

**Worcester City Council  
Full Equality Impact Assessment**

Please read the brief guide which provides essential information for anyone who is unfamiliar with the City Council's Equality Impact Assessment (EIA) process. For the purposes of this document the word 'policy' relates to any policy, project or decision.

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<b>Service</b>	Community Services
<b>Directorate</b>	Homes and Communities
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<b>Date commenced</b>	13/09/2021
<b>Date completed</b>	13/09/2021

<b>Name of the function, strategy, project, policy or procedure being assessed:</b>
Railway Level Crossing PSPO, Worcester

<b>Is this a new or an amended policy?</b>		YES
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<b>Does the policy form part of a wider programme which has already been screened for equality relevance?</b>		NO
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**Please summarise the main objectives, aims and intended outcomes of this policy**

**Aims/Objectives:**

To enable the council to consider the impact of using Public Space Protection Order (PSPO) legislation to close two footpaths which include railway level crossings and to manage anti-social behaviour (ASB).

Network Rail made a request to Worcestershire County Council for the closure of two footpaths that include railway crossings in Worcester City. After considering all options the County Council has asked Worcester City Council to consider using its powers to create Public Space Protection Orders (PSPO) to prohibit the use of the two railway crossings in response to anti-social behaviour.

The two crossings are footpath WR858 linking Brickfields Park to Astwood Road and WR-678 linking Bromyard Road to Laugherne Brook Nature Reserve, also known as the Kays crossing.

A breach of the order will be a criminal offence that can result in the offender being reported to the court or the breach being discharged through a £70 Fixed Penalty Notice.

**Intended outcomes:**

To consider if the process is robust and if any changes are required to ensure no potential for discrimination or adverse impact. To identify any problems or opportunities to promote equality and remove technical barriers.

**Please summarise how these outcomes will be achieved?**

Review feedback from a public consultation on the use of the existing paths, the perceived problem and use of alternative routes. The public consultation ran from 19<sup>th</sup> July to 30<sup>th</sup> August 2021.

To review feedback from stakeholders and partner organisations who will be responsible for the delivery of information, education and enforcement as part of the process.

**Where an existing policy is to be amended please summarise principle differences between the existing and proposed policies?**

N/A

**Information gathering/consultation****Please give details of data and research which you will use when carrying out this assessment:**

Worcester City Council Officers conducted an online survey which ran from 19<sup>th</sup> July to 30<sup>th</sup> August 2021. The consultation was advertised by the City Councils social media, a press release was issued (article featured in Worcester News

on 20<sup>th</sup> July) and posters were distributed in local shops, notice boards and at the locations.

Paid social media was used on Facebook, Instagram and Twitter reaching 29,848 with 1,525 clicking the link, 49 reactions and 7 shares  
 Stakeholder correspondence and feedback on ASB.  
 Council process

**Please give details of any consultation findings you will use when carrying out this assessment:**

Public consultation run from 19<sup>th</sup> July to 30<sup>th</sup> August 2021.  
 This consultation was completed by the following demographics:

**Age:**

Under 25	7.73%	15
25 – 34	23.20%	45
35 – 44	22.68%	44
45 – 54	21.13%	41
55 - 64	15.46%	30
65+	9.79%	19
TOTAL		194
Skipped		77

**Disability:**

Yes	15.46%	30
No	84.54%	164
TOTAL		194
Skipped		77

**Gender:**

Male	55.21%	106
Female	42.19%	

	81
Other	2.60% 5
TOTAL	192
Skipped	79

**Gender assignment the same as at birth:**

Yes	97.89% 186
No	2.11% 4
TOTAL	190
Skipped	81

**Ethnicity**

White	2.60% 5
White British	91.67% 176
White Irish	0.52% 1
White Eastern European	1.56% 3
White and Black Caribbean	0.52% 1
White and Black African	0.00% 0
White and Indian	0.00% 0
White and Pakistani	0.00% 0
White and Bangladeshi	0.00% 0
White and Chinese	0.00% 0
Any other Mixed background	0.00% 0
Asian British	0.00% 0
Indian	0.00% 0

Pakistani	0.52%	1
Bangladeshi	0.00%	0
Chinese	0.00%	0
Any other Asian background	0.00%	0
Black British	0.52%	1
African	0.00%	0
Caribbean	0.00%	0
Any other Black background	0.00%	0
Gypsy or Traveller	0.00%	0
Arab	0.00%	0
Any other ethnic group	2.08%	4
TOTAL		192
Skipped		79
<b>Religion/Belief:</b>		
No religion	59.57%	112
Christian	37.77%	71
Jewish	0.00%	0
Hindu	0.00%	0
Buddhist	0.53%	1
Muslim	0.53%	1
Sikh	0.00%	0
Other (please specify)	1.60%	3

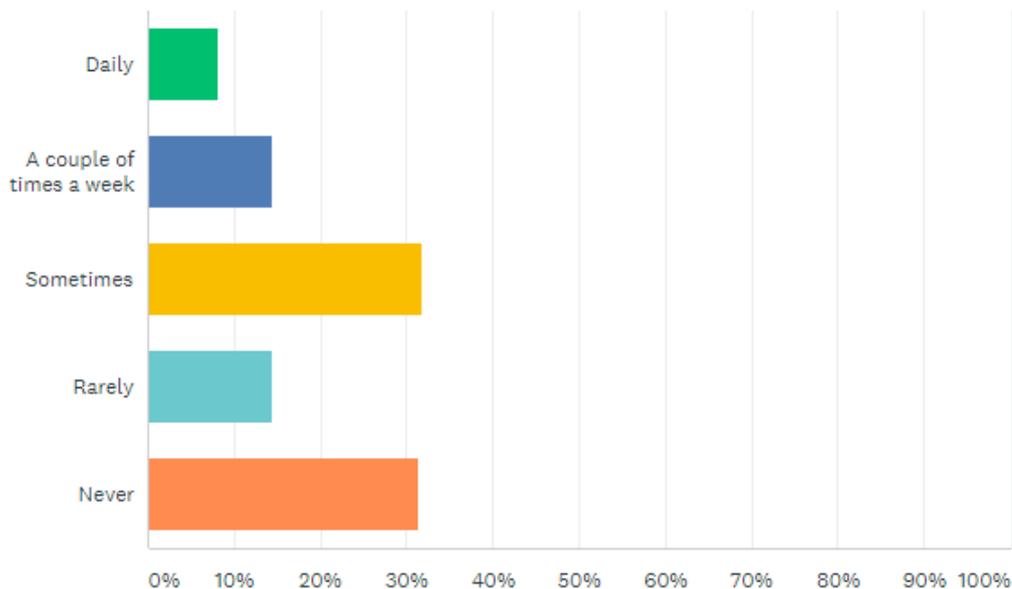
TOTAL	188
<b>Sexual orientation:</b>	
Heterosexual/straight	88.46% 161
Gay man	3.30% 6
Gay woman/lesbian	1.10% 2
Bisexual	4.95% 9
Other	2.20% 4
TOTAL	182
Skipped	89
<b>Pregnancy/ maternity:</b>	
Yes	3.21% 6
No	96.79% 181
TOTAL	187
Skipped	84
<b>Do you consider these sources to be sufficient?</b>	
No	
<b>If this data is insufficient, please give details of further research/consultation you will carry out:</b>	
<p><b>It is difficult to know what proportion of residents would have used the two crossings compared to the number that have completed the survey.</b></p> <p><b>It would be easier to make a judgement and decision if more responses had been completed by under 25-year-olds.</b></p> <p><b>The Council will consult again on the working of the order before making a final decision.</b></p>	
<b>Please summarise relevant findings from your research/consultation:</b>	
<b>Questionnaire Responses</b>	

271 responses, 200 (74%) said they lived near either of the level crossings and 71 said they didn't.

When asked how often they used the railway crossing 61 responses were regular users, 86 infrequent and 124 rarely or never used the crossings (see figure 1). 169 (62%) of those users said they use an alternative route since the crossing was closed.

### How often did you use the footpath/ railway crossing before it was closed?

Answered: 271 Skipped: 0



ANSWER CHOICES	RESPONSES	
Daily	8.12%	22
A couple of times a week	14.39%	39
Sometimes	31.73%	86
Rarely	14.39%	39
Never	31.37%	85
<b>TOTAL</b>		<b>271</b>

Figure 1. The number of responses stating how often they use the footpath/crossing before it was closed.

Of the 164 users who used alternative routes 145 (88%) said they were safe and 138 (84%) said they were accessible.

When asked if they thought anti-social behaviour on railway crossings is a cause for concern, only 209 responses were provided. Of these 148 (71%) agreed and 61 disagreed.

Of the 209 responses 145 (69%) agreed that the two locations and footpaths included in the PSPO are appropriate and 64 said they weren't.

### **Stakeholder correspondence**

Network Rail made a request to Worcestershire County Council for the closure of two footpaths that include railway crossings in Worcester City. The Brickfields level crossing suffered from an extraordinarily high number of incidents before the previous PSPO was put in place and the footpath closed. It has been a huge relief to Network Rail, train operators and the freight operating companies; that this crossing has been out of use for the last four years. Network Rail urges the continuation of this PSPO in the strongest terms.

Between May 2019 and November 2019 (the six-month period), there were ten incidents reported at the Kay's crossing, the greatest number reported at a crossing on the Western Route. These included:

- a) 1 Fatality deemed a non-suspicious deliberate act.
- b) 7 Deliberate Misuse, 6 of which involved children, groups of children, and young people.
- c) 2 Near Misses, both times the emergency braking procedure was initiated by the train driver.

British Transport Police use Trespass byelaws to deal with persons found by the railway under Section 55(1) of British Transport Commission Act 1949. This is applied to both adults and minors and they use this both to provide education and to summon for prosecution the repeat offenders and those with aggravating circumstances.

In terms of statutory offences, Kay's Crossing has seen incidents of:

- d) Throwing Objects on the Railway (as per S.56(1) British Transport Commission Act 1949);
- e) Trespass on the Railway (S.55(1) British Transport Commission Act 1949);
- f) Wilful Trespass on the Railway (S.16 Railway Regulation Act 1840);
- g) Obstructing engines or carriages on railways (S.36 Malicious Damage Act 1861), and
- h) various Byelaw offences (as per S.219 Transport Act 2000).

Considering the incidents outlined above and those involved, it is considered that the most at-risk group are children and young persons, however the risk posed to train crew and passengers must also be taken into consideration.

The footpath has been closed by a temporary road traffic order since 12<sup>th</sup> February 2020, on the grounds that the crossing was unsafe for users on account of these problems.

The County Council has considered the use of Extinguishment Orders under Sections 118, 118A and 118B of the Highways Act 1980 and is of the view that the legal tests are not justified as the issues at Brickfields and Kay's locations relate to Anti-Social Behaviour rather than structural safety concerns. The County confirm that there are established and well used footpath routes in the immediate area of both crossings, which provide a reasonably convenient alternative route. The footpaths are well maintained and provide a link to the rights of way network in the area. The County Council has imposed temporary closures on both footpaths whilst the City Council considers whether to pursue with an order.

West Mercia Local Policing teams do not routinely patrol these locations and do not get called to the locations when incidents occur as British Transport Police would be notified. West Mercia Police, West Midlands Ambulance and HW Fire and Rescue data record 5 incidents, all at Brickfields, between 2014 and 2020. Two incidents were attended by the ambulance service where a person had fallen or had an incident on the track.

Ward Councillors have been consulted. Brickfields Councillors Adrian Gregson and Tom Collins support the closure. Councillor Collins asked if there was a more permanent solution. St Johns Councillors Richard Udall and Christine Cawthorne support the closure. Councillor Cawthorne understands that this route was previously used for children to get to Christopher Whitehead High School.

### **Process**

The process review has been undertaken as usual, with considerations given where disability or a request for support has been notified. In every case a full exploration of options has been undertaken and diligent checks, support requests or signposting to ensure welfare and equality.

**Assessing the equality impact of the policy**

**Based on your findings, please indicate using the table below whether the policy could have an adverse, neutral or positive impact for any of the protected groups:**

<b>Protected Characteristic</b>	<b>Adverse</b>	<b>Positive</b>	<b>Neutral</b>
Age	X	X	
Disability	X	X	
Gender reassignment			X
Pregnancy/maternity			X
Race/Ethnicity			X
Religion or belief			X
Sexual orientation			X
Sex			X

**Please provide details of all positive and adverse impact you have identified:**

**Age**

The vulnerability of younger and older residents is a consideration when closing the two footpaths. Younger people have been identified as most likely to be attracted to and cause ASB on the rail track and so closing the footpaths will remove temptation.

The alternative routes to both footpaths are longer and the Brickfields path requires people to use a narrow footpath on Brickfields Road.

**Disability**

The alternative routes to both footpaths are longer and the Brickfields path requires people to use a narrow footpath on Brickfields Road.

Network Rail has recorded incidents at these locations where individuals have deliberately walked onto the track.

24 respondents identified as being disabled and living nearby a railway level crossing. 20 respondents said the alternative routes were safe and 21 said they were accessible.

**Where possible please include numbers likely to be affected:**

**Age**

unknown.

**Disability**

unknown

**Where potential adverse impact has been identified, can continuation of the proposed policy be justified?**

Yes

**If yes, please explain your reasons:**

Of the 164 users who used alternative routes 145 (88%) said they were safe and 138 (84%) said they were accessible. 24 respondents identified as being disabled and living nearby a railway level crossing. 20 respondents said the alternative routes were safe and 21 said they were accessible.

The identified negative impact is outweighed by the effect recorded ASB is having on train drivers and passengers. Prohibiting the use of the footpaths has the potential to save people from harm as a result of accessing the rail track at these locations.

**Do you consider that this policy will contribute to the achievement of the three aims of the Public Sector Equality Duty?**

- 1. To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.**
- 2. To advance equality of opportunity between persons who share a relevant Protected Characteristic and persons who do not share it.**
- 3. To foster good relations between persons who share a relevant Protected Characteristic and persons who do not share it.**

**Please indicate which of these aims is achieved through this policy**

Aims, 1, 2, 3 are met.

**Please explain how the policy contributes to achievement of any aims you have selected:**

The Public Spaces Protection Order (PSPO) is one of the powers available to Local Authorities under the Anti-Social behaviour, Crime and Policing Act 2014. This legislation enables the Local Authority to introduce a PSPO to an area to deal with a particular nuisance which is detrimental to the local community's life. It is designed to ensure the majority can use and enjoy public spaces safe from crime and antisocial behaviour (ASB).

When asked if they thought anti-social behaviour on railway crossings is a cause for concern 148 (71%) agreed, 61 disagreed and 62 skipped the question.

Consultation identified that of the 164 users who used alternative routes 145 (88%) said they were safe and 138 (84%) said they were accessible. Of the 209 responses 145 (69%) agreed that the two locations and footpaths included in the PSPO are appropriate and 64 said they weren't. 24 respondents identified as being disabled and living nearby a railway level crossing. 20 respondents said the alternative routes were safe and 21 said they were accessible.

A Public Space Protection Order will compliment a range of orders and criminal law offences which can be used to manage public behaviour.

**Action planning and time frames**

**Please list any actions you will take to mitigate any adverse impact you have identified**

<b>Planned action</b>	<b>By who</b>	<b>By when</b>	<b>How monitored</b>
Report to Communities Committee on the results of the survey and recommend a draft PSPO to consult with the public.	Worcester City Council Officer	November 2021	Public report to Communities Committee
Consult public on draft PSPO	Worcester City Council Officer	January 2021	Consultation responses and analysis.
Report to Communities Committee on the results of the PSPO consultation.	Worcester City Council Officer	March 2022	Public report to Communities Committee

Monitor the number of reported incidents to West Mercia Police and City Council Officers.	Worcester City Council Officer West Mercia Police	Annually	South Worcestershire Community Safety Partnership and Safer Worcester Partnership.
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**Please indicate how these actions will be taken forward as part of your team/service planning**

The actions are recorded in Communities service plan and recommendation to include in Safer Worcester Action Plan.

**Monitoring & Review**

**How frequently will proposed action be monitored?**

The EIA will be reviewed both annually and in receipt of information of an incident relating to the implementation of the PSPO where it adversely affected a person with a protected characteristic.

**How frequently will intended outcomes be evaluated?**

The PSPO will be reviewed within three years.

**Who will be responsible for monitoring and evaluation?**

**Worcester City Council**

**How will you use the monitoring and evaluation results?**

**Worcester City Council**

**Please send a copy of this assessment to the Corporate Policy and Strategy Team.**

<b>Completed by</b>	<b>Warwick Neale</b>
<b>Date</b>	<b>13<sup>th</sup> September 2021</b>
<b>Approved by</b>	
<b>Date</b>	