

Following the introduction of the Equality Act 2010 ('the EA') 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 the EA;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic (as defined by the EA) and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics set out in the EA are age, disability, race, pregnancy/ maternity, religion or belief, gender (including gender reassignment) and sexual orientation. Marriage and civil partnership are also protected characteristics for the purposes of the duty to eliminate discrimination. When making decisions the County Council also considers other matters such as the impact of rurality, deprivation and being a carer.

The Capital Programme requires Members to have due regard to the Equality Duty contained in Section 149 of the EA as set out above.

Having “due regard” does not necessarily require the achievement of all the aims set out in section 149 of the EA. Instead it requires that Members understand the consequences of the decision for those with the relevant protected characteristics and consider these alongside other relevant factors when making the decision to pursue one course of action rather than another, alternative course of action that may have different consequences. The regard which is necessary will depend upon the circumstances of the decision in question, and should be proportionate. Where a decision is likely to have an impact on a significant number of people, or where it is likely to have a significant impact on even a small number of people, the regard required will be high.

This means that in setting the Capital Programme, the three equality aims set out above had to be considered as a relevant factor alongside financial constraints and all other relevant considerations. Due to the ongoing financial pressures the Council is facing, the current capital programme focusses on a strategy to deliver core need as efficiently as possible. As agreed, service developments and investment opportunities that are outside core need are required either to be match funded or produce a business case that demonstrates benefits. Approved bids are added to the programme in line with current variation policy and financial regulations. Members must consider the equalities impacts of agreeing this capital programme. Specifically, Members need to take account of what the potential impacts of spending on this programme rather than other areas will be for the communities in East Sussex. It will be open to Directors and Lead Members at the time of taking those decisions to spend more on one activity and less or none on another.

	Impact on Protected Characteristics								Comments	
	Age	Disability	Ethnicity	Gender & Transgender	Marriage and Civil Partnership	Pregnancy and Maternity	Religion & Belief	Sexual Orientation		No significant relevance to equality
Queensway Gateway										Funded by the South East Local Enterprise Partnership
Hastings and Bexhill Movement & Access Package										
Eastbourne Town Centre Phase 2										Consideration of access issues have been included in design
Eastbourne/South Wealden Walking & Cycling Package										
Hailsham/Polegate/Eastbourne Movement & Access Package										
Terminus Road										Consideration of access issues have been included in design
Bexhill Enterprise Park North										Funded by the South East Local Enterprise Partnership
Skills for Rural Businesses Post Brexit										Funded by the South East Local Enterprise Partnership
Sidney Little Road Business Incubator Hub										Funded by the South East Local Enterprise Partnership
Bexhill Creative Workspace										Funded by the South East Local Enterprise Partnership
Eastbourne Fisherman's Quayside & Infrastructure Development Project										Funded by the South East Local Enterprise Partnership

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	Age	Disability	Ethnicity	Gender & Transgender	Marriage and Civil Partnership	Pregnancy and Maternity	Religion & Belief	Sexual Orientation	No significant relevance to equality	
SE LEP Getting Building Fund – Fast Track Business Solutions										Funded by the South East Local Enterprise Partnership
SE LEP Getting Building Fund – Observer Building										Funded by the South East Local Enterprise Partnership
SE LEP Getting Building Fund – Restoring Winter Gardens										Funded by the South East Local Enterprise Partnership