

APPENDIX D:

Draft Camden Transport Strategy

Equalities Impact Assessment

Camden Council

What is an Equality Impact Assessment?

An Equality Impact Assessment (“EIA”) is a way of analysing a proposed organisational policy or decision to assess its effect on people with protected characteristics covered by the Equality Act 2010*. To meet the Council’s statutory duty the EIA should also address issues of advancing opportunities and fostering good relations between different groups in the community.

The Council has a strong tradition of ensuring equality both in terms of service delivery and within its workforce. To help us maintain this tradition it is essential that you start to think about the EIA process before you develop any new activity or make changes to an existing activity. This is because the EIA needs to be integral to service improvement rather than an ‘add-on’. If equality analysis is done at the end of a process it will often be too late for changes to be made.

The courts place significant weight on the existence of some form of documentary evidence of compliance with the Public Sector Equality Duty* when determining judicial review cases. Having an EIA as part of the report which goes to the decision makers and making reference to the EIA within that report helps to demonstrate that we have considered our public sector equality duty and given “due regard” to the effects the decision will have on different groups.

The EIA must be considered at an early stage of the formation of a policy/decision and inform its development, rather than being added on at the end of the process. The EIA form should be completed and updated as the policy / decision progresses and reviewed after the policy or change has been implemented.

If a staff restructure of organisational change is identified as necessary following the review of an activity then an EIA needs to be completed for both stages of the process, i.e. one when the activity is reviewed and one when the restructure or organisational change is undertaken.

Please note all sections must be completed. However the obligation is to have due regard and it may be that while an issue requires the completion of an EIA, the matters at hand may not lend themselves to some of the obligations, for example fostering good relations. As long as this has been properly considered it is legitimate to conclude that this cannot be applied in a particular case.

*Please read the notes at the end of this document.

Name of proposed decision/policy being reviewed:

Connecting Camden: the Draft Camden Transport Strategy

Question 1

What is changing and why?

If the issue is going for decision, e.g. at Cabinet meeting, what are the decision makers being asked to decide? If you are reviewing a policy what are its main aims? How will these changes affect people?

What is changing and why?

All London boroughs are statutorily required to produce a Local Implementation Plan (LIP) to demonstrate how they will deliver the Mayor's Transport Strategy (MTS) locally alongside their own priorities. The LIP is also the mechanism whereby boroughs secure annual funding from Transport for London (TfL) to deliver borough transport schemes. It must also therefore demonstrate how the funding will be spent and which Mayoral objectives interventions will deliver. Camden's current LIP (LIP2) is part of a broader Camden Transport Strategy (CTS), published in 2011.

The current Mayor produced a new MTS in March 2018 setting new objectives and priorities which boroughs, as key partners, will help to deliver. A particular focus of the new MTS is the Healthy Streets framework, and putting health at the heart of transport interventions.

A new LIP (LIP3) is therefore statutorily required to respond to the new MTS. The borough has also changed significantly since 2011, bringing new transport challenges as well as opportunities. In response, officers are preparing a new Transport Strategy (which will similarly incorporate the statutory requirements of the LIP), to better reflect and respond to the changing transport and policy environment, the MTS objectives, and Camden's priorities set out in Our Camden Plan and Camden 2025.

Chapter 2 of the CTS details the transport challenges and opportunities that the borough is facing and the barriers to achieving Healthy Streets outcomes, based on robust evidence. Many challenges have assumed more urgency and have become a higher priority for the Council since the last Transport Strategy, particularly the significant impacts of air quality, to which transport is a major contributor. Growth is also a challenge: the Council will need to balance increased demand for mobility that will accompany a growing population with health and quality of life. Chapter 3 of the new CTS therefore identifies the objectives, policies and measures which aim to address the challenges the borough faces while also ensuring that they are not exacerbated by growth.

What are the main aims?

The new draft CTS sets out the urgent transport challenges facing the borough and the Council's vision, strategy and objectives for addressing them while also fulfilling the statutory elements of the LIP in accordance with TfL Guidance as a pre-requisite to securing annual TfL funding. The Transport Strategy's vision set out in Chapter 3 is to:

To work alongside residents and partners in transforming transport and mobility in Camden, enabling and encouraging people to travel sustainably; nurturing healthier lifestyles; creating radically less polluted places; and upgrading the transport network to meet Camden's needs and those of London as a growing capital city

We have set seven objectives within the Transport Strategy to meet this vision, which are discussed in more detail within Question 2 of this EqlA. In brief, the way that people travel has

significant impacts for everyone: pollution, congestion, carbon emissions, road danger and traffic dominance, and lack of physical activity all affect well-being, the economy and, in particular, health which is at the heart of the new CTS. A key theme running through the CTS is the prioritization and promotion of sustainable, efficient, active and healthy travel and encouraging and enabling modal shift from private car use to walking, cycling and public transport use, while ensuring that those who have essential need for a private vehicle can access one.

How will the changes affect people?

The focus of the CTS is to enable a switch from motor traffic use to sustainable, healthy, active travel choices by prioritising walking, cycling and public transport and reducing motor vehicle ownership and use where possible. This is not a substantive change from our current Strategy, although some individual policies and measures may be. Addressing the way people travel has the potential to significantly and positively impact upon equality, particularly improving health and reducing health inequalities, as its implementation will affect all those who live, work, study and visit Camden.

Road transport is the main source of nitrogen dioxide (NO_x) and a significant contributor to particulate matter (PMs) in Camden, two of the most dangerous pollutants which contribute to the premature death of nearly 10,000 people a year in London. While Camden's monitoring sites show that we are not in breach of current UK objectives for PMs, all Councils have a legal duty to reduce pollution whatever the levels. Camden also recently committed to meeting World Health Organisation (WHO) targets by 2030. WHO targets are stricter on PMs, and initial modelling shows that we will continue to breach PM levels at three monitoring sites.

Air quality has a particularly detrimental impact on children, affecting lung development which makes them more susceptible to infection and disease as they grow. They are also more vulnerable to polluted air than adults. 87 of the borough's 112 schools are located in areas that are in breach of EU NO₂ levels, and 12 of the worst 100 schools in London for NO₂ concentrations are also in Camden. Older people who may be more susceptible due to existing illnesses, and pregnant women, are also more vulnerable.

People are also twice as likely to be affected by pollution in areas of higher deprivation as these areas have poorer air quality: 70,000 residents are living in areas which are among the top 30% most deprived and the top 30% in terms of average NO₂ concentrations.

Inactivity is another area requiring urgent attention, with both younger and older people the groups who are least active. An inactive lifestyle is a leading cause of disease and disability (WHO), potentially also resulting in an increased likelihood of obesity which brings further health risks. The Chief Medical Officer's (CMO) recommendation for minimum physical activity levels is 150 minutes a week for adults and one hour a day for children. One in five Camden adults is inactive, taking less than 30 minutes of physical activity per week. Women are far less active than men, and people over 70 years are the least active age group, with nearly 8 in 10 older people not meeting the recommended minimum. Just one in eight 15 year olds meet the required levels of 60 minutes of activity a day, with 68% categorised as sedentary. Growing obesity among young people already manifests itself by Year 6. Active travel is likely to be *the* main way that Londoners meet their physical activity needs, and, according to the UK Faculty of Public Health, active travel *is the only viable option for significantly increasing physical activity* levels across London's whole population. Being active through active travel will also help to ensure health and mobility into older age, particularly in the context of an aging population, and reduce isolation. However, we also need to consider the barriers to making the switch: higher levels of car ownership are linked to decreasing levels of physical activity, but also the perceived danger of traffic volumes and lack of high quality facilities is a major barrier.

Road traffic collisions are another health issue, particularly for pedestrians and cyclists. While the number of casualties in Camden decreased in 2016 (most recent data) by 15% on the previous year, they continue to be a concern: in the most recent years there has been an upward trend in both total casualties and those categorised as Killed or Seriously Injured (KSI). Fear of road danger is the biggest barrier to more people walking and cycling and doing active travel, particularly among older and younger people – the groups who have the most to gain from being more active.

Heavy traffic has a wide range of effects including restriction on the independence, particularly among children and young people as well as those with a disability. Heavy traffic also reduces the likelihood of healthy active travel which could deliver health benefits. It also reduces social interaction and increases isolation as people fear going out. Evidence shows that heavy traffic and fumes and pollution are the two biggest barriers to people walking more.

Carbon emissions, to which road based transport is a major contributor, and climate change result in extreme weather incidents, including heatwaves, drought and flooding, affecting food and water security, disease risk and impacts on the economy. Older people and children are particularly vulnerable to extreme heat.

As mentioned above the aim of the CTS is also to support the growth of the borough whilst addressing the transport challenges that it is currently facing and likely to face in the future. The improvement of Camden's transport network and streets and ensuring sustainable and inclusive travel are considered to have an overall positive affect on all residents including protected groups.

Evidence also shows that a significant proportion of driven trips can be taken by other modes: 70% of residents' trips are under 5km, and 40% are under 2km.

What are the decision makers being asked to decide?

To approve and adopt a new CTS, incorporating statutory requirements of the (LIP), and submission to TfL to secure funding.

On adoption the CTS will form the basis for the Council's transport decisions and will help respond to the changing transport and policy environment, including consistency with, and helping to deliver, wider Camden priorities outlined in the Camden Plan, Camden 2025, the Camden Local Plan (2017), Camden's Joint Health and Well-being Strategy (2016-18), and Camden's emerging Air Quality Action Plan.

The assessment shows that most impacts on protected groups will be positive and protected groups are unlikely to be significantly negatively affected by the Camden Transport Strategy.

Notes to Question 1

- Summarise briefly and precisely just what the decision is about. In particular what changes will happen if this decision is agreed and put into effect? What happens now and what will happen in the future? What will be different?
- **Do not cut and paste the report or policy** but concisely restate it, considering equalities issues directly against the facts
- **Focus on the impacts on people** e.g. the users of any facility or service.

Question 2

Who will be affected by this decision and how?

In particular do those from protected groups benefit or will they experience specific and disproportionate impacts? Will there be any direct or indirect discrimination?

How will protected groups be affected by the Camden Transport Strategy?

It is considered that all groups will benefit in some way from the policies below. Particular affects relating to individual protected groups are identified and discussed. The protected group characteristics in Camden comprise the following:

- Age;
- Disability;
- Gender reassignment;
- Pregnancy and Maternity;
- Race;
- Religion/Belief;
- Sex; and
- Sexual Orientation.

This section will first outline the characteristics of the protected groups in Camden and any data on how transport is accessed by these groups. The second part of this section has sought to review the key policies of the CTS and identify whether there are any specific and disproportionate impacts on Camden's protected groups.

Protected groups tend to make fewer trips than the average for the whole London population, with walking the most frequently used mode of travel, and bus use the second (Travel in London Report 9, Transport for London 2016). They are also less likely to drive and use the underground. Londoners over the age of 70 years walk and catch the bus more than the average, and use of cars is lower among BAME than white people. Only 35% of Camden's households have access to a car.

Age

Camden has a resident population of approximately 246,200 (2016) which is predicted to increase by nearly 2,000 additional people per year up to 2031. Almost half of Camden's population is made up of people aged 25-49, with 44.8% classified as working age. There is a smaller percentage of all other age groups with 13.4% of the population made up of those aged 50-64 and 11.9% made up of those aged 19-24. Camden has a smaller percentage of older people aged over 65 at 10.9% with the younger population making up a higher percentage of 16.1%. Predictions are that older people will make up a larger proportion of Camden's population in the future, so we need to future proof the borough to meet the needs of older people but also ensure that they remain in good health and enjoy independent mobility as they age.

The health of the young and the old are impacted disproportionately from the effects of poor air quality levels as well as fear of road danger and traffic which can result in isolation and exclusion. Inactivity is also a concern: these age groups are the least active, so more active lifestyles will improve health among these groups, reducing health inequalities.

Just over 30% of children's journeys are made by car (as a passenger) however a bigger proportion, 40%, are made on foot or by bike and a further 27% on public transport. The group who drive most are those aged 49 to 59, with 40% of their journeys being driven. 40% of trips taken by people over the age of 65 are also driven, either as a driver or a passenger. However, across all age groups, the majority of journeys are not made by private car. This data is for the

whole of London as we don't have Camden specific data. As car ownership in the borough, and in Central and Inner London is much lower than outer London, and public transport availability is much higher, these figures are likely to overestimate actual vehicle use in Camden. Indeed in Inner London, public transport and walking are by far the most used modes, and in Camden only 13% of residents' trips are driven, compared to walking at 42% and 39% by public transport.

Disability

In the 2011 Census, 14.4% of Camden's respondents said they suffered from a long-term illness that limited their daily activities in some form. This is lower than the national figure of 17.9% for long-term illness and is likely to be due to the lower older population within Camden compared to the national figure. The number of the population providing 20 hours or more of unpaid care a week has increased from 2.2% to 2.6% since 2001.

Discussed within Chapter 2 of the CTS, walking and bus services are the modes most frequently used by people with a disability in London. Walking is the most used mode, with 31% of trips undertaken on foot by disabled people which is equal to those without a disability. Bus services (including trams) is the second most prevalent mode at 22%, this is much higher than those who are not disabled (14%). At 15%, the proportion of disabled people who cycle is also similar to the able-bodied population. The amount of trips driven are actually lower than those without a disability at 14% and 23% respectively, and trips as a passenger are also about the same as able-bodied people. In addition, only 3% of trips made by disabled people are by taxi. Prioritising walking, cycling and public transport will therefore also support those with a disability.

Gender Reassignment

Data on gender reassignment figures is not available at a borough level, however a study by the Gender Reassignment Education and Research Study funded by the Home Office found that there is an estimated number of 300,000 to 500,000 transgender people within the UK. A survey undertaken by the government confirmed that respondents within that category most feared for their safety on the streets and using public transport. The survey can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85499/transgender-survey.pdf

Pregnancy and Maternity

In 2016 there were 2,756 birth rates to Camden-resident mothers, there was a moderate increase in births from 2014-2016 which is consistent with birth increases in London.

Many of the issues which impact on women, disabled people and the older generation such as overcrowded public transport and poor air quality levels are relevant here. The Baby on Board badge was launched by TfL in 2006 in order to help women who felt awkward or perhaps intimidated to ask for a seat on public transport. Given that women are often the primary care givers for young children, initiatives such as this that help to create greater accessibility have a positive impact on the general population as well as pregnant women or parents with young children.

Race

44% of Camden's population described themselves as White British in the 2011 Census. The remainder of the population is made up of Black and minority ethnic groups, with the second largest group being White Other at 19%, followed by Bangladeshi at 5.7%. Camden is also home to a number of smaller national and cultural communities. There is a strong link between BAME and deprivation in London (and also in Camden), with these groups also least likely to own a car, with a higher prevalence of walking and public transport use.

Religion and Belief

Camden's population comprises a diversity of religions and beliefs. 38.5% describe themselves as Christian, whilst 29.1% state that they have no religion, 13.8% of the population is Muslim and 5.1% are Jewish. Camden has a higher proportion of people of Muslim and Jewish faith than

London and the rest of the UK, this also applies to those who have no religion and those that did not state a religion.

The impact of anti-social behaviour surrounding public transport trends to relate to signs of a person's faith which can often be linked to ethnic minority groups. The objectives and policies within the CTS are likely to benefit different faith groups in much the same way as other target groups.

Sex

Slightly over half of Camden's population is female at 51%, this is almost identical to Greater London as well as the UK. Women generally travel less actively than men, for example, women only make up 27% of cycle trips in London and are one of the groups of people who have a disproportionately higher desire for protected cycling infrastructure and direct routes. Objectives and policies within the CTS which aim to create improvements in cycling and walking environments will help address barriers towards cycling and walking enabling a more equal representation within Camden. Safety and security on public transport and at stations is also a concern for women who often feel vulnerable to attack.

According to data for London (Camden specific data is not available) most trips made by women are on foot, around 35%, compared to men at just under 30%. Around 27% of men's trips are driven compared to 20% for women, although women are more likely to be passengers at approximately 15% of their trips compared to 10% for men. However, in total the majority of trips taken by both sexes are using modes other than private vehicles. There is also greater potential for walking trips among women than men.

Sexual Orientation

Under reporting on the size of lesbian, gay and bisexual communities is a recognised issue so it is difficult to accurately understand the size of this proportion of the population, particularly at borough level. An upper estimate for London suggests that roughly 10% of the population is lesbian, gay or bisexual although these figures may under represent the size of this population due to societal issues surrounding the disclosure of sexual orientation. Similar to women and people who are going or have gone through gender reassignment, members of the LGBT community often find safety and security issues as a concern on public transport.

Objectives and Policies within the Camden Transport Strategy

Objective 1: To transform our streets and places to enable an increase in walking and cycling

This objective aims to facilitate a greater shift from motor vehicle and also from public transport use wherever possible to walking and cycling: these are healthier modes, make the most efficient use of existing carriageway space, and will help free up space on an overcrowded public transport network and make it more accessible for those who have the greatest need particularly older, younger and disabled people and those from BAME groups. These groups also suffer most from the impacts of poor air quality as well as lack of physical activity, so have the most to gain from this shift to enable more people from diverse backgrounds to walk and cycle. Policies 1a-1j all enable Objective 1, these are assessed below.

Policy 1a

This policy seeks to use a road user hierarchy to inform all transport decisions, it prioritises walking, cycling and public transport above inessential private vehicle use. The majority of Camden's households (65%) do not have access to a car, and the majority of residents' trips are taken by modes other than a private vehicle: 42% of Camden's resident' trips are made on foot, 4% of residents' trips are made by cycling and 39% on public transport – a total of 85%. It is also the case that older people and those with a disability rely on walking and public transport. By prioritising these modes it seeks to enable more people to benefit from physical activity, and greater efficiency on the network and kerb space, so that those who need to use private motor vehicles such as those with a disability and pregnancy and maternity groups can do so with ease.

These groups comprises 6.4% of Camden's population (2011 Census). Camden also provides dedicated blue badge bays which gives priority to those with disability to park. Encouraging a shift towards walking and cycling will also help to reduce overcrowding on public transport so that those who most rely on it, such as older people and those with a disability, can use it.

Policy 1b

This policy aims to tackle the barriers to walking and cycling ensuring that every transport scheme improves conditions for those users. It is considered that this policy will have a positive impact, in line with Policy 1a, helping to overcome the barriers that current users face and providing a high quality alternative which enables more users in the future to travel actively.

Policy 1c

This policy commits to delivering high quality cycling and walking environments wherever possible through the reallocation of carriageway space to meet active travel demand. In line with Policy 1b, providing high quality infrastructure will help to remove a barrier to more active travel particularly among protected groups who are currently the most excluded – women, older people, younger people, those with a disability, and people from minority ethnic groups. This will improve health among these groups as well as improved access to opportunities and essential services. The reallocation of carriageway space can help a wider shift from vehicle and public transport modes and therefore free up valuable carriageway and public transport space for those who have an essential need such as those with a disability,

Policy 1d

Delivering Healthy Streets outcomes ensuring that streets become more inclusive. This policy is considered to have a positive impact upon all Camden residents and visitors, protected groups in particular through the increased provision of places to rest, visually attractive, cleaner, safer and more accessible streets.

Policy 1e

This policy aims to embed opportunities for transformational walking and cycling streets and places within all relevant Council policies and plans. This includes the implementation of our Road Safety Action Plan, implementing timed road closures to reduce traffic dominance as well as temporary road closures such as Play Streets enabling residents to reimagine their own streets which can be a precursor to longer term interventions. It is considered that this policy will have a positive impact upon protected groups throughout the borough with particular regard to accessibility through the reduction of traffic on streets and safety improvements

Policy 1f and Policy 1g

Using a robust and evidence-based process to prioritise funding on schemes and locations will benefit all users, will ensure that data relating to all groups within Camden will be taken into account. An index which includes Camden's demographics and deprivation figures from the census, age (older people) the IMD and GLA population projection, has been designed to ensure that the worst affected areas in terms of our transport challenges are prioritised. This includes the use of walking and cycling propensity information in order to help prioritise locations to receive funding for 'Area Based Schemes' and therefore helping ensure a return on investment. This will benefit all groups as it will ensure that funding is allocated to schemes which are most are likely to deliver the greatest benefit as demonstrated through data.

Objective 2: Reduce car ownership and use, and motor traffic levels in Camden

This objective seeks to primarily restrict and reduce opportunities for inessential car ownership and use, both for journeys made within the borough as well as for traffic entering the borough. Car ownership in the borough is currently relatively low: only 35% of households have access to a car; in some parts of the borough it is 20%. As evidenced by Camden's Local Plan published and adopted in 2017, where all new developments in the borough are now car free, there is a borough acceptance of efforts to reduce car ownership in the borough and the necessity of owning one. This Plan was also subject to an Equalities Impact Assessment and also scrutinized during Public Examination. Through a range of policies and measures outlined in the Strategy,

the Council seeks to provide alternatives including, as outlined in Objective 1, enabling walking and cycling wherever possible (including shifting the 40% of Camden's driven trips which are under 2km), as well Camden's extensive network of nearly 250 car clubs. The borough is also very well served by public transport. This objective is therefore not considered to have a detrimental effect on protected groups, some of whom may be essential car users within the borough such as those with a disability. In addition, the levels of some protected groups such as disabled people who rely on cars is often overstated, it is only 3% within Camden.. Policies 2a-2k all enable Objective 2, these are assessed below.

Policy 2a

This policy will review our current 'Parking Enforcement Plan' and update this into a new 'Parking Action Plan'. This will reflect the new Transport Strategy objectives and will be reviewed at least every 4 years. This will have no negative effect upon any of the protected groups and will ensure that Camden's parking enforcement actions are continually up to date. The Action Plan will seek to disincentivise private car ownership and use for those journeys that could be made by more sustainable, active and efficient modes, particularly the 70% of driven trips that are under 5km, and 40% which are under 2km. The Action Plan will also enable those who have an essential need for a car to own and use one, such as those with a disability. The Action Plan will help to reduce traffic levels, removing road danger as well as reduce crowding on public transport.

Policy 2b

Rat running has been identified as a challenge, particularly in certain areas of Camden, 48% of school journeys within the Frognal and Fitzjohns area are undertaken by car and this location is also a road safety concern. Through developing a programme of traffic restrictions, timed and permanent, to deter inessential car use and causing rat running this will have a positive impact in particular on the young students in the area as well as other identified areas through improved air quality, reducing traffic volumes and improving road safety, particularly on residential streets.

Policy 2c

Through developing a range of initiatives that promote and provide attractive, convenient and safe alternatives to private cars and other forms of motor traffic it will provide a benefit to all groups through making alternative options more widely available and inclusive as well as freeing up valuable space on the road and the public transport network for protected groups that have a greater need to use a private car such as those with a disability, pregnant women and parents of young children. See Policy 2a.

Policy 2d

This policy aims to lobby TfL for improvements in public transport particularly in areas of low Public Transport Accessibility Level (PTAL). Buses in particular are the most accessible forms of public transport. This is considered to benefit all residents in Camden with particular regard to disadvantaged communities who tend to live in locations within the borough with lower public transport provision than other areas. This should benefit all protected groups, all of whom rely heavily on public transport, by improving local public transport provision, particularly those with a disability.

Policy 2e

The number of licensed Private Hire Vehicles (PHVs) in London has risen by 70% between March 2013 and March 2016, whilst it has risen by 54% within the Congestion Charging Zone, making up 40% of 'car' traffic in the zone. Whilst there are benefits for customers who use these services, some have brought significant disadvantages with regards to congestion, emissions and pollution affecting a much wider population. This policy which will lobby TfL to include PHVs into the Central London Congestion Charge as well as continuing to support the Mayor's proposal to review the Congestion Charge to better reflect the wider impacts and costs associated with motor vehicle use. This is considered to benefit all protected groups through the associated improvement in air quality levels through the reduction in traffic volume in the zone. Less vehicle

traffic can also help remove a barrier to cycling and walking in these areas and encourage a wider population to use these modes more often.

Policy 2f

This policy seeks to establish a kerb side hierarchy which prioritises sustainable travel, including the reallocation of redundant parking spaces. This may have a negative impact on certain protected groups such as older people and younger children who currently have a greater reliance on car driven trips, however there will be an overall benefit to all residents through the mode shift to sustainable travel and a reduction in parking pressure so that those protected groups who have essential need for a vehicle will be more confident of securing a parking space. As described under other policies, many journeys could be shifted where there isn't essential need, and alternatives such as car clubs, cycle hire and public transport are widely available.

Policy 2g and 2h

These policy aims to address the challenges relating to on-demand and other 'flexible' forms of motorized travel and balancing this with ensuring availability of alternatives when and where there is essential need. It seeks to only adopt these forms, such as on-demand bus services and free-floating car clubs where there is robust and relevant data to show they can reduce car use in Camden as well as help to deliver other objectives within the Strategy. This is considered to provide a benefit to all residents including Camden's protected groups through only using robust data which can demonstrate its benefits to the borough.

Policy 2i

2i ensures that there will be no net increase in on-street residential parking bay provision throughout the borough. The policy does not aim to reduce disabled parking provision, but groups traditionally reliant upon car use such as elderly people and people with young children, particularly in areas of lower public transport provision, may be negatively affected. However, this policy must be considered in conjunction with other CTS policies which seek to encourage a shift towards sustainable, active travel where these trips can be made, and more sustainable alternatives are/will be available. This policy will also remove an incentive to increase car ownership and use and its associated negative impacts which affect everyone but particularly older people and children. It is also the case that Camden contains very few areas with poor/very poor Public Transport Accessibility Level (PTAL) ratings. Where low PTAL ratings have been identified, they are mainly located in the northern areas of the borough.

Policy 2j

Camden will work with partners such as TfL and neighbouring boroughs to address key strategic issues around traffic flow through the borough including at specific locations. This policy isn't considered to provide any negative impacts on any protected groups.

Policy 2k

Continue to implement our borough-wide car free policy. Camden introduced a borough-wide car free policy for all new developments in the borough as part of its Local Plan in 2017. This Plan was subject to a separate Equalities Impact Assessment as well as Public Examination.

Objective 3: To deliver a transport system and streets that are accessible and inclusive for all.

This objective seeks to understand and proactively respond to the needs of excluded groups, and particularly protected groups. Delivering a more accessible and inclusive transport network seeks to overcome the barriers they face, improve access to opportunities, goods and services, health and quality of life. As outlined above, protected groups generally do not make as many trips as the wider population, and also walk and use public transport more. Therefore improving the pedestrian environment and public transport will support the travel needs of protected people.

Policy 3a

This policy seeks to make our streets accessible and inclusive to people from all walks of life, age and abilities. This policy will therefore benefit everyone, but particularly protected groups, but particular disabled people, the young and the old, and pregnant women and parents with young children.

Policy 3b

This policy, to remove clutter and obstructions from the highway will provide a benefit to all protected groups, particularly disabled groups with a mobility impairment and pregnant residents and parents with young children. From our engagement with older people and those with a disability, street clutter and obstructions on the footway were identified as a barrier.

Policy 3c

This policy aims to improve accessibility and travel options for vulnerable groups to facilitate independent living and reduce isolation. It will positively impact on all people, but particularly older people and those with a physical and mental disability

Policy 3d, 3e, 3f and 3g

These three policies will lobby TfL and Network Rail to deliver public transport schemes within the borough including maintaining bus services (which are the most accessible forms of transport) and Step Free Access (SFA) at underground stations particularly at Kentish Town station. This will provide a benefit to all residents as well as groups who are impacted by inaccessible public transport in certain areas of the borough, such as the young and the old and those with a disability who are known to rely more heavily on these services.

Policy 3h

Public Transport Accessibility Level (PTAL) ratings, levels of deprivation and percentage of elderly and disabled people living in each area will be used as key indicators to help prioritise location for LIP funded 'Area Based Schemes' investment, alongside air quality and collisions. This method will help to ensure that these protected groups will benefit from local improvements and that those most affected by the negative impacts of traffic will benefit.

Policy 3i

This policy encourages a shift from public transport use to walking and cycling where possible in order to help reduce overcrowding on public transport. By alleviating the pressure on public transport within the borough, this policy is beneficial to protected groups who are impacted by overcrowded public transport such as older generations, pregnant residents and parents of young children, and those with a disability. This will also have a beneficial impact on groups who feel intimidated on public transport such as women, LGBT communities, people from certain ethnic minorities as well as people of certain religions or with particular beliefs.

Policy 3j:

Work with local groups, particularly children, elderly and those with a disability, in the development of new area based schemes, to understand and respond to the needs of excluded and vulnerable groups. This policy adopts a pro-active approach to ensuring that the views and needs of these protected groups are incorporated into our transport interventions. This policy there has a positive impact on those groups.

Policy 3k:

This policy aims to ensure that alleyway and shared spaces remain accessible to everyone at all times while also considering options to address anti-social behaviour. This will have positive impacts on all residents, but particularly those with a mobility impairment.

Objective 4: Substantially reduce all road casualties in Camden and progress towards zero Killed and Seriously Injured (KSI) casualties.

This objective focuses on reducing the source of road danger and the risk factors involved in collisions such as speed, visibility and lighting, and reducing collisions which have the most

severe outcome and which result from conflict with motor traffic. Evidence shows that almost half (48%) of those affected by road casualties are people who are cycling and walking. Walking is one of most accessible modes and is the most commonly used by disabled and older people in Camden. Fear of road danger is also a deterrent to these groups making journeys which may result in exclusion and isolation, and removes an opportunity to improve health by being more active. Similarly, children, or parents of children, fear motor traffic which deters them from making more journeys on foot and by bike and which could improve their health, and excluding them from public space. The reduction of KSI casualties in Camden will provide a significant and meaningful benefit to all residents and visitors in Camden with particular regard to protected groups such as disabled people who are more like to use walking as their main mode of travel. Policies 4a-4d all enable Objective 4, these are assessed below.

Policy 4a

This policy aims to use an assessment of casualties and risk among vulnerable road users including pedestrians, cyclists and motor cyclists to prioritise all of Camden's transport projects. This will include a 3 yearly Road Safety Audit. This will provide a benefit to all groups within the borough as well as certain protected groups such as the young and the old as well as groups that more heavily use walking as their main mode as these are the most vulnerable road users, as above.

Policy 4b

This policy aims to implement a policy for Work Related Road Risk (WRRR) to minimise road danger associated with work related journeys. This policy looks at driver behaviour and standards, and vehicle safety particularly through the Council's own procurement processes as well as developers undertaking construction in the borough. This policy is considered to provide a benefit to all Camden residents including protected groups, as above.

Policy 4c

Policy 4c aims to reduce the road danger and risk as well as the perception of road danger. This will be done through improving the street environment and encouraging behaviour change, in partnership with the police, Community Safety teams and local residents. The improvement of the street environment to reduce road danger and risk is considered to be a considerable benefit to all residents as well as protected groups, in particular those who may feel unsafe in particular street environments such as women, children, older population and residents with a particular religious belief or from a minority ethnic group.

Policy 4d

This policy will continue to oppose the use of motor bikes in bus lanes which creates an intimidating environment for cyclists who, in the absence of other segregated facilities, rely on bus lanes for separation of traffic. There is not considered to be any negative impacts on Camden's protected groups as other traffic lanes will still be available to motor cyclists, while overcoming a barrier to more people cycling and helping to increase physical activity, particularly among protected groups who are currently excluded – older and younger people, people from ethnic backgrounds, women and those with a disability.

Policy 4e

Speed is a major risk factor in collisions, and has significant impacts on the outcome of collision and the severity of a casualty. The risk of fatality is significantly reduced with lower speeds. Camden introduced a borough-wide speed limit in 2013. Lobbying and encouraging TfL to deliver 20mph on all of its streets (Transport for London Road Network – TLRN – red routes) in the Borough, prioritising the hotspots for pedestrian fatalities will expand the safety benefits to all road users, but particularly vulnerable users (pedestrians and cyclists) as 25% of casualties categorized as Killed and Seriously Injured (KSI) occur on the TLRN.

Policy 4f

Continue to ensure all relevant highways improvements schemes undergo independent Road Safety Audits prior to, and where feasible following, implementation will ensure that all transport interventions delivered by Camden will meet minimum safety standards which will benefit all users of the public highway.

Objective 5: To reduce and mitigate the impact of transport-based emissions and noise in Camden.

This objective aims to tackle the impacts of transport based emissions and noise within the borough. Emissions and noise have a significant impact on health as well as on quality of life. Poor air quality particularly affects vulnerable older and young people (see Question 1). Noise can also have severe health impacts - transport is a major contributor to noise levels in the borough. Transport is also responsible for up to 25% of carbon emissions and climate change which results in extreme weather incidences, including heatwaves, storms and flooding. These also affect food and water security. The impacts of noise and climate change affect all Camden's population. Policies 5a-5d all enable Objective 5, these are assessed below.

Policy 5a, 5d and 5i

Camden will aim to roll out a comprehensive network of Electric Vehicle (EV) charge points which will reflect different needs such as freight, taxis, local residential charging, car clubs, and the pan London Source London network. The EV Action Plan, which is an appendix to the Camden Transport Strategy, will aid in the roll out of EV charge points (EVCPs). This provision of EV charging infrastructure will help encourage a switch to cleaner vehicles and a reduction in transport based pollution, while Policies 5d and 5i seek to encourage the uptake of EVs, including through parking charges. These will have a positive impact on the quality of life of all residents including certain protected groups who are known to suffer more severely from poor air quality such as older and younger people and pregnant women.

Policy 5b

This policy aims to comply with the World Health Organization (WHO) limits for Particulate Matter and Nitrogen Dioxide by 2030. WHO standards are stricter on PMs than current UK/EU guidelines and PMs are also the most dangerous pollutant. It is estimated that 8% of premature deaths in Camden were due to PMs in 2016. Certain protected groups will benefit highly from this: groups such as older and younger generations are impacted more significantly than others by pollution.

Policy 5c

An air quality indicator will be used to help prioritise locations for LIP-funding for Area-Based Schemes. This will help to ensure that areas which suffer the worst air quality will benefit from funding. This will benefit to all Camden residents, but particularly residents who live in these areas who are generally the most deprived. Due to the strong link between deprivation and some protected groups such as BME groups, older people and those with a disability, it is likely that these protected groups will benefit disproportionately.

Policy 5e

By putting EVCPs in the carriageway, this policy aims to minimise obstructions and trip hazards on the footway, maintaining as much space as possible and removing physical impediments to all pedestrian movement, as discussed in Objective 3 (Accessibility). Older people and those with a disability walk the most, and the CTS aims to encourage more people to do so to benefit from inclusion and the health benefits of activity. Those with a disability will be most positively impacted as this policy will help to make the street more accessible.

Policy 5f

Identify opportunities for increased planting and urban greening in all transport schemes, and provide shade and shelter will help to mitigate the impacts of climate change and severe weather incidences which affect quality of life. They will also help to create a more attractive environment which also helps to calm areas and everyone will benefit from these improvements.

Policy 5g and 5h

This policy aims to ensure that Camden Council takes the lead in addressing poor air quality both by establishing the highest environmental standards for the Council's own vehicles and for all contractors' fleets through the planning and procurement processes, and monitoring the impact of transport interventions. These policies will benefit everyone.

Objective 6: To deliver an efficient, well-maintained highways network and kerb-side spaces for the movement of goods and people

Growing congestion and delays impact on the economy and contribute to congestion. Space on the carriageway and at the kerbside is limited. We need to ensure that it is used in the most efficient way particularly in the context of growth as demand for space increases. This Objective aims to manage that space so that it is used in the most efficient way and by the most efficient modes. Private motor traffic, including taxis, are the most inefficient use of carriageway space, while walking, cycling and public transport are the most efficient. Deliveries, servicing and freight are essential for London's economy but efforts must also focus on improving efficiency and minimizing their impacts.

As walking and public transport is the mode most used by protected group, particularly older and disabled people, this objective will impact positively on these groups as well as all of Camden's residents. There is a possibility that car users may be negatively affected through the prioritisation of sustainable modes, however the benefits that will be seen through improved air quality levels and more accessible streets is considered to be a significant benefit to all residents in Camden, and high quality alternatives will be provided. Policies 6a-6g all help to enable Objective 6, these are assessed below.

Policy 6a

This policy aims to manage the carriageway and kerbside efficiently and ensure that the most sustainable modes are prioritised. These modes are also the ones which are most used by many of the protected groups, such as disabled people, the young and the old, pregnant women and young parents. This policy will provide a positive impact on all of Camden's residents including protected groups.

Policy 6b

This policy seeks to improve the provision and priority to buses in order to minimise delays to bus services. This will provide a benefit for protected groups, all of whom rely on public transport but particularly disabled and older people who rely more heavily on bus services to get around.

Policy 6c

Through seeking opportunities to increase provision for pedestrians and cyclists as a result of temporary closures which can then be made permanent this policy is not considered to provide any adverse impacts to protected groups.

Policy 6d

During temporary closures, including during construction of developments and highways works, this policy requires alternative footways and cycle lanes to be provided. The provision of alternative footways and cycle ways will be beneficial to all residents who use these modes and improve their safety, including protected groups.

Policy 6e

This policy seeks to work with TfL and other partners in order to ensure taxis, coaches and Private Hire Vehicles and other on-demand transport services contribute to the Healthy Streets outcomes. This includes reducing their mileage and minimising their impacts on congestion, emissions, traffic dominance and road danger, as well as levels of physical activity. This is considered to provide a benefit to all protected groups through the improvement of access and quality of streets, air quality and road safety, whilst ensuring a level of provision that meets

essential demand, particularly for some members of protected groups may be more dependent on them.

Policy 6f

This policy will minimize the impacts of freight while ensuring that essential deliveries and servicing can be made to all residents and businesses in Camden. This policy will provide a benefit through the reduction of impacts on protected groups such as poor air quality, road danger and inaccessible footways.

Policy 6g

Policy positions will be developed around autonomous vehicles and other emerging technologies that may contribute to increased levels of motor traffic. This policy is not considered to impact on any of Camden's protected groups as the outcome is not yet defined.

Objective 7 To ensure economic growth and regeneration is supported by, and supports, a sustainable transport network

This objective brings together all other objectives and considers them under the lens of growth. All transport challenges such as poor air quality, congestion, inactivity, road danger, traffic dominance, noise etc will be exacerbated by growth if not addressed. Growth itself will also bring challenges through increased construction activity. As discussed under other objectives, prioritising the most sustainable, efficient, healthy and active travel modes as well as improved public transport provision and efforts to reduce overcrowding where possible, will be fundamental to ensuring that growth does not further exacerbate our existing transport problems and that we can respond to people's increasing need for mobility and travel while also ensuring quality of life and health. This objective has therefore been covered under previous objectives and policies already discussed, along with the additional policies of:

Policies 7a and 7b :

These seek to ensure increased public transport capacity through Crossrail 2, underground services and other public transport schemes. For HS2 particularly, we seek integration with other public transport services in the Euston Area as part of a comprehensive redevelopment. These policies will benefit everyone, but particularly protected groups as they rely on public transport for a significant proportion of their journeys.

Policy 7c:

Securing developer contributions to ensure the maximum funding potential from new developments for transport schemes and highways improvements that support sustainable, healthy active travel will not impact on any protected groups.

Policy 7d:

Work with businesses and Business Improvement Districts (BIDs) to increase the use of consolidation for deliveries and removals will impact positively on everyone, including protected groups through less traffic, improved air quality and road safety.

Policy 7e:

Manage a programme of behaviour change initiatives to encourage a switch to sustainable, active, healthy travel including reducing public transport overcrowding contributes to all other objectives discussed. It is considered that this policy will not impact on protected groups.

Policy 7f

Continuing to implement the borough-wide car free policy for all new developments: this policy is contained in the Council's Local Plan (2017) which has been subject to a separate Equalities Impact Assessment.

Policy 7g

Ensure that transport is a key consideration in Supplementary Planning Documents for Kentish Town, Holborn and other areas as they arise, ensuring growth areas and developments in the Borough reflect and deliver the Transport Strategy; this will not impact further on protected groups other than what has already been documented.

Notes to Question 2

- Here use data to show who could be affected by the decision. Consider who uses the service now and might use it in the future. Think about the social mix of the borough and of our workforce.
- If available use profile of service users and potential users / staff by protected groups: (age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation). You could consider the following:
 - Take up of services, by protected group if available;
 - Recommendations from previous inspections or audits;
 - Comparisons with similar activities in other departments, councils or public bodies;
 - Results of any consultation and engagement activities broken down by protected groups (if available) - sources could include, complaints, mystery shopping, survey results, focus groups, meetings with residents;
 - Potential barriers to participation for the different protected groups;
 - National, regional and local sources of research or data – including statutory consultations;
 - Workforce equality data will be provided by your HR change adviser for organisational change / restructure EIAs and
 - For organisational change / restructure EIAs include the results of any consultation or meetings with staff or trade unions.
- **Do not simply repeat borough wide or general service equality data** – be as precise and to the point as possible.
- If there are gaps in equality information for some protected groups identify these in this section of the form and outline any steps you plan to take to fill these gaps. Consider:
 - Any relevant groups who have not yet been consulted or engaged;
 - Whether it is possible to breakdown existing data or consultation results by different protected groups;
 - If you are conducting an organisational change / restructure EIA and there are data gaps consider asking affected staff to update their details on Oracle.
- We are under a legal duty to be properly informed before making a decision. If the relevant data is not available we are under a duty to obtain it and this will often mean some consultation with appropriate groups is required.
- Is there a particular impact on one or more of the protected groups? Who are the groups and what is the impact?
- Consider indirect discrimination (which is a practice, policy or rule which applies to everyone in the same way, but has a worse effect on some groups and causes disadvantage) - for example not allowing part-time work will disadvantage some groups or making people produce a driver's licence for ID purposes.

Question 3

Does the proposed decision have an impact (positive or adverse) on our duty to eliminate discrimination/harassment and victimisation, promote equality of opportunity or foster good relations between different groups in the community (those that share characteristics and those that do not)?

Camden's draft Transport Strategy has been informed by a number of stages of consultation, which provided opportunities for protected groups to comment on and contribute to the preparation of the Strategy. These are summarised below:

Stakeholder and Residents engagement event (4th July 2018)
Participation in an Age Friendly London workshop (19 September 2018)

Further details are contained in the Engagement and Communications Plan document.

Further engagement will be undertaken during the public consultation period, November and December 2018, including targeted activities with protected groups, and used to inform the final version of the EQIA including this particular question.

Notes to Question 3

- Here, think about our other duties (see the notes at the end) and do the proposals impact (positive and or negative) upon those wider duties and aspirations?
- What might say a reduction in the hours of a facility that mainly serves a particular group have on our wider duties?
- Examples of eliminating discrimination: Taking action to ensure that services are open to all groups – e.g. targeting help at particular deprived sections of the community or funding services who work to prevent discrimination
- Does take up of the activity differ between people from different protected groups?
- Have the outcomes of your consultation and engagement results identified potentially negative or positive impacts?
- Are some groups less satisfied than others with the activity as it currently stands?
- Is there a greater impact on one protected group, is this consistent with the aims of the activity?
- For organisational change / restructures analyse the outcomes of consultation with staff and trade unions and analyse the staff data provided by your change adviser
- If you have identified negative impacts include details of who these findings have been discussed with (e.g. Legal, HR) and their views
- Are there any further changes that could be made to deliver service improvements or make the activity more responsive?

Question 4

If there is an adverse impact, can it be avoided?

If it can't be avoided, what are we doing to mitigate the impact?

The response to Question 2 identified a limited number of potential adverse impacts, particularly for those who currently use private vehicles. However, the CTS also seeks to provide for, and proactively enable, more sustainable travel choices to be made where possible by a) seeking to understand the barriers that people face to make the switch, and b) addressing those barriers and making alternatives attractive. This includes providing an accessible, safe environment for walking and cycling, support for improved accessible public transport and continued provision of Camden's own transport services, particularly those for older people and those with a disability. These modes are the ones most used by Camden's residents, are also the most affordable and more easily available. As also outlined in Objectives 2 and 3, Camden will continue to prioritise and provide space for blue and green badge disabled drivers. We also support access to on-demand services (including accessible bus services) in areas of low public transport accessibility and continue to support an extensive network of car clubs so that those with essential need can still access a car.

Notes to Question 4

- Assuming there is an impact, what are we going to do about it? We need to make sure the **decision makers understand the impacts**
- All our policies and decisions should be designed to eliminate discrimination and contribute to our other obligations such as promoting good relations.
- If it can't be avoided can it be mitigated in some other way?
- There might be decisions elsewhere or perhaps additional spending on other services which could reduce the impact. Beware of simply saying that we will direct service users to other services or resources without considering the feasibility of doing so or the knock-on effect for those services
- We don't have to completely eliminate a negative impact, but we must identify it and try to mitigate it and the **decision makers must be in a position to fully understand the implications of their decision and balance off the competing interests** – e.g. the impact against the need to make savings and balance our budget

Question 5

Could any part of the proposed activity discriminate unlawfully?
Can we advance equality of opportunity via this decision/policy?
Can we foster good relations via this decision/policy?

Once adopted, the Council will use the Camden Transport Strategy in its planning decisions, which will allow the delivery of positive impacts on the borough identified in this assessment.

It is expected that the Camden Transport Strategy will contribute to greater accessibility and equality, particularly health equality, in the borough. Objectives 1, 3 and 5 all endeavor to do this in particular. These objectives which seek to transform our streets and places to enable an increase in walking and cycling, to deliver a transport system and streets that are accessible and inclusive for all, and to reduce and mitigate the impact of transport-based emissions and noise in Camden.

During preparation of the Council's Local Plan (2017), officers gained experience of new consultation techniques and built relationships with organisations representing protected groups which will assist in developing our consultation processes and future planning documents.

Notes to Question 5

- **There may be decisions or policies where this is not going to be applicable. Explain this briefly in the box above. The important point is that it is carefully considered.**
- Suggest positive steps that can be achieved towards our statutory obligations to remove or minimise disadvantages suffered because of protected characteristics, e.g. taking steps to meet the needs of people from the different backgrounds when they are different to the needs of others, encouraging participation from groups when participation is disproportionately low
- Advancing equality of opportunity - (NB this does not apply to marriage and civil partnership). **This is a “positive duty”** which requires public authorities to consider taking proactive steps to root out discrimination and harassment and advance equality of opportunity in relation to their functions—from the design and delivery of policies and services to their capacity as employers. The duties require us to give consideration to taking positive steps to dismantle barriers. Advancing equality of opportunity might require treating some groups differently e.g. targeting training at disabled people to stand as councillors.
- **The legislation requires when we have due regard in terms of advancing equality of opportunity to:**
 - a. **Remove/minimises disadvantage suffered by those who share a characteristic and is connected to it**
 - b. **Take steps to meet the different needs of those who share a characteristic**
 - c. **Encourage those who share a characteristic to participate in public life or any other activity when participation is disproportionately low.**
- Advancing opportunity includes the fact that the steps needed to meet the needs of disabled persons take into account the disabled persons' disabilities
- We are required to have “due regard” to the need to foster good relations between people who share a relevant protected characteristic and people who do not share it. This involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Examples

- An employer to provide staff with education and guidance, with the aim of fostering good relations between its trans staff and its non-trans staff.
- A school to review its anti-bullying strategy to ensure that it addresses the issue of homophobic bullying, with the aim of fostering good relations, and in particular tackling prejudice against gay and lesbian people.
- Local authority (Not Camden) to introduce measures to facilitate understanding and conciliation between Sunni and Shi'a Muslims living in a particular area, with the aim of fostering relations between people of different religious beliefs.
- Our work to encourage Bangladeshi tenants involvement in TA's.

EIA prepared by: Jacqueline Saunders (Principal Transport Planner) and Alice Stewart-Cox (Transport Planner)

Date: 19 October 2018

EIA checked by: Sam Margolis (Transport Policy Team Manager)

Date: 19 October 2018

EIA approved by: Louise McBride (Head of Transport Strategy)

Date: 19 October 2018

(Relevant Director Sponsor)

What to do upon approval

For organizational change: If your EIA relates to internal staff, please send to your HR Business Adviser.

For all other EIAs: Please upload onto Sharepoint via this link:

[Equality Impact Assessment Library](#)

Explanatory Notes

What is our Public Sector Equality Duty (PSED)?

Under section 149 all public authorities must, in the exercise of their functions, have 'due regard' to the need to:

1. Eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act; EqA 2010 (section 149(1)(a)).
2. To advance equality of opportunity between people who share a relevant protected characteristic and those who don't; This involves having due regard to the need to:
 - o remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - o take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(4)); and
 - o encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Section 149(6) makes it clear that compliance with the PSED in section 149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the EqA 2010 (this includes breach of an equality clause or rule or breach of a non-discrimination rule (section 149(8)).

(Section 149(3), EqA 2010.)

3. Foster good relations between people who share a relevant protected characteristic and those who don't (section 149(1)(c)) (which involves having due regard to the need to tackle prejudice and promoting understanding) (section 149(5), EqA 2010)..

Under the Duty the relevant protected characteristics are: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion, Sex, Sexual orientation.

- In respect of the first aim only i.e. reducing discrimination, etc. the protected characteristic of marriage and civil partnership is also relevant.
- In meeting the needs of disabled people we have a duty to take account of their disability and make reasonable adjustments to our services and policies where appropriate.
- We must be able to demonstrate that we have considered and had due regard to all three parts of this duty. We must also look for anything that directly or indirectly discriminates.

What do we mean by “due regard”?

- This is not a question of ticking boxes, but should be at the heart of the decision-making process.
- decision-makers must be made aware of their duty to have due regard – so understand the legal requirements on them;
- There should be an analysis of the data – who is this going to affect and how will it put against the legal requirements
- We need to have thought about these duties both before and during consideration of a particular policy and we need to be able to demonstrate that we have done so
- The Duty is “non-delegable” so it is for the decision maker themselves to consider with assistance from the report and officer analysis. What matters is what he or she took into account and what he or she knew so it is important to have the relevant papers accompanying the report. The report should make explicit reference to the EIA. the duty is continuing so while this guide is aimed at the point of decision we should at appropriate points review our duties against the decision/policy
- The decision maker must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy or decision has been taken
- Officers reporting to or advising decision makers must not merely tell the decision maker what he/she wants to hear but need to be “rigorous in both enquiring and reporting to them”
- The duty should be reconsidered if new information comes to light

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What is due regard? In my view, it is the regard that is appropriate in all the circumstances. These include on the one hand the importance of the areas of life of the members of the disadvantaged ... group that are affected by the inequality of opportunity and the extent of the inequality; and on the other hand, such countervailing factors as are relevant to the function which the decision-maker is performing”

Lord Justice Dyson

”

We need to take a sensible and proportionate approach to this based on the nature of the decision or policy being reviewed