

Equality Impact Assessment

An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making.

When to assess

An EIA should be carried out when you are changing, removing or introducing a new service, policy or function. The assessment should be proportionate; a major financial decision will need to be assessed more closely than a minor policy change.

Public sector equality duty

The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- 1) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are known as the three aims of the general equality duty.

Protected characteristics

The Equality Act 2010 sets out nine protected characteristics that apply to the equality duty:

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

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

We also ask you to consider other socially excluded groups, which could include people who are geographically isolated from services, with low literacy skills or living in poverty or low incomes, affected by rural deprivation or poor health. This may impact on aspirations, health or other areas of their life which are not protected by the Equality Act, but should be considered when delivering services.

Due regard

To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential impact, the higher the regard required by the duty. The three aims of the duty may be more relevant to some functions than others; or they may be more relevant to some protected characteristics than others.

Collecting and using equality information

[The Equalities and Human Rights Commission](#) (EHRC) states that 'Having due regard to the aims of the general equality duty requires public authorities to have an adequate evidence base for their decision making'. We need to make sure that we understand the potential impact of decisions on people with different protected characteristics. This will help us to reduce or remove unhelpful impacts. We need to consider this information before and as decisions are being made.

There are a number of publications and websites that may be useful in understanding the profile of users of a service, or those who may be affected.

- The Office for National Statistics Neighbourhoods website <https://www.ons.gov.uk/>
- Kent County Council Facts and Figures about Kent <http://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent>
- Public health and social care data http://www.kpho.org.uk/search?mode=results&queries_exclude_query=no&queries_excludefromsearch_query=yes&queries_keyword_query=Swale

At this stage you may find that you need further information and will need to undertake engagement or consultation. Identify the gaps in your knowledge and take steps to fill these.

Case law principles

A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The person completing the EIA should have knowledge and understanding of the service, policy, strategy, practice, plan.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- A public authority is responsible for ensuring that any contracted organisations which provide services on their behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice.
- The duty is a continuing one. It applies when a service, policy, strategy, practice or plan is developed or agreed, and when it is implemented or reviewed.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- The general equality duty is not a duty to achieve a result, it is a duty to have due regard to the need achieve the aims of the duty.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

Lead officer:	<i>Charlotte Hudson, Head of Housing and Communities</i>
Decision maker:	<i>Policy and Resources Committee</i>
People involved:	<i>Housing, Parking Services and Development Consultants</i>
Decision: <ul style="list-style-type: none">• Policy, project, service, contract	<ul style="list-style-type: none">• <i>Project – change of use of land from service car park to housing delivery site.</i>

<ul style="list-style-type: none"> • Review, change, new, stop 	
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	<i>Policy and Resources – 17th December 2025</i>
Summary of the decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The report is seeking to appropriate the land at Cockleshell Walk to change its use from Carparking to a development site for affordable housing.</p> <p>Confirm that the Land (as defined in paragraph 1.1 below) is no longer required for those purposes for which it is held (surface level car park).</p> <p>Approve the appropriation of the Land for planning purposes to facilitate its development pursuant to section 122(1) of the Local Government Act 1972</p> <p>Approve the Council relying on powers under section 203 of the Housing and Planning Act 2016 to override any third-party rights interfered with by development of the Land;</p> <p><i>The carpark is currently still operational and during April 24 to March 25. Had 17.2k transactions, creating a revenue income of £68.5k. Although the transactions identify the number of unique visits, we do not hold the data on unique visitors these visitors will have facilities elsewhere to utilise all within a very short distance. Either in the adjacent Spring Street Carpark or Forum and Multi-Story Carpark (MSCP)</i></p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. • Include information on how the decision will affect people with different protected characteristics. 	<ul style="list-style-type: none"> • <i>Car parking is being provided elsewhere, and additional provision has been made through the construction of the MSCP, in addition the adjacent Spring Street carpark that was originally designated for housing delivery is not being taken forward and will remain.</i> • <i>There will be a loss of 6 disabled spaces, but this was considered in the Sittingbourne Town Centre parking strategy and provision is in place in the MSCP (22 spaces) and additional disabled places were created within the Forum Carpark. All of the surrounding car parks have available capacity throughout the day and even if disabled spaces are full, blue badge holders can use any other space in the car park.</i> • <i>All homes will meet the Nationally Described Space Standards and will be fully M4(2) compliant, which make the homes accessible and adaptable. One ground floor unit will meet M4(3) standards, which makes the home adaptable and accessible to wheelchair users. Therefore, providing a positive benefit to a limited number of disabled individuals.</i> • <i>Housing will be allocated through the Kent Home choice system and eligibility through the Housing Allocations Policy, which has been subject to a separate EIA.</i>
Consultation: <ul style="list-style-type: none"> • Has there been specific consultation on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • Can any conclusions be drawn from the analysis on how the decision will affect 	<ul style="list-style-type: none"> • <i>Site was previous identified for housing both by the Council's Spirit of Sittingbourne regeneration scheme and through the Local Plan process. Both processes have separate extensive consultation processes.</i> • <i>The current scheme has secured planning and statutory consultation has taken place as part of that process. In addition, a public meeting was held, although concerns were raised around loss of car parking they were not explicitly linked to protected characteristics.</i>

people with different protected characteristics?	
--	--

Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's PSED Technical Guidance -

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	Y
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Y
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Y

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Characteristic	Relevance to decision High/Medium/Low/None	Impact of decision Positive/Negative/Neutral
Age	None	Neutral
Disability	Medium	Net Positive
Gender reassignment	None	Neutral
Marriage and civil partnership	None	Neutral
Pregnancy and maternity	None	Neutral
Ethnicity	None	Neutral
Religion or belief	None	Neutral
Sex	None	Neutral
Sexual orientation	None	Neutral
Other socially excluded groups ¹	Low income / Poverty High	Positive

Conclusion:

- Consider how due regard has been had to the equality duty, from start to finish.
- There should be no unlawful discrimination arising from the decision.

Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.

Overall, the project of utilising the current surface carpark to develop 51 affordable homes, provides a net positive impact on disabled individuals. Despite the loss of 6 no of disabled parking spaces, they have been re-provided in alternative provision both at the MSCP and Forum car park. The scheme will also provide adaptable and accessible homes. The provision of affordable housing also supports those within our community who have a housing need and therefore on a low income. Impacts on other protected characteristics have not been identified as impacted by this decision.

¹ Other socially excluded groups could include those with literacy issues, people living in poverty or on low incomes or people who are geographically isolated from services, affected by rural deprivation or poor health.

Timing

- Having 'due regard' is a state of mind. It should be considered at the inception of any decision.
- Due regard should be considered throughout the development of the decision. Notes should be taken on how due regard to the equality duty has been considered through research, meetings, project teams, committees and consultations.

- The completion of the EIA is a way of effectively summarising the due regard shown to the equality duty throughout the development of the decision. The completed EIA must inform the final decision-making process. The decision-maker must be aware of the duty and the completed EIA.

Full technical guidance on the public sector equality duty can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

Please send the EIA in draft to Janet Dart in the Comms and Policy Team (janetdart@swale.gov.uk) who will review it with colleagues and let you have any comments or suggested changes.

This Equality Impact Assessment should form an appendix to any EMT/DMT, service committee or Council report relating to the decision, and a summary should be included in the 'Equality and Diversity' section of the standard committee report template under 'Section 6 – Implications'.