

Equality Impact Assessment

Relating to: GCC's withdrawal from the Joint Committee of the Cotswold Water Park

Date: 22/3/12

Introduction

This Impact Assessment supports the County Council in meeting its legal obligations under the **Public Sector Equality Duty**, now contained in section 149 of the Equality Act 2010. The Equality Duty ensures that public bodies have due regard to the statutory needs referred to in section 149 when exercising their functions.

Section 149 provides that in exercising its functions an authority must have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it; and
- foster good relations between people who share a protected characteristic and those who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and others who do not share it involves having due regard (in particular) to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and those who do not share it involves having due regard (in particular) to the need to tackle prejudice and to promote understanding.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled person's disabilities.

Compliance with the duties in section 149 may involve treating some persons more favourably than others; but not if that would itself involve conduct which is made unlawful under the Equality Act 2010.

The protected characteristics to which the duty applies are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, also marriage and civil partnership but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having ***due regard to*** means consciously thinking about the statutory needs as part of the process of decision making, when the proposals are still at a formative stage, and before a decision is reached. This means that consideration of those equality issues must influence the decisions reached by public bodies. The Equality Duty must be exercised in substance, with rigour and with an open mind.

Indirect discrimination occurs where a condition criterion or practice is applied which would put people with one of the protected characteristics at a disadvantage, and the imposition of that condition, criterion or practice is not a proportionate means of achieving a legitimate aim, i.e. it cannot be objectively justified.

It is important to understand and consider how different people will be affected by the decisions the Council makes, so that policies and services are appropriate and accessible to all and meet different people's needs.

This assessment will help you think about the potential impact your proposals will have on all sections of the community. Recognising these impacts early on in the process of developing policies will assist good decision making and ensure that the County Council delivers services appropriate to people's needs. Remember that the Equality Duty involves having due regard to the needs to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, as well as to eliminate discrimination and other conduct which is unlawful under the Equality Act 2010.

1. Person responsible for undertaking this assessment:

Name: Alan Bently	Telephone: 01452 426801
Service: Planning and Development	E-mail: alan.bently@gloucestershire.gov.uk
	Date of Assessment: 22/3/12

2. Name and brief description of the policy, service, strategy, procedure or function: (indicate whether new or revised)

Revised arrangements for engagement with the Cotswold Water Park Trust

3. Briefly describe its aims and expected outcomes

Aim to improve our role in governance and accountability as regards the CWP in line with recommendations in the "Cotswold Water Park Review", March 2012 conducted by Graham Garbutt ("the Garbutt Report")

4. Describe how this policy will impact on the Council's duty to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

Identify what particular groups of people will be affected by this policy.

This reappraisal of governance arrangements around the Cotswold Water Park follows the presentation of the Garbutt report to Audit Committee on 12th March 2012. The intention is to seek to improve the links between the Cotswold Water Park Trust and the local community and to endeavour through this to improve relationships and outcomes.

5. Provide details of the evidence you have gathered in making this assessment, including data sources, consultation undertaken and the outcome/s of this.

A consultation process with parishes affected by the revised arrangements has taken place over a number of months and led by the Cotswold Water Park Trust in conjunction with Gloucestershire County Council, Cotswold District Council and Wiltshire Council, which is expecting to confirm a new Parish Framework arrangement with the Trust. (A draft was presented to the Joint Committee at its meeting of 16/3/12). The Garbutt Report provides a wide ranging critique of the former arrangements.

6. Is this Policy affected by, or will it have an impact on other Meeting the Challenge proposals? Yes/No. (If yes, please specify relevant project and indicate how it is affected).

None anticipated

7. Where any particular group is affected differently by the policy in either a negative or a positive way, if you identify a negative impact, explain what actions you have undertaken or you plan to undertake, including consideration of any alternative proposals, to lessen or negate this impact.

	Negative	Positive	Neutral	Evidence	Mitigating actions where a negative impact has been identified	How will the mitigating action be monitored/evaluated, including who will be responsible for monitoring.
Age			x			

Disability (indicate different impacts on different types of disability)			X			
Gender reassignment			X			
Marriage & civil partnership			X			
Pregnancy & maternity			X			
Race (including Gypsy & Traveller)			X			
Religion or Belief			X			
Sex			X			
Sexual Orientation			X			
Indirect Discrimination			X			

<p>Other groups: e.g. rural isolation, long term unemployed, health inequality, carers</p>			<p>x</p>			
<p>Socio-economically deprived groups</p>			<p>x</p>			
<p>Community Cohesion</p>	<p>Provide details of any ways in which the proposed activity would promote equality in the community between those who share a protected characteristic and those who do not, and how it would promote good relations between such groups</p> <ul style="list-style-type: none"> • Is there equality between those who will and won't benefit from the proposal? • Are there strong relationships between groups and communities in the area affected and will the proposed action promote positive relationships? • Does the proposal bring groups/communities into increased contact with each other? 			<p>Recent events have undermined confidence in the governance and arrangements regarding the Cotswold Water Park and the steps proposed in the Cabinet Report of 18/4/12 seek to take forward recommendations towards addressing local concerns. However it should be noted there are no significant equalities issues associated with the proposals.</p>		

Declaration

We are satisfied that an Assessment has been carried out and where a negative impact has been identified, actions have been developed to lessen or negate this impact where possible.

Where the impact on equalities of the policy or proposals is very significant, and mitigating actions do not sufficiently lessen the impact, or mitigating actions cannot be identified, we have considered whether to go ahead with the original proposal at all, or whether to reformulate it.

We understand that the Equality Impact Assessment is required by the County Council and that we take responsibility for the completion and quality of this assessment.

Completed by: Alan Bently

Date: 29/3/12

Role: Strategic Development Manager



Countersigned by Head of Service:

Steve Smart

Date: 11/04/12

Name of relevant Portfolio Holder/Cabinet Member: Chas Fellows.

I confirm that I have examined and understood the potential impact of the proposal and confirm that I have had due regard to the needs set out in section 149 of the Equality Act 2010.

..... Portfolio Holder/Cabinet Member

Date: