Equality Impact Analysis: (EIA)

See Appendix A

Current decision rating

Section 1: Introduction

Name of Proposal

Planning application 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 to **eight storeys** above a shared basement, to contain a maximum 9 residential units (Class C3) up to 10,739 m² (GIA) hotel floorspace (Class C1) up to 3,529 m² (GIA) employment floorspace (Class B1), up to 358 m² (GIA) flexible office and retail floorspace at ground level **(Class A1, A2, A3 and B1)** and provision of Public House (Class A4) along with associated landscaping and public realm improvements, cycle parking provision, plant and storage.

For the purpose of this document, 'proposal' refers to a policy, function, strategy or project)

Service area & Directorate responsible Planning and Building Control

Name of completing officer Daria Halip

Approved by Director/Head of Service Paul Buckenham

Date of approval **05/01/2021**

Conclusion - *To be completed at the end of the Equality Impact Assessment process*

This summary will provide an update on the findings of the EIA and what the outcome is. *For example, based on the findings of the EIA, the proposal was rejected as the impact on a particular group was disproportionate and the appropriate mitigations in place. Or, based on the EIA, the proposal was amended and alternative steps taken)*

The Equality Analysis assessment has helped informed the Council in the determination of the current planning application (PA/20/00034) in respect to No 114-150 Hackney Road. 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 neutral impacts on an number of the nine protected characteristics resulting from the scheme securing a late night A4 venue for the LGBT+ venue on site, including a meanwhile use during the construction phase until the permanent venue is available, albeit that the scheme would result in a loss of a late-night venue that held a late night opening license and without any planning conditions imposed upon it to restrict hours of opening.

The impacts are considered acceptable when due consideration is given to other material planning considerations in respect of the benefits package offered to the LGBT+ operator balanced against the Council's duty to safeguarding residential amenity and consideration given under the Equality Act.

The Council have worked pro-actively with the developer, GLA, community groups to secure a number of public benefits to serve the LGBT+ community as a result of the scheme, including:

- Provision of a larger internal floor plate within the new A4 unit
- Financial contribution towards fit out costs
- First right of refusal to the Friends of the Joiners as an LGBT+ operator to take up the space

- Free rent for the first 18 months of operation
- Meanwhile use contribution to fund fit out costs and planning consents required to make a meanwhile space suitable for a temporary LGBT+ venue available during construction phase, until the permanent venue is readily available to use (subject to Friends of the Joiners securing a venue at peppercorn rent assisted by the TFL and GLA Culture at Risk Unit).

This package of public benefits to the LGBT+ community is secured through the s106 legal agreement attached to the consent for the proposal.

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them

Where a proposal is being taken to a Committee, please append the completed equality analysis to the cover report.

273 hotel rooms, 9 homes, 3,529 sqm office space, 358sqm flexible retail/ office space at ground floor and re-provision of a pubic house (A4 use, LGBT+ venue), including associated landscaping and public realm improvements and cycle parking.

Of particular importance, and indeed the subject to this report, is the loss of the existing A4 unit as part of the application, known as Joiners Arms, an established LGBT+ venue in the borough and a designated Asset of Community value (ACV).
This Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above, for more information about the Councils commitment to equality; please visit the Council's website.

Section 2 – General information about the proposal

Provide a description of the proposal including the relevance of proposal to the general equality duties and protected characteristic pursuant to Equality Act 2010.

The proposal is for a mixed use hotel led redevelopment on a plot of land at 114-150 Hackney Road in Shoreditch, located within Weavers Ward.

An extant planning permission exists on the site that gained consent in 2018 for mixed use office led redevelopment of the site.

The development would include part retention, part demolition, part extension of existing buildings alongside erection of a complete new buildings ranging in height from four to eight storeys above a shared basement. The proposal would deliver
The existing Public House A4 unit) closed in January 2015. Were planning consent granted and the site redevelopers a new Public House would be re-provided on site.

Part of the public benefits package offered to the LGBT+ community secured with the proposal include:

- Provision of a larger internal floor plate within the new A4 unit
- Financial contribution towards fit out costs
- First right of refusal for an LGBT+ operator to take up the A4 lspace
- Free rent for the first 18 months of operation of the Public House

- Meanwhile use contribution to enable Friends of the Joiners to fund the fit out costs and planning consents costs associated with providing a meanwhile space suitable for a temporary LGBT+ venue available during construction phase, until the permanent venue is readily available to use

Section 3 – Evidence (Consideration of Data and Information)

What evidence do we have which may help us think about the impacts or likely impacts on service users or staff?

Planning policy documents (with reference to most relevant planning policies)
National Planning Policy Framework 2019
London Plan 2016: policy 3.16
Publication London Plan 2020: policy S1
Local Plan 2020: policy S.CF1, D.CF2, D.CF3, D.CF4
Intend to Publish London Plan

Supplementary Planning Documents
- Mayor of London's Social Infrastructure SPG (May 2015)
- City Fringe (Tech City) Opportunity Area Planning Framework (2015)
- Mayor of London's Culture and the Night Time Economy (2017)

Other Relevant Documents
- GBTQ+ Cultural Infrastructure in London: Night Venues, 2006–present", published by UCL Urban Laboratory (2017)
- Asset of Community Value granted for Joiners Arms (December 2020)
- https://www.ucl.ac.uk/urban-lab/sites/urban-lab/files/lgbtq_spaces_in_camden_1986-present_ucl_urban_laboratory.pdf

Statutory and non-statutory responses received:
LBTH Licensing Team, GLA including Mayor of London's Night Time Czar, LBTH Conservation and Urban Design

Census

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/lgnl/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/2018.

However a recent report (commissioned by the GLA) titled "*LGBTQ+ Cultural Infrastructure in London: Night Venues, 2006–2017*" published by UCL Urban Laboratory (September 2017) 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 121 to 51, 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 (30%), followed by nightclubs (23%), public houses (24%), performance venues (19%), cafes (3%) and other/ unspecified (2%).

- 38% of LGBTQ+ venue closures were influenced by redevelopment with 21% venues converted to non-LGBT venue, 7% closures due to lease expiration/ renegotiation, and 19% closures for other/ unknown reasons.

- 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.

Research by UCL Urban Lab (undertaken for London Borough of Camden) indicates that meanwhile use spaces could offer affordable fixed-term, temporary space to LGBT+ organisations and business. This could potentially counter the negative impact of large-scale regeneration projectsSection 106 agreements and planning conditions can operate as a mechanism for achieving provision of space to LGBTQ+ communities/operators.

https://www.ucl.ac.uk/urban-lab/sites/urban-lab/files/lgbtq_spaces_in_camden_1986-present_ucl_urban_laboratory.pdf

Name of officer completing the EIA: Daria Halip (case officer)

Service area: Planning and Building Control

EIA signed off by: Paul Buckenham

Date signed off: 05/01/2021

Section 4 – Assessing the impacts on residents and service delivery

	Positive	Negative	Neutral	Considering the above information and evidence, describe the impact this proposal will have on the following groups?
Age (All age groups)			x	The proposal is not expected to have any adverse effect with regard to age.
Disability (Physical, learning difficulties, mental health and medical conditions)	x			The scheme would result in much improved disability access arrangements for the site than presently exist including level access from street to all floors and sections of the scheme and full wheelchair accessible lift entry to all upper floors and the basement
Sex	x			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 a 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			x	The proposal secures through a legal agreement (to any planning consent granted) an opportunity for an LGBT+ operator to run and manage the new Pubic 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. A meanwhile use financial contribution to fund the fit out and any consents required to make fit for purpose a meanwhile venue secured at peppercorn rent (by Friends of the Joiners in

				collaboration with GLA Culture at Risk Unit and TFL) during the construction phase and until the permanent venue is readily available for the LGBT+ community. It is acknowledged that the scheme would result in a loss of a late-night venue that held a late night opening license and without any planning conditions imposed upon it to restrict hours of opening
Marriage and civil partnership			x	The proposal is not expected to have any adverse effect with regard to marriage and civil partnership.
Religion or **philosophical belief**			x	The proposal is not expected to have any adverse effect with regard to religion or belief
Race			x	The proposal is not expected to have any adverse effects with regard to race.
Sexual orientation			x	The proposal secures through a legal agreement (to any planning consent granted) an opportunity for an LGBT+ operator to run and manage the new Pubic 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. A meanwhile use financial contribution to fund the fit out and any consents required to make fit for purpose a meanwhile venue secured at peppercorn rent (by Friends of the Joiners in collaboration with GLA Culture at Risk Unit and TFL) during the construction phase and until the permanent venue is readily available for the LGBT+ community. It is acknowledged that the scheme would result in a loss of a late-night venue that held a late night opening

				license and without any planning conditions imposed upon it to restrict hours of opening
Pregnancy and maternity			x	The proposal is not expected to have any adverse effect with regard pregnancy and maternity

Other				
Socio-economic			x	The proposal is not expected to have any other adverse Socio–Economic Carers impacts
Parents/Carers			x	The proposal is not expected to have any other adverse impacts on parents/ carers
People with different **Gender Identities** e.g. Gender fluid, Non-Binary etc			x	The proposal secures through a legal agreement (to any planning consent granted) an opportunity for an LGBT+ operator to run and manage the new Pubic 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. A meanwhile use financial contribution to fund the fit out and any consents required to make fit for purpose a meanwhile venue secured at peppercorn rent (by Friends of the Joiners in collaboration with GLA Culture at Risk Unit and TFL) during the construction phase and until the permanent venue is readily available for the LGBT+ community. It is acknowledged that the scheme would result in a loss of a late-night venue that held a late night opening license and without any planning conditions imposed

				upon it to restrict hours of opening
AOB				

The scheme is considered to have potential adverse impact to one of the protected groups from some proposed degree of the restriction of opening hours operating as a late venue through the application of control of hours of operation via planning condition in contrast with the now closed Joiners Arms where no such planning control restricting was present. Albeit it should be noted there were controls on hours of operation on the former Joiners Arms, imposed by licensing and licensing control of hours would be needed to be applied again. Licensing regime sits outside planning and therefore set apart from determination of this planning application.

Notwithstanding this, there are a number of mitigation impacts that help offset this potential adverse impact and indeed provide greater degree of security to the protected group by securing planning consent for the proposed development and a S106 legal agreement that secures:

- First refusal on the replacement of the public house offered to an LGBT+ Operator secured for an initial 25 year period
- Rent free for the first 18 months from first occupation
- Fit out costs covered by the developer for the permanent venue
- Financial contribution for the Friends of the Joiners Arms (FOTJA) to cover the cost of fit out for a meanwhile use space and planning application costs to operate an LGBT+ venue temporarily whilst the permanent venue is being built

A meanwhile use in the local area can act as an incubator for FOTJA to develop and test their business model during the development period. This would allow the FOTJA to be better positioned to demonstrate their capacity to take on the tenancy of a permanent space when the re-provision of the former Joiners Arms venue comes forward.

Without the provision of this meanwhile use, there is a risk that this unique opportunity for an innovative multi-group partnership and this chance to incubate a new model for a community-led LGBT+ venue in Tower Hamlets may otherwise fall away. A further delay in provision might threaten the retention of the FOTJA group in the borough, despite the local need for the programming and activity they are well positioned to offer.

These measurements would enable the LBGT+ community to continue to operate whilst the application site is coming forward and also re-open on site without imposing an undue financial burden upon an operator serving the LGBT+ community in the locality.

The proposal would secure a legal guarantee for an LGBT+ operator to run the Public House that does not exist in relation to the existing vacant Joiners Arms. It would also secure a high spec LGBT+ venue that would otherwise be at risk of structural damage to the existing A4 unit from water egress, etc as drawn from the survey done to the adjacent properties.

Additionally, the high acoustic specs for the A4 unit secured through planning conditions, would limit future noise breakout from the operation of the Public House, protecting its long-term operation, in line with the agent of change principle. Also, new A4 unit would be secured step free that conforms with the current inclusive design accessibility standards, in contrast to the former Joiners Arms.

For these reasons, it is considered that the proposal will reduce social inequalities and ensure a stronger community cohesion. It would also strengthen community leadership within the LGBT+ community through securing a long term presence and social interaction in the locality.

In considering potential action points to mitigate impacts of the development upon protected groups and impacts from the closure of Joiners Arms, the Council acting as the local planning authority needs to act within the constraints imposed by planning legislation including considerations given to the National Planning Policy Framework in respect of what is deemed reasonable, proportionate and enforceable planning conditions and s106 planning obligations.

The local planning authority needs to have due regard to the Equalities Act in reaching conclusions on this planning application; equally, the Council needs to make decision in accord with the development plan, including safeguarding the amenity of the neighbouring properties, particularly in respect of noise.

Section 5 – Impact Analysis and Action Plan

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	Daria Halip, case officer, in co-operation with LBTH Planning Legal Team	As per progress milestone

Section 6 – Monitoring

Have monitoring processes been put in place to check the delivery of the above action plan and impact on equality groups?

Yes? [x]

No? [ ]

Describe how this will be undertaken:

The Head of Terms, within the Section 106 Agreement in relation to right of first refusal (ROFR) for an LBGT+ operator to take up the lease of the Public House (for each time the lease comes available in the first 25 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.

This approach is policy compliant in terms of equality. This EqIA had been refined when compared with the one attached to the extant planning permission, in that the s106 legal agreement in respect of ROFR sets out the selection criteria for the LGBT+ operator. The selection process will be undertaken in collaboration with the Greater London Authority Culture at Risk Unit.

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

Appendix A

Equality Impact Assessment Decision Rating

Decision	Action	Risk
As a result of performing the EIA, it is evident that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a Protected Characteristic under the Equality Act. It is recommended that this proposal be suspended until further work is undertaken.	**Suspend – Further Work Required**	**Red**
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negative impact	**Further (specialist) advice should**	**Red Amber**

(direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, there is a genuine determining reason that could legitimise or justify the use of this policy.	**be taken**	
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negatively impact (as described above) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, this risk may be removed or reduced by implementing the actions detailed within the *Action Planning* section of this document.	**Proceed pending agreement of mitigating action**	**Amber**
As a result of performing the EIA, the proposal does not appear to have any disproportionate impact on people who share a protected characteristic and no further actions are recommended at this stage.	**Proceed with implementation**	**Green:**