

Equalities Impact Assessment

Camden Council

What is an Equality Impact Assessment?

An Equality Impact Assessment (“EIA”) is a way of analysing a proposed organisational policy or decision to assess its effect on people with protected characteristics covered by the Equality Act 2010*. To meet the Council’s statutory duty the EIA should also address issues of advancing opportunities and fostering good relations between different groups in the community.

There is no legal requirement to carry out an EIA, but the courts place significant weight on the existence of some form of documentary evidence of compliance with the Public Sector Equality Duty* when determining judicial review cases. Having an EIA as part of the report which goes to the decision makers and making reference to the EIA within that report helps to demonstrate that we have considered our public sector equality duty and given “due regard” to the effects the decision will have on different groups..

The EIA must be considered at an early stage of the formation of a policy/decision and inform its development, rather than being added on at the end of the process. The EIA form should be completed and updated as the policy / decision progresses and reviewed after the policy or change has been implemented.

Please note all sections must be completed. However the obligation is to have due regard and it may be that while an issue requires the completion of an EIA equally the matters at hand may not lend themselves to some of the obligations for example fostering good relations. As long as this has been properly considered it is legitimate to conclude that this cannot be applied in a particular case.

*Please read the notes at the end of this document.

Name of proposed decision/policy being reviewed:

Procurement Strategy: Film Service

Question 1

What is changing and why?

If the issue is going for decision, e.g. at Cabinet meeting, what are the decision makers being asked to decide? If you are reviewing a policy what are its main aims? How will these changes affect people?

The current contract with Camden's Film Service provider is coming to an end in May 2018 and Cabinet is being asked to approve the recommended strategy for procuring a new service provider to continue this service.

The recommended strategy is to procure a new external supplier via a competitive tender process in partnership with Islington and Lambeth Councils.

The Council's Film Service is responsible for the co-ordination of location filming in the borough, and the service has been delivered by an external provider since 2013 when FilmFixer Limited won the contract via a competitive tender process.

The purpose of the contract is to ensure that Camden has a specialised Film Service that supports the responsible management of film production in the borough by taking a coordinated and responsive approach to film facilitation and minimises any negative, disruptive impacts to the public realm, while maximising the maximising income potential from film location fees while optimising the benefits for Camden residents.

London is currently the third busiest world filming city, and the high levels of location filming bring a number of potential benefits. Film production generates revenue for the Council and the local area, offers opportunities for Camden residents to access training and work experience, and has the potential to raise the profile of the borough as a cultural destination and increase tourism. Camden is one of London's busiest boroughs for filming with around 100 filming days each year across the borough.

Camden charges location fees for filming that takes place on Council-owned property (including parks, housing estates and schools), and for Council services required to facilitate a shoot, including road closures, traffic management, parking suspensions and removal of street furniture.

The new contract will operate under a similar delivery model to the one currently in place, with the contracted Film Service operating as a 'one-stop service' meaning that film companies, local residents and businesses interface with one point of contact.

The new contract will not lead to a major change in the way the service is delivered. The most significant change will be if the current supplier is not the successful bidder, and a new supplier wins the contract. In this scenario, the service would be delivered by a new supplier after May 2018.

The primary service users are private film companies, who mainly come from outside of the borough to film. However, filming can potentially cause disruption to the lives of residents, businesses and visitors to the borough if not properly managed, due to the scale of the operations - which can include large crew sizes, large vehicles and sometimes noisy activity. One of the primary objectives of the film service is to ensure that the relevant communications take place between the film companies and local residents and businesses - from consultations to letter drops detailing the planned activity.

A positive impact from the presence of film crews is the opportunity for the Film Service to arrange set visits and work experience for local people. One of the main areas we intend to further develop in the new contract are social value opportunities through set visits and work experience with productions filming in the borough.

Residents and businesses can also benefit financially if their properties are used by film crews. The Film Service are able to direct film companies to property owners interested in their property being considered as a film location.

Notes to Question 1

- Summarise briefly and precisely just what the decision is about. In particular what changes will happen if this decision is agreed and put into effect? What happens now and what will happen in the future? What will be different?
- **Do not cut and paste the report or policy** but concisely restate it, considering equalities issues directly against the facts
- **Focus on the impacts on people** e.g. the users of any facility or service.

Question 2

Who will be affected by this decision and how?

In particular do those from protected groups benefit or will they experience specific and disproportionate impacts? Will there be any direct or indirect discrimination?

Residents and business can be directly affected by location filming activity as there are tangible impacts on the local area – including the presence of a film crew in public areas, on-street parking suspensions for crew vehicles and occasionally filming that takes place throughout the night.

The Film Service provide an important function by ensuring that film companies carry out meaningful consultation for complex filming with a high impact, and distribute thorough information to residents and businesses within close proximity of a filming location.

It is usually the representatives of the film companies that interact with the public. The Film Service will oversee this activity and will become involved to mediate where necessary. Residents are encouraged to contact the film service with queries, issues advice, or complaints. The service is universal, not targeted to any particular groups.

Although some areas of the borough are busier than others due to certain locations being popular, film shoots take place across the whole of the borough and across a variety of sites and locations, from residential streets, council estates, parks – so one particular group are not more affected than any other. Film shoots often take place in private locations, where Council do not have direct authority to intervene. The Film Service however encourage film companies to notify them of all planned activity.

The busiest CPZ areas for filming activity (measured by number of annual bay suspensions) are Holborn and Covent Garden, Somers Town and Regents Park, Kings Cross Area, Bloomsbury and Fitzrovia, Hampstead and Primrose Hill.

Under the new contract, the new supplier will be required to record and report back statistics based on filming in each ward, as well as by CPZ. This will give the Council better information to analyse the ongoing impact of filming on local areas, and give ward members greater oversight of the impact in their wards.

The Film Service do not currently record equality data when liaising with residents and businesses, and this is not a requirement that we are intending to introduce into the new contract.

Some groups may be less able to partake in consultations – for example, where there is a language barrier.

Notes to Question 2

- Here use data to show who could be affected by the decision – e.g. who uses the service now and might use it in the future
- **Do not simply repeat borough wide or general service equality data** – be as precise and to the point as possible
- We are under a legal duty to be properly informed before making a decision. If the relevant data is not available we are under a duty to obtain it and this will often mean some consultation with appropriate groups is required.
- Is there a particular impact on one or more of the protected groups? Who are the groups and what is the impact?
- Consider indirect discrimination (which is a practice, policy or rule which applies to everyone in the same way, but has a worse effect on some groups and causes disadvantage) - for example not allowing part-time work will disadvantage some groups or making people produce a driver's licence for ID purposes.

Question 3

Does the proposed decision have an impact (positive or adverse) on our duty to eliminate discrimination/harassment and victimisation, promote equality of opportunity or foster good relations between different groups in the community (those that share characteristics and those that do not)?

The decision will not reduce any key services currently being delivered.

A new contractor would need to develop an understanding of the local area, and specific knowledge of any sensitivities. This would be managed partially by Arts and Tourism, as part of the handover, using notes and data collected by the previous contractor. However, there would be a period during the transition where a new contractor would have to build relationships with local TRAs and ward members to fully understand the specific issues at a local level. Arts and Tourism will create a strategy for successfully navigating this implementation period.

The Film Service work closely across a number of internal Council departments. We are recommending that when the Film Service liaise with internal council departments, they request advice on any potential issues identified by those departments.

By acting as the prime point of contact with expert knowledge of the work area, the Film service relieves service pressure from other internal departments across the Council, including Parking, Highways, Greenspace, Property Services and Communications.

The Film Service are expected to advise on and monitor film companies' interactions with the public when consulting pre-shoot, and when conducting the filming activity. This involves insuring that film productions are polite, and non-threatening in their conduct.

With specific regard to social value objectives (film industry training and work experience) we will ensure that all partners and stakeholders involved in delivering these initiatives build in robust policy to ensure equality of opportunity, and make specific strategies for participation from BAME and disadvantaged groups. This could involve working with specific partners experienced in working with disadvantaged groups in the community.

There is a well-documented lack of diversity across the UK film industry, with under-represented groups including females, LGBTQ, BAME and disabled people. Our work in these areas must align with council and UK-wide strategic thinking to address this.

Donations from film companies to local groups, TRAs and charities have in the past been spent on good local projects that can enhance community cohesion. The Film Service are expected to pass on these good news stories to the local press.

Notes to Question 3

- Here, think about our other duties (see the notes at the end) and do the proposals impact (positive and or negative) upon those wider duties and aspirations?
- What might say a reduction in the hours of a facility that mainly serves a particular group have on our wider duties?
- Examples of eliminating discrimination: Taking action to ensure that services are open to all groups – e.g. targeting help at particular deprived sections of the community or funding services who work to prevent discrimination

Question 4

If there is an adverse impact can it be avoided?

If it can't be avoided what are we doing to mitigate the impact?

The adverse impact of vulnerable people being unduly disturbed by filming can be avoided by robust planning of film shoots, and ensuring that the Film Service are as easily contactable as possible in order to resolve any issues that arise. Film Service employees should be well trained in liaising with vulnerable people. We will consult with the relevant council departments to ensure that a new supplier receives the correct training and guidance in this regard.

All crews filming in Camden are expected to abide by Film London's Location 'Filming in London Code of Practice', which promotes best practice guidelines.

Camden Council are currently working with neighbouring boroughs and strategic agencies to explore the development of a 'Considerate Crew' scheme, similar to the one implemented with the construction industry, to further enhance best practice for film productions.

The responsibility is with representatives of film companies to conduct consultation, but the Film Service monitor their activity and can also provide film companies with any specific information about the local area. The Film Service must be available to answer any queries or complaints swiftly and thoroughly.

Film Service have developed good relationships with TRAs in recent years, who are consulted on plans for local filming. Film Service must be alert to identifying TRAs across the borough and fostering strong and amicable relationships. TRAs can act as spokespeople on behalf of more vulnerable residents.

The contracted Film Service are expected to have policies and practices which account for equality issues that accord with Camden's requirements.

With regards to Social Value initiatives, we must ensure that access to these opportunities is available to all our residents. This will involve working with the Council's internal departments and local partners to help identify and place harder to reach people on these schemes and to help with pathways into the film and television industry.

Planning of film shoots must ensure that residents with disabilities are assured access. For instance, filming must not block footways or entrances for wheelchair access, and disabled parking bays should not be blocked by film crew vehicles.

Residents with a concern about an upcoming film shoot are advised to contact either the Film Service or the film company's location manager. On some occasions, a resident will direct their enquiry to a ward member. One of the outcomes of the new contract will be revising the protocol for notifying ward members of upcoming filming with potential for a high impact, and creating opportunities to consult with members on a more regular basis, to ensure the widest representation.

Throughout the life of the new contract, we aim to conduct more regular engagement with communities in order to gain feedback on the filming experience. We will take steps to ensure that consultations are targeted strategically in order to give the widest number of groups the chance to input.

Notes to Question 4

- Assuming there is an impact what are we going to do about it? We need to make sure the **decision makers understand the impacts**
- All our policies and decisions should be designed to eliminate discrimination and contribute to our other obligations such as promoting good relations.
- If it can't be avoided can it be mitigated in some other way?
- There might be decisions elsewhere or perhaps additional spending on other services which could reduce the impact. Beware of simply saying that we will direct service users to other services or resources without considering the feasibility of doing so or the knock-on effect for those services
- We don't have to completely eliminate a negative impact, but we must identify it and try to mitigate it and the **decision makers must be in a position to fully understand the implications of their decision and balance off the competing interests** – e.g. the impact against the need to make savings and balance our budget

Question 5

How can/have we advance/d equality of opportunity via this decision/policy?
How can/have we foster/ed good relations via this decision/policy?

By maintaining an excellent service that ensures film shoots are well managed, and considerate towards their impact locally – and ensure that all residents are notified and have recourse to communicate if they need to report a problem.

This can be helped by the following:

- By ensuring that film industry training and work experience opportunities are accessible to all.
- The film service building strong relationships with TRAs, and developing and acting on good community knowledge throughout the life of the contract.
- Ensuring that film companies uphold best practice, and that all crew, including security staff are well mannered.
- By the Film Service liaising closely with and taking advice from key Internal council departments.

Notes to Question 5

- **There may be decisions or policies where this is not going to be applicable. Quickly explain this in the box above. However the important point is that it is carefully considered.**
- Suggest positive steps that can be achieved towards our statutory obligations to remove or minimise disadvantages suffered because of protected characteristics, e.g. taking steps to meet the needs of people from the different backgrounds when they are different to the needs of others, encouraging participation from groups when participation is disproportionately low
- Advancing equality of opportunity - (NB this doesn't apply to marriage and civil partnership). **This is a "positive duty"** which requires public authorities to consider taking proactive steps to root out discrimination and harassment and advance equality of opportunity in relation to their functions—from the design and delivery of policies and services to their capacity as employers. The duties require us to give consideration to taking positive steps to dismantle barriers. Advancing equality of opportunity might require treating some groups differently e.g. targeting training at disabled people to stand as councillors. **The legislation requires when we have due regard in terms of advancing equality of opportunity to. A. Remove/minimises disadvantage suffered by those who share a characteristic and is connected to it B. Take steps to meet the different needs of those who share a characteristic C. Encourage those who share a characteristic to participate in public life or any other activity when participation is disproportionately low.**

Notes to Question 5 (continued)

- Advancing opportunity includes the fact that the steps needed to meeting the needs of disabled persons **take into account the disabled persons disabilities**
- We are required to **have “due regard” to the need to foster good relations** between people who share a relevant protected characteristic and people who do not share it. This **involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.**

Examples:

- ↘ an employer to provide staff with education and guidance, with the aim of fostering good relations between its trans staff and its non-trans staff.
- ↘ a school to review its anti-bullying strategy to ensure that it addresses the issue of homophobic bullying, with the aim of fostering good relations, and in particular tackling prejudice against gay and lesbian people.
- ↘ local authority (Not Camden) to introduce measures to facilitate understanding and conciliation between Sunni and Shi’a Muslims living in a particular area, with the aim of fostering relations between people of different religious beliefs.
- ↘ our work to encourage Bangladeshi tenants involvement in TA’s.

EIA prepared by: David Waterson

Date: 20/10/17

EIA checked by: Sam Eastop

Date: 24/10/17

EIA approved by: _____

Date: _____

(Relevant Director Sponsor)

Explanatory Notes

What is our Public Sector Equality Duty (PSED)?

Under section 149 all public authorities must, in the exercise of their functions, have 'due regard' to the need to:

1. Eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act; EqA 2010 (section 149(1)(a)).
2. To advance equality of opportunity between people who share a relevant protected characteristic and those who don't; This involves having due regard to the needs to:
 - o remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - o take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(4)); and
 - o 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.

Section 149(6) makes it clear that compliance with the PSED in section 149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the EqA 2010 (this includes breach of an equality clause or rule or breach of a non-discrimination rule (section 149(8)).

(Section 149(3), EqA 2010.)

3. Foster good relations between people who share a relevant protected characteristic and those who don't (section 149(1)(c)). (which involves having due regard to the need to tackle prejudice and promoting understanding) (section 149(5), EqA 2010)..

Under the Duty the relevant protected characteristics are: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion, Sex, Sexual orientation.

- In respect of the first aim only i.e. reducing discrimination, etc. the protected characteristic of marriage and civil partnership is also relevant.
- In meeting the needs of disabled people we have a duty to take account of their disability and make reasonable adjustments to our services and policies where appropriate.
- We must be able to demonstrate that we have considered and had due regard to all three parts of this duty. We must also look for anything that directly or indirectly discriminates.

What do we mean by “due regard”?

- This is not a question of ticking boxes, but should be at the heart of the decision-making process.
- decision-makers must be made aware of their duty to have due regard – so understand the legal requirements on them;
- There should be an analysis of the data – who is this going to affect and how will it put against the legal requirements
- We need to have thought about these duties both before and during consideration of a particular policy and we need to be able to demonstrate that we have done so
- The Duty is “non-delegable” so it is for the decision maker themselves to consider with assistance from the report and officer analysis. What matters is what he or she took into account and what he or she knew so it is important to have the relevant papers accompanying the report. The report should make explicit reference to the EIA. the duty is continuing so while this guide is aimed at the point of decision we should at appropriate points review our duties against the decision/policy
- The decision maker must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy or decision has been taken
- Officers reporting to or advising decision makers must not merely tell the decision maker what he/she wants to hear but need to be “rigorous in both enquiring and reporting to them”
- The duty should be reconsidered if new information comes to light

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What is due regard? In my view, it is the regard that is appropriate in all the circumstances. These include on the one hand the importance of the areas of life of the members of the disadvantaged ... group that are affected by the inequality of opportunity and the extent of the inequality; and on the other hand, such countervailing factors as are relevant to the function which the decision-maker is performing”

Lord Justice Dyson

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We need to take a sensible and proportionate approach to this based on the nature of the decision or policy being reviewed