

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

Highway Grass Cutting Phase Two

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যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Business and Environmental Services (BES)
Lead Officer and contact details	Stephen Lilgert – BES Performance and Improvement Officer
Names and roles of other people involved in carrying out the EIA	Mike Douglas – BES EIA Champion
How will you pay due regard? e.g. working group, individual officer	Individual Officer
When did the due regard process start?	August 2015

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

As part of Business and Environmental Services requirement to deliver savings as part of the

2020 North Yorkshire, a number of changes to the way in which we deliver the urban grass cutting service were proposed. This proposal was largely based around the concept of cutting only visibility splays which are areas of urban grass that are cut *only* to provide safety of visibility at junctions. Unlike rural cuts, where visibility cuts are also made around corners, the lower speeds and likelihood of parked cars mean that there is no need to cut these areas in the urban environment.

For reference an urban area is any part of the highway subject to a 40mph or lower speed limit.

There are three main streams

- Encourage local parish councils to take on the role of maintaining their own grass supported by a contribution from NYCC based on the visibility cut described above. There is the expectation that the parishes would continue to provide a full urban cut funded partly by the NYCC contribution and partly from parish precepts.
- For areas where urban grass is currently cut by an agreement with district councils, provide them with a payment based on the visibility splays. As with the parishes it would be down to the districts to provide the level of urban cutting that they see fit.
- For those parishes not covered by the above, NYCC would, through their contractor, only cut for safety at junctions. All other grass (termed amenity) would be left.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

The aim was to initially save £700k however this was deemed unachievable and revised down to £500k. During year one of this the saving was £390k. The second phase of the project looks at options to achieve the revised figure of £500k.

Section 3. What will change? What will be different for customers and/or staff?

Given that the new proposals have been in operation since April 2015, there will be no new changes however this EIA is looking at the changes retrospectively.

In the following areas, there was no change to the amount of urban grass cut and as such no impact on those with a protected characteristic.

- Parishes that undertook their own grass cutting.
- SLA agreements where the amount of urban grass cutting will remain the same.

Where the task of cutting urban grass was still performed by NYCC contractors then there was a reduction in the amount of grass that would be cut which on average amounted to 90%.

This will have the following effect on users of the urban environment

- There may be areas of the urban environment that have increased vegetation along the sides of roads that are not part of a visibility splay (i.e. near junctions)
- In some cases this vegetation might be high enough to obscure a child, a short person or person in a wheelchair. This might place the individual at risk should they attempt to cross the road.

In reality the risk is very low for a number of reasons.

It is unlikely that the vegetation will get to such a height that it would obscure even a child or someone in a wheelchair. In a lot of cases, we are finding that well before the vegetation grows to such a height the local residents cut the grass themselves for aesthetic reasons.

The reality is the set of circumstances would need to be as follows for it to have any impact.

- The location would need to be in a parish where NYCC provide only visibility cuts which as of summer 2015 was only 30% of the whole county.
- Vegetation would need to be of excessive height *and density* to obscure the person with the protected characteristic yet still be passable for said person to make it to the edge of the carriageway – something that would most likely be difficult particularly in a wheelchair.
- The location would need to be around a tight bend.
- The location would warrant a reason to cross the road at that particular point rather than a safer place nearby.
- In the case of wheelchair users, the person would need to be unaccompanied and there would need to be a safe method of getting onto the carriageway such as a dropped kerb.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

As part of phase two, additional communications with all parishes will be made that contain the following information.

- Details of the revised per/m² payment offer for parishes who undertake their own grass cutting
- Examples of the benefits of a parish undertaking its own grass cutting – specifically for those parishes who decided to remain with NYCC however to try and ensure that the reduction in rate to parishes that cut their own grass remain doing so.
- Details of how parishes might look at grouping together to get better prices for cutting grass.

In some cases this will be taking place alongside the Stronger Communities team to ensure continuity with other community based work.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

The second phase of the grass cutting has the aim of increasing the savings achieved to the revised target of £500k.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age			X	Mostly the effect would be on young children who might be short enough to be subject to the set of circumstances in section 3. Although conditions such as osteoporosis might reduce the height of older people the main reason for being shorter would be if they were in an

				unaccompanied wheelchair or a motor scooter
Disability			X	The main group would be people who primarily travel in a wheelchair or motor scooter. This reduces their height and may mean that they are subject to the circumstances in section three. However, given the average wheelchair user is at least three feet high, the vegetation would need to be very severely overgrown to have an impact.
Sex (Gender)	X			
Race	X			
Gender reassignment	X			
Sexual orientation	X			
Religion or belief	X			
Pregnancy or maternity	X			
Marriage or civil partnership	X			

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	X			
...have a low income?	X			

Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

The proposal has no additional effects on combinations of protected characteristics.

Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	✓
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<p>Explanation of why option has been chosen. (Include any advice given by Legal Services.)</p> <p>The set of circumstances that would result in any adverse impact on people with a protected characteristic have such a low probability that it is very unlikely that they will occur.</p> <p>Should a situation arise where these circumstances do occur then there is a process whereby this can be reported either to the CRC or through the Area Office HCCOs and it will be investigated and if found to be valid would be added to the grass cutting schedule.</p> <p>Additionally, it is ultimately the Council's aim to have all areas of urban grass cut by either parishes or SLA agreement. This goal, if achieved, would remove the problem as parishes and the districts retain the full cut rather than visibility only.</p> <p>The option to create a map of all potential areas where the circumstances occur would difficult to complete as it would consist of trying to work out where people with a protected characteristic might want to cross the road. A far better use of resources would be to have an efficient process whereby we can respond to requests and where necessary make changes to the urban grass cutting areas.</p> <p>For information, the changes to the urban grass cutting service have been in place for the whole of the 2015/16 growing season and no incidents of the particular set of circumstances described above have been recorded.</p>	

<p>Section 10. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)</p> <p>As with current issues related to the highway, there are number of methods by which all members of public, not just those with protected characteristics, can highlight what they consider to be problems. If not dealt with by the CRC, there are dedicated highways customer contact staff in area offices that can take on such requests/complaints.</p> <p>We will still remain in contact with the various parishes for which we cut the urban grass so there is an expectation that issues specific to urban grass cutting, which might include ones highlighted in this document, could be reported through that means.</p>
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Section 11. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Monitor and respond to any specific visibility issues relating to the reduction in grass cutting	Area offices working with calls from CRC or directly to highways HCCOs and the network asset team	As and when requested	On-going	Where calls are through the CRC then these will be monitored as usual. Any ad-hoc works for changes to the grass cutting regime will be recorded in Symology.

Section 12. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The summary is that phase two of the grass cutting project continues with its key aims.

- Re-negotiating the m² or linear meter price with the NYCC contractor or alternative
- Re-negotiating the m² price with the districts as part of the SLA contract
- Continued encouragement, through community engagement, for parishes to cut their own grass
- Where NYCC cut the urban grass in any parish, continue to cut visibility splays only
- Monitor customer calls to pick out those that might relate to issues with protected characteristics and urban grass cutting.

The reason being that the set of circumstances that would warrant action with respect to altering the grass cutting regime to fully mitigate any effect on people with protected characteristics are unlikely. The decision not to pro-actively identify the locations where there might be the set of circumstances would require revisiting existing plans to mark up the visibility splays at bends has the following justification.

- The changes to the urban grass cutting service have been in place for the whole of the 2015/16 growing season and no incidents of the particular set of circumstances described earlier have been recorded.
- A flexible approach to the resolution of complaints from people with protected characteristics provides sufficient mitigation to the very low possibility of adverse impact.

Section 13. Sign off section

This full EIA was completed by:

Name: Stephen Lilgert

Job title: Performance and Improvement Officer

Directorate: Business and Environmental Services

Signature:

Completion date: 1.10.15

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 1.10.15