

APPENDIX 7 - Equality Impact Assessment

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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Service	Community Services
Directorate	Homes and Communities
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Date commenced	13/09/2021

Date completed	04/05/2022
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Name of the function, strategy, project, policy or procedure being assessed:
Railway Level Crossing PSPO, Worcester

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

Aims/Objectives:
<p>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).</p> <p>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.</p>

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 19th July to 30th August 2021.

A second consultation was run on the draft order to close the two footpaths which ran from 11th March to 8th April 2022

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 two online surveys.

The first ran from 19th July to 30th August 2021. The consultation was advertised by the City Councils social media, a press release was issued (article featured in Worcester News on 20th 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

The second consultation ran from 11th March to 8th April 2022. This too was advertised on City Council social media, alongside a press release which was featured in Worcester Observer and Worcester News on 16th March 2022 and a paid advert in the Worcester News in the notices section.

The consultation was advertised on site with notices and local residents near the crossings received notices. Residents who left their contact details from the previous consultation were contacted directly to inform them.

Paid social media was used on Facebook, Instagram and Twitter. The Brickfields crossing reached 21,488 with 614 clicking the link, 32 reactions and 25 comments.

Kays crossing reached 21,786 with 530 clicking the link, 34 reactions and 26 comments.

Stakeholder correspondence and feedback on ASB.

Council process

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

Public consultations were completed by the following demographics:

19th July to 30th August 2021.

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
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Gender:

Male	55.21%	106
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Female	42.19%	81
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Other	2.60%	5
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TOTAL	192
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Skipped	79
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Gender assignment the same as at birth:

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

White	2.60%	5
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White British	91.67%	176
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White Irish	0.52%	1
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White Eastern European	1.56%	3
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White and Black Caribbean	0.52%	1
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White and Black African	0.00%	0
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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

Religion/Belief:

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

Sexual orientation:

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

Pregnancy/ maternity:

Yes	3.21%	6
No	96.79%	181

TOTAL	187
Skipped	84

11th March to 8th April 2022

Brickfields Crossing

Age

ANSWER CHOICES	RESPONSES	
Under 25	5.21%	5
25 – 34	16.67%	16
35 – 44	17.71%	17
45 – 54	25.00%	24
55 - 64	20.83%	20
65+	14.58%	14
TOTAL		96

Skipped 6

Disability

ANSWER CHOICES	RESPONSES	
Yes	20.00%	19
No	80.00%	76
TOTAL		95

Skipped 7

Gender

ANSWER CHOICES	RESPONSES	
Male	51.58%	49
Female	45.26%	43
Other	3.16%	3
TOTAL		95

Skipped 7

Gender assignment the same as at birth:

ANSWER CHOICES	RESPONSES	
Yes	98.94%	93
No	1.06%	1
TOTAL		94

Skipped 8

Ethnicity / Religion

ANSWER CHOICES	RESPONSES	
White	21.88%	21
White British	62.50%	60
White Irish	0.00%	0
White Eastern European	0.00%	0

Any Other White background	0.00%	0
White and Black Caribbean	0.00%	0
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	2.08%	2
Asian British	0.00%	0
Indian	0.00%	0
Pakistani	0.00%	0
Bangladeshi	0.00%	0
Chinese	0.00%	0
Any other Asian background	0.00%	0
Black British	1.04%	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	0.00%	0
Prefer not to say	0.00%	0
Religion	1.04%	1
No religion	1.04%	1
Christian	7.29%	7
Jewish	0.00%	0
Hindu	0.00%	0
Buddhist	0.00%	0
Muslim	0.00%	0
Sikh	0.00%	0
Other	3.13%	3
TOTAL		96

Skipped 6

Sexual Orientation

ANSWER CHOICES	RESPONSES	
Heterosexual/straight	89.01%	81
Gay man	2.20%	2
Gay woman/lesbian	0.00%	0
Bisexual	4.40%	4
Other	4.40%	4
TOTAL		91

Skipped 11

Pregnancy / Maternity

ANSWER CHOICES	RESPONSES	
Yes	3.23%	3
No	96.77%	90
TOTAL		93

Skipped 9

Kays Crossing

Age

ANSWER CHOICES	RESPONSES	
Under 25	10.53%	16
25 – 34	19.08%	29
35 – 44	23.68%	36
45 – 54	23.03%	35
55 - 64	15.13%	23
65+	8.55%	13
TOTAL		152

Skipped 9

Disability

ANSWER CHOICES	RESPONSES	
Yes	10.53%	16
No	89.47%	136
TOTAL		152

Skipped 9

Gender

ANSWER CHOICES	RESPONSES	
Male	61.33%	92
Female	37.33%	56
Other	1.33%	2
TOTAL		150

Skipped 11

Gender assignment the same as at birth:

ANSWER CHOICES	RESPONSES	
Yes	100.00%	148
No	0.00%	0
TOTAL		148

Skipped 13

Ethnicity / Religion

ANSWER CHOICES	RESPONSES	
White	18.92%	28
White British	68.24%	101
White Irish	1.35%	2
White Eastern European	0.68%	1
Any Other White background	0.68%	1
White and Black Caribbean	0.00%	0
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	0.68%	1
Asian British	0.68%	1
Indian	0.00%	0
Pakistani	0.00%	0
Bangladeshi	0.68%	1
Chinese	0.00%	0
Any other Asian background	0.00%	0
Black British	0.00%	0
African	0.00%	0
Caribbean	0.00%	0
Any other Black background	0.00%	0
Gypsy or Traveller	0.00%	0
Arab	0.68%	1
Any other ethnic group	0.00%	0
Prefer not to say	0.68%	1
Religion	0.00%	0
No religion	2.03%	3
Christian	4.05%	6
Jewish	0.00%	0
Hindu	0.00%	0
Buddhist	0.00%	0
Muslim	0.00%	0
Sikh	0.00%	0
Other	0.68%	1
TOTAL		148

Skipped 13

Sexual Orientation

ANSWER CHOICES	RESPONSES	
Heterosexual/straight	85.93%	116
Gay man	1.48%	2
Gay woman/lesbian	1.48%	2
Bisexual	4.44%	6
Other	6.67%	9
TOTAL		135

Pregnancy / Maternity

ANSWER CHOICES	RESPONSES	
Yes	2.92%	4
No	97.08%	133
TOTAL		137

Do you consider these sources to be sufficient?

No

If this data is insufficient, please give details of further research/consultation you will carry out:

It is difficult to know what proportion of residents would have used the two crossings compared to the number that have completed the survey.

It would be easier to make a judgement and decision if more responses had been completed by under 25-year-olds.

Please summarise relevant findings from your research/consultation:

Questionnaire Responses

19th July to 30th August 2021

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

11th March to 8th April 2022

From 102, 76 (74.5%) said they lived near Brickfields level crossing.

From 161 responses 121 (75%) said they lived near Kays level crossing.

19th July to 30th August 2021

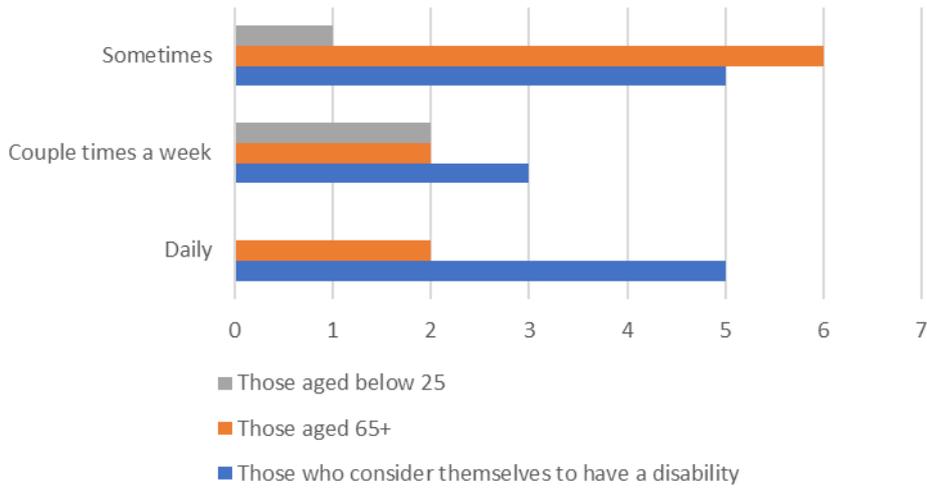
When asked how often they used the railway crossing 61 responses were regular users, 86 infrequent and 124 rarely or never used the crossings.

11th March to 8th April 2022

When asked how often they used the railway crossings 53 responses (52%) said they used Brickfields and 100 (62%) used Kays either daily, a couple of times a week or sometimes.

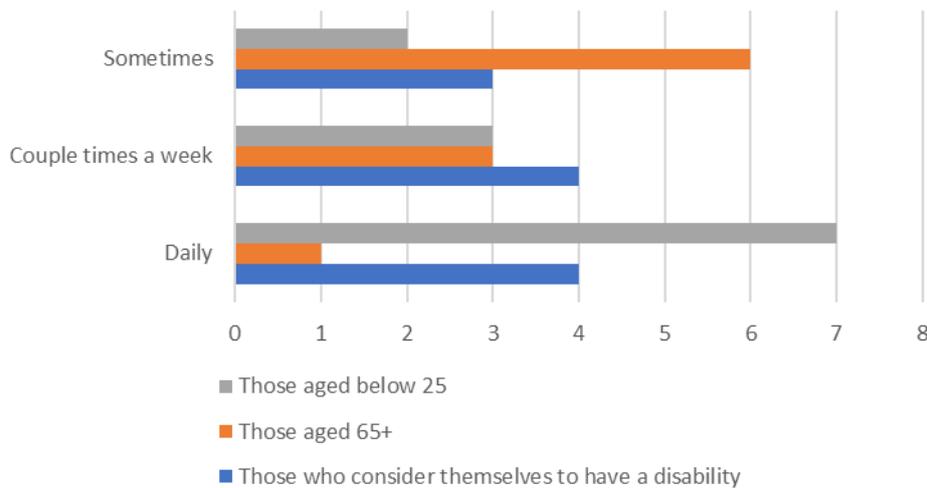
Of the Brickfields responses

Did you use the footpath before the closure?



Of the Kays responses

Did you use the footpath before the closure?



19th July to 30th August 2021

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.

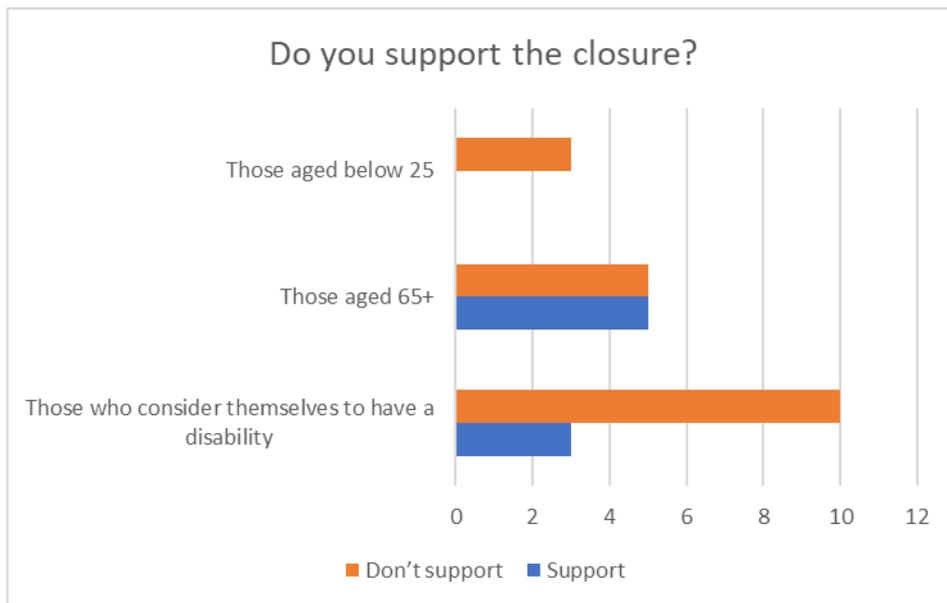
Of the 209 responses 145 (69%) agreed that the two locations and footpaths included in the PSPO are appropriate and 64 said they weren't.

11th March to 8th April 2022

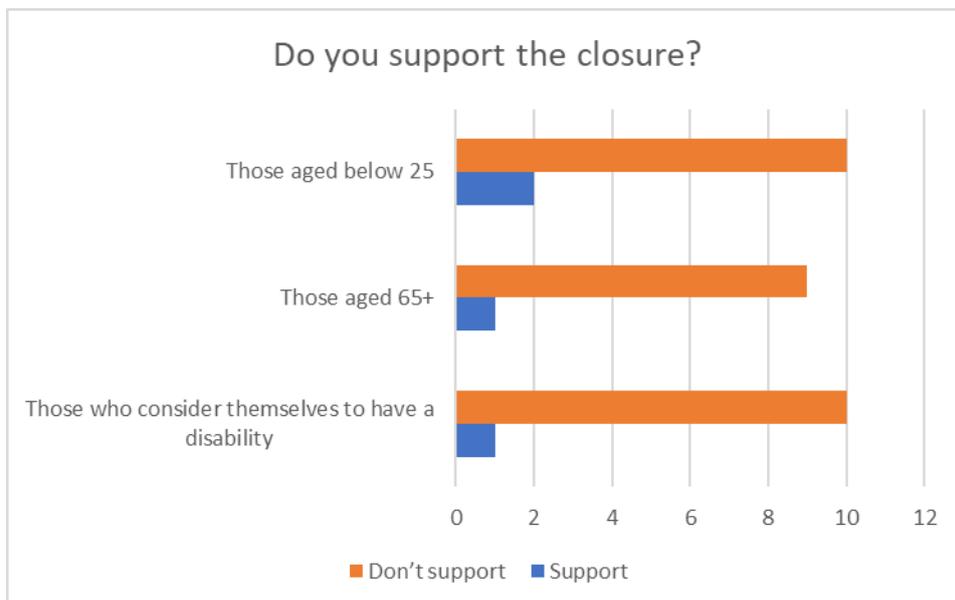
When asked do you support the closure of the path

54 (53%) of respondents said yes to closing the Brickfields path and 59 (37%) said yes to the Kays path.

Of the Brickfields responses



Of the Kays responses



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:

- 1.1.1 1 Fatality deemed a non-suspicious deliberate act.
- 1.1.2 7 Deliberate Misuse, 6 of which involved children, groups of children, and young people.
- 1.1.3 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:

- 1.1.4 Throwing Objects on the Railway (as per S.56(1) British Transport Commission Act 1949);
- 1.1.5 Trespass on the Railway (S.55(1) British Transport Commission Act 1949);
- 1.1.6 Wilful Trespass on the Railway (S.16 Railway Regulation Act 1840);
- 1.1.7 Obstructing engines or carriages on railways (S.36 Malicious Damage Act 1861), and
- 1.1.8 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 12th 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:

Protected Characteristic	Adverse	Positive	Neutral
Age	X	X	
Disability	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.

In the 19th July to 30th August 2021 survey, 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:

From the 19th July to 30th August 2021 survey 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).

Respondents to the 19th July to 30th August 2021, 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.

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 11th March to 8th April 2022 survey received more negative responses to the closure of both footpaths. Of the 10 respondents to the Kays crossing consultation identifying as disabled and saying no to the closure were because the detour was longer and they could no longer access the nature reserve.

Of the 8 respondents to the Brickfields crossing consultation identifying as disabled and saying no to the closure were because the issues were temporary and no longer justified.

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

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Action planning and time frames

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

Planned action	By who	By when	How monitored
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	April 2022	Consultation responses and analysis.
Report to Communities Committee on the results of the PSPO consultation.	Worcester City Council Officer	June 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.

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.

Completed by	Warwick Neale
Date	4th May 2022
Approved by	
Date	