

## Appendix 5

### Initial Equalities Impact Assessment screening form

*Prior to making the decision, the Council's decision makers considered the following: guide to decision making under the Equality Act 2010:*

*The Council is a public authority. All public authorities when exercising public functions are caught by the Equality Act 2010 which became law in December 2011. In making any decisions and proposals, the Council - specifically members and officers - are required to have **due regard** to the 9 protected characteristics defined under the Act. These protected characteristics are: **age, disability, race, gender reassignment, pregnancy and maternity, religion or belief, sex, sexual orientation and marriage & civil partnership***

*The decision maker(s) must specifically consider those protected by the above characteristics:*

- (a) To seek to ensure equality of treatment towards service users and employees;*
- (b) To identify the potential impact of the proposal or decision upon them.*

*The Council will also ask that officers specifically consider whether:*

- (A) The policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults*
- (B) The proposed policy / service is likely to have any significant impact on mental wellbeing / community resilience (staff or residents)*

*If the Council fails to give 'due regard', the Council is likely to face a Court challenge. This will either be through a judicial review of its decision making, the decision may be quashed and/or returned for it to have to be made again, which can be costly and time-consuming diversion for the Council. When considering 'due regard', decision makers must consider the following principles:*

- 1. **The decision maker is responsible for identifying whether there is an issue and discharging it.** The threshold for one of the duties to be triggered is low and will be triggered where there is any issue which needs at least to be addressed.*
- 2. **The duties arise before the decision or proposal is made, and not after and are ongoing.** They require **advance** consideration by the policy decision maker with conscientiousness, rigour and an open mind. The duty is similar to an open consultation process.*
- 3. The decision maker must be **aware of the needs of the duty.***
- 4. The **impact of the proposal or decision must be properly understood first.** The amount of regard due will depend on the individual circumstances of each case. The greater the potential impact, the greater the regard.*
- 5. **Get your facts straight first!** There will be no due regard at all if the decision maker or those advising it make a fundamental error of fact (e.g. because of failing to properly inform yourself about the impact of a particular decision).*
- 6. What does 'due regard' entail?
  - a. **Collection and consideration of data and information;***
  - b. **Ensuring data is sufficient to assess the decision/any potential discrimination/ensure equality of opportunity;***
  - c. **Proper appreciation of the extent, nature and duration of the proposal or decision.****

7. **Responsibility** for discharging can't be delegated or sub-contracted (although an equality impact assessment ("EIA") can be undertaken by officers, decision makers must be sufficiently aware of the outcome).
  8. **Document the process** of having due regard! Keep records and make it transparent! If in any doubt carry out an equality impact assessment ("EIA"), to test whether a policy will impact differentially or not. Evidentially an EIA will be the best way of defending a legal challenge. See hyperlink for the questions you should consider <http://occweb/files/seealsodocs/93561/Equalities%20-%20Initial%20Equality%20Impact%20Assessment%20screening%20template.doc>
1. Within the aims and objectives of the policy or strategy which group (s) of people has been identified as being potentially disadvantaged by your proposals? What are the equality impacts?

The overall aim of the Covered Market masterplan is to make the covered market easier to find and more comfortable to spend time in. A new communal area will significantly increase the amount of free sheltered seating in the city centre while replacing and upgrading the public toilets facilities is a key improvement for all.

We are going to focus on improving signage and wayfinding will make it easier to find the market and to move around it which again has been focused around various vulnerabilities and needs. Making Market Street pedestrian-friendly will make it a safer, calmer and more welcoming space for many hours of the day, and we can look at different opening hours at different times of the year

One of the six project aims is: to make an **inclusive** place in the heart of Oxford that is accessible for all, where everyone feels welcome and part of the city

The NHS provides 6 key categories and these have allowed us to work through the changes suggested across those groupings and risk assess the progress and costs and value for money.

Behaviour and Emotional (Neurotypical) – noise in the market, lack of space, feeling of being enclosed, poor lighting, everything packed in together with lots of visually competing signs and information. Poor orientation and exit options in emergency. These are key triggers for autism and ADHD and a range of other sensory processing disorders.

Hearing – echoing spaces, music not clearly heard, competing noises, poor audio equipment for community events, poor sound for emergency announcements, lip-reading difficulties, no written options, no audio options for headphones, no quiet time choices and timetables – these will affect those totally deaf, partially deaf and a range of different hidden disabilities

Memory or ability to concentrate, learn or understand (Learning Disability) – information leaflets too complex, signs not clear, poor wayfinding options, lack

of support for enquiries – no check on market as is for those with lived experience

Mobility and Gross Motor Skills - inability for wheelchair users and those using different support aids to manoeuvre around signs and pavement clutter, no seating suitable for a range of disabilities, too cold therefore not comfortable for walking around, no escape from external elements.

Uneven flooring creating trip hazards, steps which have not been considered creating “no-go” areas, no consideration for disabled parking options, need to understand how far things are and options for emergencies.

Sight – Poor lighting, inability to see the floor clearly, uneven flooring, unable to read signs, clutter for guide dogs to work round, market entrance remaining “concealed”, no easy access to seating as needed, wayfinding concerns and no consideration for enabling independence – need lived experience check.

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant action plan

The majority of the proposed changes will be of benefit to the groups highlighted and as we go through the project we will be able to risk assess in more detail. Proposals so far have been put through the Inclusive Transport and Movement Focus Group, which highlighted the importance of varied and accessible seating options, the value of improving the floor surfaces and making Market Street more pedestrian-friendly.

The current proposals are at a ‘concept masterplan’ level, so more details would be forthcoming in a future phase of work. The feedback received so far about equality impacts has therefore not changed the current proposals significantly, but it will be usefully added to the list of issues to address and resolve in more detail in future if and when there is high level approval for the project and its budget. The timetable is to be confirmed, but it can generally be assumed to be the responsibility of the project manager during 2023.

The key issues to understand and investigate further from an equalities impact perspective are:

- accessible toilets functioning for all
- Adequate lighting, potentially different in different spaces
- Level flooring and access
- A range of seating types for different heights and abilities, including spaces for wheelchairs within the central areas and not just at the edge
- Wheelchair accessibility, removing signage clutter / blockages
- Clear signage

- Braille wayfinding, Coloured flooring, Audio support
- Longer opening times, possible quiet times
- Support Dog access places
- Electric charge points for scooters and bikes
- Warm areas
- Disabled Parking, ensuring convenient access to the Covered Market and GP surgeries is retained
- Alcohol licensed areas, respecting religion and cultural preferences

The list of accessibility information gathered to date, which should be considered in the next phase includes:

- Report by Transition by Design from early 2021
- Slides for the Inclusive Focus Group in October 2022
- Relevant excerpt from public consultation results in September and October 2022

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Please note that you are required to involve disabled people in decision making

The City Council's Inclusive Transport and Movement Focus group (which includes representatives of disability charities and those with lived experience of disability) have been kept very well informed during 2021 and 2022 and are the same group who contributed to the award-winning Broad Meadow design from an equalities perspective.

The Covered Market masterplan project team would continue to engage with the focus group in advance of key milestones and decisions around design which could have an equalities impact.

The new GP surgeries on Market Street, who have a significant proportion of patients with protected characteristics, have also been engaged on the proposals for Market Street, which have revised accordingly. They must continue to be engaged on the resolution of details in a future phase of work.

There will also be site visits and at least one more period of statutory public consultation connected to the approvals required for the building works and for Market Street.

Updates on the project's development will be shared on the Covered Market's website and social media.

The scope of the next phase of work should involve an accessibility expert, subject to budget availability.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

No, there is no option for doing nothing measured or assessed here for this level of project and planned expenditure.

The adverse impacts of not making this fully inclusive would be:-

- Loss of earnings
- Reputational damage
- Retrofitting works to comply with Equalities Act 2010
- Subject Access Requests to review the nature and level of consultation
- Legal Review across funding decisions made
- Members and CMT review of decisions made
- Court cases

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

The Covered Market Proposals are regularly brought up across the Equality Steering Group of Oxford City Council, and remain under the review of both the Disability Equality Inclusion Specialists and the Accessibility Champion within the council for both formal and informal sense checking of progress, costs, timelines, architectural planning and public consultation and points raised there. The Inclusive Transport and Movement Focus Group will also continue to review the project at key points.

We will need to conduct consultations around who currently uses the market and for what reasons and what disabilities are currently missed from our EQIA.

The next formal review will occur in the early stage of the next phase of the project, subject to the Cabinet decision in February 2023, so that the Accessibility ambition of the project remains integral to the project's development.

Where implementation may be on an experimental basis (most notably on Market Street) close monitoring will be particularly important, to establish the

effectiveness and what needs to be changed in advance of any permanent change.

Post Implementation a review will be made via a separate project of instant feedback from disabled market users and traders.

Lead officer responsible for signing off the EqIA: Ted Maxwell

Role: Regeneration Manager

Date: 29 November 2022

Note, please consider & include the following areas:

- Summary of the impacts of any individual policies
- Specific impact tests (e.g. statutory equality duties, social, regeneration and sustainability)
- Consultation
- Post implementation review plan (consider the basis for the review, objectives and how these will be measured, impacts and outcomes including the “unknown”)
- Potential data sources (attach hyperlinks including Government impact assessments or Oxfordshire data observatory information where relevant)