

APPENDIX 1

Level One Equality Impact Assessment Pro-forma

1	<p>Title of function or policy to be assessed</p> <p>To undertake an Equality Impact Assessment into the possible exercise by the Council of its right to buy back of the site at Hall Street, Dudley and supporting the Dudley Muslim Association to identify other alternative locations for a mosque and Community Centre including the redevelopment of their current site at Bourne Street/Castle Hill</p>
1a	<p>Existing or new policy or function/service? Existing</p>
2	<p>Lead officer on assessment Brendan Clifford – Assistant Director DMBC DACHS</p>
3	<p>Members of assessment team</p> <p>Geoff Thomas DMBC CED – Head of Policy Simon Manson DMBC CED – Policy Officer Kenneth Rodney Dudley Centre For Equality and Diversity Bernard Meade DMBC DUE – Head of Executive Support Dennis Hodson – Director, Dudley Community Partnership Saima Ahmed - DMBC L&P - Senior Legal Assistant Shobha Asar-Paul -DMBC DACHS – Head of Policy & Performance</p>
4	<p>Head of service Not applicable</p>
5	<p>Date initial assessment began 3rd November 2008</p>
6	<p>Date assessment completed 7th December 2008</p>
	<p><i>The discussion upon which the following EIA is based acknowledged the following assumptions/issues throughout:</i></p> <ul style="list-style-type: none"> • <i>It can be seen as reasonable for the Council to suggest alternatives in given situations where it cannot meet the preferred option for an individual, group or community in a specific situation</i> • <i>As part of normal democratic procedure, formal planning processes are subject to extensive laws and regulations that, in themselves, ensure consultation, engagement and involvement of the public in connection to specific planning applications which influence decision-making.</i> • <i>Changes in circumstances- such as recent changed economic conditions in late 2008 - could influence a decision to buy-back at this point in time in terms of the likely potential for other developments coming forward on this site.</i> • <i>It is a matter of public record that the Dudley Muslim Association have always accepted that an alternative site to Hall St would be acceptable to them.</i>
	<p>Aims of policy or function/service</p>
7	<p>What are the aims and objectives or purposes of the policy or function/service?</p> <p>In 2002 the Dudley Muslim Association (DMA) and DMBC agreed a 'land-swap' on a site at Hall Street with the caveat in the transfer that if the Mosque and Community Training and Enterprise Centre had not been completed or substantially completed by</p>

	<p>31st December 2008 the DMA would vacate the property and the Council would buy back the site.</p> <p>The site was designated as part of the Unitary Development Plan (UDP) in a zone the primary purpose of which would be for employment purposes. An outline planning application process was undertaken over time and Council Officers, on balance, supported approval of the application but this was rejected by the Development Control Committee.</p> <p>The Applicant appealed against the decision and a Public Local Inquiry was held by an independent Inspector in June 2008. The Inspector's decision was to allow the Appeal following which the Council applied for a Judicial Review of the decision by the Inspector.</p> <p>In September 2008, the Council's Cabinet considered a report on "the response of the Council to the proposed development of land at Hall Street, Dudley, for a Mosque and Community Training and Enterprise Centre" and recommended that a decision on whether or not to enforce the right to buy-back be deferred pending further consultation and the completion of an EIA.</p>
8	<p>Who is it intended to affect or benefit (the target population)?</p> <p>Should the 'buy-back' entitlement not be used on the land at Hall St and the scheme completed, it appears that there are two main beneficiary groups:</p> <p>(a) Training and Enterprise Centre – the Training and Enterprise Centre is intended for use by all communities and is therefore intended to benefit all people in the locality.</p> <p>(b) The Mosque – would be available for people using the Mosque as a place of worship.</p> <p>If the right to buy-back is exercised, an alternative site would also need to provide benefit to the community.</p>
9	<p>What do you think are the main issues relating to the equality areas below within the policy or function/service?</p>
	<p>Issues</p>
Age	<p><u>Mosque</u> - The proposed Mosque may be used by people of all ages. There are 7,433 Muslims resident in Dudley Borough. At 66%, there is a higher proportion of people aged under 30 (Source: 2001 Census cited in Dudley PVE Delivery Plan 2008-10, p.2) compared to 35% within the population as a whole. The primary Muslim population for a new central Mosque would be from the central Dudley area. For instance, 12% of the population in St Thomas's ward are Muslim and 4% in St James's ward so that approximately a third of the total Muslim population in Dudley Borough live in the vicinity of central Dudley (Source: Table KS07, Religion, 2004 Wards in England and Wales.) The proposed location of the Mosque at Hall St may create access / transport difficulties for anyone who is reliant on public transport and this can be a factor for older people. Access to the alternative Castle Hill site may be seen as easier by public transport for people of any age.</p> <p><u>Training and Enterprise Centre</u> - the use of the Training and Enterprise would be open to people of any age who wish and need to engage in activity</p>

	<p>associated with job/skill training and enterprise. Its use may be seen as an “aspiration” in that there is no evidence that the local community would use the facility that could also be seen to be in competition with another similar local community resource at St Thomas’s Network. The proposed location of the Training and Enterprise Centre at Hall St may create access / transport difficulties for anyone who is reliant on public transport.</p>
Disability	<p>The proposed location of both the Mosque and the Training and Enterprise Centre at Hall St may create access / transport difficulties for anyone who has a disability and is reliant on public transport. Access to an alternative site may be seen as easier by public transport for people with disabilities.</p>
Gender	<p><u>Mosque</u> – it is assumed that the use of the Mosque in terms of gender will be governed by established practice relating to gender and use of Mosques. It is assumed that this would be the case wherever the Mosque is located.</p> <p><u>Training and Enterprise Centre</u> – it is stated in the Planning Application that 125 jobs would be created within the Centre. It is assumed that these jobs would be available to people of any gender. The Hall St location is primarily residential within the immediate vicinity and it might be anticipated that more women might use the Centre due to its vicinity to the primarily residential locality. Its use by people of any gender may be seen as an “aspiration” in that there is no actual evidence that people from any gender within the local community would use the facility.</p> <p>There are a number of initiatives for Muslim women in the area at the moment.</p>
Ethnic origin	<p><u>Mosque</u> – Muslims in Dudley are primarily of Pakistani ethnic origin (Source: Census 2001 cited in Dudley PVE Delivery Plan 2008-10, p.13) but are also represented across virtually all other ethnic groups but in much smaller numbers. Users of the Mosque would come from any of these groups but are likely to live in the central Dudley locality. It is a matter of public record that the Dudley Muslim Association have always accepted that an alternative site to Hall St would be acceptable to them as long as it is suitable and accessible to the community, therefore it might be assumed that the location of the Mosque by itself would not have a positive or negative impact upon the group affected by the policy. The public discussions that have occurred over time, however, mean that a variety of interpretations might be given to the outcome of the decision that results in a more negative impact for the users of the Mosque.</p> <p><u>Training and Enterprise Centre</u> – At either location, the proposed Training and Enterprise Centre is aimed at being available to all members of the community regardless of ethnic origin. The potential use of the Centre may be seen as an “aspiration” in that there is no evidence that the local community, regardless of their ethnic origin, would use the facility that could also be seen to be in competition with another similar local community resource at St Thomas’s Network. The issue of skills and unemployment for any of the local Pakistani population who are Muslim who might use the Centre is analysed in the Dudley PVE Delivery Plan 2008-10 (p.2) where it is stated that 45.7% of Muslim people in Dudley as a whole are economically active compared to 67.3% for all people</p>

	in the Borough. Use of the Centre by local Muslims would be of benefit, therefore, but the location may not be a factor in this regard.			
Religion or belief	<p><u>Mosque</u> – In relation to religion and belief, the issues of impact would be the related to those described under ethnic origin as in relation to this policy, the identified group of people who would be affected by the policy would be a community identified by their religion as users of the Mosque. The planned Mosque would be exclusively available as a place of worship. Planning policy covers the use of land for places of worship for faith groups in a specific section but the Hall St site was designated as part of the UDP in a zone the primary purpose of which would be for employment purposes. At outline planning stage, Council Officers, on balance, supported approval of the application as a whole to include the Mosque. People who practice a religion i.e. users of the Mosque are, therefore, affected by the decision but against the background that the possibility that there might be an alternative which has been accepted by the Dudley Muslim Association.</p> <p>The potential buy-back decision is not judged to affect other faith groups in their worship.</p> <p><u>Training and Enterprise Centre</u> - The proposed Training and Enterprise Centre is aimed at being available to all members of the community regardless of religion or belief. The potential use of the Centre may be seen as an “aspiration” in that there is no evidence that the local community, regardless of their religion or belief would use the Centre.</p>			
Sexual Orientation	The employment aspirations involved in the proposed developments of the Mosque and the Training and Enterprise Centre would not raise any impact issues in relation to sexual orientation where training and skills work would need to work within legal provisions wherever the development is located and the legal provisions relating to goods and services for people of all sexual orientations apply.			
Monitoring Information				
10	Are there systems in place to monitor the current and future impact of this policy or function/service in relation to	Yes	No	Not applicable/ appropriate
	Age			√
	Disability			√
	Gender			√
	Ethnic origin			√
	Religion/belief			√
	Sexual Orientation			√
11	<p>Provide details of the systems used and data collected for each of the equality strands.. If you answered no or n/a to any above please explain why.</p> <p>The nature of the possible decision for the Council can be one of three alternatives e.g. exercise, defer or waive the right to buy-back. In the light of this, Section 10 does not appear to be appropriate in this instance.</p>			
12	<p>From the monitoring information are there differences between outcomes and the objectives of the policy or function/service? If there is no usable monitoring information available, what is your understanding</p>			

of your customers?

The following documentary evidence has been considered for this EIA:

- Planning Application Number PO7/0053
- Decision Sheet 15/01/07
- Dudley MBC Equality Scheme 2007-2010 including EIAs Levels 1 & 2 proformas
- Preventing Violent Extremism Delivery Plan 2008-09
- Planning Inspectorate Letter and judgement dated 17th July 2008 (provided post-meeting.)
- Cabinet Report September 2008 & Appendix
- E-mail from JP to LS 07/10/08
- Letter from Cllr. M. Davis dated 13/10/08
- Sample Petition copy (beginning with C Gutteridge [?])
- Meeting Notes 17.10.08
- Sample completed EIA Level 2 re EMAS, October 2008

These documents contain information upon which the EIA was based.

It was noted that the planning decision has also been a matter of public record in terms of media coverage. Some of the Group had had direct involvement with the issue. One of the Group had formally received the Petition led by Cllr M Davis.

In terms of those who have expressed a view against the development, this was directly heard by the independent Inspector in the Appeal that took place in Dudley in June 2008.

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Is there a need to gather better or more information than is currently available to assess the impact of this policy or function/service? What information is needed?

The Group believed that the participation of a colleague from Law and Property Estates section may assist the EIA.

The Group did not consider the Inspectors letter of 17th July 2008 as part of this meeting and it was agreed to circulate that for consideration after the meeting.

It was noted that consultation had occurred in relation to the planning application as part of the democratic processes as part of the application.

In relation to the Petition that had been received by the Council dated 13th October 2008, this requested that “to preserve our social and economic wellbeing, we strongly urge Dudley Metropolitan Borough Council to rigorously impose the conditions of the

	<p>restrictive covenant contained in the Land Registry Title WM 856656 (section 2d CS of TP1) to the land that requires that the current owners sell back to the Dudley Metropolitan Borough Council the land in the now unavoidable event that the proposed development is not complete or substantially complete by 31st December 2008.” It was noted that the signatories were not all necessarily Dudley residents as per the sample page included in the papers for the meeting e.g. reference to “B69” Post Code as acknowledged in Cllr Davis’s letter.</p>
	<p>Differential / Adverse Impacts</p>
<p>14</p>	<p>Are there any customer groups which might be expected to benefit from the policy or function/service but do not?</p> <p>It is judged that there will be potential beneficiaries in either scenario.</p> <p><u>Buy-back not exercised</u></p> <p>If the right to buy-back is not exercised and the current potential arrangements to build a Mosque and Training and Enterprise Centre go ahead, then the potential users of the new Mosque and the new Training and Enterprise Centre will benefit. It is assumed that the Dudley Muslim Association would be satisfied with this outcome. Local citizens who have opposed the scheme might be expected not to benefit due to dissatisfaction with the outcome.</p> <p><u>Buy-back exercised</u></p> <p>If the right to buy-back is exercised and an alternative provision is made then the potential users of the alternative site will benefit. It is assumed that the Dudley Muslim Federation would be satisfied with this outcome.</p> <p>If the right to buy-back is exercised, the land will still be available for use. All things being equal, it will be possible, therefore, to oversee development of the land to the benefit of the whole community. Given the economic conditions prevailing at the time in which this EIA has been undertaken (November 2008,) there is a likelihood that the land may lie derelict for a while.</p>
<p>15</p>	<p>Are there any customer groups which are not satisfied with the policy or function/service, or have made more complaints?</p> <p>A Petition dated 13th October 2008 led by Cllr M Davis with 32,752 signatories has been formally received by the Council requesting that it exercise the policy in terms of its right to buy-back the site at Hall St. One of the Group had formally received the Petition led by Cllr M Davis on behalf of the Council. It was noted that</p> <ul style="list-style-type: none"> • the views of the other 270,000 (approximately) citizens of the Borough are not known; • the signatories were not all Dudley residents as per the sample page included in the papers for the meeting e.g. reference to “B69” Post Code. <p>In relation to the possible buy-back, it is a matter of public record that the Dudley Muslim Association have always accepted that an alternative site to Hall St would be acceptable to them as long as it is suitable and accessible to the community,</p>

	<p>It was noted that the Planning process culminating in the Inspector's decision of 17th July 2008 considered both objections and supporting representations on the Hall St proposal.</p> <p>The buy-back is not part of the planning process.</p>
16	<p>Are there factors or barriers within the policy or function/service which could contribute to differential or adverse impacts? (these factors may be unintentional)</p> <p>An adverse impact of implementing the buy-back could be that there is a likelihood that the land may lie derelict for a while given the current economic conditions.</p> <p>Secondly, whilst it is a matter of public record that the Dudley Muslim Association have always accepted that an alternative site to Hall St would be acceptable to them as long as it is suitable and accessible to the community, and that making suggestions regarding alternative sites is reasonable on the part of the Council, implications of the process culminating in the Inspector's decision as well as more widely in the media in terms of both support and opposition, may have consequences for community cohesion and tensions within the Borough's communities. This was seen to link potentially to the right to freedom of worship within the community.</p>
17	<p>Does the policy or function/service have any differential or adverse impacts on certain groups? If so explain what they are and the reasons for the differential/adverse impacts?</p> <p>As indicated in Section 16, exercising the right to buy-back in the economic climate current at the time in which this EIA has been undertaken in November 2008 may delay use of the Hall St site. This would have an adverse effect on the whole community as the site would not be used at all in the short-to-medium term and the associated benefits of development in terms of jobs would be frustrated.</p> <p>If the right to buy-back is exercised, whilst to all intents and purposes the Dudley Muslim Association have accepted that an alternative site is acceptable to them as long as it is suitable and accessible to the community, the Council does not have any control over any negative perception or interpretation that the Council's decision might have within the Muslim community.</p> <p>Similarly, whilst the Council is aware through the views expressed through the planning process, the local media coverage and the recent Petition dated 13th October 2008, the Council has no control over the way in which its right to buy-back might be perceived by other communities.</p>
Conclusions	
18	<p>As a result of this assessment is a level two full impact assessment required? Yes/No Please justify your answer</p> <p>No. The Group wished to see a first draft of the completed Level 1 Assessment to assist their decision-making about whether or not a Level 2 Assessment is required. On the basis of what was seen, the Group did not believe that a Level Two full impact</p>

	assessment was required as there do not appear to be any more evidence that is not known that would justify continuing to Level 2.	
19	<p>Further Actions – whether proceeding to a level 2 assessment or not please detail any actions necessary within the policy or function/service highlighted as a result of this initial assessment.</p> <ul style="list-style-type: none"> • To share the Inspector’s Letter with the Group. (Done.) • It was noted that the Planning process culminating in the Inspector’s decision of 17th July 2008 considered both objections and supporting representations on the Hall St proposal. The buy-back is not part of the planning process but it was judged that the Group would not learn more that would assist this activity through continuing to a Level 2 assessment. • The overall tensions and community cohesion issues connected to this buy-back policy were noted and it was recommended that the Council consider whether or not any benefit may accrue to all concerned in deferring the exercise of the right to buy-back in line with the December 2008 deadline whilst activity to explore other options is undertaken. 	
20	Date to commence Level 2 assessment if required	
21	Signed Assessment Lead Officer: B.Clifford	Date 07/12/08
22	Signed Head of Service: B.Clifford	Date 07/12/08

