

Equality Considerations Template - 2021

Assessing equality impacts enables us to make services and public policy better for all service-users and staff and supports value for money by getting council services right first time¹.

This assessment is used as an alternative to the Equality Impact Assessment (EqIA) template in specific circumstances, when impacts are limited or only apply to one or two characteristics². This helps the Council to make good decisions for its service-users, staff and residents and to provide evidence that those decisions conform with the Council's obligations under the Equality Act 2010³.

For further support or advice please contact: Sarah Tighe-Ford, Equalities Manager. See end notes for full guidance.

1. Equality Considerations Assessment Template

First, consider whether you need to complete this form, or if there is another way to evidence assessment of impacts⁴.

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| Title⁵ | East Sussex County Council Public Health Hot Food Takeaway (HFT) Guidance – December 2024 |
| Team/Department⁶ | Healthy Communities and Places, Public Health |
| Directorate | ASC |
| Provide a comprehensive description of your Project (Service/Policy, etc.) including its Purpose and Scope⁷ | <p>The purpose of the East Sussex County Council Public Health Hot Food Takeaway Guidance report is to provide information and guidance to those involved in place making and decision making concerning new, or changes of use to, hot food takeaways in East Sussex through the planning system. This is made in the light of worsening levels of unhealthy weight both nationally, and at a more local level across some parts the county.</p> <p>The aims of the guidance are to:</p> <ol style="list-style-type: none"> 1. Provide a background to the obesity crisis and an explanation of the elements of HFT justifications and approaches. This includes including spatial criteria, public health evidence, and links to further guides and resources. 2. Provide clarity on how the requirements set out in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) on healthy and safe communities can be met. 3. Outlining guidance and an approach on the development of HFT Policies within local plans 4. Support local implementation by identifying tools and mechanisms for developing HFT approaches, including evidence to support the development of a HFT policy. |

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| | <ol style="list-style-type: none"> 5. Promote Public Health support for the 'The East Sussex approach' – a set of Public Health recommendations for developing a restrictive policy approach for HFT. 6. Acknowledge that obesity levels are worsening and are likely to worsen over time which is why a preventative approach to HFT is needed and why trends around obesity need to be monitored and acknowledged as part of 'planning for health'. As well as addressing the need for healthier food environments at both national and local level to reduce health inequalities. 7. Show current evidence for obesity and deprivation at national, county, and local levels to highlight patterns and trends. 8. Support and respond to the needs of older adults/the needs of the ageing population (who are identified as a vulnerable group, along with children). This will support ambitions within the 'ageing well' agenda. 9. Help articulate and guide the proportionate use of tools and measures within the planning system that can be used within Local Plans to support decision making around hot food takeaways. <p>The intended audience includes the following: Developers, and those applying for planning permission (applicants), Local Planning Authority Development Management and Planning Policy officers, Decision Makers, Public Health officers and other stakeholders and those interested in work and health issues around the topic of hot food takeaways.</p> <p>Background and context information on healthy food and healthy weight environments, with specific reference to hot food takeaways and the links between unhealthy environments and deprivation and health inequalities is set out. The briefing links this information to the roles that the Planning system and the Public Health system have, and where actions can be taken to manage healthy weights across East Sussex.</p> <p>Data and evidence in the form of graphs and maps is provided to show the associations between unhealthy weight in adults, children and young people in relation to deprivation levels and the location of hot food takeaways. This is used to demonstrate how links can be made between health inequalities and hot food takeaways in East Sussex.</p> <p>An approach is proposed for how Public Health intend to interact with the development of hot food takeaways, using tools and mechanisms within the current planning system. For Local Planning Authorities it includes using Takeaway Management Zones, suggestions to support the development of restrictive hot food takeaway policies within Local Plans. A set of recommendations is put forward to show how Public Health will assess planning applications for hot food takeaways based on a set of criteria. This includes consideration of obesity levels, general health issues, deprivation levels, proliferation of hot food takeaways, and locations of vulnerable groups in the vicinity of planning applications.</p> |
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| Engagement undertaken or planned ⁸ | Local Planning Authority planning officers have been consulted with, via the East Sussex Public Health ‘Planning for Health’ Working Group, along with colleagues in East Sussex County Council Public Health. | |
| Potential issues / barriers / impacts / opportunities ⁹ | Notes and any mitigating actions ¹⁰ | |
| The guidance recognises that this will have a greater impact on deprived areas. Often Hot Food Takeaways meet the needs of people on lower incomes, providing cheaply priced food to fit their lower budgets. | In the long term, the document aims to reduce the number of new hot food takeaways and help reduce health inequalities. Often HFTs supply foods high in fat, salt and sugar to the community. By reducing the numbers of such establishments, we aim to encourage healthy eating habits, improve community health and reduce health inequalities. It might be considered that people with lower incomes may be disadvantaged by a reduction in HFT establishments. It is felt however that there are already sufficient numbers of such establishments to continue to meet this need for food sources that are affordable to this sector of the community. | |
| Summary of impacts and actions planned, with timeframe ¹¹ | | |
| Impact | Action | Timeframe |
| N/A | | |
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Form sign-off: (for assessment to be final an email must be sent from the relevant people agreeing it or this section must be signed)

Person completing this form: Beverley Bayliss

Date: 29/11/2024

ESCC Equality lead: Michelle Hickman

Date: 29/11/2024

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** all staff must be aware of our Equality Act 2010 duties and ensure they comply with them in their daily work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral, rigorous part of your decision-making process and influence the process.
- **Sufficient Information:** you must assess what information you have and what is further needed to give proper consideration.
- **No delegation:** the Council is responsible for ensuring that any contracted services need also to comply with these legal obligations. You need, therefore, to ensure that these obligations are clear to the supplier. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy or service is developed, agreed, implemented and reviewed.
- **Proper Record Keeping:** to prove compliance with the Equality Act you must keep records of the process and impacts identified.

NB: Filling out this template in itself does not meet the equality duty. In additions, all the requirements above must be fulfilled.

² **Our duties in the Equality Act 2010**

As a council, we have a legal duty to show that we have identified and considered the actual and potential impact of our activities on people who share any of the legally 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on the nature of your project, who it might affect, those groups' vulnerability, and the seriousness of any potential impacts it might have. We use this template to gather information and assess the impact of our project in these areas.

³ **EqlAs are always proportionate** to: The nature of the service, or scope of the policy/strategy, the resources involved, the number of people affected, the size of the likely impact, the vulnerability of the people affected. The greater the potential adverse impact of the proposed service or policy on a protected group (e.g. disabled people), the more thorough and demanding our process must be.

⁴ **When to complete a detailed EqlA or assess equality considerations:** when planning or developing a new service, policy or strategy, reviewing or ending an existing service, policy or strategy, or when something changes in the service, policy or strategy, or in the county (eg: in population), or at a national level (eg: of legislation)

Assessment of equality impact does not have to be evidenced on this template. Ideally build equality assessment into your usual processes of reviewing a service or policy, in needs assessment, in strategy development, consultation or planning.

Do you need to assess equality impacts? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect? How significant are its impacts? How vulnerable are the people (potentially) affected?
- Does it relate to an area where there are known inequalities?

If there are potential impacts on people but you decide not to assess equality impacts it is usually sensible to document why.

⁵ **Title:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁷ **Focus or scope:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EqIA)'

This section should explain what you are assessing?

- What are the main aims or purpose, how will it be provided, to whom and with what intended outcomes?
- Who implements, carries out or delivers it? How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? (external and internal groups)
- What do existing or previous reviews tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁸ **Engagement:** list who you have consulted about this proposal, main findings and further engagement needed (to fill gaps).

⁹ **Potential issues / barriers / impacts / opportunities:** You must identify and consider actual and potential impact of our activities on people who share any of the legally 'protected characteristics' (see list in end-note 2). Use data and engagement to inform this section.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce, minimise or eliminate any negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **promote equality of opportunity.** This means the need to: remove or minimise disadvantages, take steps to meet the needs of equality groups, encourage participation where it is disproportionately low, and consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.
- **foster good relations between people who share a protected characteristic and those who do not.** This means: tackle prejudice and promote understanding

¹⁰ **Notes and any mitigating actions:** Identify actions that will remove, reduce or avoid the negative impacts and maximise positive impacts. The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

¹¹ **Summary of impacts and actions planned:** note the actions that have been planned and define a timescale. Ensure actions are embedded in team or project plans so they are completed. Review to ensure they are addressing the impacts identified in this template.