

Equality Analysis (EA)

Financial Year
2017/18

Section 1 – General Information (Aims and Objectives)

Name of the proposal including aims, objectives and purpose.

The Council, acting as local planning authority, to determine a planning application in respect to a scheme (Planning Reference –PA/17/00250) for a *“Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four storeys to six storeys above a shared basement, to house a maximum of 9 residential units (Class C3), 12,600 sqm (GEA) of employment floorspace (Class B1), 1,340 sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1-A5) and provision of 316 sqm (GEA) of Public House (Class A4), along with associated landscaping and public realm improvements, cycle parking provision, plant and storage”.*

The proposed redevelopment has a series of discrete land use elements but is bound together by a comprehensive proposal for regeneration of the site. The scheme is bound by a singular architectural proposal that marries old and new built development, involves partial demolition, careful dismantling and rebuilding of existing facades, in situ physical repair, some remodelling and upgrading of existing buildings and heritage features.

Critically for the purpose of this Equality Analysis it involves the presumed loss of the Joiners Arms, as a future operational Public House, and the construction of a new Public House (A4 Unit Use Class). The Joiners Arms is an Asset of Community Value, is more widely and in planning consideration terms (assessed against Local Plan Policy DM8 and other relevant development plan policies) an accepted community and social infrastructure facility: derived from its lawful operational use as a Public House (A4 Use Class).

The Joiners Arms since 1997 until its closure in January 2015 was a Public House that was operated by and served the LGBT+ community. The proposed new Public House would provide an A4 Unit that would be larger in internal floor area than the vacant Joiner Arms, once the ancillary residential accommodation in the Joiners is discounted

Public Consultation Responses received:


The planning application attracted a total of 37 individual representations from the general public. All 37 representations objected to the scheme.

Relevant Data/Evidence Sources

Census

See Appendix A

Current decision rating- AMBER



AMBER

The equality profile of residents drawn from the Census is available on the Council's website, on the Statistics Pages and with that section the *Diversity* sub-section .

http://www.towerhamlets.gov.uk/ignl/community_and_living/borough_statistics/borough_statistics.aspx

However there is no local data analysis in respect of gender reassignment, sexual orientation for the Borough of Tower Hamlets. A statistical bulletin has been published by the Office for National Statistics about the LGB community nationally. It is worth noting that transgender has not been included in the definition. The bulletin provides a LGB estimate for the size of the community in London.

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2015>

However a recent report (commissioned by the GLA) titled "*LGBTQ+ Cultural Infrastructure in London: Night Venues, 2006–present*" published by UCL Urban Laboratory (July 2016) has provided valuable information in respect to issues surrounding LGBTQ+ cultural night time venues and event spaces in London, including some individual focus on the Joiners Arms.

In respect of this scheme the following report findings are relevant:

- Since 2006, the number of LGBTQ+ venues in London has fallen from 125 to 53, a net loss of 58% of venues.
- This compares to drops of 44% in UK nightclubs (2005–2015), 35% in London grassroots venues (2007–2016) and 25% in UK pubs (2001–2016).
- Between 2006 and 2017 bars make up the largest proportion of identified operational LGBTQ+ venues (44%), followed by nightclubs (34%) and public houses (33%).
- 21% of LGBTQ+ venue closures were influenced by development with 6% linked to large-scale transport infrastructure development and 12% to mixed-use or residential development.
- Members of the LGBT+ completed in depth survey as part of the report's research. These surveys revealed "*how the heritage of LGBTQ+ people is embedded in the fabric and specific cultures of designated LGBTQ+ venues and events. They also stress that venues are important spaces for education and intergenerational exchange*"
- The most valued LGBTQ+ spaces were experienced as non-judgemental places in which diverse gender identities and sexualities are affirmed, accepted and respected. These were sometimes described as 'safe spaces'. What this means to individuals varies, according to personal preferences, experiences and the specific forms of discrimination and oppression that people are vulnerable to (e.g. transphobia, homophobia, racism, ableism).
- Spaces that are/were more community-oriented, rather than commercially driven, are considered vital and preferable by many within LGBTQ+ communities.
- LGBTQ+ nightlife spaces were seen as important places to express LGBTQ+ rights and the community rituals that have helped people to survive forms of oppression and discrimination, from one generation to another. Venues were seen to contain, embed or

communicate LGBTQ+ heritage in their fabric and atmospheres, and to provide a structure that holds specific communities together.

- The report notes the significant drop in LGBTQ+ venues is also alarming when seen alongside other recent data. For instance, according to Metropolitan Police data, homophobic hate crime in London rose by 12% over the year to March 2017, to over 2,000 recorded incidents.

Conclusion - To be completed at the end of the Equality Analysis process

The Equality Analysis assessment has helped informed the Council in the determination of the current planning application (PA/17/00250) in respect to No 114-150 Joiners Arms. The determination of the application is considered to have had regard for the statutory obligations imposed by the Equalities Act upon the Council. It is considered the scheme would have adverse impacts on two of the nine protected characteristics resulting from the scheme not securing a late night A4 venue for the LGBTQ+ venue. However the impacts are considered acceptable when due consideration is given to other material planning considerations in respect of safeguarding residential amenity are given consideration alongside those imposed by the Equalities Act.

The Council have worked pro-actively with the developer, GLA, community groups to secure a first refusal option to serve the LGBTQ+ community on the new Public House (A4 venue) within the scheme and to secure a financial contribution from the developer to ensure such a venue is deliverable.

Name: Gareth Gwynne

Date signed off: Owen Whalley
(approved)

Service Area:

Planning and Building Control

Team Name:

Development Management)

Service Manager:

Owen Whalley

Name and role of the officer completing the EA:

Gareth Gwynne- Case Officer

Section 2 – Evidence (Consideration of Data and Information)

Application Documents

Planning Policy Documents

National Planning Policy Framework, London Plan (2016). LBTH Core Strategy (2010), LBTH Managing Development Document (2013) including (but not exclusively) London Plan Policy 3.1 *Ensuring Life Chances for All*, London Plan Policy 3.16 - *Protection and Enhancement of Social Infrastructure*, London Plan Policy 7.1 - *An Inclusive Environment*, Local Plan Policy SP03 - *Creating Healthy and Liveable Neighbourhoods*, Policy DM0 - *Delivering Sustainable*

Development. DM8 - Community Infrastructure, Policy DM25 – Amenity, Policy DM27 - Heritage and Historic Environment

Supplementary Planning Documents

- Mayor of London's Social Infrastructure SPG (May 2015)
- City Fringe (Tech City) Opportunity Area Planning Framework (December 2015)
- Draft Culture and the Night Time Economy SPG – draft for public consultation (April 2017)

Other Relevant Documents

- "GBTQ+ Cultural Infrastructure in London: Night Venues, 2006–present" published by UCL Urban Laboratory (July 2016)
- Asset of Community Value granted for Joiners Arms (March 2015)

Statutory and non-statutory responses received:

Include from Campaign for Real Ale (CAMRA) , LBTH Licensing Team, Mayor of London's Night Time Czar, Metropolitan Police Crime Prevention Design Officer, LBTH Conservation and Urban Design

Section 3 – Assessing the Impacts on the 9 Groups

Please refer to the guidance notes below and evidence how you're proposal impact upon the nine Protected Characteristics in the table on page 3?

For the nine protected characteristics detailed in the table below please consider:-

- **What is the equality profile of service users or beneficiaries that will or are likely to be affected?**

Use the Council's approved diversity monitoring categories and provide data by target group of users or beneficiaries to determine whether the service user profile reflects the local population or relevant target group or if there is over or under representation of these groups

- **What qualitative or quantitative data do we have?**

List all examples of quantitative and qualitative data available
(include information where appropriate from other directorates, Census 2001 etc)

- *Data trends – how does current practice ensure equality*

- **Equalities profile of staff?**

Indicate profile by target groups and assess relevance to policy aims and objectives e.g. Workforce to Reflect the Community. Identify staff responsible for delivering the service including where they are not directly employed by the council.

- **Barriers?**

What are the potential or known barriers to participation for the different equality target groups? Eg- communication, access, locality etc.

- **Recent consultation exercises carried out?**

Detail consultation with relevant interest groups, other public bodies, voluntary organisations, community groups, trade unions, focus groups and other groups, surveys and questionnaires undertaken etc. Focus in particular on the findings of views expressed by the equality target groups. Such consultation exercises should be appropriate and proportionate and may range from assembling focus groups to a one to one meeting.

- **Additional factors which may influence disproportionate or adverse impact?**

Management Arrangements - How is the Service managed, are there any management arrangements which may have a disproportionate impact on the equality target groups

- **The Process of Service Delivery?**

In particular look at the arrangements for the service being provided including opening times, custom and practice, awareness of the service to local people, communication

Please also consider how the proposal will impact upon the 3 One Tower Hamlets objectives:-

- Reduce inequalities
- Ensure strong community cohesion
- Strengthen community leadership.

Please Note -

Reports/stats/data can be added as Appendix

Target Groups	Impact – Positive or Adverse	Reason(s)
	What impact will the proposal have on specific groups of service users or staff?	<ul style="list-style-type: none"> • Please add a narrative to justify your claims around impacts and, • Please describe the analysis and interpretation of evidence to support your conclusion as this will inform decision making <p>Please also how the proposal will promote the three One Tower Hamlets objectives?</p> <ul style="list-style-type: none"> -Reducing inequalities -Ensuring strong community cohesion -Strengthening community leadership
Race	Neutral	The proposal is not expected to have any adverse effects with regard to race.
Disability	Positive	The scheme would result in much improved disability access arrangements for the site than presently exist including level access from grade (street) to all floors and sections of the scheme and full wheelchair accessible lift entry to all upper floors and the basement
Gender	Positive	The application site presently has less than 50 FTE employees on site and the majority of people employed on site are male. The scheme provides an opportunity for circa 1000 net additional jobs on site that provides an opportunity for both numerically many more jobs for females on the site but also more as a proportion of the number of employed on site.
Gender Reassignment	Negative	The proposal secures through a legal agreement (to any planning consent granted) an opportunity for an LGBT+ operator to run and manage the new Public House (A4 Land Use). A legal guarantee for an LGBT+ operator to run the Public House does not exist in relation to the existing vacant Joiner Arms. The Public House would be completed to a modern fit out specification, that would improve the standard of accommodation for an A4 operation, that will help secure its long term function. Although the existing Joiners Arms is in a structurally reasonable state of repair it is abutted to either side (on its Hackney Road frontage) by buildings of poor structural repair that over course of time are liable to imperil the physical state of Joiners Arms to. It is acknowledged the scheme would result in a loss of a late night venue with the scheme's loss of the Joiners Arms that held a late night opening license and without any planning conditions imposed upon it to restrict hours of opening.
Sexual Orientation	Negative	The proposal secures through a legal agreement (to any planning consent granted) an opportunity for an LGBT+ operator to run and manage the new Public House (A4 Land Use). A legal guarantee for an LGBT+ operator to run the Public House does not exist in relation to the existing vacant Joiner Arms. The Public House would be completed to a modern fit out specification, that would improve the standard

		of accommodation for an A4 operation, that will help secure its long term function. Although the existing Joiners Arms is in a structurally reasonable state of repair it is abutted to either side (on its Hackney Road frontage) by buildings of poor structural repair that over course of time are liable to imperil the physical state of Joiners Arms to. It is acknowledged the scheme would result in a loss of a late night venue with the scheme's loss of the Joiners Arms that held a late night opening license and without any planning conditions imposed upon it to restrict hours of opening.
Religion or Belief	Neutral	The proposal is not expected to have any adverse effect with regard to religion or belief.
Age	Neutral	The proposal is not expected to have any adverse effect with regard to age.
Marriage and Civil Partnerships.	Neutral	The proposal is not expected to have any adverse effect with regard to marriage and civil partnership.
Pregnancy and Maternity	Neutral	The proposal is not expected to have any adverse effect with regard pregnancy and maternity.
Other Socio-economic Carers	Neutral	The proposal is not expected to have any other adverse Socio-Economic Carers impacts.

Section 4 – Mitigating Impacts and Alternative Options

From the analysis and interpretation of evidence in section 2 and 3 - Is there any evidence or view that suggests that different equality or other protected groups (inc' staff) could be adversely and/or disproportionately impacted by the proposal?

The scheme is considered to have overall a adverse impacts to two protected groups from the scheme not re-providing a late night A4 venue for the LGBT+ community, as a restriction on opening hours is proposed in the planning application that contrasts with the now closed Joiners Arms where no such restriction was present.

However there are a series of mitigation impacts that help offset that adverse impact and indeed provide greater degree of security to protected groups by securing within any planning consent for the scheme a Section 106 legal agreement in respect of Right of First Refusal on the replacement Public House (A4 Unit) to be run by an LGBT+ Operator and serve the LGBT+ community. The relevant schedule to the Section 106 agreement would also include a clause securing a substantial financial contribution from the developer towards meeting the fit out costs for the Public House that would enable this community facility to reopen on site without imposing an undue financial burden upon an operator serving the LGBT+ community and it would enable the A4 unit to open with an acoustic design specification that would help minimise the future noise breakout from the operation of the Public House.

It is accepted from the representations received and other evidence including the recently published (July 2017) and referenced University College Report that an important component to the significance of the Joiners Arms, as a Public House establishment, that served the LGBT+ community, was gained from it serving as a safe space for the LGBT+ community in its operation as a late night Public House venue.

It is acknowledged, were this scheme approved at planning Development Committee, a planning condition would be recommended to be imposed that would limit, at least from the outset of opening, the new Public House fulfilling a late night function that replicates the opening hours to the previous Joiners Arms and in that aspect the proposed development scheme can legitimately be deemed a dilution of the former role of the Joiners Arms, in meeting the needs of the Borough LGBT+ community. However this adverse impact needs to be weighed against the positive impacts the scheme would deliver to identified protected groups in terms of scheme providing:

- a) A legal guarantee for an LGBT+ operator to run the Public House that does not exist in relation to the existing vacant Joiner Arms;
- b) the Public House being completed to a modern fit out specification;
- c) including a design that conforms to current inclusive design accessibility standards in contrast to the former Joiners Arms, and
- d) Without future risk of structural damage to the A4 Unit from water egress etc as existed to the Joiners Arms from poor structural condition of adjacent properties.

In considering potential action points to mitigate impacts of the development upon protected groups and impacts from the closure of Joiners Arms (including suggestions made in 3rd party representations on the planning application) the Council acting as the local planning authority need to act within the constraints imposed by planning legislation including with regard to what National Planning Policy Framework and statute deems is reasonable, proportionate and enforceable planning conditions and s106 planning obligations.

In addition to the local planning authority having due regard to the Equalities Act in reaching conclusions on this planning application scheme, the Council also need to make decision in accord with the development plan including safeguarding the amenity of neighbouring

properties. With regard to amenity planning policy considerations, officers consider it is necessary to impose a planning condition on the control of hours on the future operation of the replacement Public House and these hours of operation need to pay due regard to the site context including the emergence of a substantial quantum of residential development consented since the closure of the Joiners Arms that is being built out and faces onto Hackney Road and lies opposite the A4 unit and other new residential development in the vicinity.

(Please note – a key part of the EA process is to show that we have made reasonable and informed attempts to mitigate any negative impacts. An EA is a service improvement tool and as such you may wish to consider a number of alternative options or mitigation in terms of the proposal.)

Where you believe the proposal discriminates but not unlawfully, you must set out below your objective justification for continuing with the proposal, without mitigating action.

Section 5 – Quality Assurance and Monitoring

Have monitoring systems been put in place to check the implementation of the proposal and recommendations?

Yes

How will the monitoring systems further assess the impact on the equality target groups?

The Head of Terms, within the Section 106 Agreement in relation to right of first refusal (ROFR) for an LGBT+ operator to take up the lease of the Public House (for each time the lease comes available in the first 15 years of the development completion) shall include a monitoring process involving the Borough and Greater London Authority. Specifically the GLA would be involved in the process to select a suitable LGBT+ operator (should there be more than one prospective LGBT+ operator seeking the lease) and the GLA involved in establishing the appropriate selection criteria for choosing between prospective LGBT+ operators for the Public House lease. Any LGBT+ operator to the Public House would also be bound by a legal covenant in respect of upholding the intentions of this Head of Term and addressing the needs of the target groups.

Does the policy/function comply with equalities legislation?

Yes

If there are gaps in information or areas for further improvement, please list them below:

The Head of Term in respect of the ROFR will need some minor refinement in respect to setting out selection criteria. The Council will undertake this process in tandem with the Greater London Authority Cultural Unit and Mayor of London's Night time Czar Amy Lane.

How will the results of this Equality Analysis feed into the performance planning process?

This Equalities Assessment would accompany any Development Committee Report and be a material planning consideration in determination of the application.

Section 6 - Action Plan




*As a result of these conclusions and recommendations what actions (if any) **will** be included in your business planning and wider review processes (team plan)? Please consider any gaps or areas needing further attention in the table below the example.*

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Example				
1. Better collection of feedback, consultation and data sources	1. Create and use feedback forms. Consult other providers and experts	1. Forms ready for January 2010 Start consultations Jan 2010	1.NR & PB	
2. Non-discriminatory behaviour	2. Regular awareness at staff meetings. Train staff in specialist courses	2. Raise awareness at one staff meeting a month. At least 2 specialist courses to be run per year for staff.	2. NR	

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Subject to planning consent be granted for the scheme secure the Section 106 legal agreement First Refusal Option for an LGBT+ Operator on the Public House	As per Recommendation field	Before Decision Notice issued on planning application determined at Development Committee	Gareth Gwynne (Case Officer) in co-operation with LBTH Planning Legal Team	As per progress milestone

Appendix A

(Sample) Equality Assessment Criteria

Decision	Action	Risk
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.	Suspend – Further Work Required	Red 
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy.	Further (specialist) advice should be taken	Red Amber 
As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.	Proceed pending agreement of mitigating action	Amber 
As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.	Proceed with implementation	Green: 