

Short Equality Impact and Outcome Assessment (EIA)

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: ID No. **9**) or use the hyperlinks ('Ctrl' key and left click).

For further support or advice please contact the Communities, Equality and Third Sector Team on ext 2301.

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Removal / relocation of temporary cycle lane on Old Shoreham Road (A270)	ID No.⁶	
Team/Department⁷	City Transport		
Focus of EIA⁸	<p>On 9 May 2020 the government issued statutory guidance “Traffic Management Act 2004: network management in response to COVID-19” setting an imperative for Local Authorities to meaningfully reallocate road space for walking and cycling to encourage more active travel, support recovery from the Covid-19 emergency and provide a lasting legacy of sustainable, safer transport. In particular, authorities were required to monitor and evaluate any temporary measures they install, with a view to making them permanent, and embedding a long-term shift to active travel.</p> <p>Note the guidance was updated on 23 May 2020 and 25 February 2021 – see https://www.gov.uk/government/publications/reallocating-road-space-in-response-to-covid-19-statutory-guidance-for-local-authorities/traffic-management-act-2004-network-management-in-response-to-covid-19</p> <p>During lockdown vehicle movements were as much as 60% lower than usual and more people were cycling for a variety of purposes, including pleasure and exercise, and choosing to walk, rather than drive for short journeys.</p>		

As an immediate measure, following the government guidance, road space on both sides of Old Shoreham Road (A270) from The Drive to Hangleton Road (approx. 1.7 miles) was temporarily reallocated for people choosing to cycle, with new road markings and temporary signs. This was done as part of the Council's urgent response to the pandemic, under the Traffic Signs Regulations and General Directions 2016. The addition of light segregation (plastic wands) along the temporary cycle lanes was made in June, to increase safety along the route.

An Equality Impact Assessment (EIA EEC-19) was undertaken on a range of urgent transport measures as part of a wider Transport Action Plan, including the impacts of the temporary cycle lane on Old Shoreham Road.

In June 2020 Members agreed to continue monitoring the impact of the temporary cycle lanes rather than changing or removing them, and in September 2020 agreed they should remain in place whilst the threat from Covid-19 was again escalating. An informal, online public survey on the existing temporary transport measures was also launched in June 2020 to provide a dedicated channel for people to share their views on the changes.

Further views on this stretch of temporary cycle lanes were then sought as part of a formal public consultation held in January – March 2021, alongside proposals to extend the route. The consultation results were collated and presented to members at the July Special meeting of the Environment, Transport and Sustainability (ETS) committee. The recommendation based on the consultation was to retain the Phase 1 Old Shoreham Road temporary scheme with safety improvements, but not to proceed with Phase 2 to the western border at this time. Members requested that officers consider removing the existing Phase 1 temporary cycle lanes on Old Shoreham Road and explore alternative local routes for a temporary scheme, including but not limited to, Portland Road and New Church Road, in consultation with local residents and bring a report back to an urgency committee with potential options.

This EIA considers the risk of disproportionate equality impacts from removing the temporary cycle lanes on Old Shoreham Road or providing alternative local temporary cycling routes. In doing so, the assessment refers to the feedback received through direct customer contact, formal public consultation, public engagement in committee meetings, officer/stakeholder meetings with community/representative groups and a range of other local data and intelligence sources. It also draws on the information within EIA EEC-19.

Assessment of overall impacts and any further recommendations⁹

For clarity all disproportionate impacts on specific groups are highlighted in the single section below.

Overall the removal of the temporary cycle lanes on Old Shoreham Road (A270) is likely to have a disproportionate impact on members of families, particularly children and women, who are using the lanes as a safe, protected cycling route to access the city and local education settings together or, in the case of secondary age children, independently.

Feedback from recent public consultation indicates that following the introduction of the protected cycle lanes more people who previously did not feel safe or confident cycling on Old Shoreham Road now do so, including disabled people. It is likely that these people will return to using other modes of transport to travel in the area, or make fewer independent trips, if the temporary cycle lanes are removed. This may increase congestion and lead to poorer air quality in the area. It will also have an impact on people's level of physical activity and health, as well as see a decline in mental health. It will also lead to a loss of independent mobility by some people.

While cycling routes in other areas of the city such as Portland Road and New Church Road might potentially be of benefits to residents, businesses and educational establishments in those areas, they would not act as an alternative to all cycle trips along the Old Shoreham Road. Based on the government's Propensity to Cycle Tool, around 25% of the demand for east-west trips between Hove and Portslade is served by the Old Shoreham Road lanes.

In particular, the ability for residents who live, work or attend education establishments along Old Shoreham Road to access these safely by cycle would be heavily restricted, and children and disabled people who cycle may find this is removed entirely. This is due to the likely increase in traffic along the road, with a return to higher speeds, which would lead to an increase in crash rates and perceived risk forcing more risk averse road users off the road. This would have a particular effects on individuals with a higher perception of risk, notably older people.

Potential issues	Mitigating actions
<ul style="list-style-type: none"> • Age – Removal of the temporary cycle lanes will mean children and their parents or carers have no safe, direct cycling route to access school / educational settings in the vicinity of Old Shoreham Road. This may have a greater impact on women, as evidence clearly shows they are more likely to accompany children on the 'school run'. • Age – Older people generally have a higher perception of risk and are therefore less likely to wish to cycle in mixed 	<ul style="list-style-type: none"> • Retain entirety of existing cycle route with minor changes at key locations • Retain part of existing cycle route along single carriageway section, with minor changes at key locations • Improve existing route with clear signage, street markings and improvements at junctions. • Implement additional pedestrian improvements along the Old Shoreham Road route, including at Newtown Road and

traffic

- **Sex/Gender**- Removal of the temporary cycle lanes may mean women are less likely to cycle in the area as they do not feel safe (physically and socially).
- **Disability** – Removal of the cycle lanes may discourage disabled cycle users from cycling in the city. Feedback from the public consultation indicates some disabled people are now cycling on Old Shoreham Road because they feel safer and more confident doing so as a result of the temporary cycle lanes.
- **Mental health** – Old Shoreham Road is close to Mill View Hospital which offers community mental health services and other support. Cycling has been proven to have mental health benefits and patients being treated at the hospital would no longer be able to cycle there safely, reducing any benefits
- **Cumulative impact** – Removal of the temporary cycle lanes may increase the risk of cyclist / motorist collision and reduce cyclist safety. 431 respondents to the public consultation who used to cycle along this route before the cycle lanes were installed are using the lanes instead of the unprotected pavement. Removal of the lane will increase risk to pedestrians as some of these cyclists may revert to using the pavement, albeit illegally.
- **Cumulative impact** - 14.1% of users of this cycle route said that, whilst they would have cycled an East to West journey in this area, they would not have previously chosen Old Shoreham Road as their cycling route without the new cycle lane. 67.3% of cyclists who responded to the public consultation were satisfied or very satisfied with general safety of cycling along the Old Shoreham Road with the temporary cycle lanes in place.
- **Cumulative impact** – Removal of cycle lanes may increase levels of air pollution and congestion as people who previously cycled on the route are likely to return to using their car. Of those who had used the cycle lanes, 35.9% of

Hove Park.

respondents to the public consultation indicated their previous mode of transport was a car.

- **Cumulative impact** – Replacing the temporary cycle lanes with additional general traffic lanes is likely to discourage commuters from travelling actively into the city for work rather than driving, leading to a potential increase in congestion and reduction in air quality.
- **Other: Social inclusion** – Without a safe cycling route there will be fewer alternative travel options for those on lower incomes who may be unable to afford car ownership. More than 4,500 people living in the vicinity of the Old Shoreham Road temporary cycle lanes are in the most deprived 20% of areas in England.¹
- **Other: health** – Removal of cycle lanes will reduce the opportunities people have to be physically active and stay healthy. There are only 38 km of dedicated cycle routes in the city, compared with 634km of road.² Over 60% of adults (aged 16+) living in the vicinity of the Old Shoreham Road temporary cycle lanes are already physically active and may be more likely to use a cycling facility in the area.³

Actions planned¹⁰

- Ensure the Action Plan supports areas that are ‘transport poor’ and people in areas of multiple deprivation
- Work with schools near Old Shoreham Road to ensure pupils returning in September 2021 are aware of cycling and walking provision in place at that time

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

¹ Source: Indices of Multiple Deprivation 2019, available at Brighton and Hove Community Insight map (www.brighton-hove.communityinsight.org/#)

² Statistics as at 2018

³ Physically active = participating in more than 150 minutes of physical activity in a week. Source: Sport England (Active Lives Adult Survey), 2018, available at Brighton and Hove Community Insight map (www.brighton-hove.communityinsight.org/#)

Lead Equality Impact Assessment officer: James Hammond

Date: 3rd August 2021

Communities, Equality Team and Third Sector officer: BHCC Equalities Team

Date: Under review

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a council, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **promote equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by equality groups
 - Take steps to meet the needs of equality groups
 - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

-
- The size of the service or scope of the policy/strategy
 - The resources involved
 - The numbers of people affected
 - The size of the likely impact
 - The vulnerability of the people affected

The greater the potential adverse impact of the proposed policy on a protected group (e.g. disabled people), the more vulnerable the group in the context being considered, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ **ID no:** The unique reference for this EIA. If in doubt contact Clair ext: 1343

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

-
- What are the main aims or purpose of the policy, practice, service or function?
 - Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
 - How does it fit with other services?
 - Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
 - What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
 - What do existing or previous inspections of the policy, practice, service or function tell you?
 - What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy,
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

¹⁰ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

