

Equality Impact Assessment/Equality Analysis

Title of service or policy	Introduction of a Clean Air Zone in Bath and North East Somerset
Name of directorate and service	Development and Public Protection
Name and role of officers completing the EIA	Cathryn Brown, Team Manager
Date of assessment	October 2018

The Public Sector Equality Duty (Section 149 of the Equality Act 2010) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people carrying out their activities.

Equality Impact Assessment (or 'Equality Analysis') is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community and help the Council to better understand the potential impact of any proposals and consider mitigating actions. Equality Impact Assessments (EIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Council's and NHS Bath and North East Somerset's websites.

As part of the public consultation on proposals for a Clean Air Zone in Bath, the Council welcomes feedback about this evolving document to ensure that all equality issues have been properly considered.

Further information, including a link to an online survey can be found at <http://www.bathnes.gov.uk/bath-breathes-2021>

1.	Identify the aims of the policy or service and how it is implemented.	
	Key questions	Answers/Notes
1.1	Background	<p>Poor air quality is recognised as a major public health issue in Bath and North East Somerset and is identified as a corporate priority by the Council.</p> <p>In the report 'Every breath we take' published by the Royal College of Physicians and the Royal College of Paediatrics and Child Health in 2016, it states that some people will suffer more from air pollution because they live in deprived areas which often have higher levels of air pollution, they</p>

		<p>live, learn or work near busy roads or they may be more vulnerable because of pre-existing medical conditions.</p> <p>Nitrogen dioxide and particulate matter are the pollutants which are identified as presenting the highest risk and are monitored throughout the authority. Exposure to high levels of NO₂ can make existing heart and lung conditions such as asthma worse; particulates are now known to contribute to heart disease and lung cancer (Air Quality - a briefing for Directors of Public Health, DEFRA, 2017)</p> <p>As a pollutant, nitrogen dioxide has been assigned a national air quality objective, requiring compliance by the Council to reduce levels below the objective limit. The main source of nitrogen dioxide is from vehicle emissions, with diesel vehicles being the major contributing source of pollution.</p> <p>The Council is responsible for monitoring and achieving compliance under Part IV of the Environment Act 1995. In 2002 Bath city centre and the main roads leading into it, was declared as an Air Quality Management Area. An Air Quality Action Plan was developed and has been reviewed several times, the latest being in 2017. The opportunity was taken to feed comments from this review into the consultation and engagement for the National Air Quality Plan. The updated Action Plan will be published following the completion of the project to achieve compliance with the National Air Quality Plan.</p>
<p>1.2</p>	<p>Briefly describe purpose of the service/policy including</p> <ul style="list-style-type: none"> ● How the service/policy is delivered and by whom ● If responsibility for its 	<p>This policy must be delivered through engagement with communities by teams across the Council with support from external organisations such as the Joint Air Quality Unit, Highways England and transport operators.</p> <p>The intended outcome of this policy is to achieve compliance with the</p>

	<p>implementation is shared with other departments or organisations</p> <ul style="list-style-type: none"> • Intended outcomes 	<p>Letter of Direction served on the Council by DEFRA and DfT (known as the Joint Air Quality Unit). This Direction is served under the Environment Act 1995 (Feasibility for Nitrogen Dioxide Compliance) Air Quality Direction 2017.</p>
<p>1.3</p>	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> • Is it a new service/policy or review of an existing one? • Is it a national requirement? • How much room for review is there? 	<p>This is the introduction of a new policy which is required following the service of a Letter of Direction referred to in 1.2.</p> <p>The Council is one of a number of local authorities served with such a Direction, as part of the National Air Quality Plan, to deliver compliance with the national air quality objective for nitrogen dioxide in the shortest time possible and by 2021 at the latest.</p> <p>Technical assessment and modelling carried out to date, confirms that in order to achieve the required reduction in concentrations, a Clean Air Zone is required where drivers of higher emission vehicles will be charged for entering a defined geographical zone in the city. In addition to this charging measure, a suite of non-charging measures are being proposed to support the necessary behaviour change from the public and businesses. The Council is also considering possible exemptions and concessions to mitigate any negative impacts for particular groups which maybe created by the introduction of a Clean Air Zone.</p> <p>The preferred option is to introduce a Class D Clean Air Zone. This means that buses, coaches, taxis (both private hire and hackney carriage), heavy goods vehicles, light goods vehicles and cars which do not meet the minimum emission standards will be charged to enter the zone.</p> <p>The Letter of Direction requires the Council to identify a preferred option that will deliver the necessary compliance in the shortest time possible. The Clean Air Zone will be formally introduced by a Charging Order which can be amended, however compliance with the Letter of Direction must be achieved.</p>

<p>1.4</p>	<p>Do the aims of this policy link to or conflict with any other policies of the Council?</p>	<p>This policy has links at both the sub-regional and local level:</p> <p><u>Sub-regional</u></p> <ul style="list-style-type: none"> • The West of England LEP’s Strategic Economic Plan (2015-30), which establishes the economic vision for the sub-region. • The West of England Joint Local Transport Plan (2011-26), which sets out the transport priorities for the sub-region. • The West of England Joint Spatial Plan (JSP), which identifies the economic development and growth projections for the sub-region. • The West of England Joint Transport Strategy (JTS), which provides a clear direction for the long-term development of the transport system in the West of England to 2036 and beyond. <p><u>Local:</u></p> <ul style="list-style-type: none"> • B&NES Placemaking Plan (PMP), which aims to guide development up until 2029 and ensure that any developments within this timeframe are high quality, sustainable, well located and supported by appropriate infrastructure. • B&NES Getting Around Bath (GAB) Transport Strategy, which aims to ‘enhance Bath’s unique status by adopting measures that promote sustainable transport and reduce the intrusion of vehicles, particularly in the historic core. This will enable more economic activity and growth, while enhancing its special character and environment and improving the quality of life for local people’.
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2. Consideration of available data, research and information

Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:

- **Demographic** data and other statistics, including census findings
- Recent **research** findings (local and national)
- Results from **consultation or engagement** you have undertaken
- Service user **monitoring data** (including ethnicity, gender, disability, religion/belief, sexual orientation and age)
- Information from **relevant groups** or agencies, for example trade unions and voluntary/community organisations
- Analysis of records of enquiries about your service, or **complaints** or **compliments** about them
- Recommendations of **external inspections** or audit reports

	Key questions	Data, research and information that you can refer to
2.1	What is the equalities profile of the team delivering the service/policy?	The size of the Environmental Monitoring Team is too small to provide any meaningful equalities profile information.

2.2	What equalities training have team members received?	Team members in Public Protection have received equalities training and are regularly updated on equalities issues.
2.3	What is the equalities profile of service users?	Information about the equalities profile of people in Bath and North East Somerset can be found at http://www.bathnes.gov.uk/services/your-council-and-democracy/local-research-and-statistics/census-and-population
2.4	What other data do you have in terms of service users or staff? (e.g results of customer satisfaction surveys, consultation findings). Are there any gaps?	As part of the Outline Business Case for the Clean Air Zone, a Distributions and Equalities Analysis has been carried out. This provides more detailed information on the groups which could be impacted by the introduction of a Clean Air Zone and is appended to the Outline Business Case (OBC-19).
2.5	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	The Council has been engaging with the public since April 2018 on the introduction of a Clean Air Zone in Bath and a summary of the outcomes of this work can be found in the Engagement Summary Report Document which is appended to the Outline Business Case (OBC-24).
2.6	If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	<p>A formal period of public consultation is taking place in October 2018. Following the initial equalities screening, contacts have been made with specific organisations to better understand both the positive and negative impacts of introducing a Clean Air Zone and these will be explored further during the consultation period.</p> <p>Such organisations include Age UK, BEMSCA (Bath Ethnic Minority Senior Citizen Association), 3SG (a membership network for third sector organisations in B&NES), head teacher forums, religious groups and baby and toddler groups (this is not intended to be an exhaustive list).</p>

		<p>Communication regarding any decision and implementation dates relating to the Clean Air Zone will be designed to meet the communication needs of our diverse community.</p> <p>Consultation documents will be accessible via the Council's website, One Stop Shops and libraries. A survey has been developed for the public consultation and this contains a specific question which is designed to capture concerns and comments from everyone by having an open text box/available space for comments.</p>
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3. Assessment of impact: 'Equality analysis'

Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:

- Meets any particular needs of equalities groups or helps promote equality in some way.

Could have a negative or adverse impact for any of the equalities groups

An initial screening process for each of the protected characteristics has been carried out and is shown in the table below. This will inform the development of the equality analysis as the public consultation takes place.

Potential positive impacts:

Overall, the introduction of a Class D Clean Air Zone, which brings about compliance with legal levels for nitrogen dioxide, will have positive health benefits for all and in particular for those people in the following protected characteristic groups:

- Age
- Disability

- Pregnancy and Maternity

Potential negative impacts:

The analysis demonstrates that some groups of people could be adversely affected by the Council’s proposal to implement a Class D Clean Air Zone.

In particular, there could be negative impacts relating to accessibility and affordability for the following protected characteristic groups:

- Age
- Disability
- Religion

		Details of the impact	What steps have been or could be taken to address the impacts?
3.1	Gender – identify the impact/potential impact of the policy on women and men.	<p>Data from the 2011 Census suggests that 57% of people residing in households without access to a car in B&NES are female and females form 51% of the B&NES population.</p> <p>Therefore, it is possible that women are more likely to lack access to a car relative to their male counterparts and maybe more reliant on public transport.</p> <p>Any change in accessibility associated with the introduction of a</p>	<p>Actions to date:</p> <p>Consultation with the Council’s Independent Equalities Advisory Group (this is the Council’s forum for equality issues).</p> <p>Possible mitigations:</p> <ul style="list-style-type: none"> • Through working with bus operators in B&NES we are ensuring that the fleet will be compliant through either bus replacement or retrofitting of engines.

		<p>Clean Air Zone could impact on connectivity for women.</p>	<ul style="list-style-type: none"> • A range of exemptions, concessions and supporting measures are proposed, with a particular emphasis on mitigating any impacts on vulnerable groups. Further targeted work is planned to understand the how this package of exemptions, concessions and supporting measures can be applied to mitigate any impacts on women.
<p>3.2</p>	<p>Pregnancy and maternity</p>	<p>Emerging evidence suggests that air pollution can affect the growth of the unborn baby (<i>Impact of London's road traffic air and noise pollution on birth weight: retrospective population based cohort study, British Medical Journal 2017.</i>)</p> <p>Therefore the reduction in nitrogen dioxide levels brought about by compliance with the Letter of Direction should have a positive impact on people within this protective characteristic group.</p> <p>It is possible that some people may experience problems in accessing</p>	<p>Actions to date:</p> <p>Regular consultation with the Council's Independent Equalities Advisory Group (this is the Council's forum for equality issues).</p> <p>Possible mitigations:</p> <ul style="list-style-type: none"> • A range of exemptions, concessions and supporting measures are proposed, with a particular emphasis on mitigating any impacts on vulnerable groups. Further targeted work is planned to understand the how this

		<p>medical appointments at GP's or the Royal United Hospital, Bath.</p> <p>It is possible that some people may experience problems in accessing toddler groups or other support networks for parents.</p>	<p>package of exemptions, concessions and supporting measures can be applied to mitigate any impacts on pregnant women and those with babies and toddlers.</p>
3.3	Transgender – identify the impact/potential impact of the policy on transgender people	No impact identified.	
3.4	Disability - identify the impact/potential impact of the policy on disabled people (ensure consideration both physical and mental impairments)	<p>Disabled people are likely to have concerns over access to a range of key amenities (e.g. health facilities), so any change in accessibility could hinder their ability to reach such facilities.</p> <p>The Distribution and Equalities Impact Analysis indicates that communities with a high disability ratio are located throughout the immediate study area and are particularly concentrated in central Bath and on the western periphery.</p> <p>The disabled population in central Bath may suffer from reduced accessibility with the imposition of the proposed CAZ scheme. Further, disabled residents on the western periphery (and elsewhere) could</p>	<p>Actions to date:</p> <p>Regular consultation with the Council's Independent Equalities Advisory Group (this is the Council's forum for equality issues).</p> <p>Possible mitigations:</p> <ul style="list-style-type: none"> • A national exemptions for vehicles within the disabled passenger tax class • A local exemption for vehicles which are specially adapted for use by disabled people <p>Concession until 01/01/2022 for:</p> <ul style="list-style-type: none"> • Euro 4/5 diesel vehicles used by blue badge holders- even for vehicles not owned by

		suffer from reduced access to the central area with a CAZ in place.	<p>them</p> <ul style="list-style-type: none"> • Euro 4/5 diesel vehicles used by registered healthcare providers • Euro 4/5 diesel vehicles used by registered community transport providers • Euro 4 diesel vehicles used for accessible taxi and private hire vehicles
3.5	Age – identify the impact/potential impact of the policy on different age groups	<p>Children and young people may be more vulnerable to the health impacts of air pollution (<i>World Health Organization (2013) Review of evidence on health aspects of air pollution</i>)</p> <p>Further, there is evidence to suggest that the elderly are disproportionately affected by the public health impacts of air pollution (<i>Simoni et al., Adverse effects of outdoor pollution in the elderly, Journal of Thoracic Disease, January 2015</i>)</p> <p>Therefore the reduction in nitrogen dioxide levels brought about by compliance with the Letter of</p>	<p>Actions to date:</p> <p>Regular consultation with the Council's Independent Equalities Advisory Group (this is the Council's forum for equality issues).</p> <p>Possible mitigations:</p> <ul style="list-style-type: none"> • Extended P&R opening hours • Funding for a walk/cycle/scoot to school initiative <p>Concession until 01/01/2022 for:</p> <ul style="list-style-type: none"> • Euro 4/5 diesel vehicles used by registered community transport providers

		<p>Direction should have a positive impact on people within this protective characteristic group.</p> <p>Children and elderly people require access to a range of key amenities (e.g. schools and health facilities), so any change in accessibility could hinder their ability to reach such facilities.</p>	<ul style="list-style-type: none"> • Euro 4/5 diesel used by registered healthcare providers <p>Concession until 01/01/2025 for:</p> <ul style="list-style-type: none"> • Euro 4/5 diesel for coaches with valid educational trip permits
3.6	Race – identify the impact/potential impact on different black and minority ethnic groups	<p>The Distribution and Equalities Impact Analysis demonstrates that few people with ethnic minority backgrounds reside within Bath and North East Somerset. The Joint Strategic Needs Assessment identifies that in the Bath area only Bathwick (14.70%) had a higher proportion of black and minority ethnic people in 2011 than the England & Wales average (14.03%). However, only two of the wards, Lyncombe (4.21%) and Lambridge (5.32%) had a lower proportion of black and minority ethnic people than the B&NES average (5.42%). However, it is possible that this group of people maybe affected by any changes in accessibility in reaching facilities.</p>	<p>Actions to date:</p> <p>Regular consultation with the Council’s Independent Equalities Advisory Group (this is the Council’s forum for equality issues).</p>
3.6	Sexual orientation - identify the impact/potential impact of the policy on lesbians, gay, bisexual & heterosexual people	No impact identified.	

3.7	Marriage and civil partnership – does the policy/strategy treat married and civil partnered people equally?	No impact identified.	
3.8	Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.	A number of religious venues are located within the proposed boundary of the CAZ, e.g. Bath City Church, Elim Church and Bath Islamic Centre. Attendees to these venues maybe disadvantaged if they do not have alternative, compliant methods of travel.	<p>Actions to date:</p> <p>Regular consultation with the Council’s Independent Equalities Advisory Group (this is the Council’s forum for equality issues).</p> <p>Possible mitigations:</p> <p>A range of exemptions, concessions and supporting measures are proposed, with a particular emphasis on mitigating any impacts on vulnerable groups. Further targeted work is planned to understand the how this package of exemptions, concessions and supporting measures can be applied to mitigate any impacts on pregnant religious/faith groups.</p>
<p>Whilst not protected characteristics, the Council has chosen to include the following issues because of the distinctive context of B&NES.</p>			
3.9	Socio-economically disadvantaged – identify the impact on people who are disadvantaged	It is possible that people within this group may find it difficult to access	Actions to date:

	<p>due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances</p>	<p>alternative, compliant methods of travel.</p> <p>Low paid workers, particularly working antisocial or flexible shifts, may face affordability issues in accessing a different, compliant form of travel.</p>	<p>Regular consultation with the Council's Independent Equalities Advisory Group (this is the Council's forum for equality issues).</p> <p>Possible mitigations:</p> <ul style="list-style-type: none"> • A range of exemptions, concessions and supporting measures are proposed, with a particular emphasis on mitigating any impacts on vulnerable groups. Further targeted work is planned to understand the how this package of exemptions, concessions and supporting measures can be applied to mitigate any impacts on pregnant women and the low paid.
<p>3.10</p>	<p>Rural communities – identify the impact/potential impact on people living in rural communities</p>	<p>Those people living in rural communities may have less access to public transport options to get to their place of work or for accessing leisure and social activities.</p>	<p>Possible mitigations:</p> <p>A range of exemptions, concessions and supporting measures are proposed, with a particular emphasis on mitigating any impacts on vulnerable groups. Further targeted work is planned to understand the how this package of exemptions, concessions and supporting measures can be applied</p>

			to mitigate any impacts on rural communities.
3.11	Residents living in Bath	<p>This group of people improvements to air quality from reduction in circulating traffic.</p> <p>Increased availability of on street parking spaces for permit holders from greater car park & P&R usage.</p> <p>Reduction in circulating traffic looking for a free space and decreased congestion from greater car park and P&R usage.</p> <p>Increased costs for entering zone if not owning a compliant vehicle.</p> <p>Potential for increased costs for servicing if costs of entering zone is passed on to customers.</p>	<p>Actions to date:</p> <p>Attendance at Resident's Associations meetings and face-to-face meetings</p> <p>Possible mitigations:</p> <p>A range of exemptions, concessions and supporting measures are proposed, with a particular emphasis on mitigating any impacts on vulnerable groups. Further targeted work is planned to understand the how this package of exemptions, concessions and supporting measures can be applied to mitigate any impacts on residents living in Bath.</p>
3.12	Residents living outside of the proposed zone	<p>Increased potential for non-compliant vehicles to enter area looking for diversion route or parking outside of chargeable area.</p>	<p>Actions to date:</p> <p>Attendance at Area Forum meetings to explain the purpose of the Clean Air Zone and encourage feedback.</p> <p>Possible mitigations:</p> <ul style="list-style-type: none"> • A range of exemptions, concessions and supporting measures are proposed, with

			<p>a particular emphasis on mitigating any impacts on vulnerable groups. Further targeted work is planned to understand the how this package of exemptions, concessions and supporting measures can be applied to mitigate any impacts on residents living outside of the proposed zone.</p>
<p>3.13</p>	<p>Businesses</p>	<p>Increased availability of on street parking spaces for customers with compliant vehicles looking for short term 'pop and shop' parking.</p> <p>Reduction in circulating traffic looking for a free space and decreased congestion</p> <p>Improvements to air quality from reduction in circulating traffic resulting in longer dwell times.</p> <p>Perceived impact on footfall from increased charges</p> <p>Perceived impact on dwell times</p> <p>Impact on staff availability due to challenges faced by costs to employees entering zone</p>	<p>Actions to date:</p> <p>Engagement with:</p> <ul style="list-style-type: none"> • Various Council departments including the Heritage Services and Economic Regeneration teams, • Bath BID, • Bus, coach and taxi operators • Major employers e.g. Royal Mail <p>Possible mitigations:</p> <ul style="list-style-type: none"> • A range of exemptions, concessions and supporting measures are proposed, with a particular emphasis on

		<p>There are likely to be negative affordability impacts for businesses.</p> <p>There are likely to be negative affordability impacts on businesses</p>	<p>mitigating any impacts on vulnerable groups. Further targeted work is planned to understand the how this package of exemptions, concessions and supporting measures can be applied to mitigate any impacts on businesses.</p>
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4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
<p>More information about the potential impacts on people in the following protected characteristic groups:</p> <ul style="list-style-type: none"> • Religious groups • Black and Ethnic Minority Groups • Rural Communities • Pregnancy and Maternity 	Targeted consultation and further liaison with the Council's Research and Intelligence Team	By the end of the public consultation period (26 November 2018)	Cathryn Brown	26 November 2018
Are there possible mitigations which have been missed?	Development of ideas through feedback received during the public consultation	By the end of the public consultation period (26 November 2018)	Cathryn Brown	26 November 2018
Disproportionate impact on those with disabilities who do not use a specific vehicle but are	Work with Central Government to ensure that a system is in place to allow a blue badge to	To be developed and peer group tested by July 2019	Chris Major	July 2019

transported by others in their vehicle	be registered to any vehicle the holder is travelling in			
Specific impact on those in the lowest socio economic groups	Targeted financial assistance for those who need it most to be developed in consultation with groups affected	To be defined through the engagement and consultation processes and be in place in advance of the zone going live in late 2020	Ashley Beighton	First milestone FBC delivery c.Feb 2019
Specific impact on businesses, particularly small businesses	Targeted financial assistance for those who need it most to be developed in consultation with groups affected	To be defined through the engagement and consultation processes and be in place in advance of the zone going live in late 2020	Ashley Beighton	First milestone FBC delivery c.Feb 2019

5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team (equality@bathnes.gov.uk), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

Signed off by:

(Divisional Director or nominated senior officer)

Date: