



EQUALITY IMPACT ASSESSMENT TOOL

The council has a statutory duty to consider the impact of its decisions on age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, and Sex (gender) and sexual orientation.

The council also has a duty to foster good relations between different groups of people and to promote equality of opportunity.

Completing an EIA is the simplest way to demonstrate that the Council has considered the equality impacts of its decisions and it reduces the risk of legal challenge. EIAs should be carried out at the earliest stages of policy development or a service review, and then updated as the policy or review develops. EIAs must be undertaken when it is possible for the findings to inform the final decision. Keep all versions of your EIA. An EIA should be finalised once a final decision is taken.

When you should undertake an EIA:

- You are making changes that will affect front-line services
- You are reducing the budget of a service, which will affect front-line services
- You are changing the way services are funded and this may impact the quality of the service and who can access it
- You are making a decision that could have a different impact on different groups of people
- You are making staff redundant or changing their roles (particularly if it impacts on frontline services).
- EIAs also need to be undertaken on how a policy is implemented even if it has been developed by central government (for example cuts to grant funding).

Who should undertake the EIA:

- The person who is making the decision or advising the decision-maker

Guidance and tools for completing EIAs are available on the WIRE:

<http://rewire/supportunits/policyplanningandperformance/Pages/Equalities.aspx>

When you have completed an EIA, please send the final copy to Jessica Bradford (PPP): jbradford@westminster.gov.uk

From April 2011, all EIAs will be published on the council's website.

SEB will monitor compliance with the requirement to complete EIAs.

SECTION 1: DETAILS OF EQUALITY ANALYSIS

<p>1.1</p>	<p>Title</p> <p>The making of new Byelaws to provide powers to authorised officers and constables to deal with tents and other structures in a designated area surrounding Parliament Square. The Byelaws will also amend existing Byelaws which control the use of amplified noise equipment so as to enable the seizure and forfeiture of that equipment when an offence is committed in breach of those Byelaws.</p>
<p>1.2</p>	<p>What are you analysing?</p> <ul style="list-style-type: none"> • What is the purpose of the policy/project/activity/strategy? • In what context will it operate? • Who is it intended to benefit? • What results are intended? • Why is it needed?
	<p>Activity</p> <p>Under the Local Government Act 1972, local authorities are empowered to make their own Byelaws for Good Rule and Government and the suppression of nuisances. The City Council now proposes to make new Byelaws to prohibit the use of tents and sleeping equipment in a designated area surrounding Parliament Square and to amend existing Byelaws which control the use of amplified noise equipment, so as to enable the seizure and forfeiture of that equipment when an offence is committed in breach of those Byelaws.</p> <p>Purpose</p> <p>The City Council recognises all individuals’ right to protest peacefully, in accordance with the European Convention of Human Rights (ECHR) and other legislation. However, under certain circumstances the extent and manner of such protest can have a disproportionate effect on amenity and the rights of the general public to the peaceable enjoyment of the public realm.</p> <p>Parliament Square and the surrounding area incorporates some of Westminster’s most iconic sites. In a situation that has developed and persisted over several years, groups of individuals have settled as a round-the-clock presence in the Parliament Square area, carrying out their protests whilst living in permanent encampments. A legal framework is being established to manage the issue of encampments in the Parliament Square area. The framework is aimed at preventing the area from being taken over exclusively by individuals or groups, ensuring that it remains available to all (including demonstrators and protestors) as a public space. The legal framework centres around the Police Reform and Social Responsibility Act 2011 (PRSRA), which received royal assent earlier this year.</p> <p>There are a number of different authorities with responsibility for managing different parts of Parliament Square and the surrounding area, including the Greater London Authority (GLA), Royal Parks, and Westminster City Council (WCC). These bodies are working in partnership to develop individual but consistent regulations and enforcement protocols, complementary to the PRSRA, which will apply to the areas for which they are each responsible. In this way each authority will make its contribution to the overall management of the area.</p> <p>Context</p> <p>As previously stated, the new Westminster Byelaws are proposed in the context of a wider legal framework, at the centre of which sits the PRSRA. The Act enables enforcement against the use of tents or sleeping equipment and amplified noise equipment in Parliament Square Gardens and on the immediately adjacent footways. The proposed Westminster Byelaws have been drafted to closely reflect the provisions of the PRSRA, in order that the City Council may enforce similar regulations on the land it manages within the surrounding area and also certain areas of private land.</p>

	<p>This means that while the designated area for the proposed Byelaws is obviously specific to the spaces managed by WCC and the specific areas of private land identified in the Schedule to the Byelaws, the provisions themselves are largely based on those contained within the PRSRA, which have been passed by Parliament and have been subject to their own full Equalities Impact Assessment, undertaken by the Home Office.</p>	
1.3	Details of the lead person completing the EIA	
	(i) Full Name:	Rebecca Fuhr
	(ii) Position:	Commissioning Manager, City Management
	(iii) Unit:	City Management Commissioning Unit
	(iii) Contact Details:	rfuhr@westminster.gov.uk
1.4	Date sent to PPP	
	Dec 2011	
1.5	Version number and date of update	
	Version 1 (07.12.11)	
1.6	Date of publication	
	7 Dec 2011	

SECTION 2: EQUALITY ANALYSIS

2.1	If you are planning changes to a current service, which customers from the protected groups are using the service currently?
	<p>Introduction of the proposed new Byelaws would not constitute a change to an existing service per se. Rather it is an amendment to the City Council's powers, enabling it to take enforcement action in respect of using prohibited equipment within designated areas around Parliament Square.</p> <p>For full analysis of impact of these changes on protected groups, please see section 2.6.</p>
2.2	Are there any equality groups that are overrepresented in the monitoring information relative to their size of the population? <i>If so, this could indicate that the proposal may have a disproportionate impact on this group even if it is a universal service. Information about Westminster's population is on the Equalities page on the WIRE.</i>
	Please see section 2.6
2.3	Are there any equality groups that are underrepresented in the monitoring information relative to their size of the population? <i>If so, this could indicate that the service may not be accessible to all groups or there may be some form of direct or indirect discrimination occurring.</i>
	Please see section 2.6

2.4 What other evidence can you use to assess impact? For example:

- Results of consultation or engagement activity
- Analysis of enquiries or complaints
- Benchmarking monitoring information with other local authorities
- National research

If you do not have enough evidence you may need to take steps to fill in your information gaps – for example meeting with stakeholders, conducting surveys etc (the amount of evidence you need should be proportionate to what it is you are assessing. For example, changes to the eligibility for social care required a substantial consultation, as well as assessment of the numbers of people affected. However, a change to the frequency of bin collections will require less evidence to effectively assess impact).

The provisions of the PRSRA, upon which these proposed Byelaws are modelled, were of course subject to full consultation, parliamentary scrutiny and impact assessment as part of the legislative process.

In line with the standard process for making new Byelaws for Good Rule and Government, these proposals will be subject to a consultation process, whereby local residents, businesses, landowners and other interested parties will be asked for their views. This will include consultation on the proposed amendment to existing Byelaws so as to allow the seizure and forfeiture of amplified noise equipment which is used in breach of those Byelaws. The draft Byelaws will undergo such amendments as are appropriate through the consultation process.

By ensuring the pavements are kept clear of encampments, the proposed changes will prevent adverse impact on public realm access for pedestrians within the designated area. This effect will be particularly felt by those with reduced mobility (e.g. wheelchair users, people with prams etc). There is evidence to indicate that public realm access is a high priority for disabled people, which impacts heavily on their decisions about whether and where to visit in London. Live Tourism reported in 2010¹ that only 36% of survey respondents gave positive ratings regarding clear routes / pavements in the main area they visited, with 31% giving negative ratings. Live Tourism concluded that “at present too many visitors are negative about the public realm. The aspects causing greatest concern are lack of clear routes and pavements, as well as signage and way finding”.

The report looks at the significance of the priorities of disabled visitors, with a view to delivering on the Mayor of London’s pledge to make the London 2012 Olympic and Paralympic Games the most accessible ever. The areas around Parliament Square and Westminster Abbey are among the most iconic and visited in London, and the City Council, as highways authority, has a duty under the Highways Act 1980 to assert the rights of the public to use and enjoy the highway. It also has a responsibility to prevent, as far as possible, obstruction of the highway. The City Council prioritises access for those with particular mobility needs, and has articulated its commitment to developing and improving the public realm in order to secure “the ability of all people, including elderly and disabled people, those with young children and those carrying luggage and shopping, to reach places and facilities, and to move around and use those places and facilities.”²

The key aim of making the proposed new Byelaws is to ensure that the areas around Parliament Square can be accessed and enjoyed by all. By ensuring pavement space in the area is not occupied by encampments, the proposed Byelaws will support those with particular mobility needs to navigate the public realm in this hugely popular area.

¹ Live Tourism Report to the London Development Agency, February 2010. Research into views of disabled visitors to London, commissioned in September 2009 by the LDA in partnership with the Greater London Authority (GLA) and the London Organising Committee for the Olympic Games (LOCOG).

² Westminster City Council Core Strategy, part of the Local Development Framework, adopted in January 2011.

2.5	<p>Will people from all equality groups be able to access the council service in question? Think about the customer journey and whether any barriers may exist for different groups along the way (from finding out about the service, at the access points, when receiving the service etc). <i>Separate guidance on identifying barriers is available on the WIRE.</i></p>
	<p>Please see sections 2.4 and 2.6.</p>
2.6	<p>What negative impacts or disadvantage could stem from the changes you are proposing on people from the different groups? Could any part of the policy discriminate unlawfully (this includes direct & indirect discrimination, victimisation and harassment)? <i>If there is any discrimination the action must stop immediately and advice sought.</i></p>
	<p>Representation of different groups</p> <p>Available data indicates that the right to protest is not exercised substantively more by any particular group or community³. People protest in response to issues of the day about which they feel personally passionate, and the demographic of those involved in demonstration activities will vary accordingly. As stated in the EIA for the PRSR Bill, “evidence shows that young people are more likely to feel strongly about university tuition fees, while older generations are more likely to protest about pension rights and public spending decisions”. The high profile protests at Parliament Square have historically often related to international affairs and policy. This can give rise to particular representation of specific racial, nationality or religious groups at particular times although, as stated, this varies according to the particular issues of the day.</p> <p>As stated in section 2.4, there is likely to be a positive impact on accessibility for disabled people and others with particular mobility requirements, by ensuring the highway is not obstructed by encampments,</p> <p>Human rights considerations</p> <p>The legal framework being put in place to manage the area around Parliament Square is aimed at preventing encampments in order to promote use of the Square and surrounding areas by all. The Byelaws are not based on any wish to interfere with people’s right to protest, and they do not prevent individuals from exercising that right. They do however avow that the erection of tents and the use of equipment specifically for staying overnight are not intrinsically bound up in that right. The provisions therefore neither prevent nor put a time limit on any demonstration – they impact on people’s ability to camp in the designated area, as opposed to targeting their right to protest there.</p> <p>The power to be able to seize amplified noise equipment that is being used in breach of other Byelaws will apply to the whole of Westminster. This is also considered to be a proportionate response to problems that would otherwise be caused to other members of the public who wish to use the highway and other public places within the City without being subjected to undue nuisance and disturbance. The new powers are discretionary and no equipment will be seized if the persons using the equipment comply with any instructions that may be given to cease using it. This is not considered to have any negative impact or cause any disadvantage to any particular equality group.</p> <p>Opportunity cost</p> <p>If the proposed Byelaws are approved, upholding and ensuring compliance with the new regulations will be added to the range of enforcement responsibilities carried out by the Westminster Wardens service. This will carry a small opportunity cost for the service, however it is not expected that this would impact particularly on any of the community groups supported by</p>

³ Full Equality Impact Assessment for ‘New measures on Parliament Square Garden and the surrounding area in the Police Reform and Social Responsibility Bill’, Public Order Unit, Home Office, April 2011.

	<p>the Warden's' existing work.</p> <p>Overall Findings In line with the Police Reform and Social Responsibility Act and other elements of the developing legal framework, the proposed Westminster Byelaws are intended for the overall benefit of all those who wish to use the area – be they members of the public, visitors enjoying the local iconic sites, or protestors – without distinction. The changes being proposed through the making of these new Byelaws will therefore impact on all groups equally, with no inherent risk of unlawful discrimination.</p>
<p>2.7</p>	<p>Is there anything you can do to promote equality of opportunity? This means the need to:</p> <ul style="list-style-type: none"> • Remove or minimise disadvantages suffered by equality groups • Take steps to meet the needs of equality groups • Encourage equality groups to participate in public life or any other activity where participation is disproportionately low • Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary <p>Is there anything you can do to foster good relations between people who share a protected characteristic and those who do not? This means:</p> <ul style="list-style-type: none"> • Tackle prejudice • Promote understanding
	<p>Westminster Abbey provisions In the development of the proposed Byelaws, the City Council has given particular consideration to how the land around Westminster Abbey will be protected. In the event that encampments displaced from the central island seek alternative locations in the vicinity, the land around the Abbey would be in a particularly vulnerable position, offering as it does wide expanses of available space within direct line of sight of Parliament Square.</p> <p>Without inclusion in the City Council's proposed Byelaws, the Abbey would have no powers other than those of a private land owner to manage this likely influx. The Abbey-owned land to the front of Westminster Abbey along with Dean's Yard to the rear, have therefore been included in the designated area for the proposed Byelaws. Provisions have been built into the draft Byelaws enabling Westminster City Council's authorised officers to enforce on this land on the Abbey's behalf, although this has been done in a way that allows individuals to carry out activities that would normally be considered to be contrary to the proposed Byelaws if they are doing so with the express permission of the Abbey itself. This allows for organised vigils or other such activities which the Abbey may wish to accommodate.</p> <p>By taking the particular needs of the Abbey and those that use it into account, the City Council has ensured that this faith group are in no way disadvantaged by the proposed Byelaws. As stated, without specific support for their enforcement position, there is a risk that the Abbey would be particularly vulnerable to encampment resulting from potential displacement (in the wake of enforcement against encampments elsewhere in the area). Inclusion in Westminster's proposed Byelaws, in close consultation with the Abbey itself, protects them from this potentially negative impact. Meanwhile, flexibility is afforded to the Abbey and those that use it through the addition of provisions allowing express consent to be granted.</p>
<p>2.8</p>	<p>Are there changes proposed in related policy areas or services? How are you taking into account the combined impact of these changes? <i>Small changes in a policy area may cause some disadvantage, but the cumulative effect of changes in related areas could have a significant impact. A separate EIA will need to be undertaken where a number of changes are planned in a service area or where multiple</i></p>

	<p><i>changes are planned in different service areas that could impact on an equality group (for example changes in adult services, children's service, and transport/public realm changes could lead to a significant impact on disabled people, which may not be identified by looking at the changes individually)</i></p>								
	<p>As stated, the proposed Byelaws will operate within a wider legal framework, the overall aim of which is to ensure the Parliament Square area is available for all to enjoy.</p>								
<p>2.9</p>	<p>Considering your answers above, what are the issues, barriers, impacts you have identified and what can you do to reduce any negative impacts? Also include any issues you will need to take into account as your policy develops.</p>								
	<p>None – appropriate adjustments made in respect of Westminster Abbey to mitigate risk to this community group.</p> <p>Full consultation to be undertaken as part of Byelaws making process – any amendments that are appropriate will be made.</p> <p>Also note prevention of adverse effect on accessibility - please see section 2.4</p> <p>No other equalities impact concerns.</p>								
<p>2.10</p>	<p>Now you have considered the potential or actual effect on equality, what action are you taking now? Document the reasons for your decision.</p> <table border="1" data-bbox="248 1048 1509 1641"> <tr> <td data-bbox="248 1048 707 1234"> <p>1. No major change (no impacts identified)</p> </td> <td data-bbox="707 1048 1509 1234"> <p>Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination and you have taken all appropriate steps to advance equality & foster good relations between groups.</p> </td> </tr> <tr> <td data-bbox="248 1234 707 1346"> <p>2. Adjust the policy</p> </td> <td data-bbox="707 1234 1509 1346"> <p>You will take steps to remove barriers or to better advance equality.</p> </td> </tr> <tr> <td data-bbox="248 1346 707 1491"> <p>3. Continue the policy (impacts identified)</p> </td> <td data-bbox="707 1346 1509 1491"> <p>You will adopt your proposal, despite any adverse effect provided you are satisfied that it does not unlawfully discriminate and it is justified.</p> </td> </tr> <tr> <td data-bbox="248 1491 707 1641"> <p>4. Stop and remove the policy</p> </td> <td data-bbox="707 1491 1509 1641"> <p>There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminating.</p> </td> </tr> </table>	<p>1. No major change (no impacts identified)</p>	<p>Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination and you have taken all appropriate steps to advance equality & foster good relations between groups.</p>	<p>2. Adjust the policy</p>	<p>You will take steps to remove barriers or to better advance equality.</p>	<p>3. Continue the policy (impacts identified)</p>	<p>You will adopt your proposal, despite any adverse effect provided you are satisfied that it does not unlawfully discriminate and it is justified.</p>	<p>4. Stop and remove the policy</p>	<p>There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminating.</p>
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	<p>1 – no potential for unlawful discrimination, all appropriate steps taken at this stage.</p> <p>Also note prevention of adverse effect on accessibility - please see section 2.4</p>								

SECTION 3: ACTION PLAN

N/A – no action plan required

3.1 Complete the action plan if you need to reduce or remove the negative impacts you have identified, take steps to foster good relations or fill data gaps. <i>Please include the action required by your team/unit, groups affected, the intended outcome of your action, resources needed, a lead person responsible for undertaking the action (inc. their department and contact details), the completion date for the action, and the relevant RAG rating: R(ed) – action not initiated, A(mber) – action initiated and in progress, G(reen) – action complete.</i> NB. Add any additional rows, if required.	Complete the action plan if you need to reduce or remove the negative impacts you have identified, take steps to foster good relations or fill data gaps.						
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	Action Required	Groups Targeted	Intended outcome	Resources Needed	Name of Lead, Unit & Contact Details	Completion Date (DD/MM/YY)	RAG

THIS SECTION TO BE COMPLETED BY THE RELEVANT SERVICE MANAGER

SIGNATURE:

FULL NAME:

UNIT:

EMAIL & TELEPHONE EXT:

DATE (DD/MM/YYYY):

WHAT NEXT?

Please email your completed EIA to Jessica Bradford: jbradford@westminster.gov.uk