

# Equality Impact Assessment Toolkit

## (January 2021)

### Section 1: Your details

**EIA lead Officer:** Tom Arthur

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**Head of Section:** Andrew McCartan

**Chief Officer:** Jason Gooding

**Directorate:** Neighbourhoods

**Date:** 05.09.23

### Section 2: What Council proposal is being assessed?

The Sail Loft Coastal Kitchen operates at a significant level of subsidy. Continued macro-economic instability means there is no immediate indication of a long-term council run solution. Therefore, the Council is seeking to close the Sail Loft Coastal Kitchen in October 2023, with a view of securing a commercial lease to commence operation Spring / Summer 2024.

Impacts:

1. The sail loft employs 13 staff members, who would, in accordance with the Council's redeployment policy, be offered suitable alternative employment within the authority where any vacancies may exist. Should no suitable redeployment opportunities be sought within the authority, then trade unions will be consulted on those affected staff on the termination of employment of the grounds of redundancy.
2. TUPE would apply for any member of staff employed at the point of transfer if, following closure, a lease was offered to a tenant who carried on the business of a café or similar food outlet. Consultation with trade unions would be required.
3. Short-term / Long-term reduction in local authority catering provision within the local West Kirby area. It should be noted however that there is an abundance of private sector catering provision in the area.

**Section 2a: Will this EIA be submitted to a Committee meeting?**

**Yes: If 'yes' please state which meeting and what date**

Tourism, Communities, Culture & Leisure Committee, 21<sup>st</sup> September 2023.

**Hyperlink to where your EIA is/will be published on the Council's website**

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

**Section 3: Does the proposal have the potential to affect..... (please tick relevant boxes)**

- Services**
- The workforce**
- Communities**
- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to [engage@wirral.gov.uk](mailto:engage@wirral.gov.uk) for publishing)

**Section 4:**

Could the proposal have a positive or negative impact on any protected groups (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
All	<p>Negative – Closure would impact residents and users of the Sail Loft Coastal Kitchen.</p> <p>Long-term impact would affect user groups, should the Council be unable to find a suitable commercial lease.</p>	<p>The Sail Loft’s trade is very seasonal. As closure is during the winter months, where trade is significantly reduced- it is expected to minimise any impact.</p> <p>The Council will seek to obtain a commercial lease where possible, but cannot stipulate a particular business requirement, and would permit for a dining offer if proposed, but wouldn’t control the style of offer or type of food provided.</p> <p>West Kirby has an ample provision for private sector catering provision in the area.</p>	Andrew McCartan	Prior to closure of facilities.	<p>Comms Support</p> <p>Procurement Support</p>

Workforce	<p>This proposal would affect 13 staff (equivalent 8.5 FTE).</p> <p>In accordance with the Council's redeployment policy, all staff would be offered suitable alternative employment within the authority where any vacancies may exist. Should no suitable redeployment opportunities be sought within the authority, then trade unions will be consulted on those affected staff on the termination of employment of the grounds of redundancy.</p> <p>TUPE would apply for any member of staff employed at the point of transfer if, following closure, a lease was offered to a tenant who carried on the business of a café or similar food outlet. Consultation with trade unions would be required.</p>	<p>The Council's Redundancy and Redeployment Policy which sets out the Council's Policy and Procedures for organisational change, including redundancy and ring fence situations.</p> <p>The Council has a legal obligation to consult with affected employees, explore alternatives and seek to avoid/mitigate against compulsory redundancies.</p>	Andrew McCartan	2023-2024	TBC
Workforce	<p>Should a lease arrangement be sought, then TUPE would apply for any member of staff employed at the point of transfer if, following closure, a lease was offered to a tenant who carried on the business of a café or similar food outlet. In those circumstances consultations with the trade unions would be required on the possible transfer of staff to a new tenant, who would have to agree to keep the transferred staff in the Local Government Pension Scheme</p> <p>If, however, the Council is unable to secure a commercial lease, or the café were leased to a commercial tenant who had no intention of using the premises to serve food or drink- it is unlikely that TUPE would apply.</p>	<p>The Council's Redundancy and Redeployment Policy which sets out the Council's Policy and Procedures for organisational change, including redundancy and ring fence situations.</p> <p>The Council has a legal obligation to consult with affected employees, explore alternatives and seek to avoid/mitigate against compulsory redundancies.</p>	Andrew McCartan	2023-2024	TBC

		Negotiations would take pace with any potential tenants in the event that there was an intention to reinstate a private catering offer.			
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**Section 4a: Where and how will the above actions be monitored?**

The lead person will co-ordinate and monitor any impacts and response with the Council's Human Resources team to ensure that the council's Redundancy and Redeployment Policy is properly enforced.

The lead person will also ensure that EIAs are completed on any proposals for co-location of services, as is routine business practice.

The lead person would check progress one month following the discontinuation of services to ensure information has been provided in a timely manner and implement interventions to expedite this should information not yet be provided.

**Section 4b: If you think there is no negative impact, what is your reasoning behind this?**

**Section 5: What research / data / information have you used in support of this process?**

Financial and service specific data has been utilised to build the committee report and inform the EIA.

**Section 6: Are you intending to carry out any consultation with regard to this Council proposal?**

Yes

If 'yes' please continue to section 7.

If 'no' please state your reason(s) why:

(please stop here and email this form to your Chief Officer who needs to email it to [engage@wirral.gov.uk](mailto:engage@wirral.gov.uk) for publishing)

**Section 7: How will consultation take place and by when?**

Should the proposal be approved at committee, the consultation with affected staff and Trade Unions will take place, as and where required, with dates to be established.

Before you complete your consultation, please email your preliminary EIA to [engage@wirral.gov.uk](mailto:engage@wirral.gov.uk) via your Chief Officer in order for the Council to ensure it is meeting it's legal publishing requirements. The EIA will need to be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 4. Then email this form to your Chief Officer who needs to email it to [engage@wirral.gov.uk](mailto:engage@wirral.gov.uk) for publishing.

**Section 8: Have you remembered to:**

- a) **Select appropriate directorate hyperlink to where your EIA is/will be published** (section 2a)
- b) **Include any potential positive impacts as well as negative impacts?** (section 4)
- c) **Send this EIA to [engage@wirral.gov.uk](mailto:engage@wirral.gov.uk) via your Chief Officer?**
- d) **Review section 4 once consultation has taken place and sent your updated EIA to [engage@wirral.gov.uk](mailto:engage@wirral.gov.uk) via your Chief Officer for re-publishing?**