



TEST OF RELEVANCE: EQUALITY ANALYSIS (EA)

The screening process of using the Test of Relevance template aims to assist in determining whether a full Equality Analysis (EA) is required. The EA template and guidance plus information on the Equality Act and the Public Sector Equality Duty (PSED) can be found on City of London Intranet at: [Equality and Inclusion](#)

Introduction

The Public Sector Equality Duty (PSED) is set out in the Equality Act 2010 (s.149). This requires public authorities, in the exercise of their functions, to have statutory 'due regard' to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and those who do not, and
- Foster good relations between people who share a protected characteristic and those who do not.

The characteristics protected by the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sexual orientation

It is also Corporation policy to give voluntary (non-statutory) 'due regard' to the impact upon Social Mobility

What is due regard?

- Statutorily, it involves considering the aims of the duty in a way that is proportionate to the issue at hand.
- Ensuring that real consideration is given to the aims and the impact of policies with rigour and with an open mind in such a way that it influences the final decision.
- Due regard should be given before and during policy formation and when a decision is taken including cross cutting ones as the impact can be cumulative.

The general equality duty does not specify how public authorities should analyse the effect of their business activities on different groups of people. However, case law has established that equality analysis is an important way public authorities can demonstrate that they are meeting the requirements.

Even in cases where it is considered that there are no implications of proposed policy and decision making on the PSED it is good practice to record the reasons why and to include these in reports to committees where decisions are being taken.

It is also good practice to consider the duty in relation to current policies, services and procedures, even if there is no plan to change them.

The Corporation has also adopted a voluntary (non-statutory) due regard of the impact upon social mobility issues. This should be considered generally and, more specifically, against the aims/objectives in the Social Mobility Strategy, 2018-28.

How to demonstrate compliance

Case law has established the following principles apply to the PSED:

- **Knowledge** – the need to be aware of the requirements of the Equality Duty with a conscious approach and state of mind.
- **Sufficient Information** – must be made available to the decision maker.
- **Timeliness** – the Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken not after it has been taken.
- **Real consideration** – consideration must form an integral part of the decision making process. It is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- **Sufficient Information** - The decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the Equality Duty
- **No delegation** - public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.
- **Review** – the duty is continuing applying when a policy is developed and decided upon, but also when it is implemented and reviewed.

However, there is no requirement to:

- Produce equality analysis or an equality impact assessment
- Indiscriminately collect diversity data where equalities issues are not significant
- Publish lengthy documents to show compliance
- Treat everyone the same. Rather, it requires public bodies to think about people's different needs and how these can be met
- Make services homogeneous or to try to remove or ignore differences between people.

The key points about demonstrating compliance with the duty are to:

- Collate sufficient evidence to determine whether changes being considered will have a potential impact on different groups
- Ensure decision makers are aware of the analysis that has been undertaken and what conclusions have been reached on the possible implications
- Keep adequate records of the full decision making process

Test of Relevance screening

The Test of relevance screening is a short exercise that involves looking at the overall proposal and deciding if it is relevant to the PSED.

Note: If the proposal is of a significant nature and it is apparent from the outset that a full equality analysis will be required, then it is not necessary to complete the Test of Relevance screening template and the full equality analysis must be completed.

The questions in the Test of Relevance Screening Template to help decide if the proposal is equality relevant and whether a detailed equality analysis is required. The key question is whether the proposal is likely to be relevant to any of the protected characteristics.

Quite often, the answer may not be so obvious, and service-user or provider information will need to be considered to make a preliminary judgment. For example, in considering licensing arrangements, the location of the premises in question and the demographics of the area could affect whether section 149 considerations come into play.

There is no one size fits all approach, but the screening process is designed to help fully consider the circumstances.

What to do

In general, the following questions all feed into whether an equality analysis is required:

- How many people is the proposal likely to affect?
- How significant is its impact?
- Does it relate to an area where there are known inequalities?

At this initial screening stage, the point is to try to assess obvious negative or positive impact.

If a negative/adverse impact has been identified (actual or potential) during completion of the screening tool, a full equality analysis must be undertaken.

If no negative / adverse impacts arising from the proposal it is not necessary to undertake a full equality analysis.

On completion of the Test of Relevance screening, officers should:

- Ensure they have fully completed, and the Director has signed off the Test of Relevance Screening Template.
- Store the screening template safely so that it can be retrieved if for example, Members request to see it, or there is a freedom of information request or there is a legal challenge.
- If the outcome of the Test of Relevance Screening identifies no or minimal impact refer to it in the Implications section of the report and include references to it in the Background Papers when reporting to the Committee or other decision making process.



1. Proposal / Project Title: Planning for Sustainability Supplementary Planning Guidance (SPD)

2. Brief summary (include main aims, proposed outcomes, recommendations / decisions sought):

The purpose of this Supplementary Planning Document (SPD) is to provide guidance on how applicants should approach sustainability in their developments through the application process. It has been prepared to provide additional detail and guidance on how to fulfil policies of the current Local Plan, as well as emerging policies. Specifically, this SPD:

- Sets out the key approaches that the City of London Corporation (CoLC) is targeting on different sustainability themes and outlines key actions to be taken into consideration to develop an exemplar scheme;
- Identifies a list of key actions to be considered throughout the design process and provides details specific to the City of London for each sustainability theme;
- Provides guidance on what, how and when relevant sustainability aspects should be taken into consideration during the planning application process and sets out submission requirements throughout the life-cycle of the development, from the pre-application process to post completion, and
- Provides a collation of relevant recommended standards, certifications and guidelines.

3. Considering the equality aims (eliminate unlawful discrimination; advance equality of opportunity; foster good relations), indicate for each protected group whether there may be a positive impact, negative (adverse) impact or no impact arising from the proposal:

Protected Characteristic (Equality Group)	Positive Impact	Negative Impact	No Impact	Briefly explain your answer. Consider evidence, data and any consultation.
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed SPD will have a positive impact on older and younger people, who are disproportionately affected by the effects of climate change such as extreme weather conditions, flooding and poor air quality resulting from greenhouse gas emissions.
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed SPD will have a positive impact on people with disabilities who are disproportionately affected by the effects of climate change such as extreme weather conditions, flooding and poor air quality resulting from greenhouse gas emissions. Sustainable construction methods will benefit people with disabilities through achieving accessible and adaptable buildings in line with building regulations.
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed SPD will not have a specific impact on people experiencing gender assignment.
Marriage and Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed SPD will not have a specific impact on people who are married or in civil partnerships.
Pregnancy and Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed SPD will not have a specific impact on people who are pregnant or have recently given birth.
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed SPD will not have a specific impact on specific races.
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed SPD will not have a specific impact on religions or beliefs
Sex (i.e. gender)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed SPD will not have a specific impact on specific sex/genders.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed SPD will not have a particular impact on gay, lesbian and bisexual people.

4. Are there any potential social mobility or wider issues? Yes No **Briefly explain your answer:** The proposed SPD is not considered to have any impact on social mobility or wider issues.

5. There are no negative / adverse impact(s) Please briefly explain and provide evidence to support this decision:

The nine categories of protected characteristics were assessed, and the proposed SPD has been assessed as having no negative impact on any of the characteristics.

6. Are there positive impacts of the proposal on any equality groups or Social Mobility? Please briefly explain how these are in line with the equality aims or social mobility strategy: The nine categories of protected characteristics were assessed. The proposed SPD has been assessed as having a positive impact on the categories of age and disability, however, the implementation of the SPD will create a more sustainable environment, which will benefit everyone.

7. As a result of this screening, is a full EA necessary?

Please check appropriate box

Yes

No

Briefly explain your answer:

A full EA screening is not considered to be necessary as none of the categories of the nine protected characteristics have been assessed as having a negative or adverse impact resulting from the implementation of the proposed Planning for Sustainability SPD.

8. Name of Lead Officer: Lisa Russell

Job title: Planning Officer

Date of completion: 24/11/2023

Name: Rob McNicol

Date: 24/11/2023