

EQUALITY IMPACT ASSESSMENT

The Equality Act 2010 places a ‘General Duty’ on all public bodies to have ‘due regard’ to the need to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advancing equality of opportunity between those with a ‘relevant protected characteristic’ and those without one;
- Fostering good relations between those with a ‘relevant protected characteristic’ and those without one.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protect characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council’s commitment to equality and the responsibilities under the Public Sector Equality Duty.

When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.

Please read the Council’s Equality Impact Assessment Guidance before beginning the EqIA process.

1. Responsibility for the Equality Impact Assessment

| | |
|--------------------------------------|--|
| Name of proposal | Wards Corner: Report into the review of the section 106 clause on the market facilitator |
| Service area | Planning (Development Management) |
| Officer completing assessment | Dean Hermitage/Fortune Gumbo |
| Equalities/ HR Advisor | Hugh Smith |
| Cabinet meeting date (if applicable) | Not applicable |
| Director/Assistant Director | Emma Williamson, AD Planning and Sustainability |

2. Summary of the proposal

Please outline in no more than 3 paragraphs

- *The proposal which is being assessed*
- *The key stakeholders who may be affected by the policy or proposal*
- *The decision-making route being taken*

This is a report prepared for the Assistant Director of Planning into alleged breaches of planning obligations relating to land at 227-259 High Road, 709-723 Seven Sisters Road, 1a-11 West Green Road and 8-30 Suffield Road. The site, commonly known as Wards Corner is in the Tottenham Green ward and contains within it a Latin American Market (“the Market”). The investigating officer’s report explains the investigation that has been undertaken, the findings and recommendations.

The key stakeholders are traders in the existing Wards Corner market.

The report recommends that the Assistant Director of Planning writes to the developer and market traders with certain recommendations regarding the Market Facilitator role. This EqIA assesses the potential impact of those recommendations, to the extent that they are implemented.

The recommendations are as follows:

- i. That Grainger Seven Sisters Limited (“Grainger” “the developer”) widely advertises the post of the Market Facilitator.
- ii. That the market facilitator is independent from the developer and anyone connected with the running of the market.
- iii. That Grainger meets with the Council and traders bi-annually to review the progress towards meeting the obligations in the principal agreement;
- iv. That Grainger randomly selects, two of the traders who indicated their preference to participate in the identification, selection and appointment of the Market Facilitator.
- v. That before the placing of the advertisement for the post, Grainger develops the shortlisting and weighting criteria to be used in the selection and appointment of the Market Facilitator. Grainger should consult the Council and traders on such criteria before it is finalised.
- vi. That Grainger fully considers the recommendations and views of the traders selected to participate in the appointment of the Market Facilitator unless there are material considerations which outweigh the traders preferred candidate. In that case Grainger should submit a report to the Council explaining the considerations and for the Council to agree to that assessment in writing.
- vii. That the shortlisting and interviewing be carried out by a panel comprising the traders’ representative(s), the Council and Grainger.
- viii. That the traders or any interested parties report any future alleged non-compliance with the provisions of the principal agreement to the Interim Manager – Planning Enforcement and Appeals for investigation in the first instance.

- ix. That Grainger develops a set of KPI's which will be used to measure progress towards attainment of the objectives of the agreement.
- x. That Grainger, with the assistance of the Council procures a temporary Market Facilitator pending the appointment of a permanent Facilitator.
- xi. That the temporary Market Facilitator and the permanent Market Facilitator present a progress report to the Steering Group or its successor(s); OR in the alternative, report directly to the Council.
- xii. That Grainger reconstitutes the Steering Group with clearly defined terms of reference and a democratic way of operation.
- xiii. That the Council has a formal observer role in the Steering Group (or its successor).

3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?

Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. Please include any gaps and how you will address these

This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national. For restructures, please complete the restructure EqIA which is available on the HR pages.

| Protected group | Service users | Staff |
|-----------------------------------|--|-------|
| Sex | GL Hearn Diversity Monitoring baseline study | N/A |
| Gender Reassignment | EHRC | N/A |
| Age | GL Hearn Diversity Monitoring baseline study | N/A |
| Disability | GL Hearn Diversity Monitoring baseline study | N/A |
| Race & Ethnicity | GL Hearn Diversity Monitoring baseline study | N/A |
| Sexual Orientation | GL Hearn Diversity Monitoring baseline study | N/A |
| Religion or Belief (or No Belief) | GL Hearn Diversity Monitoring baseline study | N/A |
| Pregnancy & Maternity | GL Hearn Diversity Monitoring baseline study | N/A |
| Marriage and Civil Partnership | GL Hearn Diversity Monitoring baseline study | N/A |

Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?

Explain how you will overcome this within the proposal.

Further information on how to do data analysis can be found in the guidance.

EqIAs were undertaken in 2011 and 2012 in relation to the regeneration of Wards Corner.

In August 2018, the Council approved a diversity monitoring baseline study undertaken by GL Hearn (a consultancy firm) on behalf of Grainger PLC (the developer).

GL Hearn undertook a Diversity Monitoring baseline study for Grainger of the Seven Sisters Market traders. They used both English and Spanish versions of the monitoring form and made several trips to the market to collect forms and offer support in completing them.

As of August 2018, 33 forms were completed. However, not every question was answered by every respondent.

The results indicated that the profile of businesses had remained broadly unchanged since the 2012 EqIA surveys were carried out.

Sex

| Sex | Count 2018 |
|-------------------|------------|
| Male | 15 |
| Female | 17 |
| Prefer not to say | 0 |
| No Answer | 1 |
| Total | 33 |

The results indicate that a slightly higher proportion of the traders are women than men. This corresponds to the population of the local area and Haringey as a whole. It is reasonable to anticipate that women will be affected to a slightly greater extent than men.

Gender Reassignment

We do not hold data on the number of people who are seeking, receiving or have received gender reassignment surgery, and there is no national data collected for this protected characteristic. The Equality and Human Rights Commission estimate that there are between 300,000-500,000 transgender people in the UK. We will need to consider the inequalities and discrimination experienced for this protected group. For the purposes of this EqIA, we will use the inclusive term Trans*A in order to represent the spectrum of transgender and gender variance.

Age

| Age | Count 2018 |
|-------------------|------------|
| Under 18 | 0 |
| 18-24 | 1 |
| 25-34 | 4 |
| 35-44 | 6 |
| 45-54 | 10 |
| 55-64 | 9 |
| 65-74 | 1 |
| 75+ | 0 |
| Prefer not to say | 0 |
| No Answer | 2 |
| Total | 33 |

The results indicate that the largest age group of traders and employees in the market are between the age bracket of 45-54 years of age, followed by 55-64 and then 35-44 years of age. Working age people are overrepresented relative to the Haringey population and it is reasonable to expect that they will be disproportionately affected by the proposed recommendations.

Disability

| Disability | Count 2018 |
|-------------------|------------|
| Yes | 3 |
| No | 23 |
| Prefer not to say | 1 |
| No Answer | 6 |
| Total | 33 |

A majority of respondents (70%) indicated that they do not consider themselves to have a disability while 9% indicated that they had a disability. It appears that people with disabilities are not overrepresented among the traders relative to the Haringey population and it is therefore not anticipated that they will be disproportionately impacted by the proposed recommendations.

Race & Ethnicity

| Country of birth | Count 2018 |
|---------------------|------------|
| Colombia | 12 |
| Peru | 3 |
| Portugal | 1 |
| Venezuela | 1 |
| England | 1 |
| Italy | 1 |
| Chile | 1 |
| Iran | |
| Bolivia | |
| Romania | |
| El Salvador) | |
| Bujumbura (Burundi) | 1 |
| Prefer not to say | 0 |
| No Answer | 12 |
| Total | 33 |

Respondents were asked to name their country of birth. This was an open-ended question, which encouraged respondents to state their answer as they deemed appropriate. The table lists all the answers which were provided by respondents. The most popular answer provided by respondents was Colombia (12). The vast majority of responses indicated a Latin American country of origin. Latin American individuals are therefore overrepresented relative to the Haringey population and will be disproportionately affected by the proposed recommendations.

Sexual Orientation

| Sexual Orientation | Count 2018 |
|--------------------|------------|
| Heterosexual | 25 |

| | |
|-------------------|----|
| Gay woman/lesbian | 0 |
| Gay man | 1 |
| Bi sexual | 0 |
| Prefer not to say | 1 |
| No Answer | 6 |
| Total | 33 |

A majority 75% of respondents indicated that they were heterosexual, while 21% did not disclose their sexual orientation. 3% of respondents indicated their sexual orientation as gay, which corresponds approximately to estimates of the general population. It is therefore not anticipated that LGB individuals will be overrepresented among those affected by the proposed recommendations.

Religion & Belief

| Religion/Faith | Count 2018 |
|-------------------|------------|
| No religion | 3 |
| Buddhist | 0 |
| Christian | 22 |
| Hindu | 1 |
| Jewish | 0 |
| Muslim | 2 |
| Sikh | 0 |
| Prefer not to say | 1 |
| No Answer | 4 |
| Total | 33 |

The majority of respondents (67%) selected 'Christian' as their religion, while 6% indicated 'Muslim' and 3% selected 'Hindu'. 9% of respondents indicated that they do not have a religion and/or belief. Furthermore, 15% of respondents did not disclose their religion of which 3% indicated that they 'prefer not to say', whereas the remaining 12% choose not to provide a response to this question. Christians appear to constitute a greater proportion of the traders than the Haringey population and may therefore be more likely to be affected by the proposed recommendations.

Pregnancy & Maternity

| Pregnant | Count 2018 |
|-----------|------------|
| Yes | 0 |
| No | 25 |
| No Answer | 8 |
| Total | 33 |

| Given birth in the last 12 months | Count 2018 |
|-----------------------------------|------------|
| Yes | 0 |
| No | 23 |
| No Answer | 10 |
| Total | 33 |

No respondents indicated that they were pregnant, and no respondents indicated that had they had a baby within the last 12 months. Accordingly, no impact is anticipated on the basis of this protected characteristic.

Marriage & Civil Partnership

| Are you Married or in a civil partnership | Count 2018 |
|---|------------|
| Yes | 14 |
| No | 10 |
| Prefer not to say | 6 |
| No Answer | 1 |
| Total | 33 |

The results of the survey indicate that more traders are married than not. The recommendations will not discriminate in any way between a couple in a marriage compared to a couple in a civil partnership.

4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?

Please outline which groups you may target and how you will have targeted them

Further information on consultation is contained within accompanying EqIA guidance

This exercise targeted all traders. There was no selection criteria.

Some did not want to participate for undisclosed reasons.

The engagement was in the form of one-to-one interviews, group meeting at the Council offices, and email exchanges for those who preferred this method.

All correspondence was sent in English and Spanish.

All face-to-face engagements were carried out with the aid of a Spanish interpreter.

4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics

Explain how will the consultation's findings will shape and inform your proposal and the decision making process, and any modifications made?

The findings spell out 13 recommendations which if carried are considered will address the future appointment and engagement with the market facilitator which is to the advantage of the traders who all share the protected characteristics.

5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?

Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.

Further information on assessing impact on different groups is contained within accompanying EqIA guidance

The report recommends that the Assistant Director of Planning writes to the developer and traders with 13 recommendations relating to the future operation of the Market Facilitator function and a Steering Group. These recommendations, as a package of measures, can be reasonably expected to be positive for the market traders, to the extent that they are implemented, as they are likely to result in greater participation in the selection and appointment process of the Market Facilitator (recommendations 1-7), progress towards the objectives of the S106 agreement (recommendation 9), accountability for the appointed party in the operation of the Market Facilitator role (recommendations 11-13), and a quicker means of addressing non-compliance with the provisions of the principal agreement (recommendation 8). These changes can be expected to bring about an improved trading environment for the market traders.

Although it has been decided that it is not expedient to take enforcement action in relation to the breach of the market facilitator Section 106 obligation there is no adverse impact in relation to this given that the market facilitator was stood down and that trader involvement in the recruitment of the market facilitator is proposed.

1. Sex

The baseline study indicates that the majority of market traders are women. To the extent that the report’s recommendations are adopted, they can be expected to have a positive impact on market traders and a correspondingly positive impact for this protected group through improvements to the trading environment in terms of the extent to which the Market Facilitator works with and is accountable to the traders, redress of any non-compliance, and progress towards the objectives of the S106 agreement.

| | | | | | | | |
|----------|---|----------|--|----------------|--|----------------|--|
| Positive | X | Negative | | Neutral impact | | Unknown Impact | |
|----------|---|----------|--|----------------|--|----------------|--|

2. Gender reassignment

We do not have data that indicates any likely impact on Trans* individuals.

| | | | | | | | |
|----------|--|----------|--|----------------|--|----------------|---|
| Positive | | Negative | | Neutral impact | | Unknown Impact | X |
|----------|--|----------|--|----------------|--|----------------|---|

3. Age

The baseline study indicates that all but one of the market traders who responded to the survey are of working age. To the extent that the report’s recommendations are adopted, they can be expected to have a positive impact on market traders and a

correspondingly positive impact for working age individuals through improvements to the trading environment in terms of the extent to which the Market Facilitator works with and is accountable to the traders, redress of any non-compliance, and progress towards the objectives of the S106 agreement. No adverse impact is anticipated for children or older people.

| | | | | | | | |
|----------|---|----------|--|----------------|--|----------------|--|
| Positive | X | Negative | | Neutral impact | | Unknown Impact | |
|----------|---|----------|--|----------------|--|----------------|--|

4. Disability

The baseline study indicates that 9% of the market traders identify as having a disability or long-term health condition. To the extent that the report's recommendations are adopted, they can be expected to have a positive impact on market traders who have disabilities and a correspondingly positive impact for this protected group through improvements to the trading environment in terms of the extent to which the Market Facilitator works with and is accountable to the traders, redress of any non-compliance, and progress towards the objectives of the S106 agreement.

| | | | | | | | |
|----------|---|----------|--|----------------|--|----------------|--|
| Positive | X | Negative | | Neutral impact | | Unknown Impact | |
|----------|---|----------|--|----------------|--|----------------|--|

5. Race and ethnicity

The baseline study indicates that the vast majority of market traders are Latin American, with most coming originally from Colombia or Peru. To the extent that the report's recommendations are adopted, they can be expected to have a positive impact on market traders and a correspondingly positive impact for this ethnic group through improvements to the trading environment in terms of the extent to which the Market Facilitator works with and is accountable to the traders, redress of any non-compliance, and progress towards the objectives of the S106 agreement.

| | | | | | | | |
|----------|---|----------|--|----------------|--|----------------|--|
| Positive | X | Negative | | Neutral impact | | Unknown Impact | |
|----------|---|----------|--|----------------|--|----------------|--|

6. Sexual orientation

The baseline study identified one individual who identified as LGB, while many did not respond to the question. To the extent that the report's recommendations are adopted, they can be expected to have a positive impact on any market traders who identify as LGB through improvements to the trading environment in terms of the extent to which the Market Facilitator works with and is accountable to the traders, redress of any non-compliance, and progress towards the objectives of the S106 agreement.

| | | | | | | | |
|----------|---|----------|--|----------------|--|----------------|--|
| Positive | X | Negative | | Neutral impact | | Unknown Impact | |
|----------|---|----------|--|----------------|--|----------------|--|

7. Religion or belief (or no belief)

The baseline study found that the majority of market traders are Christian, while there are also traders who are Muslim, Hindu, and of no religious affiliation. To the extent that the report's recommendations are adopted, they can be expected to have a positive impact on market traders and a correspondingly positive impact for these protected groups through improvements to the trading environment in terms of the extent to which the Market Facilitator works with and is accountable to the traders, redress of any non-compliance, and progress towards the objectives of the S106 agreement.

| | | | | | | | |
|----------|---|----------|--|----------------|--|----------------|--|
| Positive | X | Negative | | Neutral impact | | Unknown Impact | |
|----------|---|----------|--|----------------|--|----------------|--|

8. Pregnancy and maternity

The baseline study found that no traders were pregnant and that no traders had had a child within the last 12 months. On this basis, the recommendations will have a neutral impact on this protected group.

| | | | | | | | |
|----------|--|----------|--|----------------|---|----------------|--|
| Positive | | Negative | | Neutral impact | X | Unknown Impact | |
|----------|--|----------|--|----------------|---|----------------|--|

9. Marriage and Civil Partnership

No element of the recommendations will discriminate in any way between people in marriages and people in civil partnerships.

| | | | | | | | |
|----------|--|----------|--|----------------|---|----------------|--|
| Positive | | Negative | | Neutral impact | X | Unknown Impact | |
|----------|--|----------|--|----------------|---|----------------|--|

10. Groups that cross two or more equality strands e.g. young black women

Latin-American individuals of working age, the majority of whom are women and/or Christian are likely to be disproportionately impacted. This impact is considered positive for the reasons noted above.

Outline the overall impact of the policy for the Public Sector Equality Duty:

- Could the proposal result in any direct/indirect discrimination for any group that shares the relevant protected characteristics?
- Will the proposal help to advance equality of opportunity between groups who share a relevant protected characteristic and those who do not?

This includes:

- a) Remove or minimise disadvantage suffered by persons protected under the Equality Act
- b) Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups
- c) Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low

- Will the proposal help to foster good relations between groups who share a relevant protected characteristic and those who do not?

The proposal is not likely to result in any direct or indirect discrimination for any group and can be expected to result in positive outcomes for women, working-age individuals, individuals with disabilities, Latin Americans, Christians and members of minority faith groups, and any LGB traders.

The proposal may help to advance equality of opportunity for certain groups by creating a better working environment for market traders from a specific ethnic group. In particular, recommendations 1-7 and 10 are likely to bring about improvements to the extent that the role of Market Facilitator is filled through a participatory and consultative process that takes account of the needs and preferences of the market traders, recommendation 8 is likely to bring about improvements through more rapid investigation of alleged breaches of the provisions of the principal agreement, recommendations 9 and 11 are likely to bring about improvements through more transparent and accountable progress reports, and recommendations 12 and 13 are likely to bring about improvements through ongoing accountability of the Market Facilitator.

The proposal may help to foster good relations between groups to the extent that the fulfilment of the market facilitator role helps to create favourable working conditions for protected groups through the means noted above.

6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?

Further information on responding to identified impacts is contained within accompanying EqIA guidance

| Outcome | Y/N |
|--|-----|
| No major change to the proposal: the EqIA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <u>If you have found any inequalities or negative impacts that you are unable to mitigate, please provide a compelling reason below why you are unable to mitigate them.</u> | Y |
| Adjust the proposal: the EqIA identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote equality. Clearly <u>set out below</u> the key adjustments you plan to make to the policy. If there are any adverse impacts you cannot mitigate, please provide a <u>compelling</u> reason below | |
| Stop and remove the proposal: the proposal shows actual or potential avoidable adverse impacts on different protected characteristics. The decision maker must not make this decision. | |

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|---|--|
| | |
| 6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty | |
| N/A | |
| Please outline any areas you have identified where negative impacts will happen as a result of the proposal but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them. | |
| N/A | |
| 6 c) Summarise the measures you intend to put in place to monitor the equalities impact of the proposal as it is implemented: | |
| A baseline study and annual monitoring via a survey of existing business owners, stall holders and other employees to understand how diversity and equalities are reflected in the operation of the site. | |

| | |
|--|---------------|
| 7. Authorisation | |
| EqlA approved by (Assistant Director/ Director) | Date |

| |
|--|
| 8. Publication <i>Please ensure the completed EqlA is published in accordance with the Council's policy.</i> |
| |

Please contact the Policy & Strategy Team for any feedback on the EqlA process.