

Colchester Borough Council

Equality Impact Assessment Form - An Analysis of the Effects on Equality

Section 1: Initial Equality Impact Assessment

Name of policy to be assessed: Garden Apportionment for Council Flats under Right to Buy

<https://www.colchester.gov.uk/info/cbc-article/?catid=buying-and-selling&id=KA-01367>

1. What is the main purpose of the policy?

- The aim of the Garden Apportionment Policy is to set out the circumstances in which Colchester Borough Council will allow pieces of communal garden to be apportioned and included with general need flats under a statutory legal scheme known as the Right to buy and to ensure that these requests are dealt with in a fair and consistent way.

2. What main areas or activities does it cover?

- The policy covers the consideration from Colchester Borough Council tenants of general needs flats to buy a piece of communal garden land when they make their Right to Buy application where the garden is not included with the tenancy and the garden has been maintained by the tenant.

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

- None.

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

- Tenants of Colchester Borough Council who live in general needs flats that are interested in purchasing pieces of communal land with their Right to Buy application.

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

- To set out Colchester Borough Council's approach to the sale of pieces of communal garden land with Right to Buy applications
- To ensure requests are dealt with in a fair and consistent manner.

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

- Colchester Borough Homes
- Colchester Amphora Trading Ltd – Estates

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? *If so, provide details and include a link to the document or source where available.*

- No.

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 not³
- (c) foster good relations between people who share a protected characteristic and those who do not⁴

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

Where applicable, explain how this policy helps us to meet the 'general duty':

¹Click on [Customer Insight](#) 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 staff intranet, 'Colin'.

² The 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.

³ This 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.

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

The policy helps us to ‘eliminate unlawful discrimination, harassment and victimisation’ in the following way(s):

- The policy ensures that resident’s interests in the Council’s assets, communal garden land, are protected as gardens will be apportioned fairly and equally for all tenants.

The policy helps us to ‘advance equality of opportunity...’ in the following way(s):

- Not applicable.

The policy helps us to ‘foster good relations...’ in the following way(s):

- The policy sets out how we will deal with requests and ensure these are dealt with in a fair and consistent manner.

9. The Council has an important role in improving residents’ health under the Health and Social Care Act 2012. This relates to both its ‘core functions’ (such as housing, leisure, green spaces and environmental health) and to its ‘enabling roles’ (such as economic development, planning and engaging with communities)⁵. The Council recognises that its Public Sector Equality Duty and its role in improving health are interrelated and mutually supportive. This is especially true across the ‘protected characteristics’ of age and disability.

“Health inequalities are the unjust and avoidable differences in people’s health across the population. They come from the unequal distribution of income, wealth and power and influence the wider determinants of health such as work, education, social support and housing. Currently, in England people living in the least deprived areas will live around 20 years longer in good health than those in the most deprived areas. Reducing health inequalities means giving everyone the same opportunities to lead a healthy life, no matter where they live or who they are.”

Where applicable, explain how this policy helps us to improve health/ reduce health inequalities for residents:

- The policy involves the apportionment of communal garden land to tenants purchasing their flat through the Right to buy legislation. The policy may particularly benefit those that may be less likely to have used and maintained additional communal garden land. Owning and maintaining an area of garden may improve health inequalities for residents.

⁵ The King’s Fund: [The district council contribution to public health: a time of challenge and opportunity, 2015](#)

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

Remember to include reference to any relevant consultation, data or information.

'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+)	✓	All groups will benefit as the policy ensures that requests to buy a piece of communal garden land with a right to buy application are dealt with in a fair and consistent manner. The policy ensures that existing tenants' interest in the communal garden land are protected as gardens will be apportioned fairly and equally for all tenants.		
	Younger people (17-25) and children (0-16)	✓	As above		
Disability	Physical	✓	As above		
	Sensory	✓	As above		
	Learning	✓	As above		
	Mental health issues	✓	As above		
	Other – <i>specify</i>				
Ethnicity ⁶	White	✓	As above		
	Black	✓	As above		
	Chinese	✓	As above		
	Mixed Ethnic Origin	✓	As above		
	Gypsies/ Travellers	✓	As above		
	Other – <i>please state</i>				

⁶ 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).

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Language	English not first language	✓	All groups will benefit as the policy ensures that requests to buy a piece of communal garden land with a right to buy application are dealt with in a fair and consistent manner. The policy ensures that tenants' interest in the communal garden land are protected as gardens will be apportioned fairly and equally for all tenants.		
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks	✓	As above		
Religion or Belief	People with a religious belief (or none)	✓	As above		
Sex	Men	✓	As above		
	Women	✓	As above		
Gender Reassignment ⁷	Transgender/ Transsexual	✓	As above		
Sexual Orientation	Bisexual, Heterosexual, Gay or Lesbian	✓	As above		
Marriage and Civil Partnership	People who are married or in a civil partnership	✓	As above		

⁷ 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.

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

- Not applicable.

12. Could the policy discriminate⁸ against any 'protected characteristic', either directly or indirectly⁹? (Yes/No)

- No. Gardens would be apportioned in a fair and consistent way to the benefit of all the tenants living in the block.

Summary and findings of Initial Equality Impact Assessment

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

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

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

- Suzanne Norton – Housing Client Co-ordinator
- Karen Paton – Strategy and Solutions Project Officer (February 2013)

⁸ 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'.

⁹ If you answer 'yes' to question 11 (above) you will need to complete the following section *and* go on to complete Section 2 in order to conduct a full Equality Impact Assessment.

15. Date of completion:

- February 2013
- November 2019

16. Date for update or review of this screening¹⁰:

- February 2016
- November 2022

¹⁰ This is normally three years, but not always: You may know that the policy itself will be reviewed earlier in which case the EqIA should be reviewed at that time. Or, in the case of a five year strategy, you may want to have a review date of five years. In the case of a “one off” decision, such as closing a service, a review date may not be needed - in which case you should indicate ‘N/A’. In any event, the review date should be brought forward if you receive information or feedback which raises new concerns, or if the public policy context changes. You can speak to the [Equality and Safeguarding Co-ordinator](#) for more advice.