



**Area Committee 4 Meeting
Date 8th May 2019**

Report of: Keith Houghton,

Title: Community Resources Manager, Neighbourhoods & Communities Service

Telephone Number: 0117 922 2135

RECOMMENDATIONS. The Committee is asked to:

1. Note the update on projects approved at the 13th September 2018 AC4 meeting and the background from that meeting which has led to the submitted Full Proposal for Redcliff Hill Underpass (Item 2)
2. Note the CIL and S106 monies available at 31st March 2019, the projected CIL funds which are likely to be available to the Committee at end August 2019 and the option of pre-committing future CIL receipts to support the proposals in this paper; note the role of the Committee in making decisions about all delegated S106 contributions (Item 3)
4. To consider the approval of funding for the Redcliff Hill Underpass Proposal submitted for consideration, including any conditions which they may wish to attach – note that relevant Transport officers will be available to present a number of potential ways the Committee might want to proceed with this project (Item 4)
5. To note the legal information concerning the Public Sector Equality duty in reaching all its decisions (Item 5)

1. Background: Area Committees and delegated CIL & Section 106 decision-making

a. 6 Area Committees were approved at the Full Council meeting on 20th March 2018 to hold delegated decision-making powers over non-earmarked Section 106 and local Community Infrastructure Levy (CIL) funds.

b. Area Committee 4 consists of the councillors representing the wards of Ashley, Central, Lawrence Hill, Easton, St George West, St George Central and St George Troopers Hill.

c. Each Area Committee will meet formally once a year (with the option of a second, additional meeting if required) to make decisions on the awarding of local CIL and S106. 15% of CIL generated within each Area Committee area is available for spend. Those parts of an Area Committee which have a formally adopted Neighbourhood Development Plan receive 25% of the CIL generated within the defined border of their Plan to support their identified infrastructure priorities. In Area Committee 4 the area covered by the Old Market Quarter Neighbourhood Development Plan is one such (**See Appendix 1**). In principle CIL generated at the higher rate in a Neighbourhood Development Plan area should be deployed to support the infrastructure priorities in the ND Plan.

d. Information about Area Committees, CIL and S106 processes can be found on the BCC website at:

<https://www.bristol.gov.uk/people-communities/local-decision-making>

2. Update of progress of projects approved in at the September 2018 AC4 meeting and background to Redcliff Hill underpass Full Proposal decision

a. The following project proposals were approved and funding was allocated to deliver them at the 13th September 2018 Area Committee 4 meeting. The table below provides an update on progress to deliver these projects:

No.	Project Name	Delivery Group	Full Proposal £ approved	Progress towards project completion	Expected delivery date
1	St Pauls Adventure Playground Bakery and	APE Project CIC	£100,000	There was a delay signing off the Funding Agreement as the AC approved funding subject to the CAT for the building being completed and BCC landlord permission for the works agreed. Funding Agreement finalised in January 2019. April 2019: First	31 st August 2019

No.	Project Name	Delivery Group	Full Proposal £ approved	Progress towards project completion	Expected delivery date
	Teaching Kitchen			tranche of funding (£50k) has been issued February 2019; second tranche about to be issued.	
2	Scrapstore Accessible access routes	Children's Scrapstore	£30,000	Funding released – project requested delivery extension to 31 st July 2019.	31st July 2019
3	St Werburgh's City Farm Infrastructure Investment	St Werburgh's City Farm	£43,000	Funding released – project in process of delivery	September 2019
4	Castle Park Improvements	BCC Parks	£30,000	<p>March 2019: Sept 2018 AC requested 'Richard Fletcher to flesh out proposal and circulate to members': Officers have been working alongside the police, the Council's CCTV operations centre, the Council's lighting technicians, a Council arboriculturalist and the Friends of Castle Park to look at potential works and prioritise. The police requirement to complete works before the long summer evenings is also a consideration.</p> <p>After these discussions the proposal is to prioritise the following works:</p> <ul style="list-style-type: none"> • £5736 - Install new high resolution CCTV camera in St Peter's Square • £2500 - Install lighting in the Physic Garden next to St Peter's church • £5736 - Install new high resolution CCTV camera at the rear of the Vaulted Chambers • £4672 - Upgrade the existing CCTV camera close to the new Sikh Memorial Garden • £4672 - Upgrade the existing CCTV camera close to the cycle path • £1500 - Carry out limited tree works to improve camera function • £2000 - Related groundworks • £4200 - 7-year camera maintenance plan <p>Total - £31,016</p>	October 2019

No.	Project Name	Delivery Group	Full Proposal £ approved	Progress towards project completion	Expected delivery date
				<p>It is possible we will get some discount on these works and if so we will also deliver:</p> <ul style="list-style-type: none"> £4672 - Upgrade the existing CCTV camera in the old playground area. <p>Any spend over the £30,000 allocated will be met by Parks.</p>	
5	Gateway Improvements to Stapleton Road Station	Sevenside Community Rail Partnership	£200,000	Start on work delayed by Network Rail work at station – has been handed back April 2019. First funding tranche about to be released to support work starting.	December 2019
6	Improvements to Barton Hill Boxing Club building	Barton Hill Amateur Boxing Club	£45,000	Funding released. Work being delivered	31 st May 2019
7	Hannah More Primary Community Extension	Hannah More Primary School	£90,000	Funding being routed through BCC Education Capital Team	March 2020
8	Troopers hill path improvements	Bristol City Council – Project delivery Friends of Troopers Hill – project sponsor	£25,000	Part of Parks delivery schedule: due to start February 2019.	August 2019
9.	St George Park café facilities improvements	BCC Parks	£145,866	Part of Parks delivery schedule: due to start March 2019.	June 2019

b. **Redcliff Hill underpass proposal:** at the 13th September 2018 AC meeting this proposal wasn't able to be considered in the form in which it had been envisaged at Stage 1, which was a proposal to gate off both ends of the Redcliff Hill underpass, for the following reasons:

- Not one of projects identified by Transport they could deliver; Transport sought legal advice on eligibility of CIL expenditure on this outline proposal: ‘The gist of the legal advice is that this is not an appropriate or lawful use of CIL monies as it
 - 1) is dubious that it meets the CIL criteria for being infrastructure and, crucially
 - 2) is not linked to the demands of development in the area but instead is a longstanding issue. The fact it is proposed to be a temporary measure is also outside of the scope of CIL.’ Ed Plowden, Head of Service, Local and Sustainable Transport

As a result, AC4 requested the following action in relation to this proposal:

Members requested an additional meeting to resolve Redcliff Underpass: ACTION KH to coordinate additional meeting on Redcliffe Underpass

A number of discussions have taken place in the intervening months with Transport and with Central Ward councillors to explore a permanent solution to the closure of the Redcliff Hill underpass which contributes to the wider Highways and transport infrastructure along Redcliff Hill.

As a result a Full Proposal has now been put together by Sustainable Transport Team and is submitted to the Committee for consideration for CIL funding, summarised in the table below (**see Item 4, below**):

No.	Project Name	Delivery Group	Eligible group?	Eligible for CIL?	Eligible for S106?	Outline £ requested/ offered	Full Proposal £ requested	CIL requested	S106 requested	S106 reference
1	Redcliff Hill Underpass	BCC Sustainable Transport	yes	yes	yes	£100,000/ £100,000	£516,362.11	£516,362.11	Potentially eligible for between £44,973.97 S106 (Devolved budget)	10/01257 / Travelodge, Mitchell Lane, Redcliffe (£44, 973.97): The provision of traffic management and/or highways measures in the vicinity of the Travelodge on Mitchell Lane.

3. CIL and Section 106 Monies available to Area Committee 4 at 31st March 2019 and projected CIL funds likely to be available at 31st August 2019

a. CIL available:

At the end of March 2019 there was a total of **£807,735.56** available to Area Committee 4, taking into account all the CIL funding committed at the 13th September 2018 meeting and CIL funds which have been paid into the City Council up to 31st March 2019. **See Appendix 1**

b. Jim Cliffe, the Planning Obligations Manager, projects a likely CIL fund for AC4 at the end of August 2019 of **£1,042,000**, based on his known CIL incomes which are due for payment over the coming months.

c. Pre-commitment of future CIL receipts:

i. Area Committees may wish to approve funding for a Stage 2 Proposal by pre-committing 'still to be received' CIL funds to its delivery. This would mean that any project which was approved in this way would be the priority to receive all incoming CIL until such date as its approved funding allocation was accumulated in CIL receipts by the Planning Obligations Manager.

ii. Because of this these projects would not be able to receive a Funding Agreement, start any work which relies on CIL funding or receive any access to funding until the full CIL monies is accrued.

iii. This means that the Area Committee will need to be very clear which project(s) are its priorities for immediate action to support with currently-available CIL and which it is prepared to subject to delayed start by approving funding through pre-commitment.

iv. The rate at which CIL is paid to the Council is unpredictable and therefore the delayed start for these projects is similarly impossible to predict.

v. Pre-commitment of future CIL income will impact on the Area Committees ability to consider new proposals in future years

d. Section 106 available:

i. At the end of March 2019 there was a total of **£428,257.64** uncommitted Section 106 agreement monies available for AC4 to commit. **See Appendix 2**

- ii. All S106 agreements are legally bound to be spent according to the Purpose of the Contribution so can only be approved for projects which met these conditions.
- iii. The Area Committee is requested to consider these S106 contributions with a view to allocating them to support the Stage 2 Proposal under consideration, as set out at Table 2b above.
- iv. The Committee is the only body entitled to allocate all devolved S106 monies in Area Committee 4 and is encouraged to explore their application to future projects which they might identify in collaboration with their ward communities

4. Stage 2 Full Project Proposal: for decision

Proposal 1: Redcliff Hill underpass (Central Ward Priority)

a.	Delivery Organisation	BCC Sustainable Transport
b.	The Organisation	<p>Bristol City Council is a unitary authority. The Corporate Strategy for which is arranged around four main themes:</p> <p>Empowering and caring: Working with partners to empower communities and individuals, increase independence, support those who need it and give children the best possible start in life.</p> <p>Fair and inclusive: Improving economic and social equality, pursuing economic growth which includes everyone and making sure people have access to good quality learning, decent jobs and homes they can afford.</p> <p>Well-connected: Taking bold and innovative steps to make Bristol a joined up city, linking up people with jobs and with each other.</p> <p>Wellbeing: Creating healthier and more resilient communities where life expectancy is not determined by wealth or background.</p>
c.	About the Project	<p>Redcliff Hill Underpass: Redcliffe Subway is a reinforced concrete underpass which carries Redcliff Hill (A38) over a pedestrian footpath near to the junction with Guinea Street and Prewett Street. The project will include the removal of associated infrastructures (ramps, stairs, steel parapets and handrails). See Appendix 2 for delivery area. At the request of local ward councillors, and residents, it was proposed the Redcliff Hill underpass be closed due to lack of usage and antisocial behaviour taking place within the structure.</p> <p>Gating the underpass was requested, but is unfortunately not an option as whilst the land is still classified legally as</p>

		<p>highway maintainable at the public expense (adopted highway) access to the the public must be kept. Additionally, permanently locking the gates does not remove the underpass as a liability or the associated revenue costs. Furthermore, it is likely the anti-social behaviour will be displaced to the large ramp and stair sections.</p> <p>BCC Transport, with the agreement of local ward councillors, propose a two phase project:</p> <ul style="list-style-type: none"> Phase one, obtain a S116 Stopping Up Order removing the subway from the public highway. Then infill the underpass, remove associated infrastructure, temporarily reinstate the surface and produce concept designs to enable future highways and public realm improvements over the Redcliff Hill corridor. This phase would be funded primarily by CIL requested in this Full Proposal; additional funding streams are being investigated. Phase two, the implementation of the concept designs would then make up the second phase of work. Please note, this would be subject to funding being assigned and is not included within this Full Proposal. 																				
d.	CIL eligibility	<p>It is the provision, improvement, replacement, operation or maintenance of infrastructure: Currently in situ there is a signal controlled crossing directly over the top of the subway which provides an alternative pedestrian and cycle route, this effectively makes the subway redundant. Local Councillors, residents, and the two largest organisations in proximity to the subway (Redcliffe Sixth Form Centre & Mercure Bristol Holland House Hotel and Spa) all attest to the fact that there is minimal usage as a pedestrian or cycle route. However, there is ongoing crime and anti-social behaviour particularly at night and in the early hours of the morning. The crossing provides a much safer route with better security. When preparing the infill quote report the Jacobs engineer noted 'The subway (built in 1967) is quite dark and dingy compared to current design standards'. Infilling the subway complex removes the opportunity for anti-social behaviour, and the associated revenue costs to Bristol City Council.</p> <p>The ramp and step sections take up large amounts of space creating voids. These areas could then provide cycle parking, sites for new trees, and future proofing to allow the foundations for the phase 2 improvements to Redcliff Hill as a strategic walking and cycling corridor to the city centre and Temple Circus (notably the Filwood Greenway and Whitchurch Way cycle routes).</p>																				
e.	Describing Success: Outcomes	<table border="1"> <thead> <tr> <th data-bbox="577 1082 770 1118">Outcome</th> <th data-bbox="770 1082 1066 1118">Description</th> <th data-bbox="1066 1082 1424 1118">Indicator or Measure</th> <th data-bbox="1424 1082 1809 1118">Proposed evidence</th> </tr> </thead> <tbody> <tr> <td data-bbox="577 1118 770 1270">Outcome 1</td> <td data-bbox="770 1118 1066 1270">Infill of the Redcliff Subway</td> <td data-bbox="1066 1118 1424 1270">Completion of works</td> <td data-bbox="1424 1118 1809 1270">Work Package Closure document</td> </tr> <tr> <td data-bbox="577 1270 770 1453">Outcome 2</td> <td data-bbox="770 1270 1066 1453">Temporary reinstatement of surface to allow for future development</td> <td data-bbox="1066 1270 1424 1453">Completion of works</td> <td data-bbox="1424 1270 1809 1453">Work Package Closure document</td> </tr> <tr> <td data-bbox="577 1453 770 1489">Outcome 3</td> <td data-bbox="770 1453 1066 1489">Concept designs</td> <td data-bbox="1066 1453 1424 1489">Initial designs</td> <td data-bbox="1424 1453 1809 1489">Final design/options for</td> </tr> </tbody> </table>	Outcome	Description	Indicator or Measure	Proposed evidence	Outcome 1	Infill of the Redcliff Subway	Completion of works	Work Package Closure document	Outcome 2	Temporary reinstatement of surface to allow for future development	Completion of works	Work Package Closure document	Outcome 3	Concept designs	Initial designs	Final design/options for				
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			for future improvements to Redcliff Hill as a strategic route	Informal consultation Concept designs based on consultation feedback	future investment opportunities	
f.	Disabled Access to Capital Projects:	<p>Whilst the project will remove the subway as a route for disabled access it has been noted previously how it is in effect redundant, due to the signal crossing which meets this requirement. Additionally, the subway no longer meets modern design standards and there is documented lack of usage.</p> <p>The delivery of phase 2 will aim to resolve conflicts on the current Redcliff Hill corridor. Currently the light touch segregation installed during MetroBus works have not worked in practice, with all users of the hill sharing the same stretch of pavement on the western side. Phase 2 will aim to resolve this conflict of space thus enabling safer high quality access for Disabled people.</p>				
g.	Involving the community	<p>During phase one there will be a widespread informal consultation prior to a formal statutory consultation. This will provide the opportunity for the wider community, including Equalities communities and groups with Protected Characteristics to voice their opinions and comment on plans.</p> <p>There will also be a period of informal consultation regards the future concept design for the Redcliff Hill corridor. Bristol City Council officers will work closely with local councillors to ensure the consultation is as wide ranging and effective as possible.</p>				
h.	Land/Resource ownership.	Under control of Bristol City Council Highway Authority				
	Permission to deliver Project?	The scheme has in principal approval, but will be subject to the internal Quality Assurance process for all highways and public realm schemes.				
i.	Delivery Track record	<p>The project will be delivered in accordance with the agreed approach to the delivery of projects in the Transport Capital Programme.</p> <p>The design will be undertaken in accordance with the established Quality Assurance Process for all BCC Highways and public realm schemes.</p>				
j.	Delivery timetable and key events/activities	See delivery schedule below:				

Phase 1		2019												2020											
Work Package	Stage	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December			
CIL	CIL Stage 2 Full Proposal Submission	█																							
	Internal Approval		█																						
	CIL Approval at formal AC meeting						█	█																	
	Funding issued								█																
S116 SU	Informal Consultation						█	█	█	█															
	Statutory Consultation									█	█														
	Magistrates Court Sign Off										█	█													
Phase 1 Design	Preliminary Design		█	█	█																				
	Surveys			█	█																				
	Detailed Design						█	█	█	█															
	Internal Approval									█															
Procurement	Tender Process												█	█	█										
Works	Mobilisation													█											
	Construction														█	█	█	█							
	Handover																		█						
Phase 2 Design	Concept Design		█	█	█																				
	Internal Approval					█																			
	Consultation						█	█	█	█															
	Concept Design Review										█	█													
	Internal Approval											█													
	Project Closure																			█					

k. Project Delivery Budget

Project Expenditure		Project Funding Sources							
A. Capital Costs		Funding Sources							
Item of Expenditure	Full Cost	Amount of CIL requested	Amount of S106 requested	Other funding - secured	source of funding	other funding - not secured	source of funding	when will funding be secured?	Total Income
Project Management	15,956.82	15,956.82			NA	1,440.00	NA		17,396.82
Project team costs	9,574.09	3,814.09			NA	1,440.00	BCC TCP	tbc	5,254.09
Communications	3,191.36	3,191.36			NA	-	NA	NA	3,191.36
Preliminary design	15,956.82	15,956.82			NA	2,880.00	NA	NA	18,836.82
Detailed design	19,148.18	19,148.18			NA	-	NA	NA	19,148.18

Surveys	3,191.36	3,191.36				NA	-	NA	NA	3,191.36
Supervision	15,956.82	15,956.82				NA	-	NA	NA	15,956.82
Evaluation and monitoring	1,595.68	1,595.68				NA	-	NA	NA	1,595.68
Stopping Up Order*	9,240.00	-				NA	9,240.00	BCC TCP	tbc	9,240.00
Works	309,896.40	309,896.40				NA	-	NA	NA	309,896.40
Risk allowance	127,654.56	127,654.56				NA	-	NA	NA	127,654.56
A. Total Project Capital Totals	531,362.11	516,362.11					15,000			531,362.11
B. Revenue Costs	Funding Sources									
Item of Expenditure	Full Cost	Amount of CIL requested	Amount of S106 requested*	Other funding - secured	source of funding	other funding - not secured	source of funding	when will this funding be secured?	Total Income	
Project Revenue Totals	0	0	0	0	0	0	0	0	0	0
combined Capital & Revenue Totals (A + B)	531,362.11	516,362.11				15,000				531,362.11

* Bristol City Council has already retained 33% of all relevant S106 contributions to support revenue costs

I.	How have you arrived at your project costs?	Project costs for the physical works to infill the subway and remove associated infrastructure have been taken from a report by Jacobs, (http://www.jacobs.com/ , an international technical professional services firm) commissioned by Bristol City Council Structures Team. The resulting
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		<p>report is based on previous projects of a similar nature including St Michaels Subway (Swindon) and Old Market Roundabout (Bristol) An estimate for the Stopping Up Order process (to remove the subway as a public right of way) has been supplied by Bristol City Councils Engineering Design Team.</p> <p>Fees such as project management and design have been calculated using rates based on previous schemes.</p> <p>In addition to this an overall project contingency figure has been calculated based on the Department of Transport's Green Book Optimism Bias best practice guidance (https://www.gov.uk/government/publications/green-book-supplementary-guidance-optimism-bias).</p> <p>Any unused phase one CIL funds will be returned, or be used to form one of the phase two funding streams, subject to subsequent Area 4 Committee CIL proposal sign off.</p>
	Obtained a range of quotes?	
	How did you choose your final quote?	
	How have you calculated your revenue/maintenance costings?	
	Please provide evidence of the quotes you've obtained	

m. Public Sector Equality Duty

Protected Characteristics/ Equalities groups	1.1 Does the proposal deliver any positive benefits for people with protected characteristics or equalities groups? Tell us how you've designed your project to address any relevant needs for these groups of people.	1.2 Does it contribute to eliminate unlawful discrimination, harassment and victimisation? Say how (see guidance)	1.3 Does it advance equality of opportunity? Say how (see guidance)	1.4 Does it foster good relations between people who share a protected characteristic and others – to improve good relations between different groups in the city? Say how (see guidance)	2.1 Does the proposal have any potentially adverse impacts?	2.2 How can these impacts be mitigated or justified? If so, how?
<p>Sex Women & girls</p> <p>Age Older and young people</p> <p>Disability Disabled people</p> <p>Race Black & Minority Ethnic people</p> <p>Sexual Orientation and Gender Identity Lesbian, Gay, Bisexual and Transgender + people (LGBT+)</p>	<p>Minor positive impact - increase in public realm and highway space (removal of voids) which may be of benefit to people with mobility issues arising from a disability or age.</p> <p>There is also the potential to open up unused space, such as the grassed area outside Waring House to public real improvements at the concept design phase in an area with residents disadvantaged by economic or social background.</p>	<p>N/A</p>	<p>N/A</p>	<p>Residents within the vicinity of the underpass are people disadvantaged by economic or social background. The Central Ward ranks within the band 37.7% - 50.1% for children under 16 in low income families, and is stated in the Index of Multiple Deprivation 2015 as being within the most 10% deprived in England. Central Ward has the highest crime offence in the city (https://www.bristol.gov.uk/documents/20182/436737/Central.pdf/Ob6f8ef0-3403-416d-868e-576156418762)</p> <p>Removing the opportunity for crime and anti-social behaviour will encourage a safer less intimidating environment between the residential areas on the east and west sides of Redcliff Hill.</p>	<p>No, infilling the underpass removes an existing route that could be used by disabled people, however as noted in the application there is very little existing use, and there is a signal controlled crossing already in place as an alternative route. The signal crossing is considered to be a much safer form of crossing due to the anti-social behaviour in the underpass. Furthermore, the underpass no longer meets current design standards.</p>	<p>N/A</p>

Protected Characteristics/ Equalities groups	1.1 Does the proposal deliver any positive benefits for people with protected characteristics or equalities groups? Tell us how you've designed your project to address any relevant needs for these groups of people.	1.2 Does it contribute to eliminate unlawful discrimination, harassment and victimisation? Say how (see guidance)	1.3 Does it advance equality of opportunity? Say how (see guidance)	1.4 Does it foster good relations between people who share a protected characteristic and others – to improve good relations between different groups in the city? Say how (see guidance)	2.1 Does the proposal have any potentially adverse impacts?	2.2 How can these impacts be mitigated or justified? If so, how?
Pregnancy and maternity Religion or belief marriage and civil partnership Other relevant communities of interest Eg: people who are looked after by the council; those with responsibilities as a carer; people disadvantaged by economic or social						

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background						

n.	Summarise below how much you are requesting				
	CIL	£516,362.11			
	S106 (complete table below)				
	Permission / Site / S106 Code	Current Contribution Value	Date to be Spent / Committed by	Purpose of Contribution	

Recommendation:

That the Area Committee considers the project proposal submitted and whether to approve funding to deliver this project or not; any conditions which it might want to place on the project; whether the Committee wishes to allocate any eligible S106 contributions to this project'

There will be the opportunity to explore potential delivery options and decision schedules with the relevant Transport officers at the 8th May 2019 meeting.

5. Equalities/Public Sector Equality Duty: Legal Information

When councillors decide how CIL and Section 106 is spent they should have due regard to the Public Sector Equality Duty that applies to all public bodies. This duty is contained in the Equality Act 2010 and came in to force on 6 April 2011. It replaces previous equality duties under the Sex Discrimination, Race Relations and Disability Discrimination Acts.

The duty means that councillors are required to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act
- Promote equality of opportunity between different groups
- Foster good relations between people from different groups

The duty covers the following protected characteristics:

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

It also applies to marriage and civil partnership, but only in respect of the requirement to eliminate discrimination and harassment.