



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: Creechurch Conservation Area Consultation

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

As Local Planning Authority, the City Corporation has a statutory duty to consider the potential for new conservation areas (CA's) within the City's boundary. Whilst undertaking an intensive characterisation and heritage significance assessment of the Square Mile to inform the emerging City Plan 2040, and in response to key stakeholders during the consultation on the draft City Plan, a potential new conservation area has been identified in the Creechurch locality, near Aldgate. The area has been assessed in line with national and local planning policy and Historic England's guidance on such matters. A proposed range of draft conservation area boundaries and supporting conservation area proposals have been consulted on.

Consultation on the proposed new CA, to be known as Creechurch Conservation Area, was carried out between 21st September and 6th November 2023, with a wide range of people and organisations consulted. The proposals would establish planning controls which would protect three Grade I listed places of worship: Bevis Marks Synagogue, St Katherine Cree and St Botolph Aldgate churches and the Grade II listed Aldgate School dating from 1908.

The Bevis Marks Synagogue is the oldest synagogue in the country and home to the unique and rich religious traditions of the Sephardic Jewish community in Britain. It is of outstanding architectural, artistic, communal, historic and archaeological significance. The Synagogue has a small courtyard which is used for communal gatherings and wedding celebrations.

The Guild Church of St Katharine Cree is an Anglican Church in Leadenhall Street, opened in 1629, which has historically focussed on providing for workers, as it does not have its own parish. A church has stood on this site since 1280. The church is available for weddings, funerals and use of the church hall and courtyard for community use. St Botolph Aldgate is located on Aldgate with a history of helping the poor in the East End. The church was built in 1744, with mention of a church on this site going back to 1115. The church is available for weddings, christenings, funerals, as well as community activities in the outdoor space.

The Consultation exercise included three options for the coverage of the proposed conservation area. This equalities screening is being carried out on the proposed conservation area boundary that Planning and Transportation Committee are being asked to consider designating. This proposed boundary aligns with Option 3 presented for and strongly supported by the public consultation.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed CA will not have a specific impact on people of different groups.
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed CA will not have a specific impact on people with disabilities.
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed CA will not have a specific impact on people experiencing gender assignment.
Marriage and Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The designation of a Creechurch conservation area would assist in the preservation and enhancement of the area because of its special architectural and historic interest. This could have a positive impact on people who are involved in marriage proceedings at Bevis Marks Synagogue, St Katherine Cree and St Botolph Aldgate churches, as these religious buildings and the areas around them are used and as spaces for celebrating marriage.
Pregnancy and Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed CA will not have a specific impact on people who are pregnant or have recently given birth.
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The designation of a Creechurch conservation area would assist in the preservation and enhancement of the area because of its special architectural and historic interest. This could have a positive impact on people who belong to the Jewish race using the Synagogue for worship and religious use.
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The designation of a Creechurch conservation area would assist in the preservation and enhancement of the area because of its special architectural and historic interest, including Bevis Marks Synagogue, St Katherine Cree and St Botolph 's Aldgate churches. This could have a positive impact on people of the Jewish faith using the Synagogue for worship and religious use, and the Synagogue's courtyard for communal purposes, and on people of the Christian faith using the two churches for worship and religious purposes.</p> <p>The designation of a Creechurch conservation area would assist in the preservation and enhancement of the area, including sites of importance for Jewish and Christian history. This could have a positive impact for people of Jewish and Christian religions.</p>
Sex (i.e. gender)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed CA will not have a specific impact on specific sex/genders.
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed CA options 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 CA 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 CA has been assessed as having no negative impact on any of the characteristics. The implementation of the CA could have a positive impact on people who share the protected characteristic of marriage and civil partnership, and people who share the protected characteristic of religion, and of race. The remaining categories were assessed as having no impact as a result of the proposed CA.

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 CA has been assessed as having a positive impact on the categories of Marriage/Civil Partnership, Religion /Belief and Race.

7. **As a result of this screening, is a full EA necessary?** Yes No **Briefly explain your answer:**
Please check appropriate box 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 Creechurch Conservation Area.

8. **Name of Lead Officer:** Lisa Russell

Job title: Planning Officer

Date of completion: 30/11/2023

Name: Rob McNicol

Date: 30/11/2023