

Colchester Borough Council - Equality Impact Assessment Form - An Analysis of the Effects on Equality

Section 1: Initial Equality Impact Assessment: Public Conveniences

Name of policy to be assessed:

- This EqIA is an assessment on the possible impact of the Council not continuing to fund the provision of a number of specific public toilets within the borough.

NB: 'Policy' is meant broadly to mean policy, strategy, service, function, activity or decision.

1. What is the main purpose of the policy?

- A decision not to continue provision would save resources and needs to be considered within the context of continued financial pressures as well as the needs and expectations of borough residents and visitors.

2. What main areas or activities does it cover?

- The continued provision of public toilet facilities within the borough by CBC
- The decision specifically looks at the closure of public conveniences in the following areas:
 - Fairhaven, Coast Road and High Street – Mersea
 - The Drift – Dedham
 - High Street – Wivenhoe.

3. Are there changes to an existing policy being considered in this assessment? If so what are they?

- There is no relevant policy as such although [current levels of provision](#) would be likely to change as a result.

4. Who are the main audience, users or customers who will be affected by the policy?

- Members of the public including residents of the borough and its visitors.

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5. What outcomes do you want to achieve from the policy (decision)?

- Achieve the most efficient and effective use of resources on behalf of borough residents.

6. Are other service areas or partner agencies involved in delivery? If so, please give details below:

- Town and Parish Councils, or other local organisations, may become involved in the provision/ maintenance of public toilets.

7. Are you aware of any relevant information, data, surveys or consultations¹ which help us to assess the likely or actual impact of the policy upon customers or staff?

- The Council has conducted monitoring of customer usage of facilities.

8. The 'general duty' states that we must have "due regard" to the need to:

(a) eliminate unlawful discrimination, harassment and victimisation?

(b) advance equality of opportunity between people who share a 'protected characteristic'² and those who do not?³

(c) foster good relations between people who share a protected characteristic and those who do not?⁴

Not all policies help us to meet the 'general duty', but most do.

It is not believed that this policy/ decision will assist the Council in meeting the general duty.

¹Click on [surveys or consultations](#) for more information. The Council's surveys and consultations include 'equality monitoring information' to help us identify any particular concerns or views expressed by any particular group or 'protected characteristic'. It can also help us to assess how representative of our customers the respondent group is. Local Data on the Protected Characteristics is available [on this page](#) of the Hub.

²The Equality Act's 'protected characteristics' include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

³This involves having due regard, in particular, to the need to: (a) remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, and (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

⁴This involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

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9. This section helps us to identify any disproportionate impacts. Please indicate in the table below whether the policy is likely to particularly benefit or disadvantage any of the 'protected characteristics'.

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Age	Older people (60+)		None identified	X	A higher proportion of older people have disabilities compared with other age groups – see comments below.
	Younger people (17-25) and children (0-16)		None identified	X	Children may be disproportionately disadvantaged by the closure of public toilets.
Disability	Physical		None identified	X	People with mild physical disabilities could be disproportionately disadvantaged by the closure of some standard access public toilets. People who require disabled toilets could also be disproportionately impacted by the closure of such facilities.
	Sensory		None identified		None identified
	Learning		None identified	X	People with learning disabilities could be disproportionately disadvantaged by the closure of some public toilets.
	Mental health issues		None identified		None identified
	Other – <i>specify</i>				
Ethnicity ⁵	White		None identified		None identified
	Black		None identified		None identified
	Chinese		None identified		None identified
	Mixed Ethnic Origin		None identified		None identified

⁵ National Census 2011 categories are: Bangladeshi, Indian, Pakistani, Other Asian (Asian or Asian British), African, Caribbean, Other Black (Black or Black British), White and Black African, White and Asian, White and Black Caribbean (Mixed), British, Irish, Other White (White), Chinese, Other (Other Ethnic Group).

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'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
	Gypsies/ Travellers		None identified		None identified
	Other – <i>please state</i>				
Language	English not first language		None identified		None identified
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks		None identified	X	Women who are pregnant and women with infants may be disproportionately disadvantaged by the closure of public toilets.
Religion or Belief	People with a religious belief (or none)		None identified		None identified
Sex	Men		None identified		None identified
	Women		None identified		None identified
Gender Reassignment ⁶	Transgender/ Transsexual		None identified		None identified
Sexual Orientation	Bisexual, Heterosexual, Gay or Lesbian		None identified		None identified
Marriage and Civil Partnership	People who are married or in a civil partnership		None identified		None identified

⁶ The protected characteristic of gender reassignment is defined by the Equality Act 2010 as “a person proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.” This is a personal process that may involve medical interventions such as counselling, psychotherapy, hormone therapy or surgery, but does not have to. NB: It is generally held that transgender people disguise their features or clothing to resemble their preferred sex, whereas transsexual people wish to change their body to completely resemble their preferred sex.

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10. If you have identified any negative impacts (above) how can they be minimised or removed?

Although the available data does not suggest that people with disabilities are significant users of facilities, data is over an insufficient timescale to come to a conclusion in this respect. An analysis of the impact of any closures suggests that the decision to remove funding could impact disproportionately upon older people, children, people with disabilities and women who are pregnant or with infants. All of these groups are protected under the Equality Act 2010.

Mitigation of Impacts

In order to mitigate any such adverse impact the Council has sought to negotiate the transfer of service provision to local ownership and the Town or Parish Council. It is felt that this provides the opportunity for a sustainable and cost effective approach towards community facilities. The approach has been successful in Tiptree and is progressing well in Wivenhoe. Further relevant information is provided in respect of specific facilities:

Dedham – The Drift

Charging was considered but usage is not high enough to make charging viable in this location. Dedham toilets are used all year round, but with shorter opening hours in the winter. In the summer this is a tourist destination. There are toilets available in local businesses such as pubs and in the Tiptree Tea Room and it is reasonable to expect that tourists would be making use of these facilities during their visit. Additionally, there is the Community Toilet Scheme running in the Arts and Crafts Centre on the High Street. The opening times are 8.00am – 4.00pm Monday to Saturday.

West Mersea – Willoughby and Fairhaven

Meetings with beach hut users and the Town Council have taken place to try to engage in a more cost effective solution in West Mersea. Both these toilets are located on Victoria Esplanade and users will include people using the beach huts, beach, café and play-park. Charging is not a viable alternative due to low usage figures. The café does not have a public toilet and users are reliant on the public toilet at Willoughby. The closure of Fairhaven will be mitigated by retaining Willoughby Public Toilet.

West Mersea – High Street

The High Street toilets are located in the car park and are used by residents and visitors to the town. Charging is not a viable alternative due to low usage figures. The impact of closure would be mitigated by the fact that there are alternative toilets available for public use, including not only local pubs but also a Community Centre and Public Library.

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West Mersea – Coast Road Toilets

These toilets are located in the car park opposite the jetty and the users are visitors and fishermen predominantly. Charging is not a viable alternative due to low usage figures. Alternatives are available in local pubs and restaurants.

Wivenhoe – High Street

These toilets are located in a Colchester Borough Council car park on the High Street. They are used by local residents and are located close to the play-park and open space. Wivenhoe Town Council is currently negotiating the transfer of both the toilets and the car park. Should this not happen, then a closure will be undertaken. There are facilities nearby in the local library as well as in a nearby pub and Council Offices.

In all cases the Council will ensure that the public are given adequate notice of any resulting closures.

Conclusion (Mitigation of Impacts)

The above factors will not necessarily negate the identified potential adverse impacts and on this basis a full Equality Impact Assessment has been completed. See section 2, below.

11. Could the policy discriminate⁷ against any 'protected characteristic', either directly or indirectly⁸?

The Council recognises that there could be a disproportionate impact upon one or more 'protected characteristics'. See section 2, below.

⁷ The Council has a general duty to 'eliminate unlawful discrimination, harassment and victimisation'. Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their 'protected characteristic' whether on grounds of age, disability, pregnancy and maternity, ethnicity; religion or belief; sex (gender), sexual orientation, or marriage and civil partnership. Indirect discrimination occurs when an apparently neutral provision or practice would nevertheless disadvantage people on the grounds of their 'protected characteristic'.

⁸ If you answer 'yes' to question 11 (above) you will need to complete this section *and* go on to complete Section 2 in order to conduct a full Equality Impact Assessment.

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Summary and findings of Initial Equality Impact Assessment

12. Please put a tick in the relevant box to confirm your findings, and what the next step is:

Findings	Action required
No negative impacts have been identified <input type="checkbox"/>	Sign off screening and finish.
Negative impacts have been identified but have been minimised or removed <input type="checkbox"/>	Sign off screening and finish.
Negative impacts could not be minimised or removed X	Sign off screening and complete a full impact assessment – Section 2.
There is insufficient evidence to make a judgement. <input type="checkbox"/>	Sign off screening and complete a full impact assessment – Section 2.

13. Name and job title of person completing this form:

- Steve Switzer and Andrew Harley

14. Date of completion:

- October 2014

15. Date for update or review of this screening:

- Not applicable

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Section 2: Full Equality Impact Assessment

Where there is a negative impact which has not been minimised or removed

16. If you have identified negative impact(s) on the 'protected characteristics' that have not been minimised or removed, is this considered to be 'a proportionate means of achieving a legitimate aim'?⁹ If yes, state how:

- The decision to reduce funding for public toilets could lead to some facilities closing. This could have a disproportionate impact on a number of groups including older people and people with disabilities. It should be noted that the provision of public toilets is not a statutory duty and many district councils do not provide facilities. As such, any specific funding decisions must be considered against the background of a substantial reduction in income for district councils between 2010 and 2015. In this context, the Council believes that this decision is a "proportionate means" of achieving a legitimate aim; the "legitimate aim", in this case, is the balancing of the Council's budget, which must be achieved for the Council *to continue to meet its core statutory duties and equality objectives*. It is therefore held that any disproportionate impacts will not amount to unlawful discrimination under the terms of the Equality Act 2010.

⁹ This phrase is taken from sections 15 and 19 of the Equality Act 2010. 'Positive action', benefitting one or more protected characteristic(s), may result in a disproportionate negative impact upon another, but this may be justified as being 'a proportionate means of achieving a legitimate aim'. The need to balance a budget can constitute a "legitimate aim". Contact the Equality and Safeguarding Co-ordinator for more information or look at the [Equality and Human Rights Commission](#) webpage under "objective justification".

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Summary and findings of Full Equality Impact Assessment

17. Please put a tick in the relevant box to confirm your findings, and what the next step is:

Findings	Action required
Likely negative impacts have been identified but are considered to be a proportionate means of achieving a legitimate aim. X	Sign off and finish.
Further planned engagement with equality target groups will take place in order to gain sufficient evidence to make a judgement on impact. <input type="checkbox"/>	Sign off and review within 6 months.
Planned engagement has taken place: No likely negative impacts have been identified. <input type="checkbox"/>	Sign off and finish.
Planned engagement has taken place: Likely negative impacts have been identified but have been minimised or removed. <input type="checkbox"/>	Sign off and finish.
The policy could be unlawfully discriminatory and will not be implemented. <input type="checkbox"/>	Finish without signing off.

18. Name and job title of person completing this form:

- Steve Switzer and Andrew Harley

19. Date of completion:

- October 2014

20. Date for update or review of this screening:

- Not applicable