

Public Document Pack

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

TUESDAY, 17TH DECEMBER, 2019

SUPPLEMENTARY AGENDA

Please find attached supplementary papers relating to the above meeting, as follows:

| Agenda No | Item |
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- | | |
|-----|---|
| 13. | <u>INTRODUCTION OF CHARGES FOR THE USE OF GREENSPACES</u> (Pages 3 - 26) |
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REPORT OF THE SERVICE DIRECTOR - PLACE

To approve the introduction of charging for the hire of parks and public open spaces including multi use games areas, (Muga's) events or specific club activities.

Please find attached an amended report and appendix

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**CABINET
17 DECEMBER 2019**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: INTRODUCTION OF CHARGES FOR THE USE OF GREENSPACES

REPORT OF THE SERVICE DIRECTOR - PLACE

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR ENVIRONMENT AND LEISURE

COUNCIL PRIORITY: ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY

1. EXECUTIVE SUMMARY

- 1.1 To approve the introduction of charging for the hire of parks and public open spaces including the use of multi use games areas (Muga's). This will help manage the facilities at peak periods of demand and contribute to the broader District Wide approach to generate income to help off-set maintenance costs and the costs of administration to issue land licences. Casual use by the public will remain free of charge when the facilities are not booked by clubs or organisations.

2. RECOMMENDATIONS

- 2.1 The committee is recommended to approve the introduction of charges for the hire of multi use games areas and for the use of public open spaces for events as detailed in paragraph
10.2a – One off public events in parks and open spaces
10.2b – Hire of Multi Use Games Areas
10.2c – Fitness Groups use of parks and open spaces
- 2.2 The introduction of Fees and Charges for the hire of the Muga at King George 5th Recreation Ground will only be adopted upon the approval of the Cabinet Sub Committee for Trusts.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The introduction of charges for the use of Muga's will help manage demand and off set the ongoing running costs especially in relation to the use of the flood lights.
- 3.2 The charging for events that use our public open spaces will help offset the administrative costs of issuing a Land Licence for each event and contribute towards ongoing maintenance costs of each location.
- 3.3 Many of our open spaces are used for private businesses for their own commercial purposes such as fitness groups and dog walking companies. These businesses are using the open spaces free of charge and are not currently contributing towards the maintenance of the public open spaces that they use.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative is to continue the current practice as we do not charge for any of the items as listed in 10.2.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation has already taken place with Members via the Service and Financial Planning process in previous years

6. FORWARD PLAN

- 6.1 This report was included within the Forward Plan on the 13th November 2019.

7. BACKGROUND

- 7.1 Currently we have Muga's that are booked regularly, to manage demand, at Priory Memorial Gardens Royston, Avenue Park Baldock, King George Rec Hitchin, Norton Common Letchworth and Bancroft Recreation Ground Hitchin.
- 7.2 Known fitness grounds are using the locations named in 7.1 plus Butts Close, Hitchin, Baldock Road Rec Letchworth, District Park Great Ashby for the purpose of operating their business.
- 7.3 Currently no charges are levied for the use of the facilities as noted in 7.1 and 7.2 above.
- 7.4 The Council has a duty to take such care, under all circumstances as is reasonable, to ensure that public open spaces remain accessible and open for the public to use at all times. Therefore when clubs and organisations wish to use parks and open spaces for the purpose of organised events or as a location to operate a business for profit that any costs incurred by the Council should be offset through appropriate fees and charges or bonds lodged with the Council prior to any event taking place.
- 7.5 NHDC has limited resources available for the maintenance of its Parks and Open Spaces and will need to take reasonable steps to ensure any costs are kept to a minimum and to ensure its premises remain safe for any other visitors.
- 7.6 All visitors equally have an equal right to access public open spaces for recreational purposes as individuals.

8. RELEVANT CONSIDERATIONS

- 8.1 The introduction of charging for Muga's is to manage an increase in demand and is part of a boarder corporate strategy to manage costs and minimise liabilities the Council may face in the future as identified within the Council's Medium Term Financial Strategy.

- 8.2 To help offset the costs associated with managing public open spaces and ensure retention of appropriate standards of maintenance as expected by our residents and visitors.
- 8.3 The Muga at King George 5th Recreation Ground in Hitchin is part of the Trust for King George 5th Fields and as such would require the approval of the Trustee's, the Sub Committee of Cabinet for Trust's which will receive a report on this issue on the 16th December 2019. Without the Sub Committee's approval this recommendation can not be applied at King George 5th Recreation Ground.
- 8.4 At present a weekly Park Run operates from The Grange Recreation Ground in Letchworth. This proposal is not intended to affect this well supported regular event. As the majority of the route is run on public footpaths that are not owned or managed by North Herts District Council the actual financial impact of this event is minimal. In effect the Park Run uses our venue as a meeting point and car park. This proposal does not intend to introduce fees and charges for this purpose at this location.
- 8.5 Existing resources will be utilized within the Council to administer the proposed policies as set out at Appendix A.

9. LEGAL IMPLICATIONS

- 9.1 For charges in respect of the provision of games and play equipment, section 93 of the Local Government Act 2003 permits Councils to charge for the provision of discretionary services provided such charges do not exceed the cost of provision.
- 9.2 For charges in respect of holding events, section 145 of the Local Government Act 1972 permits the Council to hold events on such terms as to payment or otherwise as the Council thinks fit. Section 145 also permits the Council to exclude the general public from areas that are designated for an event.
- 9.3 Some opens spaces may have charitable status and for such spaces, exercising any powers to charge must be consistent with the terms of any trust instruments and chartable objects.
- 9.4 The General Power of Competence, as set out in section 1 of the Localism Act 2011, permits the Council to exercise power to charge as land owner. However, following the publication of the Government's response to the consultation on "*Preserving the free use of public parks consultation*" officers should review the policy regularly. This consultation response was issued in December 2018.

10. FINANCIAL IMPLICATIONS

- 10.1 The introduction of charges for Muga's will help to generate income that will help offset the running costs of the facilities and the administration costs of providing a booking system for the facilities. All administration costs will be contained within existing resources using the proposed policies as set out in Appendix A.

- 10.2 The annual Service and Financial Planning process will determine and agree any fees and charges – however the suggestion is to apply the following
- a) Events – One of charge of £50 flat charge for the production of the land licence. For local charities and community groups the charge will be waived. Officers will be able to waiver the £50 flat charge as per the proposed policy and in consultation with the Executive Member. A variable charge will be considered for commercial organisations dependant upon the scale and nature of the proposed event. The minimal charge to any commercial organisation will at least cover any costs incurred by the Council as a consequence of the proposed event. .
 - b) Hire of Multi Use Games Areas – A charge of £25 per session for the whole facility (two courts). A single court booking a charge of £15 will apply. A session consisting of either morning, afternoon or evening, regardless of number of people attending. To include the use of flood lights. When not booked the facility will be open for free public use as per current practice.
 - c) Fitness Groups (Small Events) – A charge of £100 per calendar month will be applied to enable the business to pre book the same location for the same time each week.
- 10.3 If the above charges were applied to existing bookings that have occurred over the last 12 months it is anticipated that this could generate at additional £10,000 per annum income. A budget saving of £10,000 was taken from the budget in 2017/18 (on an ongoing basis). This income is being generated from existing charges for fairs and circuses. Subject to this policy being agreed, a further £10,000 saving would be added in to the budget for 2020/21 onwards.
- 10.4 The above proposed fees and charges are consistent with neighbouring authorities that already have a similar charging policing actively operating.

11. RISK IMPLICATIONS

- 11.1 In 2017, the Ministry for Housing, Communities and Local Government launched a consultation entitled “Running Free” in response to a Parish Council that was charging for a Park Run event to use its land. The response to the consultation was that the Government would issue non-statutory guidance (but not legislation) that local authorities should not charge for free-to-enter running events. Whilst the Council does not intend to charge for Park Run events the consultation did ask about other events that should not be charged for, and implied that the need for legislation would be reviewed if the non-statutory guidance was not effective. There is therefore a very small risk that Government could introduce legislation that could deliberately or inadvertently remove the power for the Council to charge for some of the activities that this policy would introduce charges for.
- 11.2 The ongoing costs of providing public open spaces and multi use games area are only going to increase in the future due to increasing maintenance costs. The introduction of charging for these activities will ensure that they will be available for hire for longer into the future without becoming a financial burden upon the Council.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 The introduction of a charging scheme may have a negative impact on those poorer within the community. It is recommended that if the committee approve the decision to introduce a charging scheme that an equalities impact assessment accompany the proposed policies for introducing charges.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no human resource implications associated with this report.

15. APPENDICES

- 15.1 Appendix A – Proposed process for managing the charging of Multi Use Games Areas and Events.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

None

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| Event / Land License Policy |
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Purpose and Scope

The Council has a duty to take such care, under all circumstances as is reasonable, to ensure that public open spaces remain accessible and open for the public to use at all times. Therefore when clubs and organisations wish to use parks and open spaces for the purpose of organised events or as a location to operate a business for profit that any costs incurred by the Council should be offset through appropriate fees and charges or bonds lodged with the Council prior to any event taking place.

NHDC has limited resources available for the maintenance of its Parks and Open Spaces and will need to take reasonable steps to ensure any costs are kept to a minimum and to ensure its premises remain safe for any other visitors.

All visitors equally have an equal right to access public open spaces for recreational purposes as individuals.

Definitions

Event – any organised activity either organised by the Council or other organisation that involves the public, either fee paying or not, in a park or public open space for an activity that does not normally occur on that particular site.

Business for profit – Regular activities in a park or open space that is organised by an external organisation that occurs on land owned or managed by NHDC. The activity is also undertaken for generating a profit for the business that is organising the event.

Exceptions

This policy does not affect the procedures for events that fall within the remit of the Safety Advisory Group (SAG) and the requirements of SAG to ensure larger events take place successfully and safely.

The Council's duty is to maintain its parks and open spaces in a safe and presentable condition.

Any fees and charges will be waived if an event is being organised for the benefit of a local charity or community group. This will be at the discretion of the Greenspace Manager in consultation with the Service Director and Executive Member.

How the Council will manage the booking of Events within Parks or Open Spaces

The booking and administration of agreed procedures would be managed by the authorities Grounds Team with support from the Management Support Unit.

All booking will be made formally via the NHDC web site or via nominated Officers using up to date forms provided as templates within the guidance on the web site. No event shall be deemed as authorised or approved to go ahead on land owned by NHDC until the land license has been issued by the appropriate NHDC Officer.

Agreed fees and charges will be reviewed annually as part of the Service and Financial planning process with approvals sought from the relevant Executive Member and under Delegated Authority of the Strategic Director that will be implemented each year on the 1st April.

A separate Hire bond maybe requested from any event organiser to cover the costs of any post event reinstatement. The value of any bond will be negotiated (by the Service Manager Greenspace) with the event organiser and will depend upon the size of event, location and time of year.

The principals of booking and enforcement will be along similar lines as currently applied for the booking of football pitches which is as follows –

Fee charged for each occasion a facility is used. Block booking for the same time each week will be permitted

The booking organisation will be responsible for providing their own public liability insurance cover of which a copy will be provided to NHDC as evidence of insurance.

The booking organisation will be responsible for removing any litter or any other detritus from the site as a consequence of the event.

The booking organisation will be respectful to other users of the park or open space and not introduce temporary fencing or enclosures for the purpose of the event.

All bookings will be paid for in advance.

Safety Advisory Group (SAG)

A land license will only be issued upon confirmation that all concerns or elements associated with SAG that the event organiser has sought and gained the appropriate approvals as required by all members of SAG.

Underlying this policy is a number of detailed specifications agreed with the various contractors operating for NHDC.

To be reviewed annually as part of the service and financial planning process to set fees and charges and agreed by the relevant Portfolio Holder

Purpose and Scope

The Council has a duty to take such care, under all circumstances as is reasonable, to ensure that public open spaces remain accessible and open for the public to use at all times. Therefore when clubs and organisations wish to use facilities, such as Multi Use Games Areas (Muga's) or open spaces, for the purpose of club events or businesses for profit that any costs incurred by the Council should be offset through appropriate fees and charges.

NHDC has limited resources available for the maintenance of its Parks and Open Spaces and will need to take reasonable steps to ensure any costs are kept to a minimum and to ensure its premises remain safe for visitors.

All visitors equally have an equal right to access public open spaces for recreational purposes as individuals.

Definitions

Muga – Multi Use Games Area that is set out for the specific purpose for the playing of a number of sports on a hard surface and that is partially or fully enclosed by fencing and flood lighting maybe provided.

Small Event – Is an event organised by an external organisation take occurs on land owned or managed by NHDC. However the event would usually occur over a short period of hours and could be repeated at the same time each week. Additionally the number of participants would be relatively low at 50 or less.

Exceptions

This policy does not affect the procedures for events that fall within the remit of the Safety Advisory Group (SAG) and the requirements of SAG to ensure larger events take place successfully and safely.

The Council's duty is to maintain its parks and open spaces in a safe and presentable condition.

How the Council will manage the booking of Muga's or open spaces

The booking and administration of agreed procedures would be managed by the authorities Management Support Unit (MSU) and supervised by the Grounds Team.

The fee charged will be set as an average of data collected from our neighbouring authorities who already charge for use of these or similar facilities. In addition charges will be set to cover maintenance cost implications and electricity supply where appropriate.

Agreed fees and charges will be reviewed annually as part of the Service and Financial planning process with approvals sought from the relevant Portfolio Holder and under Delegated Authority of the Strategic Director that will be implemented each year on the 1st April.

The principals of booking and enforcement will be along similar lines as currently applied for the booking of football pitches which is as follows –

Fee charged for each occasion a facility is used. Block booking for the same time each week will be permitted

The booking organisation will be responsible for their own public liability insurance cover of which a copy will be provided to NHDC as evidence of insurance cover.

The booking organisation will be responsible for removing any litter or any other detritus from the site as a consequence of the event.

The booking organisation will be respectful to other users of the park or open space and not introduce temporary fencing or enclosures for the purpose of the event.

All bookings will be paid for in advance. Refunds for cancellations will not be permitted.

Enforcement

At present there is no enforcement for the management of football pitches to check if the playing teams have paid or not. It would be the same in relation to Muga's and small events. Due to the small nature of these bookings it is felt that it will not be economically viable to provide the resources to enforce payment when considering that events could be taking place in the evening and weekends

Underlying this policy is a number of detailed specifications agreed with the various contractors operating for NHDC.

To be reviewed annually as part of the service and financial planning process to set fees and charges and agreed by the relevant Portfolio Holder

Equality Guidance – Equalities Act 2010

BACKGROUND INFORMATION

What is the legal requirement?

The Equality Act 2010 was implemented on October 1st 2010. The Act creates a new Public Sector Equality Duty. This means there is a General duty that local authorities must meet and specific duties which are designed to help meet them.

NHDC, as a public authority must, in the exercise of its functions, give **due regard** to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic(*these are identified in the 'specific duty' paragraph below*) and those who do not (this can mean removing or minimising disadvantage; meeting people's needs; taking account of disabilities; encouraging participation in public life).
3. Foster good relations between those people who share a protected characteristic and those who do not (such as tackling prejudice and promoting understanding).

To show **due regard** for advancing equalities involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics.
Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Specific Duty:

The Specific Duty which underpins the General Duty includes assessing local authority activities in the exercise of their functions, such as proposals, policies and procedures, for impact on people in relation to the protected characteristics listed below.

The new Specific Duty covers the following eight protected characteristics:

| | |
|-------------------------|--------------------|
| Age | Race |
| Disability | Religion or belief |
| Gender reassignment | Sex |
| Pregnancy and Maternity | Sexual orientation |

(The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnerships in relation to employment issues only),

A public authority that is covered by the specific duties is required to publish sufficient information to demonstrate its compliance with the general equality duty across its functions. This must be done by **31st July 2012** and at least annually after that, from the first date of publication.

This information must include:

Information on the effect that its policies and practices have had on people who share a relevant protected characteristic

What is Equality Analysis?

Equality analysis is a way of considering the effect of an organisation's services on different groups that are protected from discrimination by the Equality Act. By doing this analysis, NHDC need to consider if there are any unintended consequences for some groups and to consider if the policy/decision will be fully effective for all target groups.

By law, NHDC must conduct equality analysis which:

- Contains sufficient information to enable a public authority to show it has given due regard to the equality duty in its decision making.
- Identifies methods for mitigating or avoiding adverse impact (either disproportionate disadvantage and unlawful discrimination).

Failure to meet the duties may result in authorities being exposed to legal challenges.

Step by Step guide to undertaking Equality Analysis

These principles apply to existing as well as new and proposed policies. In order to be most effective, equality analysis should start prior to policy development or at the early stages of a policy review, considering its possible effects well in advance of implementation.

Outlined below is a suggested staged approach;

Identifying who is responsible for the equality analysis

Establishing relevance to equality

Scoping your equality analysis

Analysing your equality information

Monitoring and review

Decision-making and publication

1.0 Identifying who is responsible for the equality analysis

The person identified to undertake the equality analysis should be the person with whom responsibility for evidencing need to change a policy or service decision rests, in this respect it is advisable that analysis should only be taken by council officers in their relevant policy/service areas. This will ensure that proper ownership of the analysis is maintained, that there is sufficient knowledge of the service itself, and any results of the analysis inform future service development and improvement

2.0 Establishing relevance to equality

The Equality Act 2010 guidance states that all policies must be analysed for their impact on equality, whether these are current and proposed policies or whether they are informal customs or practices. NHDC are responsible for making a wide range of decisions, including decisions about overarching policies and setting budgets, to day-to-day decisions, which affect specific individuals or specific groups. NHDC propose that the following areas are targeted for Equality Analysis:

- Key decisions - i.e. those over £50,000.00 value or which have a considerable potential impact on the community and across the 'protected characteristics'. (NB. Contractual arrangements, such as contracts for energy, will be exempt from review as whilst they are of sufficient monetary value, the 'equality' impact on the community is nil).
- Major budget implications - i.e. efficiencies and investments such as those proposed within the corporate business planning process
- Major service provision revision - i.e. restructure proposals, changes to working practices and especially those with greatest impact on external customers.

Relevant policies which may be subject to review may include:

grant-making programmes

budgetary decisions

changes to service delivery (including withdrawal or reduction of services)

and **recruitment or pay policies**

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary. There will be some policies which are not specifically relevant to equality e.g. a policy on when to check the temperature of fridges in a hospital. Some policies may be more difficult to judge and certainly, at the outset, advice should be sought from the corporate Policy team.

This is particularly important, as if you decide that a policy is not relevant to equality, you will need to document this decision along with the reasons and the information that you used to reach this conclusion. *This evidence is subject to review by the Equality and Human Rights Commission and could be used as evidence in any challenge regarding decisions this Council has made*

A simple statement of ‘no relevance to equality’ without any supporting information is not sufficient, nor is a statement that no information is available.

The following questions may help in deciding whether a policy is relevant to equality (this is not an exhaustive list but intended to provide a steer when making decisions, particularly in the early stages of implementation):

Does the policy affect service users, employees or the wider community, and therefore potentially have a significant effect in terms of equality? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.

Is it a major policy change, significantly affecting how functions are delivered in terms of equality?

Will it have a significant effect on how other organisations operate in terms of equality? (for example, a government strategy, an inspection or a grant).

Does the policy relate to functions that previous engagement has identified as being important to particular ‘protected’ groups?

Does or could the policy affect different protected groups differently?

Does it relate to an area with known inequalities (for example, access to public transport for disabled people)?

3.0 Conducting your equality analysis

3.1 How do the aims of the policy relate to equality?

To do this you will need to have a clear understanding of the policy/decision that is being developed or reviewed. Consider:

- What is the purpose of the policy/decision?
- In what context will it operate?
- Who is it intended to benefit?
- What results are intended?

At this early stage you can consider the potential effects, both negative and positive, on protected groups.

3.2 What aspects are relevant to equality?

Consider which aspects of the policy are most relevant to equality. This will help you to focus your attention on the most important areas.

3.3 What equality information is available?

It is important that you have appropriate and reliable information about the different protected groups that the policy is likely to affect. Of course, this will vary according to the nature of the policy being analysed but information gathered from service users should tell you who is using your services, what their experiences are and what their outcomes are.

The following information may also be useful:

- Comparisons with similar policies in other departments or other authorities
- Analysis of enquiries, comments or complaints from the public
- Recommendations from inspections or internal audits
- Information about the local community, including Census and general demographics to establish the numbers of protected groups in your area.
- Results of engagement activities or surveys
- Information from protected groups and other agencies, such as equality organisations and voluntary or community organisations providing services to the public to help you understand the needs or experiences of different groups.

3.4 What are the information gaps?

If you do not have equality information about a particular policy or about some protected groups, consider whether you need to fill these information gaps by surveys or other engagement or stakeholder meetings. This may include, in the longer term, questions included in the District Wide or Citizens Panel surveys, for example, or by making use of community events to test agreement with a policy decision.

3.5 Which groups could usefully be engaged?

Depending on the policy that is being analysed, consider engaging with employees, service users and/or equality organisations. Recent engagement activities that have been undertaken for related policies or strategies may prove useful as a starting place. See the EHRC guide on *Engagement and the equality duty* for further guidance.

4.0 Analysing your equality information

Local authorities should ask one simple question when delivering services to the public: **What will happen, or not happen, if we do things a certain way?**

Remember that equality analysis is not simply about identifying and removing negative effects or discrimination – it is also an opportunity to identify ways to advance equality of opportunity and to foster good relations.

4.1 Using your information to understand the effect on equality

Once you have gathered all the relevant equality information together, you will be able to make a judgement about what the likely effect of the policy will be on equality.

Be wary of general conclusions – it is not acceptable to simply conclude that a policy will universally benefit all service users, and therefore the protected groups will automatically benefit, without having evidence to support that in any conclusion.

Understanding the effect on equality will be easier for existing policies. For new policies, you will need to evaluate the proposal against all the information assembled and make a reasonable and informed judgement about whether the policy is likely to have positive or negative consequences for particular groups.

The following questions and answers provide a check to determine whether you consider that your analysis is robust enough to rely on:

- **Is the purpose of the policy change/new policy clearly set out?**

Robust analysis will set out the reasons for the change; how this change can impact on equality groups, as well as whom it is intended to benefit; and the intended outcome. You should also consider how policies might relate to one another. This is because a series of changes to different or interrelated policies or services could have a severe and consolidated impact on particular equality groups.

Has the analysis considered the available evidence?

The assessment should use the most up-to-date and reliable information about the different groups the proposal is likely to affect. A lack of data is not a sufficient reason to conclude that there is no impact.

- **Have those likely to be affected by the policy been consulted and involved?**

Involvement and consultation are crucial to the equality analysis process and this will certainly be the case for larger policy discussions/decisions, such as that relating to housing provision, town centre enhancements etc, when it would be more than justified to seek the views of those most directly affected, i.e. disabled people.

• **Have potential positive and negative impacts been identified?**

It is not enough to state simply that a policy will affect everyone equally – it is rare that it would! There should be consideration of available evidence to see if particular equality groups are more likely to be affected than others are. Equal treatment does not always produce equal outcomes; sometimes authorities will have to take specific steps for particular groups to address an existing disadvantage or to meet differing needs.

• **What course of action does the analysis suggest I take? Is it justifiable?**

Your analysis should clearly identify the potential equality impacts, the decisions that you have arrived at and the reasons for this decision. All must be documented and retained for subsequent review.

The following questions may be useful to understand the effect of the policy on service users:

- Could the policy outcomes differ between protected groups?
- What are the key findings of your engagement?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- If there is a greater effect on one group and is that consistent with the policy aims?
- Has the policy delivered practical benefits for protected groups?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

The findings of your analysis

Having reviewed potential users, and what you know of our local population etc, there are four main steps that you can take with regard to any proposal you are making:

No major change – The analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination or adverse impact.

Adjust the policy – This involves taking steps to remove barriers or to better promote equality. It can mean introducing measures to mitigate the potential effect.

Continue the policy – This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate.

Stop and remove the policy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy altogether. If a policy shows unlawful discrimination it *must* be removed or changed.

Documenting your analysis

Documenting your analysis is important to ensure that the general and specific duties are being met

You may want to document some or all of the following areas. There is no legal requirement to put this information into one document, but for ease of reference and in order to establish a corporate standard, we request that it is put into a standard format to improve communication and transparency. That information, collected on the template attached at the end of this report must contain the following;

- The person responsible for the policy
- The aims of the policy
- The key people that are involved, for example decision-makers, staff implementing it
- Relevance of the policy to the different arms of the duty and the different protected groups
- What equality information is available, including any evidence from your engagement?
- What information gaps exist?
- What engagement has been done regarding this policy, and the results of this?
- What the actual or likely effect of the policy is, regarding the aims of the general equality duty and the protected groups?
- What steps you will take in response to the findings of your analysis?
- How you will review the actual effect of the policy after implementation?
- The timescale for implementation
- Sign off of the equality analysis - by a responsible officer for the service and the Head of Policy, Partnerships and Community Development
- As part of the internal governance arrangements, completed equality analysis will be quality checked by the Corporate Diversity Group. Part of the remit of this group is to monitor progress on the equality duty, including equality analysis.

A template has been provided to ensure that uniform information is collected at Annex A.

5. Monitoring and review

Equality analysis is an ongoing process that does not end once a policy has been agreed or implemented. Service provision need to change in line with the needs of the service users - demographics can change, leading to different needs, alternative provision can become available or new options to reduce an adverse effect could become apparent. This does not mean repeating the equality analysis, but using the experience gained through implementation to check the findings and to make any necessary adjustments.

Consider:

How you will measure the effects of the policy?

When the policy will be reviewed and what could trigger an early revision?

Who will be responsible for monitoring and review?

What type of information is needed for monitoring and how often it will be analysed?

How to engage stakeholders in implementation, monitoring and review?

6. Decision-making and publication

In order to have due regard to the equality aims in the general equality duty, your decision-making should be based on a clear understanding of the effects on equality. This means that the person who ultimately decides on the policy has to be fully aware of the findings and have due regard of them in making decisions.

Publication

Under the specific duties, equality information published by listed bodies must include evidence of analysis undertaken to establish whether their policies and practices would further or have furthered, the aims of the general equality duty. It is recommended that the Council should publish information on equality analysis alongside the policy or decision that it refers to; arrangements have been made to ensure that reference to equality analysis appears in all formal committee reports on the corporate template and that EIAs are filed alongside those reports to evidence equality compliance.

Glossary

What are the Protected Characteristics?

Age: A person of a particular age (e.g. 32 year old) or a range of ages (e.g. 18 - 30 year olds). NB age is not currently protected under goods and services (this is unlikely until 2012). When considering disadvantage, take into account impacts on children and young people as well as adults, and cross-cutting impacts such as parents and carers (of younger, disabled and older people).

Disability: A person has a disability if s/he has, or has had, a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Carers are covered by association.

Gender reassignment: A person who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex, therefore changing from male to female, or female to male).

Pregnancy and maternity: Maternity refers to the period of 26 weeks after the birth (including still births), which reflects the period of a woman's Ordinary Maternity Leave entitlement in the employment context. In employment, it also covers (where eligible) the period up to the end of her Additional Maternity Leave.

Race: A person's colour, nationality, ethnic or national origin.

Religion and belief: Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex: A man or a woman.

Sexual orientation: A person's sexual orientation towards the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual). NB does not currently apply to the General Duty.

Marriage and civil partnership: Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Equality Analysis Template

| 1. Name of activity: | Introduction of Charges for Events, Hire of Multi Use Games Areas and Open Spaces | | | |
|---|---|--------------------------|--------------------------|--|
| 2. Main purpose of activity: | As for question 1 above | | | |
| 3. List the information, data or evidence used in this assessment: | Cabinet report of 17 th December 2019 sets out the basis of the proposal | | | |
| 4. Assessment | | | | |
| Characteristics | Neutral (x) | Negative (x) | Positive (x) | Describe the person you are assessing the impact on, including identifying: community member or employee, details of the characteristic if relevant, e.g. mobility problems/particular religion and why and how they might be negatively or positively affected. Negative: What are the risks? Positive: What are the benefits? |
| Community considerations (i.e. applying across communities or associated with rural living or Human Rights) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Negative There is a potential that some users will not be able to afford the fees & charges. Positive Facilities will still be free to use for individuals when the facilities are not booked for use by a club, business or organisation. Exceptions are permitted for charities |
| A person living with a disability | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Negative There is no additional impact that is negative beyond current circumstances Positive Current provision is retained and income will help maintain current standards of maintenance |
| A person of a particular race | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Negative Positive There is no discrimination on the grounds of race |
| A person of a gay, lesbian or bisexual sexual orientation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Negative Positive There is no discrimination on the grounds of sexual orientation |
| A person of a particular sex, male or female, | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Negative |

| | | | | |
|---|-------------------------------------|--------------------------|--------------------------|---|
| including issues around pregnancy and maternity | | | | Positive |
| | | | | There is no discrimination in this regard |
| A person of a particular religion or belief | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Negative |
| | | | | |
| | | | | Positive |
| | | | | There is no discrimination in this regard |
| A person of a particular age | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Negative |
| | | | | |
| | | | | Positive |
| | | | | There is no discrimination in this regard |
| Transgender | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Negative |
| | | | | |
| | | | | Positive |
| | | | | There is no discrimination in this regard |

5 Results

| | Yes | No | |
|--|-------------------------------------|-------------------------------------|--|
| Were positive impacts identified? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Are some people benefiting more than others? If so explain who and why. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Were negative impacts identified (what actions were taken) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

6. Consultation, decisions and actions

If High or very high range results were identified who was consulted and what recommendations were given?

Describe the decision on this activity

Cabinet 17th December 2019 will decide to adopt or not

List all actions identified to address/mitigate negative impact or promote positively

| Action | Responsible person | Completion due date |
|--------|--------------------|---------------------|
| | | |

When, how and by whom will these actions be monitored?

7. Signatures

| | |
|---|--------------------------|
| Assessor | |
| Name: Andrew Mills | Signature** Andrew Mills |
| Validated by | |
| Name: | Signature** |
| Forward to the Corporate Policy Team | |
| Signature** | |
| Assessment date: | Review date: |
| | |