

Appendix 7: CGR Equality Impact Assessment

An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in decision-making.

When to assess

An EIA should be carried out when you are changing, removing or introducing a new service, policy or function. The assessment should be proportionate; a major financial decision will need to be assessed more closely than a minor policy change.

Public sector equality duty

The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:

- 1) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- 2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- 3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These are known as the three aims of the general equality duty.

Protected characteristics

The Equality Act 2010 sets out nine protected characteristics that apply to the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Ethnicity
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

We also ask you to consider other socially excluded groups, which could include people who are geographically isolated from services, with low literacy skills or living in poverty or low incomes, affected by rural deprivation or poor health. This may impact on aspirations, health or other areas of their life which are not protected by the Equality Act, but should be considered when delivering services.

Due regard

To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

How much regard is 'due' will depend on the circumstances and in particular on the relevance of the aims in the general equality duty to the decision or function in question. The greater the relevance and potential impact, the higher the regard required by the duty. The three aims of the duty may be more relevant to some functions than others; or they may be more relevant to some protected characteristics than others.

Collecting and using equality information

[The Equalities and Human Rights Commission](#) (EHRC) states that 'Having due regard to the aims of the general equality duty requires public authorities to have an adequate evidence base for their decision making'. We need to make sure that we understand the potential impact of decisions on people with different protected characteristics. This will help us to reduce or remove unhelpful impacts. We need to consider this information before and as decisions are being made.

There are a number of publications and websites that may be useful in understanding the profile of users of a service, or those who may be affected.

- The Office for National Statistics Neighbourhoods website <https://www.ons.gov.uk/>
- Kent County Council Facts and Figures about Kent <http://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent>
- Public health and social care data http://www.kpho.org.uk/search?mode=results&queries_exclude_query=no&queries_excludefromsearch_query=yes&queries_keyword_query=Swale

At this stage you may find that you need further information and will need to undertake engagement or consultation. Identify the gaps in your knowledge and take steps to fill these.

Case law principles

A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The person completing the EIA should have knowledge and understanding of the service, policy, strategy, practice, plan.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- A public authority is responsible for ensuring that any contracted organisations which provide services on their behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice.
- The duty is a continuing one. It applies when a service, policy, strategy, practice or plan is developed or agreed, and when it is implemented or reviewed.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- The general equality duty is not a duty to achieve a result, it is a duty to have due regard to the need achieve the aims of the duty.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

Lead officer:	Sarah Porter
Decision maker:	Full Council
People involved:	Sarah Porter, Louise Galloway, Steph Curtis
Decision: • Policy, project, service, contract	Results of the Community Governance Review and recommendations to set up new Parish and Town Councils in the borough.

• Review, change, new, stop	These would be new or changed parish council boundaries
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	22 nd July 2026 - Council
Summary of the decision: • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected?	The Community Governance Review (CGR) was undertaken as there was an action in the corporate plan to undertake one. Additionally with Local Government Reorganisation happening in Kent in 2028 it was felt that local residents should be given the opportunity to decide whether they would like representation at a local Parish or town council area as we move into larger unitaries. The aim of the CGR is to consult with residents and existing parish councils on whether they would like to see any changes to the existing parish/town council structures in the Swale Borough. Following consultation on the options which were then considered by a Member Working Group - the following decisions are being recommended to policy and resources: 1. To change the name of Warden Parish Council to Warden Bay Parish Council 2. To create a Halfway Parish Council (as shown in Map 1) with 7 seats. 3. To amend the Minster-on-Sea Council boundary to incorporate the properties shown within Map 2 (Appleford Drive area), Map 4 (Ovinia Chase area) and Map 5 (Minster Road) from the new Halfway Parish Council area, but to transfer the properties shown within Map 3 (Baird Way area) from Minster-on-Sea to the new Halfway Parish Council. 4. To amend the Queenborough Town Council boundary to incorporate land shown in Map 6, from the new Halfway Parish Council. 5. To not amend the boundary between Sheerness Town Council and the new Halfway Parish Council, as shown in Map 7. 6. To amend the boundary between Sheerness Town Council and Queenborough Town Council to move Lucas Close (Map 8) from Sheerness to Queenborough. 7. To increase the number of councillors representing Watling Ward (Faversham Town Council Ward) from 4 to 6 (3 per ward) 8. To split the existing Watling Ward (Faversham Town Council ward) into two 9. To increase the number of councillors representing Priory Ward (Faversham Town Council ward) from 2 to 3 10. To extend the Watling Ward (Faversham Town Council ward) to encompass Perry Court (Faversham Town Council owned land) from Ospringe parish council as shown in Map 9. 11. To not extend the boundary of Watling Ward (Faversham Town Council) to cover area currently within Ospringe Parish Council (Map 10).

	12. To amend the Watling Ward (Faversham Town Council) boundary to incorporate land currently within both Boughton Parish Council and Selling Parish Council (Map 11). 13. To transfer land from Faversham Town Council and Sheldwich Parish Council (Map 12). 14. To extend Watling Ward (Faversham Town Council ward) to transfer School Farm along Graveney Road, Graveney Road from Graveney with Goodnestone Parish Council (Map 13). 15. To amend the Iwade Parish Council boundary to incorporate previously unparished land (Map 14). 16. To amend the Bobbing Parish Boundary, moving land from Bobbing Parish Council into Iwade Parish Council (Map 14). 17. To create a Murston Parish Council as per the area within Map 15, with 9 number of seats. 18. To amend the Tonge Parish Council Boundary as per Map 16, incorporating the currently unparished area of Great Easthall, increasing their number of councillors from 5 to 7. 19. To create a Kemsley Parish Council as per the area within Map 17, with 9 seats. 20. To create a Milton Regis Town Council as per the area within Map 18, with 9 seats 21. To extend the boundary of Bobbing Parish Council, as per the area within Map 19, to include the unparished area of The Meads. 22. To create a Grove Park Community Council as per the area within Map 20, with 7 seats, incorporating the part of this estate previously within the Bobbing Parish boundary. 23. To not create a Sittingbourne Town Council as per Map 21.
Information and research: • Outline the information and research that has informed the decision. • Include sources and key findings. • Include information on how the decision will affect people with different protected characteristics.	Community Governance Reviews allow Swale Borough Council to assess and change local governance arrangements, including creating new parish councils or reviewing ones that may no longer function effectively due to low participation. Reviews can be started either by the council or by local residents through petitions. The council must publish clear terms of reference for each review and any updates to them. The aim is to improve community engagement, strengthen local democracy, and ensure local services are delivered effectively. While most of Swale is covered by town or parish councils, some areas, such as Sittingbourne and nearby communities, are not.
Consultation: • Has there been specific consultation on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics?	This Equality Impact Assessment has been informed by analysis of consultation responses collected as part of the Community Governance Review. In order to give us an overview of the protected characteristics of people completing the consultation, we asked that people responding also complete some key demographic information. A total of 80 responses were received to the equality and diversity request for information, this included equality monitoring information

Can any conclusions be drawn from the analysis on how the decision will affect people with different protected characteristics?	covering age, sex, ethnicity, disability, sexual orientation and religion or belief. Key findings Age Responses were heavily skewed towards older residents with the top 3 categories all falling within the 55-84 range 65-74 years - 20 responses 55-64 – 18 responses 75-84 years – 15 responses Younger people responded as follows: 18-24 years – 1 response 25-34 years 4 responses This indicates that younger residents are underrepresented and their views may not be fully reflected. Sex Female – 44 responses Male – 33 responses Prefer not to say – 3 responses There was a fairly even balance across sex, but a slight over representation of women. Ethnicity White British – 69 responses White English – 2 responses Prefer not to say – 4 responses White-White Irish – 1 response White European – 1 response Mixed-Black Caribbean and White – 1 response Asian – Indian - 1 response Human - 1 response This indicates a limited ethnic diversity, although overall is reflective of the ethnic diversity of the borough (91.3% of respondents identified as white – compared to 93.8% of people in the borough during the 2021 census) Disability Disability or long term health condition - 23 responses No disability – 49 responses Prefer not to say – 7 responses Almost 30% of respondents indicated a long term health condition or disability, which is higher than the local percentage of around 17%. This may be due to the age demographic skewing the data. It does indicate that the consultation was accessible to people of all abilities Sexual orientation Heterosexual – 66 responses Bisexual – 3 responses Gay man or lesbian – 3 responses Pansexual – 1 response
---	---

	Prefer not to say – 7 responses There is some representation from LGBT+ groups (approx. 9%), but the numbers are relatively small. It does however indicate a similar demographic to the 2021 census with 89.5% of the population identifying as straight/heterosexual. Religion or belief No religion – 26 responses Christian – 43 responses Buddhist – 1 responses Jewish - 2 responses Animist – 1 response Jedi – 2 responses Anthroposophical – 1 response Prefer not to say – 4 responses This indicates limited religious diversity within the consultation responses. However religious diversity in the borough is limited, with 91% of the population reporting either as Christian or with no religion in the 2021 census and 86% in the responses. Summary Overall the evidence base is reflective of the Swale population. The key differences being in Age and Disability: • Younger people are under-represented • People with disabilities or long term health conditions are over-represented. The second stage of consultation – which is where we captured the above demographic information was largely yes - change/no - change option for residents, as there were 24 separate issues consulted including: • Name change • Boundary changes • Warding changes • New Parish/Town Council set up Key findings from the second stage comments include: • Financial concerns - with repeated references to the cost of living crisis and worry about additional council tax burdens • Strong attachment to local identity and community character is evident, with fears that changes could undermine established communities • Mixed views on governance exist, with some wanting more local representation while others oppose additional bureaucracy There was no direct evidence of different impact on protected characteristic groups as it was not possible to identify responses from the anonymised data. Although financial burden concerns may disproportionately affect residents with on lower incomes.
--	--

Is the decision relevant to the aims of the equality duty?

Guidance on the aims can be found in the EHRC's PSSED Technical Guidance -

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

Aim	Yes/No
1) Eliminate discrimination, harassment and victimisation	No
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Characteristic	Relevance to decision High/Medium/Low/None	Impact of decision Positive/Negative/Neutral
Age	Low	Neutral.
Disability	Low	Neutral.
Gender reassignment	Low	Neutral
Marriage and civil partnership	Low	Neutral
Pregnancy and maternity	Low	Neutral
Ethnicity	Low	Neutral
Religion or belief	Low	Neutral
Sex	Low	Neutral
Sexual orientation	Low	Neutral
Other socially excluded groups ¹	High	Potentially negative due to increased financial burden

Conclusion: - Consider how due regard has been had to the equality duty, from start to finish. - There should be no unlawful discrimination arising from the decision. Advise on the overall equality implications that should be taken into account in the final decision, considering relevance and impact.	Summarise this conclusion in the body of your report Overall, while no clear direct discrimination has been identified, there are potential indirect impacts to creating new Parish or Town Councils, particularly relating to financial burden. Although Council Tax support may help alleviate this pressure, the concern for residents about additional financial burdens being applied must be considered. The recommendation is therefore, that information on council tax support scheme is included in all council tax bills being issued to areas that are newly parished.
---	---

¹ Other socially excluded groups could include those with literacy issues, people living in poverty or on low incomes or people who are geographically isolated from services, affected by rural deprivation or poor health.

Timing

- Having 'due regard' is a state of mind. It should be considered at the inception of any decision.
- Due regard should be considered throughout the development of the decision. Notes should be taken on how due regard to the equality duty has been considered through research, meetings, project teams, committees and consultations.

- The completion of the EIA is a way of effectively summarising the due regard shown to the equality duty throughout the development of the decision. The completed EIA must inform the final decision-making process. The decision-maker must be aware of the duty and the completed EIA.

Full technical guidance on the public sector equality duty can be found at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-technical-guidance>

Please send the EIA in draft to Janet Dart in the Comms and Policy Team (janetdart@swale.gov.uk) who will review it with colleagues and let you have any comments or suggested changes.

This Equality Impact Assessment should form an appendix to any EMT/DMT, service committee or Council report relating to the decision, and a summary should be included in the 'Equality and Diversity' section of the standard committee report template under 'Section 6 – Implications'.