

# MEETING THE PUBLIC SECTOR EQUALITY DUTY

## INTRODUCTION TO THE NOTE

This note outlines the role of the Public Sector Equality Duty (PSED) within the Towns Fund and provides some material to support its discharge.

## INTRODUCTION TO THE PUBLIC SECTOR EQUALITY DUTY AND PROTECTED CHARACTERISTICS

The Equality Act 2010<sup>1</sup> set out measures to protect people from discrimination. The 'axes' on which this is defined and measured cover the nine protected characteristics:

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage and civil partnership** (note, this is a protected characteristic only in regard to eliminating discrimination)
- **Pregnancy and maternity**
- **Race**
- **Region or belief**
- **Sex**
- **Sexual orientation**

The Equality Act also sets the PSED, requiring public bodies (as defined in the Act, but for the purposes of the Towns Fund, covering all local authorities) to consider how their policies or decisions affect people who are protected under the Equality Act.

The standard set is to ensure local authorities 'have due regard' to the need to '*eliminate discrimination ... advance quality of opportunity, and ... foster good relations between different people*'. As such, it is a positive or affirmative duty, in that equality should be promoted, as opposed to a 'do not harm' duty to not worsen a situation. To support this, positive discrimination is possible.

Additionally, in 2014 Government introduced a requirement for government departments to explicitly consider the family perspective in decision making – the 'Family Test'<sup>2</sup>. Whilst the Family Test only applies to government departments and not local authorities, Towns may choose to consider alongside the protected characteristics.

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<sup>1</sup> <https://www.gov.uk/guidance/equality-act-2010-guidance>

<sup>2</sup> Government has published guidance on the Family Test. Although this is not required from local authorities, the same considerations are often part of local authority decision making and policy targeting. It is not a statutory requirement, but there is an expectation that government departments will undertake it where it is relevant and proportionate to do so. Although Government Departments are expected to document the Family Test, they are not obliged to publish them.

## DISCHARGING THE PUBLIC SECTOR EQUALITY DUTY

PSED is discharged in different manners, depending on whether a specific project/programme is being assessed or it is a wider programme/strategy.

- For a specific project or programme (such as a local plan, development proposal that might require planning permission or is a particular thing in a particular place) the PSED is normally demonstrated and discharged through an equalities impact assessment (EqIA). There is no mandatory or statutory requirement to complete an EqIA, nor for a record to be kept of how equalities considerations have been taken into account. However, both are considered good practice and provide a trail for audit, challenge and defence.
- For a programme, strategy or something that covers a wider area (even nation-wide) or wider array of projects it would be more usual to wrap the PSED into a regulatory impact assessment (RIA), considered alongside other strategic considerations. (It should be noted that government RIA guidance<sup>3</sup> does talk about the impact on places, businesses and people but does not refer explicitly to protected characteristics, and as such does not fulfil the PSED.)

Towns Fund bids are likely to comprise a range of projects and may cover a substantial geographic area. They therefore 'fall between' an EqIA and an RIA, and it is suggested that both these scales/types of assessment are required.

To support Towns in discharging the PSED, a set of two inter-related templates are provided which together provide a simple framework for considering impact on the protected characteristics as well as the Family Test (if chosen to include in the assessment):

- a project-level assessment template; and
- a programme-level assessment template.

The templates reflect the principles of EqIA and RIA and provide an integrated method for assessment and recording. Notwithstanding the templates, local authorities are responsible for the proportionality and robustness of their assessment, and may need to go beyond the templates to reflect local circumstances and/or to undertake a more detailed assessment of projects of a higher intensity or complexity.

As well as simply discharging the PSED for its own sake, assessing how projects and the wider programme impact on different groups of people is a valuable exercise in making sure that the Towns Fund investment benefits all and is as successful as possible. Following the assessment, there may be a need for further actions, including changing aspects of the projects or even re-prioritising projects. The TFDP have developed a Project Re-Prioritisation Tool for Stage 2 of the Towns Fund, which nudges you to ensure you have considered relevant PSED implications on your projects during project confirmation stage. You can download that tool and watch a tutorial for how to use it by clicking this link:

<https://townsfund.org.uk/resources-collection/project-re-prioritisation-tool>.

<sup>3</sup> <https://www.gov.uk/government/collections/impact-assessments-guidance-for-government-departments>

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**PROJECT-LEVEL ASSESSMENT – MARINE LAKE EVENTS CENTRE & THE LIGHT FANTASTIC**

The project-level assessment table has been completed for the project, as provided below. This follows EqIA principles to help to provide assurance that the duty has been appropriately discharged (and the outcomes recorded). The table is intended for submission as part of the business case, as well as included in the summary document.

<b>Name of project:</b>	<b>Marine Lake Events Centre &amp; The Light Fantastic</b>
<b>Project objectives:</b> (describe the project's aim as it relates to protected characteristics)	<p>The overall vision is to transform the STCC into a high quality, distinctive entertainment and business events venue capable of providing exceptional experiences to audiences and users. It will be an anchor for the Waterfront redevelopment, retaining and attracting visitors and driving economic impact for Southport. This will also result in:</p> <ul style="list-style-type: none"> <li>Improved community well-being benefits</li> <li>Improved access to a range of cultural activities/ benefits for both residents and visitors</li> </ul>

Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
Baseline situation (describe only where different to the national average, or where otherwise relevant)	<p>Dukes Ward* (main ward covering the project area) to be compared against Sefton as a Borough / Liverpool City Region and England.</p> <p>31% of the population in Dukes Ward is aged 65 and over compared to 24% in Sefton, 19% cross the Liverpool City Region and 18% in England.</p> <p>6% of the population in Dukes Ward is aged 85 and over, compared to 3% in the Borough and 2% in the Liverpool City Region and England</p> <p>The project is also heavily aimed at visitors from a regional/national catchment area that will fall within the national average.</p>	<p>Dukes Ward* (main ward covering the project area) to be compared against Sefton as a Borough / Liverpool City Region and England.</p> <p>Approximately 9% residents aged 65 and over received some form of long-term care from Sefton's Adult Social Care during the 2020/21 financial year.</p> <p>In January 2021, 812 residents were claiming PIP, a rate of 103 per 1000 residents (aged 16+). This is compared to 101.1 per 1000 in Sefton, 111.1 per 1000 in LCR, 83.4 per 1000 in the NW and 61.8 per 100 in England</p> <p>During the 2011 Census, 9% of residents were in either bad or very bad health (Sefton average was 7%). 28% had their activities limited a little or a lot by their health (Sefton average was 23%)</p> <p>The project is also heavily aimed at visitors from a regional/national catchment area that will fall within the national average.</p>	N/A	N/A	<p>Dukes Ward* (main ward covering the project area) to be compared against Sefton as a Borough and England.</p> <p>The general fertility rate of 53.8 in Dukes ward is significantly lower than the Sefton (60.1) and England (60.6) rates.</p> <p>The project is also heavily aimed at visitors from a regional/national catchment area that will fall within the national average.</p>

Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
<p>Assessment text (summary of how the proposed project affects the protected characteristic)</p>	<p>The MLEC will be a space which can be used by everyone and achieve world-class standards relating to inclusivity, accessibility, and wellbeing.</p> <p>The site is set between the Promenade, adjacent to Bold Street, and the Lower Promenade facing directly onto Marine Lake. The site is located within a 3.9m level change between the Lower Promenade and main entrance on the southeast corner of the site. There are challenges with the topography and terrain.</p> <ul style="list-style-type: none"> <li>• The inclusion of lift access to all public areas will ensure access to all levels of the development.</li> <li>• Drop-off points are provided outside of the main entrance and to the east of the site adjacent to the car park on the Promenade level. Suitably design set-down points for taxis and community transport vehicles</li> <li>• All accessible parking bay provision will be located within a 50m distance of all entrances</li> <li>• All doors will have an opening force not exceeding 30N or will be power operated</li> </ul>	<p>The MLEC will be a space which can be used by everyone and achieve world-class standards relating to inclusivity, accessibility, and wellbeing.</p> <p>The site is set between the Promenade, adjacent to Bold Street, and the Lower Promenade facing directly onto Marine Lake. The site is located within a 3.9m level change between the Lower Promenade and main entrance on the southeast corner of the site. There are challenges with the topography and terrain.</p> <ul style="list-style-type: none"> <li>• The inclusion of lift access to all public areas will ensure</li> <li>• Drop-off points are provided outside of the main entrance and to the east of the site adjacent to the car park on the Promenade level. Suitably design set-down points for taxis and community transport vehicles</li> <li>• All accessible parking bay provision will be located within a 50m distance of all entrances</li> <li>• There is provision of 12 permanent wheelchair spaces, 6 at Lower Promenade and 6 at Promenade level (1% of the capacity).</li> <li>• A further 12 accessible removable seats have been identified on the back row of the upper terrace to achieve 2% of the total capacity which will be capable of accommodating ambulant disabled users as an example.</li> <li>• counters will incorporate a lowered section to enable a seated or standing user to communicate easily with</li> </ul>	N/A	N/A	<p>The MLEC will be a space which can be used by everyone and achieve world-class standards relating to inclusivity, accessibility, and wellbeing.</p> <p>The site is set between the Promenade, adjacent to Bold Street, and the Lower Promenade facing directly onto Marine Lake. The site is located within a 3.9m level change between the Lower Promenade and main entrance on the southeast corner of the site. There are challenges with the topography and terrain.</p> <ul style="list-style-type: none"> <li>• The inclusion of lift access to all public areas will ensure</li> <li>• Drop-off points are provided outside of the main entrance and to the east of the site adjacent to the car park on the Promenade level. Suitably design set-down points for taxis and community transport vehicles</li> <li>• In total, 2 quiet rooms with storage for sensory elements such as fidget toys and blankets will be provided within the control room area</li> <li>• There will also be a number of dedicated baby change facilities.</li> </ul>

Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
		staff and the provision of fixed hearing enhancement system <ul style="list-style-type: none"> <li>A secure enclosed space for storing and charging mobility aids such as mobility scooters will be provided.</li> <li>In total, 2 quiet rooms with storage for sensory elements such as fidget toys and blankets will be provided within the control room area.</li> <li>A Changing Places toilet (CPTs) will be included within the scheme.</li> </ul>			
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE Positive The design of the MLEC with several inclusions will ensure the events centre can be visited and enjoyed by all ages, lifts, level access and appropriate drop of locations will ensure the elderly population will be able to visit and enjoy the cultural offers.  The appointed operator has also confirmed that it has adopted the UN SDGs and identified 3 areas where we can make a meaningful difference: 1. Community 2. Environmental Sustainability 3. Diversity & Inclusion	+VE / M / -VE Positive An initial consultation meeting was held with Southport Access for Everyone (SAFE) on 21 April 2022, where they provided constructive feedback on the proposals as part of the design process. The consultation with SAFE will continue as the design process develops  The appointed operator has also confirmed that it has adopted the UN SDGs and identified 3 areas where we can make a meaningful difference: 1. Community 2. Environmental Sustainability 3. Diversity & Inclusion	+VE / M / -VE N/A	+VE / M / -VE N/A	+VE / M / -VE Positive The design of the MLEC with several inclusions will ensure the events centre can be visited and enjoyed by all. Lifts, level access and appropriate drop of locations will ensure those who are pregnant or with young babies will be able to visit and enjoy the cultural offers.  The appointed operator has also confirmed that it has adopted the UN SDGs and identified 3 areas where we can make a meaningful difference: 1. Community 2. Environmental Sustainability 3. Diversity & Inclusion
<b>If the effect is negative or mixed:</b>					
Is the effect significant? <i>(add an explanation)</i>	N The MLEC will be an exemplar project ensuring it is full inclusive and a leader with regards to design access.	N The MLEC will be an exemplar project ensuring it is full inclusive and a leader with regards to design access.	YN N/A	Y / N N/A	N The MLEC will be an exemplar project ensuring it is full inclusive and a leader with regards to design access.
What embedded mitigation does the project contain?	Mitigation will be embedded as part of the design process and continuing consultation with Sefton Partnership for Older Citizens (SPOC). Sefton will also work in partnership with the future operator to ensure all outcomes are achieved.	Mitigation will be embedded as part of the design process and continuing consultation with Southport Access for Everyone. Sefton will also work in partnership with the future operator to ensure all outcomes are achieved.	N/A	NA	Mitigation will be embedded as part of the design process and continuing consultation with Southport Access for Everyone. Sefton will also work in partnership with the future operator to ensure all outcomes are achieved.

Consideration	Protected Characteristics (Part 1)				
	Age	Disability	Gender reassignment	Marriage and civil partnerships	Pregnancy and maternity
What residual significant effects remain?	None	None	N/A	N/A	None
Is there an in-combination effect across multiple protected characteristics (across both Part 1 and Part 2 of the assessment table)? <i>(e.g. the proposed project has minor effects across several protected characteristics which, when considered together, have a more significant impact)</i>	No, the main effects are not significant in combination in and of themselves. The effects are positive for protected characteristics and will help support and encourage wider transformational change				
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	None required	None Required	N/A	N/A	None Required

Consideration	Protected Characteristics (Part 2)				
	Race	Religion or belief	Sex	Sexual orientation	'Family Test' (if used)
Baseline situation <i>(describe only where different to the national average, or where otherwise relevant)</i>	N/A	N/A	N/A	N/A	
Assessment text <i>(summary of how the proposed project affects the protected characteristic)</i>	The detailed design has been developed to ensure that the project (which will impact upon the public, internal and external staff) is not discriminatory, provides equality of opportunity and fosters good relations between groups with protected characteristics. These have been taken into consideration as part of the detailed design process and in accordance with the councils Equality and diversity policy.  No negative effects have been identified through the development of the business cases but the impact of the project against groups with protected characteristics will be re-assessed as the detailed design is developed, the project progresses, and the operator is in place.	The detailed design has been developed to ensure that the project (which will impact upon the public, internal and external staff) is not discriminatory, provides equality of opportunity and fosters good relations between groups with protected characteristics. These have been taken into consideration as part of the detailed design process and in accordance with the councils Equality and diversity policy.  No negative effects have been identified through the development of the business cases but the impact of the project against groups with protected characteristics will be re-assessed as the detailed design is developed, the project progresses, and the operator is in place.	The detailed design has been developed to ensure that the project (which will impact upon the public, internal and external staff) is not discriminatory, provides equality of opportunity and fosters good relations between groups with protected characteristics. These have been taken into consideration as part of the detailed design process and in accordance with the councils Equality and diversity policy.  No negative effects have been identified through the development of the business cases but the impact of the project against groups with protected characteristics will be re-assessed as the detailed design is developed, the project progresses, and the operator is in place.	The detailed design has been developed to ensure that the project (which will impact upon the public, internal and external staff) is not discriminatory, provides equality of opportunity and fosters good relations between groups with protected characteristics. These have been taken into consideration as part of the detailed design process and in accordance with the councils Equality and diversity policy.  No negative effects have been identified through the development of the business cases but the impact of the project against groups with protected characteristics will be re-assessed as the detailed design is developed, the project progresses, and the operator is in place.	
Is the effect positive/negative/mixed? <i>(add an explanation)</i>	+VE / M / -VE N/A	+VE / M / -VE N/A	+VE / M / -VE N/A	+VE / M / -VE N/A	+VE / M / -VE

**If the effect is negative or mixed:**

Consideration	Protected Characteristics (Part 2)				
	Race	Religion or belief	Sex	Sexual orientation	'Family Test' (if used)
Is the effect significant? <i>(add an explanation)</i>	Y / N N/A	Y / N N/A	Y / N N/A	Y / N N/A	Y / N
What embedded mitigation does the project contain?	N/A	N/A	N/A	N/A	
What residual significant effects remain?	N/A	N/A	N/A	N/A	
Is there an in-combination effect across multiple protected characteristics (across both Part 1 and Part 2 of the assessment table)? <i>(e.g. the proposed project has minor effects across several protected characteristics which, when considered together, have a more significant impact)</i>	No				
What action is required? Who will be accountable for it? <i>(this could include further mitigation measures or re-prioritisation of projects)</i>	N/A	N/A	N/A	N/A	



