



Equalities Impact Assessment (“EIA”) relating to:

The Trust’s proposed response to the Kennet & Avon Canal Towpath Mooring Plan (“TMP”)

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K&A Waterway Partnership sub-group (“the Partnership sub-group”)

Background

The TMP was prepared in early 2013 by the Partnership sub-group (after a series of meetings at the end of 2012) and, after a period of consultation by the Trust with users between August and November 2013, the Trust considered the TMP and consultation responses.

The Trust’s own responses to the proposals are set out in paper entitled, “*Response to the Consultation on Waterway Partnership’s Towpath Mooring Plan for the Kennet & Avon Canal west of Devizes*” dated 13 March 2014 (“the Trust’s Response paper”).

In summary, the Trust accepted several aspects of the TMP and proposes to introduce a 12 month interim arrangement with a limited range of movement for relevant boats, rather than requiring full compliance with the Trust’s legislation and guidance for boaters without a home mooring from the outset.

Purpose of EIA

The Canal & River Trust (“the Trust”) has undertaken this EIA to assess each proposal’s potential impact on people with ‘protected characteristics’ under the Equality Act 2010 (“the Act”).

Whilst the Trust is not a ‘public authority’ named in Schedule 19 to the Act, for the purposes of the Act and the Specific Duties Regulations which flow from it, the Trust recognises that it does exercise some public functions as a statutory navigation authority including in respect of boating and, when exercising those functions, the Trust is subject to the general Public Sector Equality Duty (“PSED”) under s.149(1). The Trust understands it must therefore have ‘due regard’ to the following objectives when exercising those public functions:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (s.149(1)(a));
- The need to advance equality or opportunity between persons who share a relevant protected characteristic and persons who do not share it (s.149(1)(b)). This involves having due regard to the needs to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - 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;
 - 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.
- The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it (s.149(1)(c)). This includes having due regard to the need to tackle prejudice and promote understanding (s.149(5)).



The EIA is intended to demonstrate how the Trust has had due regard to its PSED objectives above in responding to the TMP. Specifically, this EIA has been prepared to reflect the Trust's consideration of possible impacts on equalities groups arising from its proposed actions in response to the TMP and the mitigation of those impacts.

Policy aims:

The relevant charitable objects of the Trust in relation to this policy are as follows:

To preserve, protect, operate and manage Inland Waterways for public benefit

- i) For navigation;
- ii) For walking on towpaths; and
- iii) For recreation or other leisure-time pursuits of the public in the interest of their health and social welfare

The Trust's stated aims when it originally formulated the TMP were:

1. Build more constructive engagement with all segments of the boating community, developing communication strategies to build awareness of and wider respect for mooring rules to influence boater behaviour, thereby reducing dependence on legal enforcement sanctions.
2. Ensure that new 'Continuous Cruisers' are fully aware of and comply with requirements of the 1995 legislation.
3. Develop workable proposals for those Continuous Cruisers who have already established a lifestyle dependence which is not consistent with 'bona fide' navigation as a stop-gap measure to address specific local issues.
4. Review visitor mooring provision, signage, communications and monitoring procedures at relevant sites.
5. Engage local stakeholders in the development and implementation of the actions arising from the project to build consensus.

Available evidence:

The Partnership sub-group comprised representatives from a wide range of local stakeholders including leisure boaters, local boaters with no home moorings, trade boaters, anglers, members of parish councils and local authorities.

Sub-group members worked hard to engage with a very wide range of interested parties to ascertain their views and gain support and commitment for the TMP.

The Trust then consulted widely on the TMP and has taken into account all the responses received to this consultation.

Evidence gaps:

The Trust has not carried out systematic collation and analysis of the information relating to the protected characteristics of boaters and other stakeholders who may be affected by the response to the TMP.

Instead, the Trust has estimated the likely impact on boaters and other stakeholders.

The Trust will keep its actions under review, as described below.

Any feedback will be considered by the Trust and used to determine relevant actions required in order to meet its PSED objectives.



Involvement and consultation:

The Trust has published a factual report on the consultation responses to the TMP proposal (“the Consultation Report”). The findings are also summarised in section 3 of the Trust’s Response paper.

The actual / likely impact:

The Trust has gone through its proposals and estimated the likely impacts on people with each of those “protected characteristics” identified in the Act (as indicated low-medium-high):

- age (low – medium)
- being or becoming a transsexual person (low)
- married or civil partnership (low)
- being pregnant or having a child (medium)
- disability (medium)
- race including colour, nationality, ethnic or national origin (low)
- religion, belief or no religion or belief (low)
- Sex or sexual orientation (low)

The Trust has identified the following specific potential impacts on those with protected characteristics:

Boaters with disabilities, or older or pregnant boaters with limited mobility, may have more of a need to moor close to a specific location, for better access to land-based facilities etc.

Boaters with disabilities or older or pregnant boaters may find continuous navigation around the Trust’s network more physically challenging than other boaters without those protected characteristics.

Boaters with disabilities or older or pregnant boaters may be more restricted to moorings with a hard edge to facilitate getting on and off their boats. Where moorings with hard edges are limited (e.g. to visitor moorings only) in a particular area, this may put these groups at a disadvantage to other boaters.

Boaters with young children of school age may have more of a need to stay in one area close to a child’s nursery or school.

Addressing the potential impacts

To mitigate these impacts and in recognition of the fact that some boaters may have been present continuously in one place on this section of the Canal for a number of years (albeit without a home mooring), the Trust has adopted a range of movement for an interim period of 12 months that requires boats without a home mooring to travel over a range of 20km or more between Bath and Foxhangers.

The Trust does not believe that this range of movement would be sufficient to comply in full with the requirement in the Trust’s legislation and guidance to genuinely navigate throughout the licence period.

The Trust will respond to requests for reasonable adjustments from those with protected characteristics which place them at a disadvantage to other boaters in terms of complying with the Trust’s required range of movement. The Trust is willing to consider these on a case-by-case basis and make reasonable adjustments where appropriate.

The Trust also proposes to undertake a review of the accessibility of all towpath moorings on this part of the Canal, to identify suitable accessible mooring locations to mitigate any impact on those equalities groups affected by the reduction in the time they may stay at some visitor moorings.



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The Trust rejected proposals contained in the TMP (as proposed) that boaters should display their next movement intentions on their boat because the consultation feedback hi-lighted that some female boaters felt this would make them vulnerable or likely to suffer anti-social behaviour or vandalism to their boat.

Monitoring and review:

The Trust's action plan will be monitored and kept under review as follows:

- a series of key performance indicators ("KPI's") will be agreed with and reported to the Partnership sub-group on a quarterly basis, during the 12 month interim period,
- where adverse impacts on groups with protected characteristics are identified, these will be reviewed in-line with the Trust's PSED objectives and action taken to mitigate any negative impact,
- the Trust's actions will be modified as necessary and resources reviewed, taking into account what is reasonable and proportionate in light of the Trust's statutory obligations, charitable objects and policy aims.