

Appendix 2 – Equality Analysis

Stage 1 Screening Data

1. What are the objectives and expected outcomes of your proposal? Why is it needed? Make sure you highlight any proposed changes.

This proposal sets out the basis for the development of a policy in relation to residents who may be required to move (usually referred to as a decant process) from their current homes to facilitate delivery of regeneration programmes, as well as the potential to extend this approach to other tenants and leaseholders where this would assist in meeting their needs and meet the council's objectives in terms of housing supply and efficient use of the housing stock. It is of immediate relevance to the programme in South Kilburn but the policy will also apply to any future regeneration schemes and, in a more limited way, to tenants and leaseholders in the wider housing stock.

The primary intention is to ensure that the council has an up-to-date and agreed policy in place for regeneration schemes, reflecting current best practice and anticipating the needs of affected individuals and groups with protected characteristics, as well as applying the policy more widely in appropriate cases. More immediately, the use of Compulsory Purchase in South Kilburn requires that the council demonstrate that it has given due consideration to the options available to affected leaseholders and has taken account of the lessons learnt from the LB Southwark's programme on the Aylesbury Estate.

It is clear from the Southwark case that any scheme involving the displacement of existing occupiers, whether tenants or owners, must have full regard to the Public Sector Equality Duty. At a minimum, this would require the collection of data on the affected households and an assessment of the potential impact on all protected groups, with a particular emphasis on the impact based on age (e.g. older people and children), ethnicity (including consideration of community ties and wider community infrastructure, needs of large families, social, cultural and religious support networks), disability (including people with mental health needs, learning disabilities, dementia or other long term health conditions such as deafness), gender (including single parent households, pregnant women and carers). Most importantly, it will be necessary to show that, where a differential impact has been identified, appropriate steps have been taken to mitigate any negative effects. The wider application of policy outside regeneration areas would be on a purely voluntary basis, since there would be no requirement on other tenants and leaseholders to move.

Any approach would need to include not only an overall assessment of equality implications but a clear programme of individual engagement with leaseholders from an early stage in any programme. It will also be necessary to ensure that the equality analysis is kept under review and updated throughout the process.

2. Who is affected by the proposal? Consider residents, staff and external stakeholders.

The proposal affects the following groups, most immediately in South Kilburn regeneration programme but will have implications for other regeneration schemes and leaseholders and tenants in the council's stock across the borough:

- Resident leaseholders
- Non-resident leaseholders
- Council tenants
- Private sector tenants renting homes on the regeneration estate(s)
- Staff responsible for delivering the policy
- Partners (e.g. RPs) involved in regeneration programmes

3.1 Could the proposal impact on people in different ways because of their equality characteristics?

The central issue for this proposal is the potential displacement of residents (in any tenure) because regeneration proposals require that their existing homes should be demolished or subject to major works. In these circumstances, residents may need to move permanently or temporarily to a new home. This is, in itself, disruptive but sometimes unavoidable and it should be stressed that any scheme will have been subject to extensive consultation and equality analysis, with the aim of improving the physical and socio-economic conditions of the area in partnership with and on behalf of the community.

However, it is recognised that there are or may be particular features of the community and the housing options available, either in South Kilburn specifically or in other estates or neighbourhoods where future schemes may be proposed, that could lead to unintended differential impacts. The issues raised in connection with the Aylesbury Estate in Southwark have highlighted risks that need to be addressed in order to ensure compliance with the duties under the Equality Act and Human Rights Act, particularly in relation to the position of displaced leaseholders with protected characteristics.

It should be noted that the current phase of the South Kilburn regeneration programme has been subject to wide consultation and an EA has been carried out in relation to the decant process and other aspects. This exercise set out the intentions with regard to equalities as follows:

The findings of the Planning Inspector in the case of the Aylesbury Estate, supported by the Secretary of State, have highlighted a number of equality considerations that are particularly relevant to displaced leaseholders who, although they will receive market value for their homes as well as compensation, may find it difficult to purchase a new home in the area. In essence, there is a potential problem of affordability that needs to be acknowledged and addressed in any scheme. In particular, the Aylesbury case highlighted issues around households obliged to move to another area, leaving settled communities with established social, cultural or other systems and support networks.

The position for tenants is, in most respects, more straightforward since they will be offered the opportunity to move to a new rented home in the area.

As noted above, in any cases outside regeneration programmes, the policy is intended to offer greater flexibility and choice to tenants or leaseholders seeking a move. Take up of any available option would be purely voluntary and intended to meet the particular needs of the household. There are no identified risks of differential impact in such cases since the desired outcomes are expected to be entirely positive and in line with residents' needs and choices.

If you answered 'Yes' please indicate which equality characteristic(s) are impacted

This proposal is intended to produce a policy that responds to the issues identified in the report and mitigates any actual or perceived adverse impacts. It should therefore be stressed that any adverse impacts arise not from the proposed policy itself but from the issues in aims to address. Affordability issues and available alternatives may affect any household required to move but protected and vulnerable groups that are more likely to be disproportionately affected are:

- Age: older leaseholders, although they will receive market value (in most cases) and compensation, may not have sufficient income to remain in the area and/or get a mortgage. Older residents in any tenure may also require additional support to manage relocation.
- Age: families with young children attending local nurseries, schools or support services
- Disability: similar affordability and/or support issues may arise for disabled households. Households with disabled residents and their carers will require additional support not only to manage relocation but also to ensure that they settle in their new home to minimise distress. Due consideration must also be given to vulnerable residents and their dependants who require access to specific information, services and facilities, and communication may need to be tailored to their specific needs (e.g. people with Learning Difficulties and Disabilities, residents with Mental Health needs, BSL users, SEND dependants, etc.).
- Race: Black Asian and minority ethnic households are over-represented in the community profile and the alternative options offered to them should as far as possible be reflective of their specific needs (e.g. large families, language barriers, community ties and support networks).

It should be stressed that, while the purpose of the proposal is to put arrangements in place that minimise or remove any adverse impact, it will not be possible for the council to guarantee that all residents in a regeneration area will be able to exercise a choice to remain there.

A previous reports to Cabinet highlighted the following points relevant to mitigation of any negative impacts.

New affordable homes in South Kilburn are available to all secure tenants currently living in properties due for demolition as part of the South Kilburn regeneration programme. With regard to the Chippenham site, secure tenants within the South Kilburn Regeneration Programme will be offered the opportunity to move into the new affordable units. The additional units will be made available to other secure tenants living in properties due for demolition as part of the South Kilburn regeneration programme.

Every effort should be made to provide the secure tenants with suitable alternative accommodation and to reach mutually acceptable agreements with the leaseholders to buy their properties without seeking legal action. When identifying the options and alternatives put forward, the Council should proactively engage with affected residents and leaseholders.

As with all other schemes that are part of the council's wider regeneration programme, full consideration must be given to individuals and groups with protected characteristics, particularly people with disabilities and / or other types of

vulnerabilities due to age (both older adults and young people), childcare and/or caring responsibilities and to the need for supporting infrastructure, socio-economic status (single parents and large families). Due regard must also be paid to black, Asian and minority ethnic and religious groups (e.g. community ties and wider community infrastructure, needs of large families, etc).

Race / Ethnicity

Due to the ethnicity profile of the area, full consideration must be given to the impact on black, Asian and minority ethnic individuals/groups. The Council must also ensure that the options put forward to tenants and leaseholders, so far as possible, provide reasonable and affordable alternatives that enable them to remain in the area and maintain their family and community ties, as per Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights.

Age/Carers/Disability/Pregnancy and maternity

A requirement for anyone within these groups to have to move from their current property is likely to be present more difficulties and run the risk of greater psychological effects, including stress. These groups are therefore more likely to require a tailored and bespoke support and offer to meet their needs.

3.3 Would the proposal change or remove services used by vulnerable groups of people?

Services would be changed as noted above where tenants or leaseholders are obliged to move to a new home to ensure that vulnerable individuals and groups are receiving appropriate and timely information, support and offer.

3.4 Does the proposal relate to an area with known inequalities?

Yes, as noted above.

3.5 Is the proposal likely to be sensitive or important for some people because of their equality characteristics?

Potentially, as noted above.

3.6 Does the proposal relate to one of Brent's equality objectives?

The proposal relates to the following objectives:

- To know and understand all our communities
- To ensure that local public services are responsive to different needs and treat users with dignity and respect

Recommend this EA for Full Analysis?

Yes, in relation to the development of policy and its potential to mitigate negative impacts. It should also be stressed that there will be a need for specific assessments in relations to current and future regeneration schemes and, in some cases, to individual phases within schemes, recognising that the profile of affected tenants and leaseholders is likely to vary across neighbourhoods or parts of neighbourhoods.

4. Use the comments box below to give brief details of what further information you will need to complete a Full Equality Analysis. What information will give you a full picture of how well the proposal will work for different groups of people? How will you gather this information? Consider engagement initiatives, research and equality monitoring data.

It may be helpful to consider the EA requirements for this proposal as two-fold. First, to assess whether the policy in itself provides the right basis to identify and mitigate any adverse impacts. Second, how the policy is to be applied in the specific context of and varying circumstances in individual schemes. For example, in South Kilburn the regeneration programme is a long-term process that operates in distinct phases, affecting particular parts of the neighbourhood at any one time. The same approach is likely to apply to any future large-scale programmes. In that case, it will be necessary to carry out an assessment of the operation of the policy within the context of the specific regeneration scheme for each phase separately, recognising that there may be variations in the make-up of affected households as well as variations in the external conditions affecting the programme – for example, the state of the housing market.

With this in mind, information required to carry out a full assessment could include:

- Demographic profile of affected households broken down not only by protected characteristics but by household type and size, income, housing preferences and affordability.
- Outcomes from consultation exercises before and during the programme.
- Analysis of available housing options and potential/likely impact on specific protected characteristics.

It is proposed that a full EA should be carried out as part of the process of producing the detailed policy document and that this should be regularly updated and informed by consultation exercises carried out at each phase as required. Collective and individual engagement with residents and provision of support with independent advice is already an established part of the process and will feed into any future analysis.