**Equality Impact Assessment / Equality Analysis**

|  |  |
| --- | --- |
| **Title of service or policy**  | Proposed enforcement action in relation to Stall 36 Guildhall Market |
| Name of directorate and service | Place – Development Management |
| **Name and role of officers completing the EIA** | Paula Freeland, Team manager – Planning and Conservation |
| Date of assessment  | September 2014 |

Equality Impact Assessment (or ‘Equality Analysis’) is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community.  The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community.  Equality impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Council’s and NHS Bath and North East Somerset’s websites.

|  |  |
| --- | --- |
| **1.**  | **Explain the purpose of the action and background.** |
|  | **Key questions** | **Answers / Notes** |
| **1.1** | Briefly describe purpose of the action | Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states, so far as relevant, that “no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised under section 8.”Works which affect the character of the building have been carried out without listed building consent.Enforcement action is therefore proposed under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990. |
| **1.2** | Provide brief details of the background | Prior to the unauthorised work stall 36 consisted of modern fabric in the form of a series of upright posts supporting the canopy roof with a decorative scalloped edge. Business was transacted over the counter and there was no formal entrance into the stall for customers. The stall owner constructed an enclosed shop-style structure around the stall without permission. The majority of the existing stalls around the perimeter of the market are of post and canopy design or comprise a combination of enclosed space and unenclosed display area. Overall the character of the market stalls is simple and open with trading over the counters. In this context, the rather formal shop-style arrangement constructed at Stall 36 is not considered to preserve the special architectural and historic interest of the Guildhall Market. .An application 10/00564/LBA proposed the replacement of the post and canopy structure with a much more enclosed shop front style arrangement, comprising a door opening with sash windows either side over a stall riser to the east and two sash windows over a stall riser to the north. (This application differed slightly from the unauthorised implemented development in that there is a narrower door and fewer windows on the east elevation of the proposal.) The application was refused consent for the following reason: “The proposed market stall by reason of its relatively enclosed shop front style design and security shutters would not preserve the special architectural and historic interest of the listed undercover market and its established character contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning Policy Statement 5 (Planning for the Historic Environment).”An appeal in relation to this decision was dismissed by the Planning Inspectorate, the design appearing too solid and formal for the site and its setting, and more appropriate to an arcade than a market of this nature. |
| **1.3** | Do the aims of this proposed action conflict with any other policies of the Council? | No, this is a statutory process. |
| **2. Assessment of impact: ‘Equality analysis’** |
|  |  | **Examples of what the service has done to promote equality** | **Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this** |
| **2.1** | **Gender, pregnancy and maternity, transgender, age, race, sexual orientation, marriage and civil partnership, religion/belief, socio-economically disadvantaged, rural communities**– identify the impact/potential impact of the policy on these protected characteristics  | Neutral impact – enforcement action would have no impact on people with these protected characteristics |  |
| **2.2** | **Disability** - identify the impact/potential impact of the policy on disabled people (ensure consideration both physical and mental impairments) | Reinstating the open-style character of the stall could potentially improve access for disabled people by making the stall more accessible. |  |

**3. Bath and North East Somerset Council & NHS B&NES**

**Equality Impact Assessment Improvement Plan**

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issues identified** | **Actions required** | **Progress milestones** | **Officer responsible** | **By when** |
| None | None |  |  |  |

**5. Sign off and publishing**

**Signed off by**: Lisa Bartlett (Divisional Director, Development) **Date:21/10/14**