

TEST OF RELEVANCE: EQUALITY ANALYSIS (EA)



The screening process of using the Test of Relevance template aims to assist in determining whether a full Equality Analysis (EA) is required. The EA template and guidance plus information on the Equality Act and the Public Sector Equality Duty (PSED) can be found on Colnet at: <http://colnet/Departments/Pages/News/Equality-and-Diversity.aspx>

Introduction

The Public Sector Equality Duty (PSED) is set out in the Equality Act 2010 (s.149). This requires public authorities, in the exercise of their functions, to have ‘due regard’ to the need to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and those who do not, and
- Foster good relations between people who share a protected characteristic and those who do not

The characteristics protected by the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership.
- Pregnancy and maternity
- Race
- Religion or belief
- Sex (gender)
- Sexual orientation

What is due regard?	How to demonstrate compliance
<ul style="list-style-type: none"> • It involves considering the aims of the duty in a way that is proportionate to the issue at hand • Ensuring that real consideration is given to the aims and the impact of policies with rigour and with an open mind in such a way that it influences the final decision • Due regard should be given before and during policy formation and when a decision is taken including cross cutting ones as the impact can be cumulative. <p>The general equality duty does not specify how public authorities should analyse the effect of their business activities on different groups of people. However, case law has established that equality analysis is an important way public authorities can demonstrate that they are meeting the requirements.</p> <p>Even in cases where it is considered that there are no implications of proposed policy and decision making on the PSED it is good practice to record the reasons why and to include these in reports to committees where decisions are being taken.</p> <p>It is also good practice to consider the duty in relation to current policies, services and procedures, even if there is no plan to change them.</p>	<p>Case law has established the following principles apply to the PSED:</p> <ul style="list-style-type: none"> • Knowledge – the need to be aware of the requirements of the Equality Duty with a conscious approach and state of mind. • Sufficient Information – must be made available to the decision maker • Timeliness – the Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken not after it has been taken. • Real consideration – consideration must form an integral part of the decision-making process. It is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision. • Sufficient information – the decision maker must consider what information he or she has and what further information may be needed in order to give proper consideration to the Equality Duty • No delegation - public bodies are responsible for ensuring that any third parties which exercise functions on their behalf are capable of complying with the Equality Duty, are required to comply with it, and that they do so in practice. It is a duty that cannot be delegated.

- **Review** – the duty is continuing applying when a policy is developed and decided upon, but also when it is implemented and reviewed.

However there is no requirement to:

- Produce equality analysis or an equality impact assessment
- Indiscriminately collect diversity data where equalities issues are not significant
- Publish lengthy documents to show compliance
- Treat everyone the same. Rather, it requires public bodies to think about people's different needs and how these can be met
- Make services homogeneous or to try to remove or ignore differences between people.

The key points about demonstrating compliance with the duty are to:

- Collate sufficient evidence to determine whether changes being considered will have a potential impact on different groups
- Ensure decision makers are aware of the analysis that has been undertaken and what conclusions have been reached on the possible implications
- Keep adequate records of the full decision making process

Test of Relevance screening

The Test of Relevance screening is a short exercise that involves looking at the overall proposal and deciding if it is relevant to the PSED.

Note: If the proposal is of a significant nature and it is apparent from the outset that a full equality analysis will be required, then it is not necessary to complete the Test of Relevance screening template and the full equality analysis and be completed.

The questions in the Test of Relevance Screening Template to help decide if the proposal is equality relevant and whether a detailed equality analysis is required. The key question is whether the proposal is likely to be relevant to any of the protected characteristics.

Quite often, the answer may not be so obvious and service-user or provider information will need to be considered to make a preliminary judgment. For example, in considering licensing arrangements, the location of the premises in question and the demographics of the area could affect whether section 149 considerations come into play.

There is no one size fits all approach but the screening process is designed to help fully consider the circumstances.

What to do

In general, the following questions all feed into whether an equality analysis is required:

- How many people is the proposal likely to affect?
- How significant is its impact?
- Does it relate to an area where there are known inequalities?

At this initial screening stage, the point is to try to assess obvious negative or positive impact.

On completion of the Test of Relevance screening, officers should:

- Ensure they have fully completed and the Director has signed off the Test of Relevance Screening Template.
- Store the screening template safely so that it can be retrieved if for example, Members request to see it, or there is a freedom of information request or there is a legal challenge.

If a negative/adverse impact has been identified (actual or potential) during completion of the screening tool, a full equality analysis must be undertaken.

If no negative / adverse impacts arising from the proposal it is not necessary to undertake a full equality analysis.

- If the outcome of the Test of Relevance Screening identifies no or minimal impact refer to it in the Implications section of the report and include reference to it in Background Papers when reporting to Committee or other decision making process.

1. Proposal / Project Title: Wanstead Park Extension of Permissive Cycling to the whole site

2. Brief summary (include main aims, proposed outcomes, recommendations / decisions sought):

The aim of the project is to address the confusing situation regarding cycling in Wanstead Park. Currently the site is covered by two sets of byelaws – western side permitting cycling (Epping Forest byelaw land), the eastern side not (Wanstead Park byelaw land). There is one designated cycle path and another permissive cycle path.

Due to the range of different rules covering the site, many people visiting are unaware that you can't cycle in the eastern half of the Park. The current situation causes user conflict, between people that are aware of the rules and those that are not. This situation also makes it difficult for Epping Forest staff to enforce the rules.

The proposal is to extend permissive cycling across the whole site – so there is one consistent rule, that cycling is allowed on paths in Wanstead Park. No new designated cycle paths will be created as part of this proposal. Paths will be 'shared use', with no plans to change surface construction of any shared paths. It is hoped that this change will reduce the rare occurrences of user conflict.

Currently in Epping Forest land, cyclists are required to adhere to the Cycling Code of Conduct. This states that pedestrians have priority, use paths considerately and let other users know you are there with a greeting or bell. This will be promoted in Wanstead Park, being displayed prominently if the extension goes ahead.

3. Considering the equality aims (eliminate unlawful discrimination; advance equality of opportunity; foster good relations), indicate for each protected group whether there may be a positive impact, negative (adverse) impact or no impact arising from the proposal:

Protected Characteristic (Equality Group) <input type="checkbox"/>	Positive Impact	Negative Impact	No Impact	Briefly explain your answer. Consider evidence, data and any consultation.
Age <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>There could be a positive impact as more of the Park is able to be used for cycling in a safe environment away from vehicles by younger children, or people just learning to cycle.</p> <p>In total 1,009 people responded to the consultation. Of these, 64.5% (648 people) made further comments. Of the 648 comments, many respondents made several points in their individual response. The figures which follow are presented as a</p>

percentage of the overall number of points made of which there were 1,142. These responses were grouped into themes.

In total over 7% (85 points) made supported the park being a safer place for children to cycle, also saying it would provide a safer route for children traveling to and from school.

It could be viewed that by allowing permissive cycling across the whole park, and ensuring cyclists understand about the cycling code of conduct that there will be clarity on what is acceptable in Wanstead Park – and thereby reducing user conflict, fostering good relations.

Disability	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Providing an environment where there are no vehicles – giving greater safety for individuals with a disability. At the end of this document is all comments relating to protected characteristics. The majority of points made – 54% that bicycles are used as a mobility aid and allowing cycling will have a positive impact..</p> <p>There is the opposing view represented with 46% of points made concerned that allowing wider permissive cycling could have a negative effect for people that are less stable on their feet, with poor eyesight or poor hearing that cyclist passing by quickly could impact on these individuals feeling of safety.</p>
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy and Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sex (i.e gender)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Possible positive impact on women, who may feel safer while cycling rather than walking. This is supported by one comment, where a woman said she feels safer cycling around the park rather than walking.</p>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>4. There are no negative/adverse impact(s) Please briefly explain and provide evidence to support this decision:</p>	<p>There are potentially perceived negative impacts by more elderly park users who feel less safe with cyclist if they are travelling at speed or do not make themselves know to other users. However we have a Cycling Code of Conduct which outlines courteous cycling behaviour and that pedestrians have priority throughout the park. We will implement a communications plan when the change is implemented informing park users and cyclists of the Code of conduct and that Pedestrians have priority.</p>		
<p>5. Are there positive impacts of the proposal on any equality groups? Please briefly explain how these are in line with the equality aims:</p>	<p>From the consultation results it has been shown that should permissive cycling be allowed through Wanstead Park this would open a new route that is suitable for older cyclists, children and people with a disability. Through the consultation it has become apparent that bicycles are used as non standard mobility aids.</p>		
<p>6. As a result of this screening, is a full EA necessary? (Please check appropriate box using <input type="checkbox"/>)</p>	<p>Yes</p>	<p>No</p>	<p>Briefly explain your answer: No, because perceived negative impacts can be mitigated by publicising the code of conduct and pedestrian priority. The ToR has been updated with the consultation results which have been analysed. If extended cycling is implemented – this will be reviewed 18 months after operation with the ToR updated.</p>
<p>7. Name of Lead Officer: Sarah Reid</p>		<p>Job title: Community Engagement Officer (Lakes and Ponds)</p>	<p>Date of completion: 14 May 2021</p>

<p>Signed off by Department Director :</p>	<p>Name:</p>	<p>Date:</p>
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Below are all comments made relating to a group with a protected characteristic during the online consultation.

Additional Comments Made During Consultation	Negative issue if allow cycling with individual	Positive impact on individual
<p>Park use has increased massively over the last year to the extent that we unsafe going in the park at the weekend. I often lose my balance when I have to move out the way in a hurry fir cyclists and runners who brush past with no warning, who clearly feel they have right of way. Although I am quite young and don't look doddery I have a degenerative spinal condition and walking us one if the few firms if exercise I can enjoy. If everyone who used the park cycled there would not be enough room.</p>	<p>1</p>	
<p>I am a wheelchair user and last year I was hit by a cyclist whilst being pushed around the Ornamental Waters by my son. I have also had a number of other near misses As a result I am very wary of going back into the park.</p>	<p>1</p>	

<p>I live opposite the park and use it daily. I have early stage dementia and find it difficult to walk with cyclists constantly riding at me and not allowing me time to move out the way.</p>	<p>1</p>	
<p>This survey is completed as a keen cyclist. Too keen if you ask my wife. If there were no other areas within the local area to cycle I would have voted to allow cycling but Wanstead Flats, Bushwood and Hollow Ponds are all available to cycle off road. As your survey preamble states Wanstead Park is the remains of the formal gardens of the old Wanstead House. The park is on the at risk register and needs attention in a number of areas. The increase in cycle traffic has not helped this and has worsened it in many cases. The path around the Ornamental Waters after rain is almost impassable in areas and cycling has exacerbated this. Throughout the last year cyclists have not stuck to the designated paths but have been cycling through the woodland causing more damage to the woodland. How is allowing cycling fitting in with the introduction of cattle into the park. Last year we had cyclists believing they were John Wayne trying to round up the cattle on the prairie causing distress to the animals, especially when one was pregnant. The standard of cycling has not always been good with inconsiderate cycling on the increase. I have witnessed cyclists going too fast, riding at pedestrians forcing them to get out of the way and a number of near collisions. Also there has been what appears to be cycling clubs using the paths on masse. The park has seen an increase in pedestrian footfall many of these are young families and a more elderly demographic who find it difficult to move out of the way. My wife has early onset dementia and she has been nearly hit a number of times as her reactions are not as fast as the average person. Allowing cycling seems to penalise these diverse communities for the benefit of one. There has already been one cycling fatality in the park in the last 5 years. What rules as to the type of bike that will be allowed. Electric bikes, electric scooters and surf boards have all been used in the park. I have access to an e-bike with a top speed of 35mph. If cycling is allowed then will I be able to use this cycle?</p>	<p>1</p>	
<p>It is dangerous. Spoils walks. Difficult enough for people with poor eyesight and hearing.</p>	<p>1</p>	
<p>Disabled visitors should be able to visit without being injured because of cyclists cycling at speed without any consideration for others. There are enough places for cyclists throughout the forest and cycling should be banned completely in Wanstead Park. Cyclists are a big problem at Connaught Water where cycling is prohibited but nothing is done about it. Please ban cyclists in Wanstead Park so that disabled visitors can safely visit without getting injured. Cyclists are a big problem around the ornamental lake where they cycle without any consideration for pedestrians. They should be encouraged to use the thousands of acres of cycle paths in the forest and to keep away from Connaught Water and Wanstead Park which are two of the few places where disabled visitors should be able to visit safely.</p>	<p>1</p>	
<p>Cyclists are a real danger to pedestrians especially disabled ones when they cycle in the park. Many cyclists cycle at speed especially around the Ornamental lake without giving way to pedestrians. There are plenty of other places in Epping Forest for cyclists to use. They are a big danger to disabled visitors in Wanstead Park at Connaught Water where they continue to use the accessible path.</p>	<p>1</p>	

<p>It is dangerous for pedestrians with people cycling in Wanstead Park and at my age I cannot get out of the way quickly. Any ban on cycling should be enforced.</p>	<p>1</p>	
<p>The eastern section of the Park is currently used by cyclists. No one 'polices' the area. I am deaf and have had some very near misses with cyclists who approach from behind and do not use their cycle bells to warn. I do not think the eastern area of WP is suitable for cycling as it is heavily used by pedestrians, joggers, families, dog walking. Accidents waiting to happen I believe. If you choose to extend the ban on cyclists then you need to police this. I am not willing to face the inevitable abuse.</p>	<p>1</p>	
<p>yes. cyclists are using the pedestrian walks around the ornamental ponds. there are no wardens or other methods of controlling the use. we have had a number of 'near misses'. my partner is deaf so cannot hear cyclists behind her. no one uses a bell. i am physically disabled so cannot get out of the way quickly.</p>	<p>1</p>	
<p>I have a longstanding disability leading to poor mobility. It is important for me to feel safe using paths and unfortunately this is not the case with cyclists around. During COVID, having the park nearby had been a real lifeline for me, but I am very worried about extending cycling. I often don't hear cyclists approaching from behind, and the first I know is when a cyclist passes me at speed and often very close (which has been a worry during COVID). I have had to stop using some of the narrower paths near the lake because of this issue. I can't see how this would be improved by asking people to follow a cycling code, as I can already see that plenty of cyclists are not fully aware of the needs of pedestrians. I am really worried that this will limit my access as a pedestrian.</p>	<p>1</p>	
<p>I feel safer cycling around Vs walking alone as a woman.</p>		<p>1</p>
<p>As a cyclist with. Obility problems I struggle to use the part of the designated park to the west in the winter because it gets very slippery. I would love to be able to go straight from Wanstead Park Avenue to Warren .road using the disabled access route and straight across by the tea hut legally.</p>		<p>1</p>
<p>I am a disabled person. My primary mobility aid is an e cargo cycle. I strongly support these changes but formally request that they are seen as a first step towards the writing and implementation of a full inclusive cycling strategy for all open space under the control of the City of London. I recommend the Bridge Trust is directly involved so that this becomes a very long term strategic project. I strongly recommend the principles of CROW LTN120 and Wheels for Wellbeing.</p>		<p>1</p>

<p>I have visited the park nearly every day and see no racing or disruptive cycling behaviour. I just see happy families and individuals cycling responsibly and carefully around pedestrians, who also seem happy to see them there. It is a vital place for children to improve their cycling skills away from busy roads. I am fully in favour of extending cycling to all parts of the park. You really need to improve the texture of the pathways in the park to enable this. It is really difficult for wheelchair users and people pushing buggies to use the pathways as they are so stony. Recent increases in visitors and bad weather have meant the surfaces are terrible. You should consider tarmacing the surfaces with a smooth surface so that people of all abilities can use the park in comfort</p>		
<p>Shared use works really well in similar greenspaces (e.g. Hackney/Walthamstow/Tottenham Marshes, Millfield Park, Lloyd Park etc.) Increased cycling permissions will make the park more accessible to people who rely on cycles for mobility.</p>		1
<p>Yes cycling will increase inclusivity. I struggle to walk but cycle and enjoy the park.</p>		1
<p>It has meant the ability to enjoy nature when walking had been difficult due to health reasons! Thank you</p>		1
<p>The space should be shared and cycling is a good activity to get fit, especially for some people where walking is hard.</p>		1
<p>Your bylaws are out of date and need to be Brought in line with the Equality Act 2010. To exclude cycling from any park or open space is discriminatory towards disabled people and the older and more frail Among us, who cannot walk and use other types of wheels, such as bicycles or scooters to get around. Not everyone is in a wheelchair!!! All parks should be accessible by all, not the select few. Everyone has a right to enjoy nature. I am disabled and my only option is my electric bike if I want to have a nice stroll in a park with my husband and the dog. I simply cannot go on foot. Everyone should respect each other's life and their requirements to enjoy life. If there is a cycling code of conduct that's great but perhaps have a "keep dogs on a lead" at all times as well, as the sheer volume of Dogs off lead is quite dangerous. I am sick of irresponsible dog owners pets chasing my dog and bounding up to us and jumping up also as they can hurt our little dog and me!!!</p>		1
<p>Many people, myself included can cycle far further than we can walk, our bikes are a 'rolling walking stick', I currently feel excluded from much of the park.</p>		1
<p>I cannot walk the entire park but I can cycle it so cycling allows me to enjoy the entire park</p>		1
<p>Knowing that I can cycle through the park to Wanstead from my house on Park Rd means it saves me enough time to be able to cycle rather than drive a car on the roads. So it effectively removes cars from the local roads to ease congestion. Secondly, I have a medical condition in which I can't walk on my right foot and being able to cycle means less impact on the joint. It would be a pleasure to be able cycle through the park as a form of enjoyment and relaxation.</p>		1

We live locally. We do not own a car. My son is disabled, but I can carry him on my bike. Permitting cycling throughout the park would open up substantial new opportunities for us to show him more parts of the park.		1
Guidance should recognise the use of standard and non standard cycles as mobility aids.		1
Total numbers	11	13
Percentage	46	54
Overall Total	24	24
1% =	0.24	