

Short Equality Impact and Outcome Assessment (EIA) Template - 2015

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.⁶) 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	Active Travel Fund Experimental Traffic Regulation Order – A259	ID No.⁶	
Team/Department⁷	City Transport		
Focus of EIA⁸	<u>COVID-19 Transport Context</u> The Coronavirus (Covid-19) pandemic has transformed the context in which transport across Brighton & Hove is operating and has highlighted some key challenges: <ul style="list-style-type: none">• Physical distancing rules highlighted some of the inadequacies inherent in the way space is allocated on the public highway and in public spaces generally.• A significant reduction in public transport services occurred, at a time when it was vital for key workers to access workplaces safely. It highlighted the lack of high-quality routes for cycling for use as an alternative mode which allowed physical distancing.• There were reduced levels of motor traffic, encouraging many people to turn to walking and cycling, but issues remained with road danger as speed increased on many roads• Local businesses are struggling to survive following lockdowns and will need to find new ways to reach their customers.• Vulnerable people were unable to leave their homes, and many are still relying on the council to provide them with essential supplies.		

When planning the transport response to the pandemic a key aim has been to avoid a return to pre-existing motor traffic levels. During the government-initiated lockdown vehicle movements were as much as 60% lower than usual. There has been an increase in the number of people cycling for pleasure and exercise, fewer journeys made by car and more people choosing to walk, rather than drive short distances.

As more people return to work and restrictions on movement ease there is need for residents to incorporate active travel into their commute. However, there is a risk of significant congestion unless an increased range of alternative sustainable options, including cycling, is facilitated.

The Covid-19 Urgent Response Transport Action Plan (the 'Action Plan') identified transport network measures for the city to enable people to travel and exercise safely, and in line with physical distancing rules that were in place during the first and second waves of the pandemic. It also responded to the statutory guidance issued by government on 9 May 2020 which encouraged local authorities to consider how towns and cities ensured transport networks supported the recovery from the Covid-19 emergency and provided a lasting legacy of sustainable, safer transport. The Action Plan's key principles are:

1. Helping vulnerable people in the city and promoting health and wellbeing;
2. Making essential journeys safer;
3. Supporting the local economy; and
4. Ensuring the transition to a Carbon Neutral city by 2030.

The Action Plan and its resulting transport measures affects all users of the city's transport network – its roads, cycle paths, footways, and public transport services – and the Council's key providers / contractors who help to deliver and maintain the network. The measures are broadly grouped into three categories:

1. Improved and new cycle lanes (including on-carriageway, two and one-way lanes, and improved levels of enforcement)
2. Improved walking facilities to support physical distancing and active travel (including road closures, pavement widening, signs and floor markings)
3. Improved access to cycle parking and cycle hire (including extension of the Bike Share scheme)

Background to this updated EIA

A full EIA has been completed for the delivery of the COVID 19 Urgent Response Action Plan. This short EIA follows on from that and focusses on the specific design details within one scheme in the Action Plan. The scheme covered within this document is the 'Active Travel Fund – A259'. This

document should be read alongside the full EIA mentioned above for the COVID 19 Urgent Response Action Plan.

The Experimental Traffic Regulation Order (ETRO) was introduced on Friday 24th July 2020, the scheme went live on the 16th August 2020 and a further amendment was then introduced to remove the section between the Palace Pier and West Street on the 27th August 2020. The remaining section has been carefully monitored since its first introduction.

Statutory guidance from Department for Transport (DfT) updated in February 2021 reiterates that the public sector equality duty continues to apply as Local Authorities make changes to their road networks in response to Covid-19. The Council must ensure that elements of a scheme do not discriminate, directly or indirectly, and must consider their duty to make reasonable adjustments anticipating the needs of those with protected characteristics. The guidance emphasises that groups representing disabled people and others with protected characteristics should be consulted at an early stage of scheme development and accessibility requirements apply to both temporary and permanent measures.

A consultation on the scheme was carried out in February/March 2021. Following feedback from this the temporary scheme is being recommended to be made permanent. It includes the following key elements: -

- Retention of the westbound on-carriageway cycle lane on the A259 between the West Street and Forth Avenue. The scheme is designed to relieve pressure on the existing footway cycle lane to create more space for social distancing, release suppressed cycling demand, encourage active travel and to reduce potential conflicts between pedestrians and cyclists in this area. The existing footway cycle lane will remain eastbound only.
- Alterations to the West Street Ramp will be made in order to better facilitate the interchange from the two off street cycle lanes to the existing one-way system.
- Signage alterations will be made to the existing route to improve safety and clarity of the route.
- Parking bays will remain as 'floating bays' and no additional change or loss of parking will occur.
- An additional 5 disabled parking bays will be introduced

Assessment of overall impacts and any further recommendations⁹

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

Overall impacts and notes:

- The existing disabled bays along the seafront have been retained but some have had to be relocated away from the kerb edge in the same way as those already in place on The Drive, Hove. A number of options for the layout were assessed and stakeholders including Sustrans, Community Works and Friends of the Earth were consulted in the initial implementation. Originally general information about the scheme was also sent to Possibility People, Pedal People and BHCC Community Transport. We believe the final layout represents the best possible outcome in the circumstances as it mirrors the layout already in place in other areas of the City and early evidence supports that the road has become safer and there is increased active travel.
- Making permanent the temporary westbound on-carriageway cycle lane on the seafront between West Street and Forth Avenue has reduced the demand for cycling on the existing footway cycle lane and reduced potential points of conflict with all pedestrians.
- The cycle lane width will be maintained at 3m so that it can continue to provide a high-quality route for those using adapted or wider than standard cycles. It also provides enough space for cargo bikes and passenger carrying cycles.
- Further alterations are planned to improve access at Shelter Hall onto the cycle lane, which will better assist all cycle users heading west bound.

Potential issues

- Potential conflict between disabled bay users and cyclists in the newly offset blue badge bays (5 in total)
- Potential conflict between cyclists and pedestrians at controlled pedestrian crossings.

Mitigating actions

- The bays were extended in length to 6m and a 1.2m buffer with wands is to be provided between the cycle lane and the parking bays. Dropped kerbs have been provided to assist wheelchair users or those with restricted movement. We included give-way markings for cyclists on both the carriageway and footway lanes to give priority to those people who are using the bays. 5 additional bays are currently being consulted on through a TRO, in order to increase the level of provision in the area
- Care has been taken with the design to ensure safety for all pedestrians, but particularly visually impaired pedestrians, at the existing controlled crossings. Cyclists using the new westbound on-carriageway cycle facility will be required to stop at all signals and will be in breach of the law if they

	cross the stop line without a green light to do so. Consideration will be given to installing low-level cycle signals and further alterations to signals if needed.
Actions from previous EIA	Actions in response
<ul style="list-style-type: none"> • To monitor the use of the new off-set disabled bays and to make adjustments to the layouts if needed to accommodate the needs of all users as appropriate. • To review the number of available disabled bays along the route following feedback from users and relevant stakeholder groups. • To monitor the behaviour of cyclists at signalised crossings and consider introducing low-level cycle signals to raise awareness and to increase compliance if needed. • Lessons learnt from this temporary scheme will be documented and used to inform the design process if a permanent cycle provision is taken forward. 	<ul style="list-style-type: none"> - Five additional bays are being provided in key areas along the Seafront to increase the capacity of bays, all proposed new bays are located in close proximity to fully accessible crossing points. - As outlined above, changes have been made to inform the design of the permanent scheme. These include alterations to signage and signals, removal of redundant signage and alterations to the Shelter Hall ramp. - This will be monitored - Detailed designs for the permanent scheme have taken into account lessons learnt from the temporary scheme as detailed above

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)

Lead Equality Impact Assessment officer: Michelle Jamieson

Date: 2nd November 2021

Communities, Equality Team and Third Sector officer: TBC

Date: TBC

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?