

# Impact Assessment

Version 2016

<b>Assessment of:</b>	Highway Safety Policy vers 6.0
<b>Service:</b>	Highways, Capital Development and Waste Management

<b>Head of Service:</b>	David Whitton
<b>Date of sign off by Head Of Service/version:</b>	29/04/2016
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## Section 1 - Background

<b>Description:</b>	The impact of amending the Highway Safety Inspection Manual vers 5.0 – Rev April 2013
<b>Reason for change and options appraisal:</b>	<p>A draft revision of the NCoP renamed 'Well-managed Highway Infrastructure' recommends highway authorities adopt a risk-based approach in accordance with local needs, priorities and affordability when developing policy. The current Highway Safety Inspection Policy has been subject to various trial policy changes implemented in December 2015. Following these trial changes the policy has been further developed to include a more active risk assessment approach to highway safety inspections so that defect repairs can be focussed on the highest priorities in the interest of network safety, improved network resilience and efficient working.</p> <p>The option appraised is to adopt a risk based approach when determining an appropriate response to defects within the highway that may pose a danger or serious inconvenience to all highway users. This process is adopted by other Highway Authorities but applied in different ways.</p>

## Section 2 - Key impacts and recommendations

Social/equality impacts:	Extended response time will mean defects may be present within the highway for longer periods of time. This may increase the risk that more vulnerable members of the community may be adversely affected. To mitigate this the risk assessment process takes into consideration all factors, for example if a defect was located near a school or centre for the visually impaired a more urgent response time would be the likely outcome.
Environmental impacts:	No negative environmental impacts have been identified; the use of additional materials when undertaking repairs will be negated by the reduction in repeat visits and repairs.
Economic impacts:	The changes to policy will assist in reducing disruption to traffic flow by allowing for a more planned and programmed response. This is further supported by providing longer lasting repairs on footways in town centres.
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	There is a potential for some pressure to be applied to other highway maintenance budgets when dealing with a long term solution. Some policies may need to be revised to ensure continuity and end user delivery.
How will impacts and actions be monitored?	Budget and performance monitoring will be undertaken through KPI's and auditing or works, monitoring highway claims and delivery of inspections. These results are presented to the senior management team.

## Section 3 - Profile and views of stakeholders and people directly affected

People affected:	<p>The service is used by anyone who travels on the public highway in Devon, whether that is on foot, cycle, horse, or using motorised transport.</p> <p>The public highway consists of 12,820km of road, 2895km of footway, 845km of cycle routes and 3500 bridges</p>
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	5400 km of Public Rights of Way (PROW).
Diversity profile and needs assessment of affected people:	As above
Other stakeholders:	Term maintenance contractor  Staff  County Solicitors Office, Claims Manager and Insurers
Consultation process:	<p>Prior to trials taking place the general theme of a risk based approach and the challenges associated with dealing with highway safety defects were discussed as part of the annual Devon Highways Parish Conferences in the Autumn of 2015. Key feedback received on the matter included the desire to see more focus on solving underlying problems, permanent repairs and in some instances changing the materials/method used in repair. Examples included, where appropriate, the replacement of paving slabs with a bituminous material to reduce scope for tripping and use of jet patching to minimise the duration of a road closures.</p> <p>Throughout the project, consultation has been undertaken with the County Solicitor, Devon's insurer's Solicitors Browne Jacobson, officers within Devon Highways at a series of team days in 2015 and our term maintenance contractor South West Highways.</p>
Research and information used:	<p>Benchmarking has been undertaken in relation to defect intervention levels, response times and inspection policy and procedure. Highway Safety Inspection manuals from the following authorities have been reviewed and benchmarked:</p> <ul style="list-style-type: none"> <li>• Cornwall Council</li> <li>• Torbay Council</li> <li>• Somerset County Council</li> <li>• Dorset County Council</li> </ul>

- Gloucestershire County Council
- Leicestershire County Council
- Essex County Council
- South Gloucestershire County Council
- Cumbria County Council
- Norfolk County Council
- Staffordshire County Council
- Swindon Borough Council.

A risk based approach has been used by other authorities nationally; the current system being developed has adapted a risk matrix and response table currently used by Staffordshire County Council. This table has also been developed using the 'Devon Way' of risk management.

The proposals are in accordance with the recommendations of the Code of Practice on the adoption of a risk based approach.

The proposals are designed to ensure that Devon complies with its duty as a Highway Authority for maintenance of the public highway.

# Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

## Section 4a - Social Impacts

### Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	Describe any needs and actual or potential negative consequences (e.g. disadvantage or community tensions) for the groups listed.  (Consider how to mitigate against these).	Describe any needs and actual or potential neutral or positive outcomes for the groups listed.  (Consider how to advance equality/reduce inequalities as far as possible).
All residents (include generic equality provisions):	A risk based approach to determine response times considers the likelihood and impact a defect may have on all highway users and those affected. This assessment determines the degree of risk and assigns an appropriate and measured response.  Through training staff will be better placed to respond accordingly with a degree of flexibility not available with the current policy.	Repairs may be undertaken quicker through being able to assess the risk based on the dynamic process.
Age:		
Disability (incl. sensory,	Old people and people with mobility impairment are	

<p>mobility, mental health, learning disability, ill health) and carers of disabled people:</p>	<p>vulnerable to trips on the highway and the service is aware the consequences of falls for such groups</p>	<p>that require investigation. This enables those that pose a danger to be dealt with expeditiously. The policy enable the collection of data on the frequency of defect formation, and this data is used to prioritise works programmes that are designed to improve network resilience thus reducing the frequency of defect formation.</p>
<p>Culture and ethnicity: nationality/national origin, skin colour, religion and belief:</p>	<p>None identified.</p>	<p>None identified.</p>
<p>Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women’s right to breastfeed).</p>	<p>None identified.</p>	<p>None identified.</p>
<p>Sexual orientation and marriage/civil partnership:</p>	<p>None identified.</p>	<p>None identified.</p>
<p>Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, ‘digital exclusion’ and rural isolation.</p>	<p>None identified.</p>	<p>None identified.</p>

Human rights considerations:	None identified.	None identified.
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## Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process for permitted development highway schemes.
	Planning Permission under the Town and Country Planning Act (1990).
	Strategic Environmental Assessment under European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment".

	<b>Describe any actual or potential negative consequences.</b> <b>(Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes.</b> <b>(Consider how to improve as far as possible).</b>
Reduce waste, and send less waste to landfill:	Civil engineering processes may produce waste. The spoil from works and materials that cannot be reused may result in waste going to landfill.	In the longer term permanent repairs will reduce further waste and debris from failed repairs. The use of recycled materials is continually being reviewed and unused materials stored at depots could be used.
Conserve and enhance biodiversity (the variety of	None identified.	None identified.

living species):		
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	None identified.	The revised policy enhances the standing of historic features to ensure they are maintained and considered independently of any standard investigatory criteria.
Conserve and enhance the quality and character of our built environment and public spaces:	None identified.	The revised policy enhances the standing of historic features to ensure they are maintained and considered independently of any standard investigatory criteria.
Conserve and enhance Devon's cultural and historic heritage:	None identified.	The revised policy enhances the standing of historic features to ensure they are maintained and considered independently of any standard investigatory criteria.
Minimise greenhouse gas emissions:	None identified.	None identified.
Minimise pollution (including air, land, water, light and noise):	None identified.	None identified.
Contribute to reducing water consumption:	None identified.	None identified.
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense	None identified.	None identified.

storms; and rising sea level):		
Other (please state below):	None identified.	None identified.

### Section 4c - Economic impacts

	<b>Describe any actual or potential negative consequences. (Consider how to mitigate against these).</b>	<b>Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).</b>
Impact on knowledge and skills:	None identified.	Highway Inspectors and those involved in the delivery of Safety Inspections will require specialist training. This has already started with risk assessment training and is being further supported by testing the proposed approach to assessing defects and using this to compare outcomes and develop knowledge before the formal implementation.
Impact on employment levels:	None identified.	None identified.
Impact on local business:	None identified.	None identified.

### Section 4d - Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	None identified.
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### Section 5 - 'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?

The changes relate to policy. The works that result will form part of the existing TMC dated to 31/4/17. The social value of the service beyond has been included in the IA for the Future Highways procurement.