<ul style="list-style-type: none"> <li>• Everyone who uses Torquay Town Centre or who has a stake in its viability or vitality</li> <li>• Council tax payers and the Community as a whole in view of size of capital receipt</li> <li>• Residents of Torbay in so far as it will effect their food shopping preferences.</li> <li>• Those seeking employment in the retail sector.</li> </ul>
3.	<b>What is the intended outcome?</b>	A capital receipt / better use of council assets / improved employment / the development of a town centre food store.

## Section 2: Equalities, Consultation and Engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **Equalities, Consultation and Engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

### Evidence, Consultation and Engagement

No	Question	Details
4.	Have you considered the available evidence?	<p>Available evidence on issues connected to the proposal will primarily relate to the principles of land use and Council planning policies. These land uses issues are not however central to the property decision that is before Council.</p> <p>The EIA relates a decision on issues pertaining to a property transaction. National and local policy considerations however support the principle of a town centre first approach to retail provision.</p>
5.	How have you consulted on the proposal?	<p>Yes with regard the principle of leasing the land to the developer however the resultant decision will be made subject to planning and the scheme proposals will require (and will get) extensive further consultation prior to implementation.</p> <ul style="list-style-type: none"> <li>• Participation in the Torquay Neighbourhood Forum debate. The issue is on agenda for a public meeting of the Forum for 4<sup>th</sup> February</li> <li>• Briefing Community Partnerships (Torre &amp; Upton CP and Torquay Town Centre CP)</li> <li>• Contact with Stakeholder Groups (including shop mobility and the Coalition of Disabled People)</li> <li>• Technical consultation has occurred with officers of the Council</li> <li>• The Transport Working Group will be contacted prior to the Issue going to Council</li> </ul>
6.	Outline the key findings	<p>The the Torre &amp; Upton CP steering group is supportive. No equalities issues were raised.</p> <p>The views of the Town Centre CP cannot be obtained because the CP has not had a meeting within the timeframe of the proposal.</p>

No	Question	Details
		<p>The Neighbourhood Forum has included the principle of a food store within its Draft Neighbourhood Plan. Any equalities issues raised will be verbally reported on the 6<sup>th</sup> February following the public meeting on the 4<sup>th</sup>.</p> <p>Shop Mobility supports the principle of the development subject to the safeguards suggested by the TDA (equivalent or better reinstatement / adequate temporary arrangements).</p> <p>The CEO of the Coalition of Disabled People:</p> <ul style="list-style-type: none"> <li>• Had invited the project manager to attend Coalition's Board Meeting on the 5<sup>th</sup> for a formal response from Board</li> <li>• The CEO supports the principle of the development subject to the safeguards suggested by the TDA (equivalent or better reinstatement / adequate temporary arrangements).</li> <li>• Believes a supermarket has the potential to improve employment prospects for disabled people</li> <li>• Indicated supermarkets tend to be best practice employers / retailers in terms of equalities</li> </ul>
7.	<b>What amendments may be required as a result of the consultation?</b>	No amendments are required at present however the requirements of disabled users are better understood as a result of the consultation and proposals that have been suggested will be incorporated into the project.

## Positive and Negative Equality Impacts

No	Question	Details		
8.	<b>Identify the potential positive and negative impacts on specific groups</b>	<i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the ‘neutral’ column to explain why.</i>		
		Positive Impact	Negative Impact	Neutral Impact
	All groups in society generally			<p>The re-use of the car park site will not effect its availability nor should it adversely impact any group in society.</p> <p>The decision before Council on 6<sup>th</sup> February relates to the property transaction that will bring forward the development proposal, equalities issues arising from the decision will be much more likely to arise as detailed consideration during the design phase of the project.</p>
	Older or younger people	See below for potential positive benefits relating to employment / diet and wealth.		Ditto
	People with caring responsibilities	See below for potential positive benefits relating to employment / diet and wealth.		Ditto
	People with a disability	Consultation suggests many potential positive impacts: <ul style="list-style-type: none"> <li>Improved employment prospects, food stores tend to have progressive equalities policies and are as seen as best practice employers</li> </ul>	<ul style="list-style-type: none"> <li>Temporary disruption to the Coalition of Disabled People offices and Shop Mobility (mitigation measures will be implemented)</li> </ul>	Ditto

No	Question	Details	
		<ul style="list-style-type: none"> <li>• Improved access arrangements to food provision</li> <li>• Potential improved outcomes in terms of diet and a reduction in the proportion of income spent on food</li> <li>• Better premises outcome for the Coalition of disabled people &amp; shop mobility in long run</li> </ul>	
Women or men		See above for potential positive benefits relating to employment / diet and wealth.	
People who are black or from a minority ethnic background (BME)		See above for potential positive benefits relating to employment / diet and wealth.	
Religion or belief (including lack of belief)		See above for potential positive benefits relating to employment / diet and wealth.	
People who are lesbian, gay or bisexual		See above for potential positive benefits relating to employment / diet and wealth.	
People who are transgendered		See above for potential positive benefits relating to employment / diet and wealth.	
People who are in a marriage or civil partnership		See above for potential positive benefits relating to employment / diet and wealth.	
Women who are pregnant / on maternity leave		See above for potential positive benefits relating to employment / diet and	

No	Question	Details	
		wealth.	
9.	<b>Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations?</b>	<p>The Council will consider through its capital program how its capital receipt will be applied to promote improved equalities across the community within Torbay as part of the Council's normal business.</p> <p>The developer and the acquiring supermarket group will be responsible for implementing equalities policies through the design phase and operational life of the food store. The Council can consider requiring the developer to suggest ways in which it can improve equalities outcomes.</p>	

### Section 3: Steps required to manage the potential impacts identified

No	Action	Details
10.	<b>Summarise any positive impacts and how they will be realised most effectively?</b>	The proposal should result in improved prosperity within the whole community, early engagement with the developer and the food store operator (when known) will improve the prospects of enhanced outcomes on equalities issues.
11.	<b>Summarise any negative impacts and how these will be managed?</b>	The Council is recommended to instruct officers to ensure the Shop Mobility and Coalition of Disabled people are not adversely effected and that interim accommodation proposals do not result in a reduction in the service levels they are able to provide.

## Section 4: Course of Action

No	Action	Details
12.	<p><b>State a course of action</b></p> <p><b>[please refer to action after section 5]</b></p>	<p>Outcome 2 –</p> <p>No significant or permanent adverse outcomes are expected therefore an ‘outcome 1’ might be appropriate however as all the opportunities to promote equalities have not so far been taken (because it is not yet appropriate to do so because the project is not yet at a design stage) an Outcome 2 is given. :</p> <p><b>Where: -</b></p> <p><b>Outcome 1: No major change required</b> - EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.</p> <p><b>Outcome 2: Adjustments to remove barriers</b> – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality.</p> <p><b>Outcome 3: Continue with proposal</b> - Despite having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have ‘due regard’.</p> <p><b>Outcome 4: Stop and rethink</b> – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified.</p>

## Section 5: Monitoring and Action Plan

No	Action	Details
13.	<p><b>Outline plans to monitor the actual impact of your proposals</b></p>	<p>It is recommended the developer liaise with Council officers prior to Contract to ensure their proposals properly address equalities issues and consideration as the developer advances the design of the development scheme.</p>

***Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment***



### Action plan

Please detail below any actions you need to take:

No.	Action	Reason for action / contingency	Resources	Responsibility	Deadline date
1	Ensure the operational requirements of Shop Mobility and the Coalition of disabled people are taken into account.			Developer / Project manger / planning Officers	Prior to Contract
2	Developer to submit an Equalities Impact Assessment Plan of its own to the Council prior to contract suggesting ways in which they propose to address equalities issues in the design phase.				
3	The Council to consider the Developers Equalities Impact Assessment prior to contract and make comment on the ways in which the development. A report on the process to be provided to the Deputy Mayor by the Project Manager prior to contract.				