

Address:	South Hampstead Synagogue 21-22 Eton Villas London NW3 4SG		2& 3
Application Number:	2018/6153/P	Officer: Kristina Smith	
Ward:	Haverstock		
Date Received:	14/12/2018		
Proposal: Pre-commencement Events Management Plan to discharge Clause 4.6 of the Section 106 Legal Agreement dated 28/01/2016 related to planning permission 2013/7887/P (as varied by 2017/0478/P, dated 09/11/2017) at South Hampstead Synagogue, 21 Eton Villas for [Erection of a synagogue comprising 4 storeys plus basement, following demolition of existing synagogue (Use Class D1)]			
Background Papers, Supporting Documents and Drawing Numbers: Revised Events Management Plan (dated 4.3.2019); Revised Cover Letter (dated 7.2.2019); Cover Letter from South Hampstead Synagogue (dated 11.12.2018); Cover Letter from Boyer (dated 12.12.18)			
RECOMMENDATION SUMMARY: Approve Events Management Plan and discharge Clause 4.6 of the Section 106 Legal Agreement dated 28/01/2016 related to planning permission 2013/7887/P at South Hampstead Synagogue, 21 Eton Villas			
Application Number: 2018/6154/P			
Proposal: Pre-commencement Travel Plan to discharge Clause 4.11 of the Section 106 Legal Agreement dated 28/01/2016 related to planning permission 2013/7887/P (as varied by 2017/0478/P, dated 09/11/2017) at South Hampstead Synagogue, 21 Eton Villas for [Erection of a synagogue comprising 4 storeys plus basement, following demolition of existing synagogue (Use Class D1)]			
Background Papers, Supporting Documents and Drawing Numbers: Full Travel Plan on behalf of South Hampstead Synagogue (Rev G - prepared by Odyssey; dated February 2019); Cover Letter from South Hampstead Synagogue (dated 11.12.2018)			
RECOMMENDATION SUMMARY: Approve Travel Plan and discharge Clause 4.11 of the Section 106 Legal Agreement dated 28/01/2016 related to planning permission 2013/7887/P at South Hampstead Synagogue, 21 Eton Villas			
Applicant:		Agent:	
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OFFICERS' REPORT

Reason for Referral to Committee: The application has been referred by the Director of Regeneration and Planning for consideration after briefing members [Clause 3(VII)].

1.0 BACKGROUND

- 1.1 Planning permission was granted in January 2016 (planning permission ref. 2013/7887/P) for the erection of a new synagogue comprising 4 storeys (plus basement) following the demolition of the existing synagogue. The new South Hampstead Synagogue is currently under construction with an anticipated completion date of March 2019.
- 1.2 The old Synagogue building was no longer considered adequate as a community facility due to several factors, but mainly a lack of space for the various functions of the Synagogue. One of the key drivers of the development of the new building was therefore to improve the facility so all events could be incorporated on site. The kosher kitchen and basement hall are important features that differentiate the new building from the old.
- 1.3 Whilst the synagogue does not expect the congregation (approx. 800 families) to increase as a result of the development, it does expect that activities will occur with great frequency and attract greater numbers than at present. In addition, the Synagogue intends to hire out the new basement hall for private events which will primarily be Bar and Bat Mitzvahs but also wedding ceremonies, family dinners and other functions.
- 1.4 The planning permission was subject to the agreement of a section 106 agreement that comprised a number of clauses, including an Events Management Plan (Clause 4.6). The purpose of the EMP is to ensure that the impact of the redeveloped synagogue with its additional activities and attendance, can be controlled and managed to ensure there is no harm to residential amenities. It will apply to all Events (any activity at which 70 people are expected to attend) including Private Events (events in the basement hall which take place after 7pm Monday to Saturday or at any time on Sunday). It will also apply where simultaneous events are occurring in the building that result in the cumulative number of people exceeding 70.
- 1.5 In granting permission for the new synagogue, the Council accepted that many of the existing functions of the use would be reprovided in the new building and it would be inappropriate to propose a blanket restriction on hours of use, particularly as there are certain functions that can operate without impact on amenity. Nonetheless, it was recognised that the new facility is larger and, significantly, incorporates new space at basement level that is suitable for events that may accommodate substantially more people if used at capacity. The proposed EMP is designed to ensure that suitable controls exist over the larger events which has been set at the 70 person trigger referred to above. This has been negotiated down from 80 since the original approval.

A monitoring and review mechanism has been incorporated into the EMP which allows scope for amendments to the plan.

- 1.6 Given the increased capacity of the development which is expected to have a significant impact on the travel/ transport system, a Travel Plan was also secured as part of the section 106 (Clause 4.11). A key objective of the travel plan is to help encourage Synagogue members to make more sustainable transport choices thereby minimising the number of car journeys to and from the site. The EMP and Travel Plan should be read in conjunction with one another.
- 1.7 The section 106 requires that both plans must be agreed by the Council prior to the occupation of any part of the development.

2.0 SITE DESCRIPTION

- 2.1 The site is bounded by Eton Villas to the northeast and Eton Road to the southeast. The site's direct neighbours include 23 Eton Villas, a two storey detached house sited directly to the northwest of the site and Provost Court, a 7 storey residential building, which lies directly adjacent to the site to the southwest. Opposite the site, along Eton Villas, lie large 2–3 storey semi-detached villas. St Saviour's Church lies opposite the site to the south, across Eton Road.
- 2.2 The previously existing synagogue occupied the majority of the site. It was setback from Eton Road where a forecourt area provided parking and stepped access to the synagogue. The main pedestrian access was off Eton Villas with disabled access at the end of the building, off Eton Villas. The building height was approximately the equivalent of 4 residential storeys fronting onto Eton Road and this reduced to approximately 2 and a half residential storeys adjacent to 23 Eton Villas, due to a change in land levels.
- 2.3 The new building, which is nearing completion, is of a slightly large footprint with a new basement events space, and extends to the equivalent of approximately 5.5 residential storeys, rising to 6.5 residential storeys (taking account of the setback roof extension). A roof terrace is incorporated into the design of the building at second floor level. The site comprises 4 on-site car parking spaces including 2 disabled spaces.
- 2.4 The site lies within the Eton Conservation Area and there are a number of Listed Buildings within close proximity to the site including St Saviours Church (Grade II* Listed), Nos 1 – 9 and 13 – 20 Eton Villas (Grade II Listed).

3.0 PROPOSAL

Events Management Plan

- 3.1 A tabulated analysis of the full contents and compliance with the EMP is provided as Appendix C to the report but can be summarised as follows:

- Definition of an Event to be any activity at which 70 people (reduced from 80) or more are reasonably expected to attend.
- Where **two simultaneous activities** (other than for services of religious worship) which together result in **70 people or more to be present** in the building at the same time, the marshalling provisions for an Event will apply during such time that the two activities overlap.
- An **Events Management Coordinator** will be appointed to deliver the objectives of the EMP and will be an appropriately qualified and/or experienced employee and/or member of South Hampstead Synagogue.
- Confirmation that **Private Events** will be limited to 36 per annum
- **Closing hours** as follows:
 - 10.30pm Monday – Thursday
 - 11pm Friday
 - 10.30 pm Saturday (in summer, BST); 11.30pm (in winter, GMT)
 - 11.30 pm Sunday (in summer, BST); 11pm (in winter, GMT)

Notes

- *Above closing times subject to extra 30 minutes for dispersal of visitors.*
- *These hours will not apply to certain religious worship or practice*
- The **outside areas** will initially not be used after 19.00 hours on any day and before 11.00 hours on Sunday and will be subject to review after independent acoustic testing is carried out.
- **Caterers** will be required to confirm they will work within the management arrangements of the EMP and will be provided with a check list for this purpose
- **Deliveries protocol** set out with regards to timings, location, vehicle type, route and booking procedure.
- **Waste management** arrangements
- **Smoking restrictions** within the curtilage and immediate vicinity of the Synagogue
- **Security staff** will be on duty between 08.00 hours and 20.00 hours.
- **Marshalling arrangements** will be present outside the premises for 30 minutes before each Event and until 30 minutes after:
 - Between 70 and 150 anticipated participants - a minimum of two marshals/security personnel.
 - Between 150 and 250 anticipated participants - a minimum of three marshals/security personnel.
 - More than 250 anticipated participants – a minimum of four marshals/security personnel.
- Arrangements for communication and monitoring
- Provision for a review meeting to take place six months after the occupation date of the Synagogue and thereafter on the first, third and fifth anniversary of that date

3.2 Revisions to the EMP have been received during the course of the applications. The revisions are as follows:

- The **closing hours** have been amended to 10pm Monday-Thursday; 11pm Friday and Saturday; and 11pm on Sunday;

- The number of anticipated participants that **trigger four marshals** to be present at an event has been **reduced to 200**;
- The **definition of 'private event'** remains consistent with that provided in the section 106;
- Confirmation of those events where closing times will not apply.
- Minor revisions regarding wording and tone.

Travel Plan

3.3 The travel plan is a document that identifies measures to be employed, provides a pool of resources to support these measures and sets out the programme and methodology for the monitoring and maintenance of the plan throughout its life. It seeks to reduce carbon emissions over time by encouraging organisations to seek alternative, more sustainable means of transport than that afforded by private cars.

3.4 Following feedback from the Council's Transport Planner and the CWG, a revised travel plan was provided. The Transport Planner has confirmed that the travel plan is now compliant and can be supported.

4.0 RELEVANT HISTORY

Original permission

2013/7887/P - Erection of a synagogue comprising 4 storeys plus basement, following demolition of existing synagogue (Use Class D1). **Granted Subject to a Section 106 Legal Agreement 28/01/2016**

2017/0478/P - Variation of Condition 4 (approved plans) of planning permission 2013/7887/P (dated 28/01/16) [for Erection of a synagogue comprising 4 storeys plus basement]; CHANGES INCLUDE alterations to the façade (including increasing height of lift overrun; revised boundary wall plinth; increased height of parapet on the north-west boundary; and alterations to window locations and acoustic panel type); and floor plan alterations (including reduction in seating number within the Shul; relocation of kitchen, alteration to classroom layout/number with no change in capacity; and alterations to forecourt layout). Variation to wording of Condition 11 (details of design and method of waste storage) following submission of details. Variation to wording of Condition 12 (details of cycle storage for 30 cycles) following submission of details. Variation to wording of Condition 16 (details of glazed privacy screen) following submission of details. Variation to wording of Condition 17 (details of electric vehicle charging point) following submission of details. Removal of Condition 13 (lift access to the ancillary residential units) - **Granted Subject to a Deed of Variation to the Section 106 Legal Agreement 09/11/2017.**

n.b. It is this subsequent Deed of Variation to the original Section 106 that necessitates the submissions that form the subjects of this report

5.0 CONSULTATIONS

- 5.1 As per the Town and Country Planning (Development Management Procedure) (England) Order 2015, statutory consultation and publicity is typically required for full planning applications; however, there is no statutory requirement for consultation/publicity for the discharging of planning obligations as they are discretionary requirements secured in a legal agreement between a Local Planning Authority and developer. As the EMP and TP are not part of a statutory process, the consultation arrangements rely on what is stipulated in the section 106 legal agreement.
- 5.2 Both the Events Management Plan and Travel Plan are subject to Clause 4.13 (Consultation) of the section 106 which sets out the necessary consultation process. Officers are satisfied that the submissions comply with the consultation requirements. A full tabulated analysis of the consultation requirements alongside corresponding actions can be found at Appendix B but an overview is provided below.
- 5.3 In producing the EMP and TP, the Synagogue has worked in consultation with the local resident Community Working Group (CWG). The formation of the CWG was a requirement of the section 106 and is defined as a group invited by and established by the owner to address any concerns of neighbouring occupiers in relation to the development comprising local ward councillors for Haverstock and Belsize wards and no fewer than 6, and no more than 10, local residents. The core membership of the CWG has consisted of Cllr Kelly as chair with a group of residents from surrounding streets.
- 5.4 An initial draft of the EMP was sent to CWG on 12 April 2016. The section 106 specifies a consultation period of no less than 21 days during which period the CWG may make representations on the draft plan or meet with the Synagogue to clarify matters. The consultation period was in fact a much longer time scale between the commencement of construction works and implementation of use, which has been for approximately two and a half years during which period the Synagogue and CWG met on 7 occasions. Consultation records from these meetings have been submitted alongside the EMP.
- 5.5 A draft of the proposed TP was sent to the CWG on 12 April 2016 and a further revision sent on 6 December 2018 to reflect policy changes. A meeting was held between the CWG and Synagogue on 23rd January 2019 to discuss the contents of the TP.
- 5.6 The EMP and TP were submitted to the Council on 14th December and logged as 'Approval of Details' applications. This was treated in the same manner as an approval of details application, which ensure electronic alerts are sent to interested parties. In addition, the CWG and Ward Councillor, Cllr Kelly were notified via email.
- 5.7 The section 106 specified a 'reasonable period' within which to carry out any further consultations. The Council asked for substantive comments to be received by 14 January 2019 to allow time for officers to provide feedback to the Synagogue.
- 5.8 Following representations from the CWG and officer feedback, revised versions of the EMP and TP were submitted by the applicant and displayed online with further

informal opportunity for comment by the CWG, which has now been received and is summarised below.

Consultation Summary

Community Working Group

5.9 The CWG, chaired by Haverstock Ward Councillor Cllr Kelly, represents many members of the local community and therefore their representation shall be provided in detail. The summary below relates to the initial version of the EMP and so some comments will have been addressed in later versions. Where that is the case, it will be noted.

Events Management Plan

- Cover letter is misleading and makes reference to the first draft of the section 106 being subject to detailed legal representation on behalf of local residents. Local residents are not aware of any representations made on their behalf.

Officer response: this is noted; however, it is not a material consideration in the assessment

- Cover letter states CWG declined to meet with the Synagogue to further discuss the EMP between 10 November 2016 and 15 March 2018 which is incorrect. No meetings were arranged during this period as it coincided with s.73 application.

Officer response: The Synagogue and the CWG have met 7 times over a period of 2 ½ years. The meetings covered a variety of ongoing matters including the S73 application and the EMP. Officers also attended the meetings. Consultation records have been provided as part of the submission.

- Residents consider the reference in the covering letter (page 6) to the unrestricted use of other Synagogues in north London is irrelevant. No comparison can be made to the new Synagogue – a large building on a constrained site in a residential area with no parking.

Officer response: officers agree with this point and have considered the proposals on their own merits having regard to the nature of the building and the surrounding residential character

- The frequency of all events (including private events) to be limited to 100 per calendar year and the overall numbers of people attending the Synagogue to be limited to 220.

Officer response: please refer to paragraphs 8.23-8.26 of the report

- Council could have easily imposed restrictions on the frequency and timing of activity either by condition or legal agreement, like it has done at JW3 and Trinity Church/ Lighthouse on Finchley Road which are restricted to 11pm closing times

throughout the week. These buildings are on a main road and in a commercial area.

Officer response: please refer to paragraph 1.5 of the report

- The overriding concern of local residents is the impact of the large numbers of people that can be accommodated in the new building putting at risk the quiet amenity of the area currently enjoyed by residents.

Officer response: This is discussed in section 8 of the report.

- The Synagogue have been reluctant to agree to any restrictions suggested by residents on the activities and events expected to take place in the new building.

Officer response: The planning permission allows the use of the synagogue for the purposes expressed in the EMP subject to a restriction on the number of private events and no limit on attendees, which will be controlled through other legislation, principally fire regulations. The Council cannot reasonably insist on the restrictions proposed by the CWG as part of the EMP application process.

- Cover letter is incorrect in asserting activities in old building did not generate complaints. Parking disruption and noise gave rise to a number of complaints over many years and were generally ignored by Synagogue membership. The claim that an event with over 150 attendees did not cause disruption is incorrect. A nearby resident complained to a marshal which does not appear to have been reported back.

Officer response: noted.

- The EMP qualifies the use of the outside areas and makes the use subject to independent acoustic testing. If caveats are to be included, it should also be made clear, that if necessary, further restrictions may be placed on the use of outside areas if there is evidence of unacceptable harm to the amenity of residents.

Officer response: the review mechanism allows for further restrictions to be placed if deemed appropriate

- The Mayor's emerging London Plan [Policy D12 Agent of Change] places responsibility for mitigating impacts from noise-generating activities or uses on noise-sensitive development such as residential use

Officer response: please refer to discussion in paragraph 8.7 of the report

- The Council's policies, CS10 and DP15, whilst supporting proposals for community uses, supports the protection and safeguarding of residents amenities.

Officer response: please refer to the discussion in section 8 of the report

- The building can accommodate up to 1280 people and some 500 people in the Events space in the basement. Based on past experience, this will inevitably lead

to night-time noise, disruption and parking chaos in the local area as people leave the premises.

Officer response: please refer to the discussion in section 8 of the report

- The majority of residential properties nearby are listed which constrains residents' ability to introduce double glazing.

Officer response: please refer to the discussion in section 8 of the report

- Whilst welcoming the planned marshalling arrangements set out in the EMP, the residents are not confident that these alone will be effective in keeping noise down and cars departing in an orderly fashion.

Officer response: please refer to the discussion in section 8 of the report

- The residents are confident the measures proposed will not restrict the Synagogue's anticipated social or community use of the building. It is important to note that the residents' proposed measures do not apply to religious worship.

Officer response: please refer to the discussion in section 8 of the report

- The resident community has always welcomed and accepted the location of the Synagogue – and St Saviours Church – at the heart of its community. The issue of concern is the potential for disturbance to the 'peace and quiet' of the residents particularly at night.

Officer response: please refer to the discussion in section 8 of the report

- On Sunday night the families do not want to be disturbed by potentially up to 500 people departing just before midnight from the Synagogue following a party or celebration.

Officer response: please refer to discussing in section 8 of the report

- The CWG has no issue with the social/community use of the building during the day or early evening.

Officer response: noted

- The importance of this 'world class facility' for such a use for the wider Orthodox Jewish Community is recognised.

Officer response: noted

- Despite reference in the covering letter (page 3) to 'sharing or extended use of facilities that can be accessed by the wider community' at no time has the use of the building for shared use been extended to the local resident community.

Officer response: there is nothing to restrict the hall being available for hire by the wider community; however, Private Events are limited to 36 per year in order to protect residential amenity.

- The submitted EMP proposes an addition to the definition of a Private Event to include “not open to the general membership of the Synagogue”. This does not appear in the section 106 Agreement and would mean that any celebration (wedding, Bat Mitzvah/Bar Mitzvah etc) as currently defined in the section 106 Agreement would be eliminated.

Officer response: the definition has been amended to reflect this feedback and accord with the provisions of the section 106.

- The submitted EMP also proposes a redraft of the definition of the Events Management Coordinator which allows for the possibility he/she may not be a suitably qualified person, as required by the section 106 Agreement. This definition should not be re-drafted by the Synagogue

Officer response: this has been amended in a later iteration of the EMP and officers are satisfied that the role of the coordinator now meets the intent of the clause.

Travel Plan

- The Travel Plan, as submitted, raises a number of concerns for residents. It is based on questionable parking surveys undertaken in 2013 and ignores the issues raised above concerning inconsiderate parking, noise and disturbance to residents. It offers no suggestions as to how these concerns will be addressed by the Synagogue community.
- With no consultation with residents, and since so much of what is contained in the EMP will need to be incorporated in the Travel Plan, it is difficult to see how the document can be agreed by Camden Council at this time. The Council is therefore asked to defer consideration of the Travel Plan.

Officer response: Since the response was received, a meeting has taken place between the Synagogue and the CWG and a revised version of the travel plan has been received. The CWG have provided no further comments.

Adjoining residents

5.10 As part of the consultation on the initial submission of the EMP and TP, approximately 62 written objections, 328 written supports and 185 comments were received. The responses for both submissions have been aggregated as many refer to both the EMP and TP in the same response. As a result of there being four iterations of the EMP and two of the TP, it is expected that some individuals will have commented more than once.

5.11 The objections considered to be materially relevant to the consideration of the EMP and TP are summarised below. It is noted that a significant amount of detailed

objections were made that fall into these categories and all have been duly considered by officers.

Events Management Plan

- Given increased capacity of building in a residential area, closing hours are unacceptable particularly on a Sunday
- Support for CWG's proposed closing hours
- Sunday should be early closing day to allow people to prepare for work/school
- Late night noise from people dispersing will significantly impact quiet, residential area
- Number of events and hours of operation will have a detrimental effect on the quality of life in the area and quiet enjoyment of homes
- Increased capacity will exacerbate parking difficulties
- Not appropriate to compare new synagogue with old one as 3 times as large
- Measures should be introduced to limit number of people attending non-religious events
- Potential harm needs to be mitigated by proper controls
- Noise from people arriving and leaving events has been cause for complaint previously
- High frequency number of events for residential area, nearly one per weekend
- Will be impossible for residents to distinguish between private and non-private events
- Lots of family homes in area that can't be double glazed as they are listed and therefore very vulnerable to noise
- What are the details of privacy provision relating to CCTV.
- Use of outside areas in the evenings could be potentially disturbing
- Private events is a money spinner
- Half an hour for dispersal is unrealistic
- Will be like living next door to a nightclub
- Many young families live close and children need their sleep on school nights
- Previous complaints have been treated with hostility
- Need parking plan to ensure residents can park within reasonable distance of homes

Travel Plan

- Gross misrepresentation of parking availability.
- Contest the parking data which relies on assumption that acceptable to park 300m from home – not realistic for elderly/ those carrying children/shopping
- Targets in TP for 10% more people walking to events in Year 5 is unrealistic given catchment area spreads from Barnet to Marylebone
- Submitted TP does not address parking issues
- Unrealistic expectation that event goers will leave via public transport or bike

5.12 Further to the above, a number of comments and objections were received that are not materially relevant considerations. These are mainly to do with matters

concerning the initial planning application for the Synagogue and relate to principles already been accepted.

- Construction impact totally underestimated at planning stage
- Overscaled lantern window leads to light pollution
- All resident's parking taken up by Synagogue attendees, increased capacity will exacerbate situation
- Synagogue parking should be restricted at weekends
- Council has chosen not to impose restriction on closing hours via condition as per elsewhere
- New synagogue will make Eton Road dangerous, more cars, more accidents
- The synagogue is not open to people outside the community and will be non-inclusive for local residents
- Illegal and dangerous parking across driveways and on yellow lines
- Only 4 new parking spaces being created (2 for disabled) so people will need to park on street

5.13 A summary of the written letters of supports received is summarised below:

- Should be able to use the building at all times without restriction
- On the Sabbath people walk to synagogue and don't use electric music so activities are not disruptive
- Leadership of Synagogue is very reasonable and considered
- Proposed closing times are consistent with other synagogues in similar residential areas
- The Synagogue is committed to being completely considerate of surrounding residences, including keeping noise to a minimum and parking considerately
- Look forward to dedicated youth facilities and hope EMP will not restrict variety of religious and non-religious activities
- The congregation is a respectful, community-minded and family orientated group
- Onsite marshalling provisions will further ensure peace and tranquillity for residents
- Proposed EMP incorporates practical arrangements that have been discussed at length and agreed with CWG
- Neighbour's fears of a threefold increase in events are unfounded; membership is not expected to grow significantly
- Most activities have taken place in old building without complaints
- CWG proposals unreasonably limit communal activities including those associated with religious services and practice that have taken place on site for many years which is contrary to planning policy
- Sound insulation and noise controls provided in new building together with Synagogue's commitment to implementation of EMP and TP will ensure effects on local traffic and amenity of local community are mitigated as far as practicable.
- Educational charity based in Camden occasionally uses South Hampstead synagogue as venue for educational events on weekday evenings

- Believe EMP strikes a reasonable balance between interests of Synagogue and local residents
- Late opening times are crucial for an effective community life and religious requirements
- Synagogue has put forward a strong case for its EMP and has compromised on opening hours
- All too often religious buildings are wasted space that don't contribute to communal life
- EMP is a matter of religious freedom and sometimes events are late due to the nature and requirement of Jewish religion. Unlikely local residents would prevent the nearby church from midnight mass
- The Synagogue has every interest to make it work for its own viability
- Further curtailment is detrimental to communal vibrancy and financial viability
- Most visitors to the synagogue choose to walk rather than take car. Area is also served by excellent public transport
- Importance of good relations has been an area of priority and focus for Synagogue
- New building will offer comfort and safety for an aging community
- There are set dates in the Jewish Calendar which require late attendance at the Synagogue
- Jewish community drink little alcohol compared to wider community diminishing chance of rowdy behaviour outside the building
- Events are mainly of a family nature
- Should be able to finish at 11.30pm like other synagogues
- Hours should be approved and in the event of reasonable and evidential concerns by the end of the initial 12-months, can be reviewed
- We live in a multi-cultural society and as such, respect each other's traditions and are mindful not to wilfully create local disturbance.
- 10pm is too early to reasonably expect closure on a Sunday because the Synagogue will be used to mark celebration of religious family and community milestones
- Early closing hours will cut short celebratory events which take place on Sunday evening
- Later closing hours will allow building to be used to its full potential
- As the Sabbath begins on a Friday evening and does not end until quite late on a Saturday evening in the summer months, this limits quite considerably when we are able to have any form of musical events.

6.0 STATUTORY PROVISIONS

6.1 Section 149 of the Equality Act 2010, sets out the Public Sector Equality Duty (PSED). 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.

6.2 It should be noted that the PSED is a duty to have due regard to (a) (b) and (c). It does not obviate the legal requirement to determine the proposal in accordance with relevant planning considerations but must be considered alongside that requirement.

7.0 POLICIES

7.1 The policy context at the time of determination of the substantive permission are provided below and included the LDF Core Strategy and Development Policies. The section 73 permission (ref. 2017/0478/P) was assessed under the Camden Local Plan 2017; however, only those elements that were being amended were re-assessed. The amendments related largely to design and therefore the principle of development or the impact on residential amenities was not reassessed. As such, the policies this decision has regard to are those listed below.

Section 106 of the Town and Country Planning Act 1990

National Planning Policy Framework 2012

National Planning Practice Guidance

7.2 While not a statutory consideration for the discharging of legal obligations, the following Core Strategy and Development Plan policies as well as Camden planning guidance documents are considered relevant to the acceptability of the EMP and TP. Of particular importance to the assessment that follows is policy DP26 (impact on occupiers and neighbours)

LDF Core Strategy and Development Policies

- CS5 – managing impact of growth
- CS10 – supporting community facilities and services
- CS11- sustainable travel
- CS19 – delivering and monitoring the Core Strategy
- DP15 – community and leisure uses
- DP16 – transport implications of development
- DP17 - walking, cycling and public transport
- DP18 – parking standards
- DP19 – managing the impact of parking
- DP20 – movement of goods and materials
- DP21 - highway network
- DP26 – impact on occupiers and neighbours
- DP28 – noise and vibration

Camden Planning Guidance (CPG) 2013

- CPG6 - Amenity
- CPG7 – Transport

Equality Impact Assessment

7.3 An equality impact assessment (“EqIA”) has been carried out as part of the assessment process. The EqIA process is designed to assess equality implications of any proposal to assist the decision maker in giving effect to the PSED summarised in Section 6 of the Report . The EqIA is a tool for analysing implications around a proposed decision to assess its effect on people with protected characteristics covered by the Equality Act 2010. Protected characteristics include: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. An EqIA was considered important in this instance given that the decision involves the balancing of the interests of the religious group attending the Synagogue and the people in the surrounding residential area where there are inevitably people with a variety of protected characteristics.

8.0 EVENTS MANAGEMENT PLAN

8.1 The purpose of the Events Management Plan (EMP) is to set out measures for the management of Events at the new South Hampstead Synagogue to ensure control over the impact on the amenity of the local community. For completeness, a comprehensive tabulation of what the EMP is required to include is set out as Appendix C to the report.

8.2 In general terms, the measures relate to definition of event types, number of events, closing hours, delivery and servicing arrangements, security and marshalling, travel arrangements, noise control and monitoring and review mechanism. Officers and the CWG are largely in agreement with the content of the EMP and significant progress has been made to reduce areas of disagreement through negotiation. Officers have negotiated significant concessions and these include reducing the event trigger from 80 attendees to 70 which also takes effect when the cumulative number of attendees reaches 70. Further changes include securing an earlier closing time of 10pm on Monday to Thursday. Officers are confident that the EMP has sufficient control to ensure residential amenity is protected. It is important to note that a review mechanism is built in to the EMP that allows for amendments to be made after a series of stages if deemed necessary by the Council. This is discussed in more detail in paragraphs 8.29-8.30.

8.3 By virtue of the design of the building, with the main event space located at basement level, as well as features including sound insulation and air lock doors, officers are satisfied that the acoustic properties of the building is such that noise emanating from the building during events and activities would not cause harm to residential amenity. The acoustic performance of the building is secured by conditions attached to the planning permission including a condition that requires sound insulation to be provided for the building and another that requires an automatic noise control device to ensure that any amplified sound emanating from the premises is inaudible at the façade of any noise sensitive premises and maintained as such. Furthermore, the

EMP asserts that during events, marshals will ensure doors and windows remain closed and noise limiting controls on audio equipment are in operation.

8.4 A terrace area is sited within the building's envelope on the east side of the building at second floor level. The EMP controls the use of this space by preventing its use after 7pm on any day and before 11am on a Sunday. The outside areas will initially not be used after 7pm on any day and before 11am on a Sunday. This will be subject to review once acoustic testing has been carried out with the results reported to both the Council and CWG. There is potential for these hours to be amended subject to agreement as part of the EMP's review mechanism.

8.5 With the internal and external areas of the building addressed satisfactorily, the principal area of control relates to the comings and goings of visitors and attendees, particularly late at night when background noise levels are lower. This subject has attracted the majority of objections from local residents.

8.6 The two key considerations in the assessment of the EMP is the impact on the ongoing operation of the Synagogue and its members, and the impact on the residential amenities of the surrounding community. In granting permission for the building and its use, the Council had regard to Policy CS10 that supports the retention and enhancement of existing community, leisure and cultural facilities and aims to facilitate the efficient use of community facilities and the provision of multi-purpose community facilities that can provide a range of services to the community at a single location. It also had regard to DP15, which provides further detail on this overarching strategy by stressing that community facilities should not harm residential amenity, the environment or transport networks and should be consistent with their surroundings in terms of scale, character and mix of uses. This is supported by DP26 that seeks to ensure that development avoids having a harmful effect on the amenity of existing and future occupiers and to nearby properties. DP26 is the principal policy relevant to Members' considerations in respect of consideration of the EMP, the subject of this report.

8.7 The Draft London Plan (2018) includes policy D12 (Agent of Change). Whilst not in circulation at the time planning permission was granted, the principles of the policy formed part of the assessment. In essence, the policy states that development proposals should manage noise and other potential nuisances by ensuring good acoustic design and exploring mitigation measures early in the design stage, with necessary and appropriate provisions secured through planning obligations. The new Synagogue incorporates acoustic design (secured by condition) whilst the EMP incorporates a package of measures to ensure control over the impact of noise-generating activities. Whilst this policy was not in place at the time the application was determined and is currently in draft form, officers are satisfied that the development and the subsequent EMP submission is in compliance.

8.8 Much of the contents of the EMP has been agreed with the CWG without contention. The assessment shall therefore focus on those areas where agreement has not been reached. It should be noted of course that the CWG do not represent all interests; however, they are the interested party that are referred to in the consultation requirements of the section 106.

Closing hours

8.9 The Synagogue's initial proposed closing hours for Events (excluding those associated with religious practice or worship) were as follows:

- 10.30pm Monday – Thursday
- 11pm Friday
- 10.30 pm Saturday (in summer, BST); 11.30pm (in winter, GMT)
- 11.30 pm Sunday (in summer, BST); 11pm (in winter, GMT)

8.10 The CWG requested that these hours were revised to the following:

- 10.00 pm Monday - Thursday
- 11pm Friday and Saturday
- 10pm Sunday
(with 30 minutes for dispersal of visitors, staff and contractors)

8.11 Following officer feedback to the Synagogue, the revised EMP proposes:

- 10pm Monday – Thursday
- 11pm Friday – Sunday
(with 30 minutes for dispersal of visitors, staff and contractors)

8.12 Officers have carefully considered the position of both parties. For the CWG, the main concern relates to evening noise and disruption caused by a large number of visitors departing the Synagogue at once. The proposed closing time of 11pm on a Sunday night is a particular cause for concern for local residents as Monday is a normal working day.

8.13 Officers have sought further justification from the Synagogue as to the importance of opening late on a Sunday. The key reason is to allow celebrations associated with religious ceremonies to take place, namely the coming of age ceremonies of Bar and Bat Mitzvahs. South Hampstead Synagogue is an Orthodox synagogue and strictly observant of the Sabbath which begins at sunset on Friday evening and ends when 3 stars appear in the sky on Saturday evening (approximately 25 hours later). At the time of writing, the last Shabbat (1st and 2nd March), the Sabbath began at 5.25pm on Friday and ended at 6.29pm on Saturday evening. Preparations for a catered event cannot commence until the Sabbath has ended and so a catered party would not have been possible. In the winter months when the Sabbath ends before 5.30pm (only from the beginning of November until the end of January), some families may decide to hold their bar and batmitzvah celebrations on Saturday evenings with the party starting at around 7pm-7.30pm; however, it is understood most families do not do so. Non Orthodox synagogues are not strictly Sabbath observant and it is possible that some will allow a function on the Sabbath; however as an Orthodox synagogue, South Hampstead Synagogue are precluded from having celebrations with preparation taking place or music/amplification on the Sabbath.

- 8.14 From the outset, the new synagogue was designed with the celebration of important events in mind, reflected by the addition of facilities including a basement hall and kosher kitchen. The ability to hold such events is considered central to the successful ongoing operation of South Hampstead Synagogue. Whilst a fee is not charged for the hire of the basement hall and kitchen, donations are typically made.
- 8.15 In balancing the needs of the Synagogue and the concerns of the local residents, 11pm is proposed in light of the justification that has come forward relating to events associated with religious practice. For the rest of the working week (i.e. Monday to Thursday), the applicant has agreed with the CWG request that closing time is restricted to 10pm with 30 mins for dispersal (rather than 10.30pm with 30 mins for dispersal as originally proposed by the Synagogue).
- 8.16 Officers have undertaken an Equalities Impact Assessment which has been provided as Appendix A to the report. The EqIA provides an analytical lens that is distinct from planning policy insofar that it looks to assess the impact of decision on people with protected characteristics covered by the Equality Act 2010.
- 8.17 The EMP proposes a series of measures to help mitigate the impact of events on residential amenities. Marshals will be present outside the premises for 30 minutes before each event, during an event and until 30 minutes after. The Synagogue have agreed to increase the marshalling to anticipated participant ratio in line with the CWG's request. Other provisions include arrangements relating to travelling to and from the Synagogue, covering taxi and parking requirements. The CWG have made some minor amendments to these provisions which have been accepted by the Synagogue.
- 8.18 Several consultation responses have made comparisons with other religious buildings, for instance the Holy Trinity Church and JW3 on Finchley Road. The Council must consider each application accordingly to the individual merits of each site and proposal. Officers note the uses are different in the two cases identified and they are situated in different areas. Both a blanket hours restriction, or as in the case here, a specific use management plan are both acceptable ways to control residential amenity. The EMP in this case provides a high level of control and allows ongoing review of the impact in collaboration with local residents.
- 8.19 To conclude on the matter of closing times, agreement has been reached between the Synagogue and CWG on all closing times with the exception of Sunday. A later closing time on this day of the week could, in the absence of robust controls, lead to disturbance on a typically quiet evening when noise may be more discernible. It must be borne in mind, that this is one evening of the week only and is highly unlikely to be every Sunday, in part by virtue of the restriction limiting private events to 36 per annum. Officers are confident that the EMP contains sufficient measures to enable 11pm to be an acceptable closing time on a Sunday evening. Importantly, a review mechanism enables the reconsideration of closing hours should issues arise.

Parking

- 8.20 A significant number of consultation responses refer to the exacerbation of parking issues. The Synagogue have expressed their commitment to ensuring that guests

park considerately. To promote this message, the EMP states that the Synagogue will remind members and guests, display clear signage, give verbal reminders before guests leave events, and employ marshals to manage arrival and dispersal of vehicles.

8.21 The EMP makes reference to the Travel Plan, the key objectives of which is to promote sustainable transport modes and consequently reduce the number of journeys made by car.

8.22 The CWG have asked for revisions to the wording that have been agreed to by the Synagogue.

Frequency of events and numbers of attendees

8.23 The CWG have asked that the frequency of all events (including private events) to be limited to 100 per calendar year and the overall numbers of people attending the Synagogue to be limited to 220.

8.24 The planning permission for the use does limit events but only 'private events', which are limited to 36 per calendar year and secured by section 106. The section 106 definition of private event is '*any private event taking place in the basement hall at the property after 7pm on any day Monday to Saturday inclusive and at any time on Sunday which includes (but is not restricted to) family celebrations, Bar and Bat Mitzvahs parties, weddings, parties*'. The planning permission and section 106 does not refer to a limit on the number on attendees.

8.25 Consequently, further limitations on frequency or numbers are beyond the scope of an EMP and cannot reasonable be imposed by the Council as part of this process.

8.26 Should the building be occupied at full capacity, it could accommodate approx. 1280 including 500 people in the basement hall. This is calculated on the basis that 0.5m² is required per person and derives from Building Regulations relating to fire safety. It is highly unlikely that the building would ever be at full capacity and the expectations are that during events, the basement hall would accommodate a maximum of 220 people.

Events Management Coordinator

8.27 The section 106 includes provision for an Events Management Co-ordinator which it defines as, "*an appropriately qualified and or experienced person appointed by the Owner to deliver the objectives of the Events Management Plan and be responsible for the coordination, implementation, reporting and review of the Events Management Plan with a view to securing an ongoing process of continuous improvement*"

8.28 The Synagogue have provided more detail on the role, explaining that they anticipate that the EMP coordinator will be a new employed member of staff. The appointee will be suitably qualified to deal with programming all the Synagogue's activities and managing all aspects of all activities in the building and beyond including all organisational issues including deliveries, selection and training of marshals and liaising with security personnel. The appointee would be required to

have strong communication skills for dealing with all members of staff, contractors and volunteers as well as enquiries and any complaints received. Officers are satisfied that this would meet the intent of the clause.

Review and monitoring

8.29 In accordance with the requirements of the section 106 there is provision for a review of the EMP six months after the date of first occupation and thereafter on the first, third and fifth anniversary of first occupation. Any proposed revisions shall need to be submitted to the Council for approval in consultation with the CWG.

8.30 In terms of monitoring, the Synagogue will be available to meet with the CWG on a quarterly basis to review any matters arising from the EMP so that procedures for the management of events can be modified if required. Advance notice of all events will be included on the Synagogue's website.

Equality Impact Assessment

8.31 An Equality Impact Assessment accompanies the report. The assessment looks at the impact on protected groups of people, who in this instance is the Synagogue's Jewish community and those residents who live nearby and have protected characteristics. The EqIA considers both sides of the argument in relation to the impact of the measures that make up the EMP, particularly the matter of Sunday evening closing times.

8.32 In summary, it finds there to be a benefit for the Jewish community in terms of having access to an affordable, fit for purpose facility as well as one that is close to their place of worship, to use for family celebrations such as Bar and Bat Mitzvahs. The Synagogue does, and will continue to, act as a hub for its users providing a wide range of facilities and support. As such, it is important to the cohesion and wellbeing of its users.

8.33 The EqIA recognises the concerns of the local residents and the potential harm that could be caused to residential amenity but by virtue of the robust control measures incorporated into the EMP, does not identify a negative impact.

9.0 TRAVEL PLAN

9.1 A travel plan was secured as part of the planning permission for the new Synagogue as it was identified that the development could have a significant impact on the travel or transport system. A key objective of the travel plan is to help encourage Synagogue members to make more sustainable transport choices thereby minimising the number of car journeys to and from the site.

9.2 The submitted travel plan has been reviewed by the Council's Transport Planner to ensure compliance with the guidance set out in CPG7 Transport (2011). Following the submission of some additional information to address initial feedback, the travel plan is now considered to be satisfactory.

9.3 The changes at the site which are expected to have an impact on the number of congregants attending the site at certain times include:

- 300-400 congregants on High Holy days (3 days / annum). These members were previously accommodated at the Britannia Hotel situated some 375m from the Synagogue;
- 150 children attending Hebrew Classes on a Sunday (were previously accommodated at Parliament Hill School. This activity could however lawfully currently be accommodated at the Synagogue); and
- An additional circa 50-150 attendees at functions and events on 3-5 occasions per month.

9.4 The travel plan will help to mitigate these changes through engagement with the congregation on the benefits of shifting from car use to active and sustainable modes as well as promoting measures such as car sharing. Additional measures such as bike week will help to embed an attitude of travelling sustainably to and from the Synagogue.

9.5 The travel plan will be used as a key tool in dissuading car use amongst the congregation of the Synagogue and encouraging more active forms of travel such as walking, cycling and public transport. This will in turn help to mitigate the impacts from the Synagogue on the parking in the local area. The Travel Plan Co-ordinator, who will be implementing and managing the travel plan, will be an active member of the Synagogue and will work with LB Camden officers to achieve the goals and targets of the travel plan.

9.6 The measures and targets set out in the travel plan drafted for the Synagogue are ambitious whilst also being achievable in terms of modal shift away from the private car and are therefore deemed acceptable. The travel plan's action plan outlines a number of events and initiatives to help meet the plan's targets to promote sustainable travel and minimise impact of the local Controlled Parking Zone (CPZ) and is considered acceptable and in line with Camden's requirements.

9.7 The monitoring periods set out in the travel plan are in accordance with what is expected of any travel plan – these are Year 0, known as the baseline review – this is undertaken either 6 months after completion of the development or at 75% capacity, whichever comes first. This will allow revised targets to be set, should they be necessary, once the baseline data has been gathered and analysed. LB Camden officers will work with the SHS to ensure we set reasonable targets and any issues or concerns are addressed. Monitoring reviews will then be done at years 1, 3 and 5 on the anniversary of the baseline review. These monitoring reports will also be approved and checked by LB Camden officers. We will continue to work with SHS to minimise their impact on the area and encourage healthier and more sustainable travel to and from the site.

9.8 In summary, the travel plan is considered a live document whereby actions and targets can be adjusted to address any unexpected issues. This plan is to a standard which is accepted and is deemed to be appropriate for the site. The travel plan will help to promote active and sustainable travel amongst the congregation and will help

to dissuade car use, in turn mitigating the impacts from the Synagogue on parking in the local area.

10.0 CONCLUSION

10.1 Officers are recommending approval of the submitted Events Management Plan and Travel Plan, which have been developed in consultation with both the CWG and the Council in accordance with the Section 106 agreement. Over the course of negotiations, various changes have been made to the EMP and TP and agreement has been reached on most areas; however, consensus on the matter of Sunday evening closing times remains outstanding.

10.2 In seeking to balance interests between the Synagogue and CWG, officers have undertaken an Equalities Impact Assessment which has analysed the proposals through the lens of the impact on protected characteristics.

10.3 It is apparent that the matter of Sunday closing time is very important to the Synagogue and its ongoing operation. The basement events space with its kosher kitchen is a valued feature of the new building, the principal of which has been accepted by the Council via the original planning permission. Providing a modern and affordable space for the Jewish community to hold private events, including Bar and Bat Mitzvahs, is central to how the Synagogue envisages the facility providing for its community. Restricting these events to an earlier closing time than 11pm on a Sunday could make the space unviable.

10.4 It is recognised that a Sunday closing time of 11pm may be later than what the CWG has sought; however, the needs of the Jewish community to undertake a range of activities and events that are befitting for a facility of this kind must be considered. The EqIA has discussed how there are benefits to the Jewish community for holding events later on a Sunday evening whilst any potential disbenefits to the residential will be sufficiently controlled by a robust package of measures including in the EMP. Officers take the view that the EMP offers suitable controls to ensure an 11pm closing time on Sunday night is acceptable. Given that disturbance at this time of night is more noticeable, there will be opportunity to revisit the marshalling arrangements or terminal hours as part of the required review mechanism in the section 106. All other aspects of the EMP are welcomed and supported by officers.

10.5 The travel plan is considered to be appropriately ambitious whilst also being realistic. It will be a key tool in dissuading car use amongst the congregation of the Synagogue and encouraging more active forms of travel such as walking, cycling and public transport. In turn, this will help to mitigate the impact on parking in the local area. The travel plan is a live document that will be implemented and managed by a Travel Plan co-coordinator who will work with the Synagogue and the Council to ensure the goals of the plan are met.

11.0 LEGAL COMMENTS

11.1 Legal comments are incorporated.

12.0 RECOMMENDATIONS

2018/6153/P

- 12.1 Approve the Events Management Plan and discharge Clause 4.6 of the Section 106 Legal Agreement dated 28/01/2016 related to planning permission 2013/7887/P at South Hampstead Synagogue, 21 Eton Villas; and

2018/6154/P

- 12.2 Approve the Travel Plan and discharge Clause 4.11 of the Section 106 Legal Agreement dated 28/01/2016 related to planning permission 2013/7887/P at South Hampstead Synagogue, 21 Eton Villas

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.

The Council has a strong tradition of ensuring equality both in terms of service delivery and within its workforce. To help us maintain this tradition it is essential that you start to think about the EIA process before you develop any new activity or make changes to an existing activity. This is because the EIA needs to be integral to service improvement rather than an ‘add-on’. If equality analysis is done at the end of a process it will often be too late for changes to be made.

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.

If a staff restructure of organisational change is identified as necessary following the review of an activity then an EIA needs to be completed for both stages of the process, i.e. one when the activity is reviewed and one when the restructure or organisational change is undertaken.

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, 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:

Approve Events Management Plan and Travel Plan and discharge Clause 4.6 and 4.11 of the Section 106 Legal Agreement dated 28/01/2016 related to planning permission 2013/7887/P (as varied by 2017/0478/P, dated 09/11/2017) at South Hampstead Synagogue, 21 Eton Villas

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?

Decision makers are being asked to agree to an Events Management Plan that includes a number of controls relevant to the ongoing operation of events at the new South Hampstead Synagogue. In general terms, the measures relate to event types, number of events, closing hours, delivery and servicing arrangements, security and marshalling, travel arrangements, noise control and monitoring and review mechanism. The building was initially granted planning permission in January 2016 (ref. 2013/7887/P) subject to a section 106 agreement that comprised a number of clauses, including an Events Management Plan (Clause 4.6). The plan requires agreement before the new Synagogue can be occupied.

A Synagogue has been located on the site since 1964 and many of the events planned for the new Synagogue have taken place for a long time without any restrictions. An important addition to the redeveloped building of relevance to this decision is the addition of an events space in the basement, which will result in more events being held in the building with a greater capacity of attendees.

The majority of events will be associated with religious practice with the most popular events expected to be Bar and Bat Mitzvah celebrations (coming of age ceremonies for boys aged 13 and girls aged 12) although other events such as family dinners and weddings are expected to take place on occasion too.

South Hampstead Synagogue is an Orthodox synagogue and strictly observant of the Sabbath, which commences on Friday evening and ends on Saturday evening (refer to Q.2 for further detail). As an Orthodox synagogue, they are precluded from having celebrations with preparation taking place or music/amplification on the Sabbath. It therefore follows that the majority of private events will take place on a Sunday evening. Subsequently, the EMP proposes a closing time of 11pm (with an additional 30 minutes for dispersal). It should be noted that a limit of 36 private events per year has been secured by the section 106 legal agreement.

The issue of closing times, particularly on a Sunday evening, is of importance to the EqIA as there are potential implications for the membership and operation of the Synagogue and for the residential amenities of local families in terms of evening noise and disruption at an otherwise quiet time.

Supporting an 11pm closing time on a Sunday will allow the Synagogue's community to carry out important celebratory events linked to Jewish worship such as Bar and Bat Mitzvahs. It is also recognized that without appropriate controls, dispersal from such events into a residential area at a quiet time in the evening may result in noise disturbance and harm to residential amenity.

In addition to setting the closing times, the EMP comprises a robust set of measures to ensure that no harm will ensue as a result of a later closing time. Importantly, it incorporates a review mechanism

that allows for amendments to the plan should the controls not be adequate to control noise and disturbance in light of experience.



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?

There are broadly two communities who will be affected by the decision; the Jewish community of the Synagogue and the residential community in the surrounding area.

The benefits associated with a later closing time will be for the Jewish community as it would allow them to hold and attend important celebratory events linked to their faith. It is acknowledged that for many Jews (and people of all faiths) their religious life is a very important part of their identity. Its associational aspect provides a source of empowerment, belonging and connection and helps to bond together the community. This more generally contributes to social stability and it is recognised that Camden's success and prosperity is built on its very high level of diversity with a complex mix of faith communities. The presence of multiple faith communities is part and parcel of Camden's sense of pluralism. Many of these communities provide a range of social support functions supplementing provision by the Council and other public sector bodies.

The basement hall and kitchen will be mostly used for celebrations linked to religious practice including Bar and Bat Mitzvah parties, weddings and family dinners. The facilities will give the Synagogue community access to an affordable events space with kosher kitchen. It is understood that such facilities are unique and the alternative option involves hiring a hall with kosher caterer who has to 'kosher' a non-kosher kitchen. This service is expensive and unaffordable for many families.

The South Hampstead Synagogue is strictly observant of the Sabbath which precludes Bar and Bat Mitzvah parties that involve preparations taking place or music/amplification. The Sabbath begins at sunset on Friday evening and ends when 3 stars appear in the sky on Saturday evening (approximately 25 hours later). In the winter months when the Sabbath ends before 5.30pm (only from the beginning of November until the end of January), some families may decide to hold their Bar and Batmitzvah celebrations on Saturday evenings with the party starting at around 7pm-7.30pm, but it is understood most families choose not to. As a result, it is expected that such events will largely take place on a Sunday evening. The Synagogue therefore requires a later closing time of 11pm to allow the community to fully benefit from the use of the facilities and pursue celebratory events of importance to their faith.

Allowing a later closing time of 11pm would also allow the location of the religious ceremony and the associated celebration to occur in the same place rather than travelling to an alternative venue, potentially outside of the families' locality.

The surrounding area is residential in nature and inevitably comprises elderly and young people, pregnant women and those with young children who may be particularly vulnerable to noise, especially during later at night on a Sunday when there is an expectation of quiet. The dispersal of large numbers of people could, without sufficient controls, impact on the amenities of those living nearby. As well as limiting the closing times, the EMP proposes a range of measures to ensure that the impact of activities, including evening comings and goings, does not cause harm in terms of noise and nuisance to those living nearby.

Notes to Question 2

- Here use data to show who could be affected by the decision. Consider who uses the service now and might use it in the future. Think about the social mix of the borough and of our workforce.
- If available use profile of service users and potential users / staff by protected groups: (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation). You could consider the following:
 - Take up of services, by protected group if available;
 - Recommendations from previous inspections or audits;
 - Comparisons with similar activities in other departments, councils or public bodies;
 - Results of any consultation and engagement activities broken down by protected groups (if available) - sources could include, complaints, mystery shopping, survey results, focus groups, meetings with residents;
 - Potential barriers to participation for the different protected groups;
 - National, regional and local sources of research or data – including statutory consultations;
 - Workforce equality data will be provided by your HR change adviser for organisational change / restructure EIAs and
 - For organisational change / restructure EIAs include the results of any consultation or meetings with staff or trade unions.
- **Do not simply repeat borough wide or general service equality data** – be as precise and to the point as possible.
- If there are gaps in equality information for some protected groups identify these in this section of the form and outline any steps you plan to take to fill these gaps. Consider:
 - Any relevant groups who have not yet been consulted or engaged;
 - Whether it is possible to breakdown existing data or consultation results by different protected groups;
 - If you are conducting an organisational change / restructure EIA and there are data gaps consider asking affected staff to update their details on Oracle.
- 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 is likely to lead to positive effects for a local faith group. It is often extremely difficult to find suitable accommodation for faith communities in Camden that satisfactorily address their needs.

In considering the proposals for the redevelopment of the Synagogue, the Council has taken into account any impacts on the surrounding area – including groups with protected characteristics, e.g. the young and elderly and these can be managed effectively. As part of the section 106 legal agreement, the Council secured an undertaking for a 'Community Working Group' to be established. This provided a forum in which issues pertaining to the detailed timing and management of future events at the facility could be discussed, with a view to reaching agreement wherever this was possible. This helped to balance the need of users of the Synagogue to undertake activities pursuant to their faith, and crucially, in accordance with their particular traditions, with the wider needs of residents in the surrounding area – including people of other faiths or who do not identify with a particular faith/belief – and considered how their day-to-day life might be affected.

This EqlA recognises that there are some very positive benefits for the Jewish community (belonging to South Hampstead Synagogue) because they will be able to meet and share events together in the same space, which provides modern, fit for purpose facilities that improve upon what was previously available at the site. The effects will be particularly beneficial for the Jewish community living in the London Borough of Camden and especially for Jews living in proximity to the Synagogue who will be able to meet their faith needs close to home. The Synagogue clearly acts as a hub for its users providing a wide range of facilities and support and is important to the cohesion and wellbeing of its users. The recent proposals to invest in and upgrade the provision at South Hampstead is a demonstration of the centrality of the facility to the lives of some of the Jewish population and the proposed number of events suggest the site is well used. The additional floorspace helps to accommodate celebrations which are important for Jewish families, e.g. Bar and Bat Mitzvahs which are 'coming of age' ceremonies which bring the wider family and guests together. On-site access to a kosher kitchen avoids the need for parties to be separated across different sites (e.g. a local hotel).

In terms of the Council's Public Sector Equality Duty the proposals will enhance the likelihood of members of the Jewish community being able to participate effectively in public life. It will often be impossible for members of a local community to come together for larger meetings and events in the absence of mechanisms for this to be acceptably managed.

The Community Working Group was established as a means of developing co-operation and understanding between different parts of the local community. This is secured as part of the legal agreement attached to the permitted scheme. Allowing views to be aired in this way increased transparency and ensured that concerns about the potential impact of the proposals could be discussed in an appropriate setting. This helped to reduce the likelihood of misunderstandings, and has resulted in a number of changes made to how individual events run at the Synagogue will be planned and managed. It is unlikely these revisions could have been secured if such a forum did not exist. It reduces the likelihood of individuals pursuing agendas without regard to the particular needs and experiences of the wider community.

Following the deliberations of the Working Group, the Council is now seeking a number of undertakings from the Synagogue through the Events Management Plan, for example in relation to closing hours. The intention is to minimise, as far as possible, the effects on the surrounding residential community, particularly to address objections that have made to the Council in

connection with the permitted scheme and also through the Working Group. The Officer's report identifies a number of 'concessions' that have been negotiated, which are likely to be beneficial in managing impacts. Critically, a review mechanism is built-in allowing the situation to be reassessed based upon the implementation of the EMP.

However, the location of the scheme in a relatively high density residential area of inner London means that some 'residual' impacts will still be present. These could impact on other groups with protected characteristics, for example elderly residents or children. Potentially, the most significant effect is the degree of activity late into the evening and the dispersal arrangements following closure of the facility. Again, it is evident that the Council has secured means to reduce these effects, e.g. through negotiation of changes to hours and the deployment of marshals to manage flows of people leaving the site. However, with the numbers of people leaving the Synagogue it is likely that some degree of disturbance could arise, even if it is minor in nature.

It should also be noted that the proposals include undertakings for a number of private parties. This could potentially allow any local resident – regardless of their faith/belief the opportunity to hire the community space for social activities. While the facilities may only be available on a limited number of occasions for such use, there will nevertheless be an opportunity for other local community groups to hire the space should they wish to do so.

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
- Does take up of the activity differ between people from different protected groups?
- Have the outcomes of your consultation and engagement results identified potentially negative or positive impacts?
- Are some groups less satisfied than others with the activity as it currently stands?
- Is there a greater impact on one protected group, is this consistent with the aims of the activity?
- For organisational change / restructures analyse the outcomes of consultation with staff and trade unions and analyse the staff data provided by your change adviser
- If you have identified negative impacts include details of who these findings have been discussed with (e.g. Legal, HR) and their views
- Are there any further changes that could be made to deliver service improvements or make the activity more responsive?

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?

[You can use this space to capture your reader's attention with a quote from the document or to emphasise a key point.]

A key concern is the impact of noise arising from activities at the Synagogue particularly at evenings and weekends. To mitigate this impact, the Council has secured commitments from the Synagogue that outside areas will not be used after certain times (after 7pm on any day of the week or before 11am on Sundays). To reduce the impact on local residents from people arriving/leaving the site, the Council has also secured an undertaking from the applicant that specified numbers of marshals will be provided, according to the intensity of use on the site. This is an important provision because these marshals can help with the management and monitoring of potential noise. The Synagogue also provides regular communications to its users, which could offer advice about leaving the facility and prior to the closure of events, reminders can also be provided about the need to depart from the facility quietly. frequency of the number of private events that can take place in a calendar year is capped.

In this particular case, the Council has required the applicant to prepare, and consult, on a full Events Management Plan (EMP). This recognises the significant level of use of the facility and that this will be particularly concentrated on certain days and at particular times. The Events Management Plan was developed taking into account issues raised by the Council and local residents when the planning application for the new use was considered. This was achieved by the establishment of a 'Community Working Group'. As a result, changes to the Plan have been secured during its development which are intended to address concerns raised by local residents and minimise any impacts that the holding of events may have on them. For example, the closing time has been brought forward by half an hour on Mondays to Thursdays (from 10:30 to 10pm) and on Saturdays and Sundays (from 11.30pm to 11pm). The trigger/threshold at which the EMP will come into use has been reduced down from an event attended by a minimum of 80 people to one with a minimum of 70 people and this also includes cumulative events. The Council has also secured changes to the level of marshalling provided for events attracting a larger number of people. The EMP provides an appropriate level of control over the activities at the site, and has considered how these might impact on the surrounding residential area. Delays in the implementation of the use has also provided greater opportunity for refinement of the EMP than was originally anticipated.

The Council has a single point of contact (the Events Management Coordinator) with whom they can raise any concerns relating to the operation of the Plan. As with other similar plans secured through a legal agreement, the Council can ultimately use its enforcement powers if it considered that the Plan was not being properly implemented.

Where a significant number of movements are expected to/from a site, the Council is able to secure a travel plan as a planning obligation in the legal (Section 106) agreement. This undertaking has been provided in this case by the applicant. The purpose of a travel plan is to predict and understand likely future effects and ensure that an appropriate range of measures are put in place to mitigate the impacts. The proposed mitigation measures need to be discussed and agreed with the Council's transport officers. Travel plans are also subject to regular monitoring which means that where effects are not as predicted, it is possible to review and amend elements of the Plan (i.e. the Council could request that additional measures are taken or seek amendments to elements of the measures already agreed). The purpose of a travel plan is to minimise the adverse impacts as far as it is practicable to do so. If, after having considered the potential effects, the Council considers that the 'residual' impacts are not possible to mitigate, and would therefore have an unacceptable impact, it has the ability to prevent operation of the site.

A travel plan has been drawn up with the Council's involvement and it is satisfied that a robust

package of measures will be put in place to minimise the impacts to an acceptable level. It should be stressed that the operation of the travel plan is intended to run in perpetuity (unless replaced by a subsequent plan) rather than operating for a time-limited period. It is evident that the redevelopment of the Synagogue means that a wider range of accommodation and activities can be provided from the one site, which is potentially a better outcome for managing total numbers of trips compared to more dispersed provision. It is also apparent from information submitted by the applicant to the Council that a proportion of the users of the facilities at the Synagogue live locally and if the events space had been provided elsewhere, this is likely to have meant that the resident Jewish community would need to travel further to meet their needs.

The provision of the basement events hall was intended to allow the Synagogue to operate on a more inclusive basis and give more opportunity for its users to come together for social events and parties, particularly where these are integral to Jewish religious practice. The LDF and the Camden Local Plan are largely similar in objective and both identify faith facilities as being important to the needs of particular communities in the Borough. Policy welcomes investment by faith communities to develop new space to meet or worship, subject to other policies. Camden Planning Guidance (CPG) on Community uses, leisure facilities and pubs (March 2018) also notes there is an unmet need for faith facilities in the Borough and the condition of some facilities is poor (while congregations are growing) (paragraph 2.15). The CPG also notes that “For people of faith or belief, good quality and flexible facilities can confer a sense of belonging and wellbeing and may provide a range of services, advocacy and support for their users”. It goes on to state that it is essential that the scale and impact of such uses are effectively managed.

The objections to the planning application have identified a variety of impacts on local residents, some of which are likely to have a differential impact on people with protected characteristics. One of the major concerns is about the additional pressure that use of the Synagogue’s facilities will place on the availability of (on-street) parking in the area. In particular, concerns are raised that will become more difficult for the elderly or people with disabilities to park close to their home. It is possible that the Council may wish to use its powers to increase the provision of dedicated disabled parking where a need has been identified. The Plan area is also well served by public transport and for many people, income and/or health circumstances mean that access to a private car is not a viable option. Increasingly, access to private hire vehicles for essential trips and the ability to rent vehicles for limited periods (through a car club) mean that not owning a car or a parking permit is less of a barrier than in the past. The effects on car parking provision for protected groups are not considered likely to lead to significant adverse effects.

The objections have also identified the potential disruption to the start of the working and school week from the late closure time of events on a Sunday night. This is described in representations as being a particularly critical time for residents to be able to experience quiet enjoyment of their homes. In terms of people with protected characteristics, this could have detrimental impacts on young people who may need to get to sleep earlier than the wider population. Disturbance over regular/prolonged periods could have adverse impacts for health and wellbeing. It is unclear from the evidence how many people in total might be affected, but the nature of the housing in the area means that many families – including with young children – are likely to be living in proximity to the community facility.

The applicant has provided empirical evidence to support the claim that an earlier closing time on a Sunday would mean that the facility is unlikely to be used. Central to this is the fact that South Hampstead is an Orthodox Synagogue that observes the Sabbath, which prevents celebrations with preparation or music/amplification from taking place during this period.

The Sabbath begins at sunset on Friday evening and ends when 3 stars appear in the sky on Saturday evening (approximately 25 hours later). The applicant has illustrated this by looking at the last Shabbat at the time of writing (1st and 2nd March), when the Sabbath began at 5.25pm on Friday and ended at 6.29pm on Saturday evening. Preparations for a catered event could not have commenced until the Sabbath ended, rendering a catered party not possible.

In the winter months when the Sabbath ends before 5.30pm (only from the beginning of

November until the end of January), some families may decide to hold their Bar and Batmitzvah celebrations on Saturday evenings with the party starting at around 7pm-7.30pm but most families do not do so.

Although Bar and Bat Mitzvah celebrations are not uniform and vary in terms of timings, the applicant has described a typical celebration based on their experience. This involves dinner and grace starting no earlier than 7.30pm, speeches and toasts, followed by dancing. It is claimed that such celebrations when held at hotel venues often go on beyond 11pm.

Whilst non-Orthodox synagogues are not strictly Sabbath observant and it is possible that some will allow a function on the Sabbath, South Hampstead Synagogue as an Orthodox synagogue are precluded from having celebrations with preparation taking place or music/amplification on the Sabbath.

It will be up to the decision maker to satisfy themselves whether the impact of activities at this particularly sensitive time has been sufficiently reduced by the range of measures proposed. The high density nature of the surrounding area means that the numbers of children and families affected by noise, associated with dispersal from the site, could be considerable. The overall effect of the events on these groups is mitigated by the cap of 36 on the number of private events that can be held throughout the calendar year which is 36. There are also provisions in the Section 106 agreement to allow for the EMP to be reviewed – initially after a 6 month period – and potentially for the mitigation measures to be adjusted. However, it needs to be clear this what is being proposed as part of the EMP is in the best and only outcome of negotiations between parties in terms of the timing of events.

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

Could any part of the proposed activity discriminate unlawfully?
Can we advance equality of opportunity via this decision/policy?
Can we foster good relations via this decision/policy?

[You can use this space to capture your reader's attention with a quote from the document or to emphasise a key point.]

The Council's planning policies and decisions seek to advance equality of opportunity and ensure that the impacts of proposals on different community groups, particularly those with protected characteristics, are fully understood and appropriately managed. There is a position of general policy support for the provision of new and enhanced community groups, subject to proposals being acceptable in terms of other policies in the development plan, e.g. policies which seek to protect local amenities. As such, any community group, include faith groups, may come forward with proposals to improve their facilities subject to an assessment of the effects on the local area and community. It is clear from planning policies at a national, London and local level that proposals supporting social wellbeing and interaction should generally be treated positively. It is noted that the permitted scheme involves a significant change in the range of activities and intensity of use of a particular site. However, the Council has exercised its duties under the Equalities Act to ensure there are robust mechanisms in place, such as the Events Management Plan, that provide an appropriate degree of control over the activities taking place. It should be noted that the discharge of the planning obligations relates specifically to the Event Management Plan and Travel Plan. The overall scale and capacity of the building has already been considered when the planning application was assessed. Both the Events Management Plan and Travel Plan need to be 'set' at a level where noise and disturbance impacting on local residents is at a level that is acceptable, while allowing the Synagogue the ability to undertake a range of activities and events that is befitting to a facility of this kind and respects the needs and traditions of the Jewish community. There is clearly a level at which the degree of controls could become so onerous and restrictive as to render the ability to hold events, such as Bar Mitzvahs, unviable. This could potentially be unreasonable when the Council has already permitted the redevelopment of the Synagogue to provide a significant amount of additional floorspace. In determining the appropriate level of control, it is considered relevant to also consider what kinds of limitations might be placed on other community groups wishing to assemble similar numbers of people at one site. Any difference in approach should be justified by the particular needs and traditions of the Jewish community.

The Council has sought to facilitate good relations between the applicant/Synagogue through the establishment of the Community Working Group. This has had the opportunity to shape the drafting of the Event Management Plan and the Travel Plan. As a consequence, a number of revisions have been made to address concerns raised by local residents. The Community Working Group also allowed the needs and perspectives of the Synagogue and the local community to be shared. Local ward councilors had representation on this group. The absence of such a forum would have made it much harder for negotiations to take place and for the impact of potential changes to be aired and debated. It is considered that the working group has been instrumental in making the Council's assessment of the scheme much more effective and has been a positive mechanism in seeking to develop the package of mitigation measure even if ultimately, disagreement remains about some elements.

Notes to Question 5

- **There may be decisions or policies where this is not going to be applicable. Explain this briefly in the box above. 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 does not 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.**
- Advancing opportunity includes the fact that the steps needed to meet 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: Andrew Triggs _____

Date: 01/03/2019 _____

EIA checked by: Alex Bushell _____

Date: 04/03/2019 _____

EIA approved by: _____

Date: _____

(Relevant Director Sponsor)

What to do upon approval

For organizational change: If your EIA relates to internal staff, please send to your HR Business Adviser.

For all other EIAs: Please upload onto Sharepoint via this link:

[Equality Impact Assessment Library](#)

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 need 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

“

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

”

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

Appendix B – Consultation requirements and compliance

Clause 4.13	Consultation requirements	South Hampstead Synagogue (SHS) EMP Compliance
4.13.1	The Owner shall prepare a first draft plan and send to the CWG for comments	Draft EMP and TP first sent to CWG on 12 April 2016
4.13.2	Consultation period of not less than 21 days during which period the CWG may make representations on the draft plan and/or meet with Owner to clarify matters	Consultation period of 2.5 years with 7no. meetings held between SHS and CWG
4.13.3	The Owner to take account of any representations made by (or on behalf of) the CWG with regard to the proposed plan including any suggested amendments	The consultation records and summary of CWG representations reflect CWG's suggested amendments
4.13.4	The Owner to minute meetings and agree minutes with the chair of CWG	Consultation records submitted alongside proposed plan
4.13.5	The Owner to ensure that an appointed representative or consultant will be available to meet within such 21-day period upon not less than 3 days' written notice to discuss any aspect of the proposed plan and to explore alternative options acceptable to the Owner and the CWG	SHS has provided a(n) appointed representative(s) to meet with the CWG at meetings held since 12 April 2016
4.13.6	The Owner and the CWG may at any time prior to the expiration of the 21-day period noted above at 4.13.2, agree to extend the 21-day period	Given the initial drafts were submitted on 12 April 2016, no extension to the consultation period has been requested
4.13.7	Within 7 days of the end of such 21-day consultation period or agreed extended period, SHS shall submit the proposed plan to the Council and on the same day provide a copy to the CWG	A copy of the proposed EMP and TP submitted to the Council on 14/12/18. A copy was also provided to the CWG
4.13.8	The Owner to include copies of all correspondence with the CWG and minutes of meetings with details of changes to the proposed plan made as a result of such consultations and details of the Owner having taken account of the representations made by the CWG and reasons why the Owner has not accepted any changes requested by the CWG	Submission contains this information. Where changes have or have not been accepted by the SHS, these are referred to in the Cover Letter.
4.13.9	Within a reasonable period, the Council shall carry out any further consultations it considers necessary and notify the Owner of the Council's recommendations following the expiration of any such consultation period	Officers actioned on receipt of SHS' submissions
4.13.10	The Owner may then and within 21 days of receipt of such recommendations amend the proposed plan and submit the amended plan to the Council for approval. A copy should be sent to the CWG	SHS has submitted revised version of EMP following officer's recommendations
4.13.11	On receipt of the amended proposed plan, the Council shall prepare a report for submission to Members Briefing	Given the level of local interest, it was decided to submit the report straight to Planning Committee
4.13.12	Having taken into account the recommendations of the Members Briefing, the Council may refer the proposed plan for consideration to the Planning Committee	Planning Committee to be held on 14 th March 2019

Appendix C – Tabulated requirements of the Events Management Plan

	Requirement	EMP Compliance
2.17	a plan to be prepared by the Owner setting out measures for the management of any Event at the Development that the Owner will adopt to ensure that the effects on local traffic and the amenity of the local community are mitigated as far as possible such plan to include (but not be restricted to)	
(i)	The elements set out in the Third Schedule	
	<u>THE THIRD SCHEDULE</u>	
(i)	Type of events	
(a)	detailed description of all events	Illustrative examples of events have been provided in the consultation records
(b)	details of all events including dates	Not possible to include all events at this stage. Records will be circulated to the CWG retrospectively to demonstrate compliance with 36 limit on private events
(c)	acknowledgement that no more than 36 (private evening) events are to take place within 1 year	Met
ii.)	Opening hours	
	details of opening and closing times for all events	Met
(iii)	Servicing and delivery management	
(a)	details to show all servicing and deliveries shall take place between 08.00 and 19.00 at the forecourt	Included in consultation records
(b)	details of frequency of servicing and deliveries related to events	Included in consultation records

(c)	Unless not practicable, no on-street servicing/ deliveries permitted	Met
(iv)	On-site management and marshalling details of:	
(a)	number of marshalls to be in place to deal with people flow management	Met
(b)	control measures for people leaving events	Met
(c)	management of taxis	Met
(d)	regulation and monitoring of vehicles travelling to and from	Met
(v)	Noise	
(a)	details of noise mitigation measures including relating to persons entering/leaving	Met
(vi)	Other matters	
(a)	details of monitoring of travel modes to identify transport issues and barriers to sustainable transport	Included in Travel Plan
(b)	Details demonstrating that regards has been had to the provisions of the Travel Plan (as approved by the Council)	Met
(c)	details of consideration given to reducing terminal hours	Met
(d)	details of consideration given to reducing attendance trigger capacity from 80 to 70 persons	Met (reduced Event trigger capacity to 70)
(e)	Any other details reasonably required by the Council	None required
(ii)	provision for an initial substantial review of the plan within 6 months of the Occupation Date	Met
(iii)	mechanism for monitoring and reviewing the plan on the first anniversary of Occupation Date	Met
(iv)	measures to ensure subsequent reviews on the third and fifth anniversary of Occupation Date	Met
(v)	provision for the appointment of an EMP Co-ordinator prior to the Occupation Date and a mechanism in place to advise the Council and the CWG of direct contact details and any subsequent changes in the post;	Met

(vi)	identifying means of ensuring the provision of information to the Council and CWG and provision of a mechanism for review and updates required from time to time	Met
(vii)	evidence owner has consulted CWG prior to the submission of the plan to the Council	Met
(viii)	a statement summarising all representations received by the owner pursuant to the consultation under sub-clause 2.19(vii)	Met
(ix)	evidence that the Owner (in preparing the plan) has taken account of any representations received pursuant to subclause 2.17(vii) hereof	Met
(x)	confirmation in writing (if required in the opinion of the Council) from Members Briefing that the plan is agreed;	N/A
(xi)	(in the event of the plan having been referred to the Planning Committee on the recommendation of Members Briefing) confirmation in writing from Planning Committee that the plan is agreed; and	TBC
(xii)	any other details reasonably required by the Council	None required

	Requirement	EMP Compliance
2.17	a plan to be prepared by the Owner setting out measures for the management of any Event at the Development that the Owner will adopt to ensure that the effects on local traffic and the amenity of the local community are mitigated as far as possible such plan to include (but not be restricted to)	
(i)	The elements set out in the Third Schedule	
	<u>THE THIRD SCHEDULE</u>	
(i)	Type of events	
(a)	detailed description of all events	Illustrative examples of events have been provided in the consultation records
(b)	details of all events including dates	Not possible to include all events at this stage. Records will be circulated to the CWG retrospectively to demonstrate compliance with 36 limit on private events
(c)	acknowledgement that no more than 36 (private evening) events are to take place within 1 year	Met
ii.)	Opening hours	
	details of opening and closing times for all events	Met
(iii)	Servicing and delivery management	
(a)	details to show all servicing and deliveries shall take place between 08.00 and 19.00 at the forecourt	Included in consultation records
(b)	details of frequency of servicing and deliveries related to events	Included in consultation records
(c)	Unless not practicable, no on-street servicing/ deliveries permitted	Met

(iv)	On-site management and marshalling details of:	
(a)	number of marshalls to be in place to deal with people flow management	Met
(b)	control measures for people leaving events	Met
(c)	management of taxis	Met
(d)	regulation and monitoring of vehicles travelling to and from	Met
(v)	Noise	
(a)	details of noise mitigation measures including relating to persons entering/leaving	Met
(vi)	Other matters	
(a)	details of monitoring of travel modes to identify transport issues and barriers to sustainable transport	Included in Travel Plan
(b)	Details demonstrating that regards has been had to the provisions of the Travel Plan (as approved by the Council)	Met
(c)	details of consideration given to reducing terminal hours	Met
(d)	details of consideration given to reducing attendance trigger capacity from 80 to 70 persons	Met (reduced Event trigger capacity to 70)
(e)	Any other details reasonably required by the Council	None required
(ii)	provision for an initial substantial review of the plan within 6 months of the Occupation Date	Met
(iii)	mechanism for monitoring and reviewing the plan on the first anniversary of Occupation Date	Met
(iv)	measures to ensure subsequent reviews on the third and fifth anniversary of Occupation Date	Met
(v)	provision for the appointment of an EMP Co-ordinator prior to the Occupation Date and a mechanism in place to advise the Council and the CWG of direct contact details and any subsequent changes in the post;	Met

(vi)	identifying means of ensuring the provision of information to the Council and CWG and provision of a mechanism for review and updates required from time to time	Met
(vii)	evidence owner has consulted CWG prior to the submission of the plan to the Council	Met
(viii)	a statement summarising all representations received by the owner pursuant to the consultation under sub-clause 2.19(vii)	Met
(ix)	evidence that the Owner (in preparing the plan) has taken account of any representations received pursuant to subclause 2.17(vii) hereof	Met
(x)	confirmation in writing (if required in the opinion of the Council) from Members Briefing that the plan is agreed;	N/A
(xi)	(in the event of the plan having been referred to the Planning Committee on the recommendation of Members Briefing) confirmation in writing from the Planning Committee that the plan is agreed; and	TBC
(xii)	any other details reasonably required by the Council	None required



Application No: 2018/6153/P & 2018/6154/P
South Hampstead Synagogue 21-22 Eton Villas London, NW3 4SG

Scale:
1:1250
Date:
5-Mar-19



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