

APPENDIX I

Equalities Impact Assessment (EqIA)

1. Background

The Public Sector Equality Duty (PSED) created by the Equality Act 2010 imposes a continuing duty on the Council to consider equalities impacts to inform its decision making. Previous EqIAs were produced by AECOM in June 2016 prior to approval of the planning application for the development of the Elephant & Castle Shopping Centre and Town Centre area. Additional analysis was carried out by AECOM in March and August 2017 relating to the potential redevelopment of the Bingo Hall and Bowling Alley within the Shopping Centre and which helped to formulate the business relocation strategy and compensation package for affected businesses, which was put in place under the section 106 agreement. The developer (EC) has also carried out its own analysis as part of the planning application process.

A further report was commissioned by the Council in August 2019 with a detailed report being provided by AECOM in January 2020, to inform the Council's decision-making as to a Compulsory Purchase Order (CPO) at that time.

Prior to resolving to make a CPO in December 2022, the Council undertook a further EqIA in respect of that CPO. The Council updated its EqIA in this respect in January 2023 before making the London Borough of Southwark (Elephant and Castle Town Centre) Compulsory Purchase Order 2023 on 2 February 2023.

It is now proposed that the February 2023 CPO be withdrawn and a new CPO be made by the Council (the new CPO) to reflect changes to the proposals for the occupants of Elephant Road.

In line with the continuing duty, this report addresses the equalities impacts that may arise in the context of the new CPO. It does not seek to duplicate the work done in connection with earlier reports. Rather, it addresses the potential equalities impacts on those businesses and stakeholders likely to be affected by the making and implementation of the new CPO so as to inform the Council's decision-making as to whether to make the new CPO.

2. Legislative background

The Equality Act 2010, section 149 (Public Sector Equality Duty) sets out that a public authority must, in the exercise of its functions, 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 relevant protected characteristics for the purposes of the Act are –

- Age

- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.

The EqIA aims to consider the effects of the Council's decision making (in this case to make the new CPO) and whether these effects are likely to have a disproportionate or differential impact. A disproportionate impact will arise if an impact has a proportionately greater effect on groups who share a protected characteristic than on other members of the general population in a location. A differential impact will arise where members of a group sharing a protected characteristic are affected differently from the rest of the population because of specific needs, or a recognised sensitivity or vulnerability associated with their protected characteristic.

3. Current decision

As referred to in the Cabinet Report, the Council is proposing to make the new CPO in order to acquire the remaining title and new rights required to facilitate the town centre redevelopment scheme. The compulsory acquisition of these properties and new rights will directly impact the owners of the businesses and organisations thereby affected, their employees and their customers and clients. Mitigation measures will seek to reduce these impacts as far as possible.

The businesses and organisations that will be directly affected by the making and implementation of the new CPO are those that currently occupy parts of the proposed order land who will either need to relocate in order to enable redevelopment to take place or whose businesses may otherwise be affected, or, in the case of the Metropolitan Tabernacle, whose land will be the subject of new rights to facilitate the redevelopment. These have been identified as follows:

Units 4 & 5 Farrell Court – Corsica Studios

The business currently carried out in units 4 & 5 is that of a cultural venue hosting electronic and other genres of music and club nights and creative events, including techno and live alternative rock and art installations.¹ The business has a well-articulated inclusivity, equality and diversity policy whereby it aims to promote a positive environment where differences are respected and valued. It also aims to redress the gender, racial and sexuality balance within the industry. The venue welcomes disabled customers and aims to be accessible and inclusive.

As explained in the December 2022 Cabinet papers and the January 2023 EqIA, the Council and Developer at that time proposed to relocate the business to the railway arches to the north of the station, a short distance up Elephant Road, which would have been fitted out and soundproofed prior to the relocation taking place. However, Corsica expressed a wish not to relocate to these arches and instead to seek a solution which would enable them to occupy 4 & 5 Farrell Court harmoniously with the new, adjacent residential use. As explained in the Cabinet report, a satisfactory noise solution has

¹ Source : www.corsicastudios.com accessed 20 September 2023.

now been arrived at – a sound mitigation lobby is proposed for the rear of the units which would reduce external sound levels.

In an unlikely worst case scenario of the business closing and/or the use ceasing it is not considered that any one group with protected characteristics would be disproportionately affected.

Given the terms of the noise condition imposed on the residential development, another worst case scenario, if the confirmed CPO does not allow for the construction of the sound mitigation lobby and the acquisition of the requisite interests in 4 & 5 Farrell Court, is that the nightclub use continues but a significant number of the new residential units (including affordable units) could not be occupied, in compliance with the condition, unless the sound levels of the music played were greatly reduced. The effective loss of occupation of residential units would be detrimental and, as particular groups with significant housing need which are strongly represented in the local population include ethnic minority groups, women, families with children and young people, that has the potential to impact negatively on those with protected characteristics.

If the music levels were reduced to a great degree, to enable compliance with the condition in the absence of the sound mitigation lobby, this would avoid the detrimental effect of leaving residential units vacant but would change the activities of the music venue. It is not considered that any one group with protected characteristics would be disproportionately affected in terms of such a change in the music venue's activities.

The clear intention is that the sound mitigation lobby is provided and the lobby is leased to Corsica along with the units and the fire escape in one new leasehold demise as envisaged. The proposal, if implemented, would mean that the business would need to temporarily cease trading for around 9 months to facilitate the construction of the sound mitigation lobby and other works. It is considered that the likely equalities impact of the proposed sound mitigation lobby would be neutral as, although the changes would help secure the future of Corsica Studios and overcome the uncertainties in relation to the extent of their current demise and the use of the fire escape, the continuation or not of the operation of Corsica Studios (or a replacement similar use) should not disproportionately affect any one group with protected characteristics.

If Corsica decided not to take up the option of a new lease of the units complete with the sound mitigation lobby, it is envisaged that the developer would then offer the amended units (complete with the sound mitigation lobby) to other music venue operators so that the use would continue.

It should also be noted that compensation is available under the CPO legislation for costs/losses of needing to temporarily cease trading (if that became necessary), so that the effect with the proposed mitigation would not affect Corsica Studios financially.

It is not considered that adverse equalities impacts from the CPO as proposed would be likely to arise in relation to Corsica Studios. To the extent that any adverse equalities impacts could arise, the proposed mitigation is the sound mitigation lobby as proposed above. As to the prospects of that proposed mitigation occurring, discussions are well advanced with Corsica and it is considered that there are good prospects that the proposed sound mitigation lobby will take place.

Unit 6 Farrell Court – DistriAndina

Unit 6 Farrell Court is occupied by DistriAndina which operates as a café, delicatessen and a Latin American supermarket which sells groceries both retail and wholesale and also delivers around England, Scotland and Wales. They describe themselves as "Serving the UK's Latin American

Community¹² which previous EqIAs have identified as being a section of the population likely to be disproportionately affected by redevelopment at the Elephant & Castle, as there are several Latin American businesses in the area serving a large local population. DistriAndina themselves are part of that Latin American community, and therefore the protected characteristic of race is relevant. Redevelopment may potentially impact disproportionately and differentially on groups who benefit from the provision of specialist goods and services.

The worst case scenario is the closure and loss of this Latin American business. However, the developer's proposal and clear intention is to relocate DistriAndina into one of the affordable retail units being constructed as part of the redevelopment and fronting Walworth Road or (at DistriAndina's choice) arch 113A/120 to the north of the railway station. The new unit envisaged for the relocation fronting Walworth Road would be of a similar size to their existing unit and would benefit from a large shopfront onto Walworth Road, where there is high footfall and a large number of bus stops, thereby enabling the unit to be easily accessed both on foot and by public transport. Although not in Elephant Road itself, such a replacement unit is within the scheme and would be located only a short distance away from the current unit, in an area with other Latin American businesses nearby. It is considered that this would provide adequate mitigation from the closure of unit 6. If DistriAndina chose to relocate to arch 113A/120 instead, this is considered to be a like for like replacement and again would provide adequate mitigation. Relocation of the business would be organised such that the business did not have to close and there would be continuity of operation.

Compensation is available under the CPO legislation for costs/losses of needing to relocate, so that the effect with mitigation would not affect DistriAndina financially.

Accordingly, the proposed mitigation is relocation as proposed above. As to the prospects of that proposed mitigation occurring, discussions are well advanced with DistriAndina and it is considered that there are good prospects that the proposed relocation will take place. It is considered that the likely equalities impacts would be neutral with that mitigation (i.e. relocation) taken into account.

Unit 7 Farrell Court – Beset International Limited and their occupiers

Beset International Limited occupies unit 7 and operates a shipping and air freighting business as well as providing business space for a number of small businesses of varying types which occupy areas within the railway arch. These include hairdressing, international money transfer, assorted retail and a café. In the survey undertaken on behalf of the Council, the proprietor of Beset identified as being of Black African ethnic minority. The other business owners within the arch identified as being Latin American. The worst case scenario of a closure of this unit and the loss of the businesses would be likely to disproportionately affect these BAME groups.

However, again, the developer's proposal is to relocate these businesses into arch 113B/121 on Elephant Road. This would enable the businesses to continue to trade in the same immediate locality as currently, in very similar premises, as part of the scheme, but in a newly fitted-out unit. As with the other proposals for relocation, the intention is to ensure continuity of provision so that no interruption to the businesses would occur.

As referred to above, compensation is available under the CPO legislation for costs/losses of needing to relocate, so that the effect with mitigation would not affect Beset financially.

Accordingly, the proposed mitigation is relocation as proposed above. As to the prospects of that proposed mitigation occurring, Beset have expressed an in principle acceptance of it if their interest is to be acquired and discussions are underway with their occupiers. In addition, Beset accept the

² www.distriandina.co.uk accessed 20 September 2023.

principle of an obligation to offer comparable floorspace and terms to their occupiers and so it is considered that there are good prospects that the proposed relocation will take place. It is considered that the likely equalities impacts would be neutral with that mitigation (i.e. relocation) taken into account.

Some of the occupiers of Unit 7 objected to the February 2023 CPO. One of the objection points was that their first language was not English, but Spanish, and they were disadvantaged by the fact that the CPO documents were in English and no assistance with translation into Spanish had been provided to them. Some of those raising this point alleged a breach of the PSED. The Council officers considered this point and, whilst no breach of the PSED had arisen, the Council has agreed to the principle of translation of key CPO documents provided by the Council into Spanish (in a reasonable and proportionate way). This decision was communicated to these affected parties in July and the Council will take a similar approach in respect of the new CPO, thus mitigating any disadvantage to these Spanish speakers.

Metropolitan Tabernacle

The Metropolitan Tabernacle is an independent reformed Baptist church which occupies the Grade II listed Tabernacle building on the west side of Elephant & Castle. It holds services on Sunday mornings and evenings, prayer meetings on Monday evenings, bible study on Wednesday evenings, and a Sunday School on Sunday afternoons for children and teenagers, as well as hosting a bookshop. That the Tabernacle serves a wide group of people and nationalities is evidenced by the fact that simultaneous translations of its Sunday services are available via headsets into Spanish, French, Portuguese, Chinese and Farsi³. The numbers of people using the building vary according to the time of day and the events taking place but can be as many as 1,000 including typically circa 500 children (sometimes as many as 600 children) attending the Sunday school.

The building has disabled access to the front (in one of the side arches) which can be accessed either from the Elephant & Castle highway to the front or from the rear parking area along the north flank of the building. Some of the members of the church's congregation are mobility impaired.

Information about the congregation and staff was requested, in order that any groups sharing protected characteristics can be identified and their needs met as far as practicable. In their objection to the February 2023 CPO, the Tabernacle raised concerns about access for mobility impaired people and children. Effects of the new CPO on the congregation and staff of the Tabernacle could potentially disproportionately affect groups sharing the protected characteristics of religion, age, race, pregnancy and maternity, and disability.

However, the effect of the new CPO on the Tabernacle and its congregation is limited to the need to carry out demolition works to the adjoining London College of Communication building, and the Tabernacle is only included in the CPO in order to secure rights to carry out that work, to erect scaffolding on part of the Tabernacle site and to oversail a crane. Any effects of the new CPO will be temporary and works will be carried out in such a way that the Tabernacle can remain open at all operational times.

Some disruption will be caused by the erection of scaffolding which is necessary to carry out the works to de-couple the LCC building from the Tabernacle and to demolish the LCC building, which is immediately adjacent to the Tabernacle. This may need to stay in place for up to three months. However, it will be erected in such a way as to ensure that access to the front side entrance of the building (which contains the disabled entrance) is still available, with access to the disabled entrance being maintained during operational hours. It is possible that persons with mobility impairments or

³ www.metropolitantabernacle.org accessed 20 September 2023.

parents pushing pushchairs may not be able to use the side accessway under the scaffolding to reach the disabled entrance at the front side entrance if they approach from Pastor Street, and instead would need to go round the other side of the Tabernacle to reach it from Elephant & Castle highway. This would cause inconvenience to disabled persons, the elderly and families with young children. It might also hinder, and cause inconvenience to, pregnant women. As to the scale of such inconvenience, it is considered that this would be minor. EC's project team have been working with the building contractor, Keltbray, on a method of working so as to minimise any adverse effects on the Tabernacle and are confident that the side passage will be available for pedestrian use.

It is that the scaffolding will also have an impact on vehicular parking to the rear and side of the building, within the Tabernacle grounds. It is understood that the vehicles parking there include minibuses which are used to facilitate travel to the venue for (among others) those with mobility impairments, whether through disability or age. Therefore the loss of those spaces, though temporary and for a relatively short period, may give rise to inconvenience, particularly to disabled persons, the elderly, families with young children and possibly to pregnant women. The developer is content to pay for alternative parking provision within the locality for the duration that spaces are not available due to the scaffolding. It may be that the minibuses would still be able to drop off visitors to the rear of the Tabernacle, without parking there, before then moving to the alternative parking provision, with drivers then returning to pick up later, in that way ensuring that those with mobility impairments would not need to move from the alternative parking to the Tabernacle. The movement of visitors dropped off at the rear of the Tabernacle to the disabled entrance in the front side arch would be as discussed above. The scale of inconvenience arising is considered to be minor. Again, EC's project team have been undertaking further work on this and are confident that demolition protection measures can be designed to ensure minibuses and emergency vehicles can still access the Tabernacle entrance from Pastor Street and use the existing parking area identified by the Tabernacle.

In terms of mitigation, the developer will need to submit a demolition management plan for the West Site in due course and so the Council will be able to assess and approve the detailed demolition methodology at that time. The Council will be seeking to ensure that disruption to the Tabernacle is kept to a minimum as part of that plan. Moreover, the developer agrees in the CPO indemnity agreement (as will be varied) to procure that (a) the disabled entrance in the front side arch is available at all times when the Tabernacle is in operation and (b) measures are taken to keep open the side accessway route from the rear of the Tabernacle to that disabled entrance in the front side arch, under the scaffolding, for persons with (and without) mobility impairments if it is safe and practicable to do so and that (c) safe access/egress from the Tabernacle is ensured at all times.

The Council and the developer will continue to take steps to ensure that the adverse effects of the works on the Tabernacle building and its users are kept to a minimum. If it proves not practicable and safe to keep open the side accessway for those with (and without) mobility impairments during the period when the scaffolding will be in place, the residual equalities impacts of the temporary works are considered to be minor adverse. It is considered that, if the mitigation referred to above is put in place with the side accessway kept open, residual equalities impacts are unlikely to arise.

In their objection to the February 2023 CPO, the Tabernacle suggests their concerns could be overcome by the negotiation and completion of a working agreement with the developer. The developer is seeking to put in place an agreement with the Tabernacle as mitigation against any impacts that may arise and to address all of its concerns.

4. Other impacts arising from the new CPO

East Site

There will be benefits to all users of the East Site from the creation of surface level public access to create the Station Route, the Park Route and further public realm adjacent to the railway viaduct. This is likely to be particularly beneficial to the elderly, disabled persons, pregnant women and families with young children. It will also ensure the permeability of the site for visitors to all parts of the East Site, including the replacement affordable retail floorspace and proposed replacement bingo facility, both of which are included in the East Site at least in part to address adverse equality impacts identified at the planning permission stage.

West Site

The title and new rights being sought in relation to the West Site are all necessary for the West Site redevelopment to proceed, so the new CPO will unlock the ability to develop the West Site, including the public realm areas, affordable retail floorspace, new dwellings (including affordable housing units, and 10% wheelchair accessible units) and job opportunities associated with that phase of the Scheme, all of which are considered to have positive equality impacts. The public realm and improved accessibility on the West Site is likely to benefit older people (i.e. the protected characteristic of age), plus disabled persons, pregnant women and families with young children. Particular groups with significant housing need are strongly represented in the local population including ethnic minority groups, women, families with children and young people. Increased access to affordable housing, due to the affordable housing provided as part of the West Site redevelopment, may benefit these groups. The employment opportunities may benefit in particular young people and others seeking entry level employment. Increased retail employment is, on average, expected to provide a disproportionate number of jobs to local ethnic minority residents. The wheelchair accessible housing will be of benefit to disabled persons.

It is not considered that the daylight and sunlight impacts which could arise from the construction of tall buildings on the West Site would disproportionately affect any one group with protected characteristics.

Consideration has been given to the potential adverse impacts on the local community during the demolition and construction phase on the West Site, particularly to those people with protected characteristics who may be more sensitive to safety, security and accessibility construction impacts, including people with disabilities, children, older people and pregnant women. Similarly, consideration has also been given to the potential noise impacts that the demolition and construction of the West Site may have on groups with protected characteristics, who may be more sensitive to noise increases including people with certain disabilities, children and older people. Whilst the scale of any such impacts is considered to be minor, the Council has already sought to mitigate these impacts through securing demolition management plans and construction environmental management plans in the section 106 agreement.

5. Summary

The making and implementation of the new CPO, following a resolution of Cabinet to do so, will have effects on those directly affected by it, details of which are summarised above. The provisions of the Equality Act are engaged, in that certain groups sharing protected characteristics are potentially disproportionately affected by the proposals.

However, the mitigation measures that are proposed, as detailed above, will play a significant role in minimising the effects of the new CPO on those groups such that any negative impacts on them are

minimised as far as possible. With the proposed mitigation in place, any residual effects would be limited.

Previous EqIAs have concluded that the mitigation measures proposed by the Council and the developer were likely to prove effective in minimising residual negative effects, and pointed out that the scheme facilitated by the new CPO will enable affected businesses to share in the benefits to be delivered, in particular the creation of jobs, new retail space, improved transport links, the new campus for the London College of Communication and the provision of affordable housing.

The Council will need to ensure that the developer commits to and implements the mitigation measures outlined above and that these are monitored in order to help minimise the adverse effects and realise the positive benefits of the redevelopment proposals.

2 October 2023