

# Equalities Analysis Assessment

## 1. Proposal Summary Information

EAA Title	Public Speaking Protocol for the Planning Committee
Please describe your proposal?	<b>Policy</b>
Is it HR Related?	No
Corporate Purpose	<b>Planning Committee Decision.</b>

<p><b>1. What is the Policy looking to achieve? Who will be affected?</b></p> <p><i>(i.e. Please provide an overview of the aims, objectives and desired outcomes of what you are proposing. Who currently uses the service that will be affected by your proposal? Who will be affected by any changes? What are their current needs? Please add your data here.)</i></p> <p>The Planning Speaking Protocol sets out the opportunity for residents and applicants to voice their views about planning applications at Planning Committee meetings. It is an opportunity for members of the public to engage with decision makers on matters which impact them.</p> <p>The protocol was last updated in 2011. It is proposed that the Planning Speaking Protocol is updated to ensure clear, fair, and up to date procedures are in place for allowing public speaking at the Planning Committee.</p> <p>The opportunity to speak at the Planning Committee is for third parties to planning applications. In most cases, only one third party will be allowed to speak on a planning application, and they will be allocated 3 minutes speaking time. The definition of “third parties” is stated at paragraph 3 of the existing speaking protocol:</p> <p style="text-align: center;"><i>Third parties are understood to be those persons directly affected by a development proposal but who, unlike the applicants themselves, have no right of appeal against any decisions which may be taken by the Council in its role as a Local Planning Authority.</i></p> <p>Any person in the Borough could be a third party to a Planning Application and therefore any person in the Borough could be affected by the review of the protocol. We do not collect equalities data on people who have registered to speak at Planning Committee.</p> <p>Planning Applicants have the right to reply to the submissions by third parties, often speaking in support of a planning application where a third party has objected. In the interest of equity, planning applicants speaking in support of their planning application are afforded equal time (3 minutes) to third parties to address the Planning Committee. Speakers on behalf of applicants are not necessarily Borough residents.</p> <p>The opportunity to speak at the Planning Committee is notified by email to third parties who responded to the Planning Application’s statutory consultation. Third parties are invited to register to speak with the Democratic Services team by either email or telephone. Applicants are informed that they are entitled to speak if a third party objector registers.</p>
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Where there are multiple third-party objectors, the Committee Administrator encourages the third party objectors to select a spokesperson. Where this fails it is important to set out a clear and fair procedure to be able to choose a spokesperson

For these cases, it is important that the Planning Speaking Protocol sets out a clear and fair procedure to follow to break the deadlock.

### 2. What will the impact of your proposal be?

*(i.e. Please provide a before and after picture of the service that will be affected by your proposal e.g. how does it currently operate and then how it will operate after your proposal has been implemented. Where possible please be clear on the number of people or size of the community affected)*

Many of the proposed changes to the protocol are minor and are not considered to impact people with protected characteristics. Furthermore, some aspects of the existing protocol are considered to already meet the Council's equalities duty. Where this is the case, this will be noted below.

There are two proposed changes which could impact people with protected characteristics.

#### *(1) Allocating Speaking Rights*

The first is the procedure for allocating third party objector who will address the Planning Committee where more than one third party objector registers. In the first instance, when more than one third party individual registers to speak an application, prospective speakers are asked to coordinate between themselves and nominate a spokesperson.

Where agreement cannot be reached amongst prospective speakers as to who should act as spokesperson, the matter is referred back to the Committee Administrator.

For these cases, it is important that the Planning Speaking Protocol sets out a clear and fair procedure to follow to break the deadlock.

Three options have been considered for deciding between prospective speakers:

- I. Drawing of lots – “If agreement cannot be reached on who will speak, the selection will be by the Committee Administrator after the drawing of lots”; and
- II. First come, first served – “If agreement cannot be reached on who will speak, the individual who registered with the Committee Administrator first will be selected as the speaker”;

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- III. Chair's discretion – "If agreement cannot be reached by the 3rd party objectors on who will speak, the Chair shall decide, having due consideration to any protected characteristics which are disclosed".

The options have been considered further below:

### (a) Drawing of lots

The drawing of lots has been set out before in the Planning Speaking Protocol. Whilst this procedure maintains procedural fairness by affording each prospective speaker with equal chance of being granted speaking rights, it can pose logistical challenges. For openness and transparency, the drawing of lots is best done with all prospective speakers present, either virtually or in-person.

However, it is not always possible to organise a time prior to the Planning Committee meeting where all speakers can attend.

### (b) First come first served

A different proposal is to choose speakers by a "first come, first served" policy. The procedure maintains a level of random selection between prospective speakers, thus achieving procedural fairness, and it removes the need for meeting all speakers in person or virtually prior to the meeting.

However, there is a concern that, in some cases, there may be reasons why prospective speakers with protected characteristics are not in a position to register quickly following notification of their opportunity to speak.

It is acknowledged that the first come first served may cause detriment to some groups with protected characteristics in that they may not be able to respond quickly post notification.

### (c) Chair's Discretion

Finally, Chair's discretion puts it to the Chair to decide who will speak where there is multiple third party objectors and are unable to agree a spokesperson. The Chair has discretion to allocate speaking on a case by case basis, choosing to allocate randomly where seen appropriate. Whilst there may be issues with the transparency of this proposal, it does allow for explicit and due regard to be given to situations where a person registering to speak has disclosed their protected characteristic and has asked for this to be taken into account. There is the option for the third party objectors to forward their comments to the allocated speaker for presentation to the Committee should they be able to reach their own agreement.

### *(2) Reasonable Adjustments*

The second proposal is to amend paragraph 18 in the existing protocol from:

*If the speaker is a wheelchair user or has a hearing impairment, they should contact the Committee Section in advance of the meeting to arrange for a portable PA or loop respectively.*

To:

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*If the speaker has a disability or protected characteristic which requires reasonable adjustments to enable them to participate in the meeting, they should contact the Committee Section in advance of the meeting so that arrangements can be made.*

This proposal is considered to have a positive impact on the participation of people with disabilities in that it widens the disabilities which the Committee Section are asked to make arrangements for. This brings the protocol in line with existing practice.

In general, it is considered that reasonable adjustments should be made on a case-by-case basis, and that changes such as this one allow the Council to better respond to an individual's specific needs. Other changes to protocol have followed this general principle, such as opening up the potential for individuals to be allocated extra time to people with interpreters or impediments which would limit their ability to speak.

## 2. Impact on Groups having a Protected Characteristic

**AGE:** *A person of a particular age or being within an age group.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

**Describe the Impact**

*(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please identify any differential impact on different age groups. Please note if there is no differential impact on people with this characteristic, please state this )*

### **Allocating Speaking Rights**

*First Come, First Served*

It is considered that there may be impacts to people with this protected characteristic by adopting a first come, first served policy.

Firstly, underrepresentation of people from certain age groups in participation in statutory consultations for planning applications could impact the ability of young people to respond quickly to be the first person to register to speak. At present, only those who respond to the statutory consultation of an application are notified by Ealing's Planning department of their opportunity to speak at the Planning Committee. This being the case, groups who are underrepresented at the consultation stage will receive less notification of their opportunity to speak, making it less likely that they will register first.

Evidence suggests that younger people may be less likely to participate in statutory consultations in relation to planning applications. A [YouGov poll](#) taken in 2020 indicated that 11% of young adults had knowingly engaged in local plan consultations, whilst taken across all age groups, 26% of people had knowingly engaged with local plan consultations. Whilst this data relates to consultations to Local Plans and not to planning applications, it is considered that this data could give an approximation as to the response rates amongst young adults. On this basis, there could be disadvantage to young people by adopting a first come, first served policy.

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Statistics are not available for the participation of elderly residents in consultations. [UK Collaborate Centre for Housing Evidence \(2022\)](#) suggests that the elderly are underrepresented in consultations, although further information has been difficult to find on this issue. It is therefore possible that a similar impact might affect the elderly as discussed above in relation to young people, in that they might find it harder to register quickly to speak.

Secondly, given that notification of the opportunity to speak is currently by email, those who use the internet and are familiar with communicating by email will be in a better position to register to speak quickly. The ONS collects statistics on the [use of the internet](#) to send and receive emails by age. Evidence collected in 2020 suggests that older people are less likely to use the internet to receive and send emails. Whilst the data suggests that, overall, 85% of people use the internet to send and receive emails, 72% of people aged 65+ used the internet in this way. This means that older people could be disadvantaged by adopting a first come, first served policy.

On this basis, it is considered that a “first come, first served” policy would have a negative impact on people by their protected characteristic of age.

### *Drawing Lots*

A drawing lots policy does not incur the same impacts as the first come, first served policy. This is because the speed with which a prospective speaker registers will not impact their likelihood of being allocated the speaking time. Whilst this would not change the existing disparities amongst young people and old people as outlined above, it would mitigate against the disadvantage which some groups could face on account of factors making it difficult to register with speed to speak. So long as a person registers within the deadline, the speed with which a person registers to speak would not be factored in deciding who would speak.

However, there is a concern that the drawing lots policy, by operating purely on random chance, does not allow for due regard to be taken into account in individual circumstances where a person discloses that they have a protected characteristic which they believe to be relevant to their application to speak at Planning Committee. A drawing lots policy is likely to replicate the existing disparities in participation in planning matters.

Overall, it is considered that a “drawing lots” policy would have a neutral impact on people by their protected characteristic.

### *Chair's Discretion:*

Implementing Chair's discretion could capture some of the strengths of the drawing lots policy whilst avoiding its shortcoming. In addition to draft wording set out on page 2 of this assessment, the protocol would also state that “Any third party wishing to disclose their protected characteristics for due consideration should do so when they contact the Committee Administrator”. This means that individuals have the opportunity to disclose their protected characteristic for consideration by the Chair when making a decision as to who should speak.

This policy maintains the discretion of the Chair to have regard to protected characteristics when they are disclosed by a third party. It also provides discretion for the Chair to ask for the speakers to be allocated randomly, by a decision-making procedure like drawing lots, where they decide this is more appropriate.

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Consideration has been given to whether the statistics mentioned above about internet usage by people in different age groups could be relevant to the impacts of the Chair's discretion policy (and, equally, the drawing lots policy). It is outside of the remit of these updates to change the way the original notifications of the chance to speak are sent out to individuals by the Planning Department. However, given that the statistics show that older age groups may have less access to emails, it is proposed that the letters are updated to include a phone number for the democratic services team as well as an email address. If it is preferable for an individual, the democratic services team will accept registration by telephone and continue communications by phone.

### **Other impacts:**

It is not considered that other existing or proposed changes of the speaking protocol will impact people with this protected characteristic.

### **Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

#### **Describe the Mitigating Action**

*(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)*

On the basis of the above, it is considered that it would not be appropriate for the protocol to include a first come, first served policy for allocating third party speakers. Whilst not incurring the same difficulties as the first come, first served policy, there are limitations to the implementation of a drawing lots policy, too.

On balance of the above considerations, it is considered that the best mitigating action to the impact to individuals by age by changes to the speaking protocol would be to implement the final option, putting the allocation of speakers entirely to Chair's discretion. This maintains the capacity for the random allocation of speaking rights, although it also allows for due regard to be given persons with relevant protected characteristics on a case-by-case basis. It does not privilege individuals who are better able to respond to notifications of the opportunity to speak quickly.

**DISABILITY: A person has a disability if s/he has a physical, mental or sensory impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities<sup>1</sup>.**

**State whether the impact is positive, negative, a combination of both, or neutral:**

#### **Describe the Impact**

*(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please identify any differential impact on people with different types of disabilities. Please note if there is no differential impact on people with this characteristic, please state this )*

### **Allocating Speaking Rights**

*First Come, First Served*

<sup>1</sup> Due regard to meeting the needs of people with disabilities involves taking steps to take account of their disabilities and may involve making reasonable adjustments and prioritizing certain groups of disabled people on the basis that they are particularly affected by the proposal.

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Statistics are not available for the relationship between disability and consultation participation. [UK Collaborate Centre for Housing Evidence \(2022\)](#) suggests that disabled people are underrepresented in consultations, although further information has been difficult to find on this issue. It is therefore possible that a similar impact might affect people with disabilities as discussed above in the section on age, in that they might find it harder to register quickly to register to speak.

In terms of internet usage, the ONS collects data on the proportion of people with disabilities (as defined by the Equalities Act 2010) who use the internet to send and receive emails. ONS data from 2020 shows that percentage of people who use emails as part of their internet usage is slightly smaller amongst people with disabilities, 78%, than the percentage for the whole population, 85%. As such, it is considered that there could be an impact on people with disabilities, in that they may be less able to pick up and respond to notifications of the opportunity to speak quickly than the general population.

On this basis, it is considered that a “first come, first served” policy would have a negative impact on people by their protected characteristic of disability.

### *Drawing Lots:*

Given that there is a concern that disabled people are underrepresented in earlier consultations in planning applications, there is a similar issue as with the protected characteristic of age in that random allocation may not give due regard to relevant individual circumstances of someone registering with a protected characteristic. Disparities in earlier stages of the Planning Process may be replicated by a random allocation.

### *Chairs Discretion:*

Whilst this option has the benefits outlined above in that it can maintain random allocation where appropriate whilst also ensuring due regard to disclosed protected characteristics, there could be impacts of this proposal to individuals with disabilities.

Unlike the First Come, First Served policy, where a decision can be made on who will speak as soon as the first speaker registers, the Chair’s discretion requires that a decision is delayed until after the deadline for registering. The deadline for registering is proposed to be midday, 2 working days prior to the Committee. The aim would be that the Chair would make their decision on the Monday evening and that this was notified to the relevant speakers first thing the next morning. This would mean third parties would only know who will speak the day before the Committee.

There is a concern that this may leave too little time for a speaker to prepare to speak, particularly for people with learning disabilities or people autistic spectrum condition. For example, [the National Autistic Society](#) explains that some autistic people may find organising and prioritising difficult. Being set a 1-day deadline may be inappropriate and off-putting for getting involved with the Planning process.

### *Other impacts:*

A person with a disability which impacts their mobility could struggle to attend a Committee meeting in-person to address the Committee. However, Planning Committees currently take place as hybrid meetings meaning that there is the option to address the Committee virtually via Zoom. This means that there is the option to address the Committee from home and without having to travel to the meeting venue.

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However, there continues to be the option for speakers to attend the meeting in person should they wish. It is proposed to update the provisions of the existing protocol such that people with disabilities who require reasonable adjustments to participate at the meeting are asked to contact the Committee section in advance of the meeting. The Committee section would make reasonable adjustments to ensure that if a person wished to attend in person, they could do so.

In addition to this, the existing protocol also allows additional time (6 minutes as opposed to 3 minutes) for people with a learning disability to address the Committee. It is proposed to broaden this allowance, so that it is not only those with learning disabilities who can have extra time but any speaker who has an impediment which impacts their ability to speak. Acknowledging that different amounts of time will be appropriate in different circumstances, it is also proposed to put this to chair's discretion.

In terms of the impact on people with disabilities which affect mobility, it is considered that the impact of the changes will be neutral to positive.

### **Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

#### **Describe the Mitigating Action**

*(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)*

Please see mitigation outlined above under the "Age" heading. Overall, it is considered that the most appropriate measure would be to implement the Chair's discretion option.

However, it is noted that there may be challenges for individuals with learning difficulties or autistic spectrum condition with finding out who will be the allocated speaker only a day before the meeting.

In response to this concern, consideration has been given as to whether the deadline for registering to speak should be moved so as to ensure a greater amount of time for speakers to prepare to their presentations once it is clear who will be speaking.

However, it is considered that there is a balance to be struck between keeping the deadline close to the meeting so that those who are not in a position to register to speak quickly are not disadvantaged, and bringing the deadline forward so the chosen speaker has time to prepare. It is also considered that this concern can be mitigated by encouraging people who register to start preparing their speech or at least an outline as soon as they register and not wait for a decision to be made. This would ensure that prospective speakers have up to 2 weeks to prepare their speech. On this basis, it is considered that the proposed deadline, midday, 2 working days before the Committee, will suffice.

It may also be that the outline speech is forwarded to the allocated speaker to consider for presenting on the days.

**GENDER REASSIGNMENT:** *This is the process of transitioning from one sex to another. This includes persons who consider themselves to be trans, transgender and transsexual.*

**State whether the impact is positive, negative, a combination of both, or neutral:**



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<b>Describe the Impact</b>
<i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please note if there is no differential impact on people with this characteristic, please state this )</i>
Statistics are not available for the relationship between gender reassignment and consultation participation or internet usage, so it is difficult to tell whether prejudice would be caused to people with this protected characteristic.
<b>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</b>
<b>Describe the Mitigating Action</b>
<i>(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)</i>
N/A

<b>RACE: A group of people defined by their colour, nationality (including citizenship), ethnic or national origins or race.</b>
<b>State whether the impact is positive, negative, a combination of both, or neutral:</b>
<b>Describe the Impact</b>
<i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please identify any differential impact on people from different ethnic backgrounds. Please note if there is no differential impact on people with this characteristic, please state this )</i>
<b>Allocating Speaking Rights</b>
<i>First Come, First Served:</i>
Statistics are not available for the relationship between race and participation in planning consultations. However, research suggests that people from minority ethnic groups are underrepresented in responding to planning consultations and, in general, they are less likely to be aware of the processes for getting their views heard. Publicly available reports including the report by <a href="#">UK Collaborate Centre for Housing Evidence (2022)</a> and the report by <a href="#">Bristow (2021)</a> both outline the underrepresentation of minority ethnic groups (in Bristow's case, particularly the BAME community) in planning consultations. Both reports provide references to further academic studies. Like the concern outlined in the section on age above, groups who are underrepresented in earlier consultation stages of planning applications could be less likely to be able to register quickly to speak on an application.
<i>Drawing Lots:</i>
Given that there is a concern that individuals from certain races are underrepresented in earlier consultations in planning applications, there is a similar issue as with the protected characteristic of age in that random allocation may not give due regard to the individual circumstances of someone registering with a protected characteristic. Disparities in earlier stages of the Planning Process may be replicated by a random allocation.

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### *Chairs Discretion:*

This option has the benefits outlined above in that it can maintain random allocation where appropriate whilst also ensuring due regard is given to disclosed protected characteristics.

### **Other Impacts**

The protocol currently states that if the speaker's first language is not English and they wish to address the Committee, they can either bring a friend to interpret or make a statement on their behalf. The existing protocol also sets out that speakers who require an interpreter will be afforded additional time to speak, although it is proposed to update this provision so that the chair has discretion over how much additional time is given. Insofar as people from different nationalities, ethnic or national origins or races might not speak English as a first language, this provision of the existing protocol ensures their needs are taken into consideration. This aspect of the existing protocol is proposed to remain in the updated protocol.

### **Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

#### **Describe the Mitigating Action**

*(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)*

Please see mitigation outlined above under the "Age" heading. Overall, it is considered that the most appropriate measure given the concerns above would be to implement the Chair's discretion option.

**RELIGION & BELIEF:** *Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example, Atheism). Generally, a belief should affect a person's life choices or the way you live for it to be included.*

**State whether the impact is positive, negative, a combination of both, or neutral:**

#### **Describe the Impact**

*(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please identify any differential impact on people with different religious beliefs. Please note if there is no differential impact on people with this characteristic, please state this )*

Statistics are not available for the relationship between religion and belief and consultation participation, nor internet usage, so it is difficult to tell whether prejudice would be caused to individuals with this protected characteristic.

[UK Collaborate Centre for Housing Evidence \(2022\)](#) suggests that minority faith groups are underrepresented in consultations, although further information has been difficult to find on this issue.

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<p>It is therefore possible that a similar impact might affect people from minority faith groups as discussed above in the section on age, in that they might find it harder to quickly register to speak.</p>
<b>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</b>
<b>Describe the Mitigating Action</b>
<p><i>(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)</i></p> <p>Please see mitigation outlined above under the “Age” heading. Overall, it is considered that the most appropriate measure given the concerns above would be to implement the Chair’s discretion option.</p>

<b>SEX: Someone being a man or a woman.</b>
<b>State whether the impact is positive, negative, a combination of both, or neutral:</b>
<b>Describe the Impact</b>
<p><i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please note if there is no differential impact on a persons gender, please state this )</i></p> <p>According to the ONS, men are marginally more likely to use emails as part of their internet usage than women (86% compared to 85%).</p>
<b>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</b>
<b>Describe the Mitigating Action</b>
<p><i>(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)</i></p> <p>Please see mitigation for age.</p>

<b>SEXUAL ORIENTATION: A person’s sexual attraction towards his or her own sex, the opposite sex or to both sexes, covering including all LGBTQ+ groups.</b>
<b>State whether the impact is positive, negative, a combination of both, or neutral:</b>
<b>Describe the Impact</b>
<p><i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please note if there is no differential impact on people with this characteristic, please state this )</i></p>

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Statistics are not available for the relationship between sexual orientation and consultation participation, nor internet usage, so it is difficult to tell whether prejudice would be caused to individuals with this protected characteristic.
<b>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</b>
<b>Describe the Mitigating Action</b>
<i>(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)</i>
N/A

<b>PREGNANCY &amp; MATERNITY: Description: Pregnancy: Being pregnant. Maternity: The period after giving birth - linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.</b>
<b>State whether the impact is positive, negative, a combination of both, or neutral:</b>
<b>Describe the Impact</b>
<i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please note if there is no differential impact on people with this characteristic, please state this )</i>
Statistics are not available for the relationship between pregnancy and maternity and consultation participation, nor internet usage, so it is difficult to tell whether prejudice would be caused to individuals with this protected characteristic.
<b>Alternatives and mitigating actions which have been considered in order to reduce negative effect:</b>
<b>Describe the Mitigating Action</b>
<i>(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)</i>
N/A

<b>MARRIAGE &amp; CIVIL PARTNERSHIP: Marriage: A union between a man and a woman. or of the same sex, which is legally recognised in the UK as a marriage Civil partnership: Civil partners must be treated the same as married couples on a range of legal matters.</b>
<b>State whether the impact is positive, negative, a combination of both, or neutral:</b>
<b>Describe the Impact</b>
<i>(Please be as specific and clear as possible when describing the impact and include any local data i.e. service usage. If this is lacking please include regional or national data or research. Please note if there is no differential impact on people with this characteristic, please state this )</i>

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Statistics are not available for the relationship between marriage and civil partnership and consultation participation, nor internet usage, so it is difficult to tell whether there is an impact on this protected characteristic.

**Alternatives and mitigating actions which have been considered in order to reduce negative effect:**

**Describe the Mitigating Action**

*(Please describe any actions you will take to limit the impact of your proposal on this group. Please be open and forthright, decision makers need to be provided with as clear a picture as possible.)*

N/A

### 3. Human Rights<sup>2</sup>

**4a. Does your proposal impact on Human Rights as defined by the Human Rights Act 1998?**

No

*(If yes, please describe the effect and any mitigating action you have considered.)*

**4b. Does your proposal impact on the rights of children as defined by the UN Convention on the Rights of the Child?**

No

*(If yes, please describe the effect and any mitigating action you have considered.)*

**4c. Does your proposal impact on the rights of persons with disabilities as defined by the UN Convention on the rights of persons with disabilities?**

No

*(If yes, please describe the effect and any mitigating action you have considered.)*

### 4. Conclusion

*(Please provide a brief overview/summary of your analysis in light of the protected characteristics. Please describe the overall impact of your proposal where possible and mitigating actions undertaken by other areas of the Council or by local partners)*

Overall, whilst most aspects of the proposed updates to the speaking protocol are deemed either neutral or positive in relation to their impacts on people with protected characteristics, there is a risk

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<sup>2</sup> For further guidance please refer to the Human Rights & URNC Guidance on the Council Equalities [web page](#).

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that adopting a first come, first served policy will be to the detriment of groups by age, race, disability or religion and belief.

Two main factors were identified that drove the detriment to these groups: underrepresentation in earlier planning consultation stages and use of email for correspondence. In relation to the former, it was identified that groups who were underrepresented at consultation stages for planning applications may not be in a position to be aware of the opportunity to speak at planning committee or to register quickly. In relation to the use of emails for correspondence, it was noted that those who did not use emails regularly could be disadvantaged in registering quickly to speak given that the notification of the opportunity to speak was sent via email.

Other options were also considered. Whilst the drawing lots policy removed detriment which would be caused to a group on account of there being barriers to their registering to speak quickly, it was not suitable for having due regard to the specific circumstances of someone's protected characteristic and how it impacted their registering to speak. Due to operating on random chance, it risked replicating disparities in earlier stages of the planning process.

Finally, the option to maintain Chair's discretion as to who should speak was considered. Whilst there were concerns that this would leave people little time to prepare their speech once it was clear who would be speaking, and that this could have particular impact on people with learning difficulties or autistic spectrum condition, it was considered that this concern could be mitigated by ensuring people who register start preparing their speech as soon as they register. It was noted that this option maintained the possibility for the Chair to request that speaking was allocated by drawing lots, where appropriate.

Overall, it was considered that final option, putting the allocation of third party speakers to the Chair's discretion, was the one which had most positive impact on individuals with protected characteristics.

**4a. What evidence, data sources and intelligence did you use to assess the potential impact/effect of your proposal? Please note the systems/processes you used to collect the data that has helped inform your proposal. Please list the file paths and/or relevant web links to the information you have described.**

*(Please list all sources here: i.e. local consultation, residents' survey, census etc.)*

UK Collaborative Centre for Housing Evidence, 2022, "Public participation in planning in the UK", [220406-Public-participation-in-planning-in-the-UK\\_v3.pdf \(housingevidence.ac.uk\)](#) (accessed 31 July 2023)

YouGov Poll, 2020, referenced: [Local plans fail to engage people about the future of their areas | Social](#) (accessed 31 July 2023)

Office for National Statistics, 2020, "Internet access – households and individuals", [Internet access - households and individuals - Office for National Statistics \(ons.gov.uk\)](#) (accessed 31 July 2023)

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## Equalities Analysis Assessment

### 5. Action Planning: *(What are the next steps for the proposal please list i.e. when it comes into effect, when mitigating actions linked to the protected characteristics above will take place, how you will measure impact etc.)*

Action	Outcomes	Success Measures	Timescales/ Milestones	Lead Officer <i>(Contact Details)</i>
Consultation with the Chair of the Planning Committee and opposition leads.	To receive input on the proposed changes from lead members for Planning from each of the political parties represented in Ealing.	That members' views are taken into account before the report for Committee is finalised.	Prior to the submission of the report for the December Planning Committee agenda.	Jack Roberts, Democratic Services Officer, <a href="mailto:robertsja@ealing.gov.uk">robertsja@ealing.gov.uk</a> 020 8825 6604.
Consideration by Planning Committee.	A decision on whether to adopt the changes and, particularly, whether to adopt a first come, first served policy to allocate speaking rights going forward.	That there is agreement on updates for the speaking protocol.	Report to be submitted to December Planning Committee.	Jack Roberts, Democratic Services Officer, <a href="mailto:robertsja@ealing.gov.uk">robertsja@ealing.gov.uk</a> 020 8825 6604.
Implementation of new planning protocol	Notifications of the opportunity to speak will be updated to reflect the changes. Explanations on the Council's website of the opportunity to speak will be update.	The new speaking protocol to be implemented at the meeting after the one where it is agreed.	The Planning department will be updated of the changes to the protocol directly after the meeting where the updates are agreed. The new protocol will be followed for meeting directly after the one where it agreed.	Jack Roberts, Democratic Services Officer, <a href="mailto:robertsja@ealing.gov.uk">robertsja@ealing.gov.uk</a> 020 8825 6604.

**Additional Comments:**

### 6. Sign off: *(All EAA's must be signed off once completed)*

Completing Officer Sign Off:	Service Director Sign Off:	<i>HR related proposal (Signed off by directorate HR officer)</i>
Signed:	Signed:	Signed:

## Equalities Analysis Assessment

Name (Block Capitals): <b>JACK ROBERTS</b>	Name (Block Capitals): <b>HELEN HARRIS</b>	Name (Block Capitals): 
Date:	Date:	Date:
For EAA's relating to Cabinet decisions: received by Committee Section for publication by (date):		

### **Appendix 1: Legal obligations under Section 149 of the Equality Act 2010:**

- As a public authority we must have due regard to the need to:
  - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
  
- The protected characteristics are: AGE, DISABILITY, GENDER REASSIGNMENT, RACE, RELIGION & BELIEF, SEX, SEXUAL ORIENTATION, PREGNANCY & MATERNITY, MARRIAGE & CIVIL PARTNERSHIP
  
- Having due regard to advancing equality of opportunity between those who share a protected characteristic and those who do not, involves considering the need to:
  - a) Remove or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
  - b) Take steps to meet the needs of persons who share a relevant characteristic that are different from the needs of the persons who do not share it.
  - 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.
  
- Having due regard to fostering good relations between persons who share a relevant protected characteristic and persons who do not, involves showing that you are tackling prejudice and promoting understanding.
  
- Complying with the duties may involve treating some people more favourably than others; but this should not be taken as permitting conduct that would be otherwise prohibited under the Act.