

City of York Council Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Place		
Service Area:	Environmental Services – Public Realm		
Name of the proposal :	Service Developments – Public Realm		
Lead officer:	Ben Grabham; Head of Environmental Services		
Date assessment completed:	14 th February 2024		
Names of those who contributed to the assessment :			
Name	Job title	Organisation	Area of expertise
Ian Hoult	Head of Fleet and Operations	City of York Council	Fleet/Operations
Dave Meigh	Strategy and Contracts Manager	City of York Council	Public Realm management, arboriculture
Edward Bland	Strategy and Development Manager	City of York Council	Public Realm Operations Management

Step 1 – Aims and intended outcomes

EIA 02/2021

1.1	<p>What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>The Council is considering adopting some revised approaches to the management of verges, open spaces and weed control across the city. This is the result of a review of the Public Realm service and to ascertain if there is a better way to manage the Council's assets and approaches in order to achieve our environmental commitments.</p>
1.2	<p>Are there any external considerations? (Legislation/government directive/codes of practice etc.)</p>
	<p>The Council has a duty to maintain the highway under section 41 of the Highways Act 1980. Grass verges are considered to form part of the highway. In addition, the Council has a power to maintain grass verges and to ensure that anything on the verge does not hinder the reasonable use of the highway by any person entitled to use it, or cause nuisance or injury to the owner or occupier of premises adjacent to the highway.</p> <p>Public Realm are the outdoor spaces in our city and villages which are publicly accessible; this includes roads, paths, verges, parks, stray and play areas. Highways and Public Realm teams manage these spaces across the city. There are some proposed immediate changes and trials which reduce our impact on the environment and sets out a number of options in relation to verge management and grass cutting, planting and opportunities to improve biodiversity and reduce our impact on the environment.</p>
1.3	<p>Who are the stakeholders and what are their interests?</p>
	<p>All residents of York are considered to be stakeholders. The Council has a duty to manage its highway and footway network effectively, but this has to be balanced with a move to protect the environment and seek to reduce where possible, the amount of glyphosate used across the city. The Council also has to protect the visual amenity of the city.</p>

1.4	What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan and other corporate strategies and plans.
	<p>In the Council Plan, there is a key core commitment to the climate. This commitment is about understanding and reducing our impacts on the environment and enhancing it. One of the priorities identified within the Council Plan is to “increase biodiversity and plant an additional 4,000 trees across the city” and another is to “understand and consider the climate and biodiversity impacts when taking council decisions”. At full Council in July 2023, a motion was passed on safeguarding York’s future and recognised that the ‘ecological crisis should be tackled shoulder to shoulder with the climate crisis through a more joined up approach, with a focus on reversing the destruction of nature by 2023, not just halting it’. The Council committed to deliver actions that deliver on the Pollinator Strategy to achieve a measurable increase in biodiversity.</p> <p>In March 2023, the Council adopted a 10-year Climate Strategy that outlines the commitment to “protect green spaces, for less air pollution and an increase in biodiversity”. In addition, the Council adopted a Pollinator Strategy in 2021 with a commitment to “ensuring the Council will consider the needs of pollinators in the delivery of its duties and work. CYC will seek to protect and increase the amount and quality of pollinator habitat and manage its greenspace to provide greater benefits for pollinators. We will ensure local people are provided with opportunities to make York more pollinator friendly”. There was also a specific objective to increase the value of parks and other green spaces for pollinators. There was a further objective to reduce the use of glyphosate with trials. In 2019, the Council declared a Climate Emergency and committed to a target of making York carbon neutral by 2030.</p>

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	Source of data/supporting evidence	Reason for using
	Internal work at the City Council	Officers in Public Realm have worked closely with colleagues in Public Health teams and the Council’s Ecologist in developing these proposals.

Partners and interested parties	Officers and Executive Members have talked to city partners at a range of meetings including the re-launch of the York Climate Commission on 11 th January 2024, including St Nick's, York Cares, City Nature Challenge, University of York and will continue to work together where possible for the benefit of the environment. The Council has also sought information and advice from the Pesticide Action network (PAN) and Friends of the Earth.
Other organisations	Work has been undertaken with Yorkshire Wildlife Trust (YWT) and the Environment Agency to understand their current approaches to weed control and any other future options they may be considering.
Comparison to other local authorities	The Council has sought to learn from experiences in other local authorities to share best practice, seek information and advice on various matters contained within the report..

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
	Gaps in data or knowledge	Action to deal with this
	<ul style="list-style-type: none"> The Council will not be expected to know or record which residents decide to remove weeds manually. The Council will need to understand the impact on biodiversity of some of the proposals contained within the report 	<p>The Council, through its management of the weed contract will only permit spraying where weed growth is present.</p> <p>There are devices which can monitor insect biodiversity that the Council have trialled and these should be focused on these trial areas. The Council is also aware of citizen science projects that have already taken place to establish biodiversity and follow up work on these trial areas below is welcomed.</p>

Step 4 – Analysing the impacts or effects.

4.1	<p>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</p>		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	The Council has a duty to ensure that it maintains pavements that are clear of obstruction so there are no adverse impacts in terms of people who may have visual or mobility issues. Should these changes to weed control and/or grass cutting cause obstructions, an immediate review will need to be undertaken in terms of accessibility.	(0)	
Disability	The Council has a duty to ensure that it maintains pavements that are clear of obstruction so there are no adverse impacts in terms of people who may have visual or mobility issues. Should these changes to weed control and/or grass cutting cause obstructions, an immediate review will need to be undertaken in terms of accessibility.	(0)	
Gender	n/a	(0)	
Gender Reassignment	n/a	(0)	
Marriage and civil partnership	n/a	(0)	
Pregnancy and maternity	The Council has a duty to ensure that it maintains pavements that are clear of obstruction so there are no adverse impacts in terms of people who may have visual or mobility issues. Should these changes to weed control and/or grass cutting cause obstructions, an immediate review will need to be undertaken in terms of accessibility.	(0)	

Race	n/a	(0)	
Religion and belief	n/a	(0)	
Sexual orientation	n/a	(0)	
Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	n/a	(0)	
Low income groups	n/a	(0)	
Veterans, Armed Forces Community	n/a	(0)	
Other	n/a	(0)	
Impact on human rights:			
List any human rights impacted.	n/a		

Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them

- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p>High impact (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p>Medium impact (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p>Low impact (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<p>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</p>
<p>The Council has a duty to ensure that it maintains pavements that are clear of obstruction so there are no adverse impacts in terms of people who may have visual or mobility issues. In the report the Council has identified some proposals to trial arrangements in relation to the management of verges and weed control. Should these changes to weed control and/or grass cutting cause obstructions, an immediate review will need to be undertaken in terms of accessibility.</p>	

Step 6 – Recommendations and conclusions of the assessment

6.1	<p>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</p>
<p>- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal – the EIA demonstrates the proposal is robust.	<p>There are not perceived to be any adverse impacts of the proposed changes within the report.</p> <p>However, there is a clear commitment that should these changes to weed control and/or grass cutting cause obstructions, an immediate review will need to be undertaken in terms of accessibility.</p>

Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
Accessibility	Should these changes to weed control and/or grass cutting cause obstructions, an immediate review will need to be undertaken in terms of accessibility.	Head of Environmental Services	Ongoing

Step 8 - Monitor, review and improve

8.1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	<ul style="list-style-type: none"> • The Council will undertake monitoring in respect of the weed contract for each spray. • The Council will monitor trial sites to assess the biodiversity impact of the proposals. • The Council will keep abreast of any developments relating to weed control treatments and there is provision to undertake trials in the future if new technologies emerge. • The Council will assess the trials to see if schemes can be rolled out in other areas in the future.