

Appendix 7 – Equalities Impact Analysis

Section 149 of the Equality Act 2010, which sets out the Council's Public Sector Equality Duty, provides:

“149 Public sector equality duty

(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.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in

particular, to the need to—

a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

b) 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;

c) 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.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

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(a) tackle prejudice, and

(b) promote understanding. (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

age;

disability;

gender reassignment;

pregnancy and maternity;

race;

religion or belief;

sex;

sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—

a) a breach of an equality clause or rule;

b) a breach of a non-discrimination rule.

(9) Schedule 18 (exceptions) has effect."

There are no relevant exceptions in Schedule 18.

In relation to disability, the Council must ensure that it acts in accordance with section 29 of the Equality Act 2010, which provides:

"(6) A person must not, in the exercise of a public function that is not the provision of a service to the public or a section of the public, do anything that constitutes discrimination, harassment or victimisation.

(7) A duty to make reasonable adjustments applies to—

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...(b) a person who exercises a public function that is not the provision of a service to the public or a section of the public."

The assessment will set out actions that will be taken to mitigate or minimise any negative impacts, identified as arising from the options considered, on people with protected characteristics. Where mitigating action cannot be taken, or the impacts cannot be wholly mitigated, the reason why will be explained.

Recommendation	Protective Characteristic	Impact
1. No Change to the existing hours of Saturday noisy construction working.	1.Age	Negative Impact
	2.Disability	Negative Impact
	3.Pregnancy and Maternity	Negative Impact
	4.Religion or Belief	Negative Impact
	5.Sex	N/A
	6.Gender reassignment	N/A
	7.Race	N/A
	8.Sexual Orientation	N/A
	9. Marriage or Civil Partnership (Employment only)	N/A
109 out of 725 respondents stated that they had been negatively impacted in respect of one or more protected characteristics by noisy Saturday working. The most common comments identifying how they had been negatively affected identified noisy works impacting rest and physical and mental health, arising from noise, dust and air quality and lack of two continuous days of respite, with particular negative impact on those who are elderly, disabled, pregnant or who have young children, and children.		
2. No hours of noisy construction works on Saturday	1.Age	Positive Impact
	2.Disability	Positive Impact
	3.Pregnancy and Maternity	Positive Impact
	4.Religion or Belief	Positive Impact
	5.Sex	N/A
	6.Gender reassignment	N/A
	7.Race	N/A
	8.Sexual Orientation	N/A
	9. Marriage or Civil Partnership (Employment only)	N/A
109 out of 725 respondents stated that they would be positively impacted in respect of one or more protected characteristics if noisy Saturday working were to cease. The most common comments identifying how they felt they would be positively impacted identified the ability to rest, with particular positive impact on mental health and wellbeing. To a significant degree, in addition, the positive impact identified arose from the removal of the negative impacts they said they		

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<p>presently experienced. It should be noted however that while removing noisy construction works on Saturday would have a positive impact on these respondents with protected characteristics on Saturdays, the long-term impacts of construction projects taking longer to complete overall, and prolonging the overall period of the identified negative impacts of noisy work, will have negative impacts on those with protected characteristics e.g. increased concentrations of pollutants on weekdays when levels are already high may impact the health of those with protected characteristics as poor air quality has a disproportionate impact on the old and young.</p>		
<p>3. No Saturday noisy construction hours but an additional hour Monday to Friday 18.00-19.00</p>	1.Age	Negative Impact
	2.Disability	Negative Impact
	3.Pregnancy and Maternity	Negative Impact
	4.Religion or Belief	N/A
	5.Sex	N/A
	6.Gender reassignment	N/A
	7.Race	N/A
	8.Sexual Orientation	N/A
	9. Marriage or Civil Partnership (Employment only)	N/A
<p>The positive impacts on those with protected characteristics of prohibiting Saturday morning noisy work is outweighed by major negative impacts on them e.g. longer overall impacts, rest and relaxation, impact on families, children completing homework, workers required to work very long days during the week as work, and hence the negative impacts of noisy work on them, is extended longer into the evening.</p>		
<p>4. Partial Permissions – 1. Change standard Saturday noisy hours City wide to 0900 – 1400.</p>	1.Age	Negative Impact
	2.Disability	Negative Impact
	3.Pregnancy and Maternity	Negative Impact
	4.Religion or Belief	N/A
	5.Sex	N/A
	6.Gender reassignment	N/A
	7.Race	N/A
	8.Sexual Orientation	N/A
	9. Marriage or Civil Partnership (Employment only)	N/A
<p>This recommendation would have a positive impact on those respondents with the protected characteristics of age, disability, pregnancy and maternity as they would have an hour of quieter time when it would be more beneficial earlier in the day. The negative impacts detailed by the same respondents in relation to rest and mental health and wellbeing would continue to be stated as the noisy works will continue on a Saturday. The 2 respondents that stated religious belief is impacted would still identify with a negative impact stating that Saturday is the Sabbath. There may be impacts to construction workers that are unstated in the consultation.</p>		
4. Partial Permissions –2.	1.Age	Positive

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Not permitting noisy works near residential areas.	2.Disability	Positive
	3.Pregnancy and Maternity	Positive
	4.Religion or Belief	Positive
	5.Sex	N/A
	6.Gender reassignment	N/A
	7.Race	N/A
	8.Sexual Orientation	N/A
	9. Marriage or Civil Partnership (Employment only)	N/A
This recommendation, if practicable, would be favoured by those with protected characteristics of age, disability, pregnancy and maternity. The 2 respondents that stated religious belief is impacted would still identify with a negative impact stating that Saturday is the Sabbath.		

Discussion of impact of noisy working on those with protected characteristics, and identification of steps to seek to mitigate those negative impacts..

It is accepted and acknowledged that noisy construction activities do and will have a negative impact on those with the protected characteristic of age (elderly and young children), disability, pregnancy and maternity, and religious belief. The negative impact arises from the adverse effects of noisy working on physical and mental health, ability to rest, and wellbeing, that some consider Saturday as the sabbath and church services may be affected.

The Construction Work Activities on Saturday public consultation outcomes report at Appendix 2 highlighted the impact the various options would have on protected characteristics (age, disability, pregnancy and maternity, religion or belief, gender reassignment, race, sexual orientation, sex, and marriage or civil partnership (in employment only)). The impacts have been identified and are summarised in the table above.

The Local Planning Authority after receiving a planning application, will undertake a period of consultation where views on the proposed development can be expressed. The formal consultation period will normally last for 21 days, and the local planning authority will identify and consult a number of different groups.

The main types of local planning authority consultation are:

Public consultation – including consultation with neighbouring residents and community groups.

Statutory consultees – where there is a requirement set out in law to consult a specific body, who are then under a duty to respond providing advice on the proposal in question.

Any consultation required by a direction – where there are further, locally specific, statutory consultation requirements as set out in a consultation direction.

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Non-statutory consultees where there are planning policy reasons to engage other consultees who – whilst not designated in law – are likely to have an interest in a proposed development.

Following the initial period of consultation, it may be that further additional consultation on changes submitted by an applicant, prior to any decision being made, is considered necessary.

Finally, once consultation has concluded, the local planning authority will consider the representations made by consultees, and proceed to decide the

Once a development has been permitted the City's Code of Construction Practice is relevant, Chapter 2 Community Liaison and Consultation requires developers and contractors to identify all neighbours and groups who may be disturbed and disrupted, including places of worship, hospitals, residents, businesses and community centres. Developers and Contractors are required to consult with all those who will be concerned by the construction activities being planned and take their views into account in the preparation of the Scheme of Protective Works (a requirement of planning conditions) which includes construction methods and noisy working hours. Amendments to the Scheme should be made to reflect concerns. For example, in some locations a 9am start on a Saturday is agreed close to residential locations, the schedule for faith services or weddings will be sought and the noisy works programmed around these services or deliveries scheduled to avoid school drop off and pick up times. The liaison takes place before works commence during the planning stages, throughout each stage of the construction programme and supported by at least fortnightly communications. The City's Pollution Control Team oversees compliance with the Code of Practice to ensure all steps are carried out and that as far as reasonably practicable all views are considered in selecting methods and working hours. In addition, the Scheme of Protective Works is submitted as part of the planning process and is available for public comment on the City's planning portal.

The new construction impacts levy introduced in the COP, appendix L will enable a new team of City Officers to be funded whose role will be to proactively monitor and review all sites practices ensuring the COP is complied with. The additional resource will be enabled to enforce where required.

The COP also requires a stronger approach to air quality impacts from Non-Road Mobile Machinery through registration of all plant on a London database which is audited on site to ensure site equipment meets the best available emissions standards.