




Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)	 Somerset Council		 NHS Somerset		 NHS Somerset <small>NHS Foundation Trust</small>	
Version	3		Date Completed	03/01/25		
Description of what is being impact assessed - Post Consultation Proposals for Rights of Way						
<p>A reduction in service levels for Rights of Way services which may arise from a reduction in the workforce as a result of the council's proposed new staffing structure.</p> <p>The structure proposed for consultation, was to reduce the workforce in the rights of way team by about 45% overall from the current 24 FTE posts; including: Reducing the number of senior officers responsible for the teams delivering work on the definitive map modifications, rights of way bridges, and network maintenance & development by combining three posts into one; reducing the capacity in rights of way area wardens by about 43% (from 7 to 4), reducing modifications and commons officers by about 40% (from 5 to 3) and deleting two other rights of way officer posts. The EIA associated with those proposals is set out in Version 2.</p> <p>Following consultation with staff and unions it is now proposed (subject to formal decision processes) to retain several of the posts originally proposed to be deleted although some reduction in staff is still proposed. The proposed reduction in resource now comprises: Reducing the number of senior officers responsible for the service by combining three posts into two (rather than one) with a split in responsibility between legal and operational matters; reducing the capacity in rights of way area wardens by about 14% (from 7 to 6 rather than 4), reducing modifications and commons officers by about 60% (from 5 to 2 rather than 3) and deleting one rights of way officer post rather than two.</p> <p>The changes to the proposals are designed to mitigate the levels of risk associated with the workforce reductions and retains more of the specialist senior capacity on legal matters and operational matters; and retains more area warden capacity which is most directly associated with managing day to day risk of harm on the rights of way network. The new proposal does retain current levels of resource for engagement with new development proposals and planning applications but does considerably reduce</p>						

capacity to deal with modifications to the rights of way network.

Likely broad impact of the proposals:

Work will be undertaken by April 2025 to establish service levels that reflect the new resourcing level and to compare with other authorities.

The broad impact of the proposed savings will be that the backlog of applications to modify the Definitive Map is likely to increase significantly along with associated appeals for non-determination and directions from the planning inspectorate. There will also be a reduction in capacity to undertake network maintenance and development so response times will increase when issues have been raised or notices served in relation to obstructions and temporary closures, and that the caseload will need to be prioritised in relation to our duty of care and risk to public safety. The period of temporary closures will also lengthen in many cases and will be met with resistance from Department for Transport with regard to authorising of extensions thereby increasing the Council's exposure to insurance claims.

Activity that will be affected:

Modification to the definitive map and commons registration queries: Reduction in three modifications and commons officers (60% reduction). The Council has a statutory duty to maintain the Definitive Map and Statement of rights of way through legal processes. The team reviews and keeps this up to date through legal events and updating of records. The team maintains and keeps up to date registers for s31 Highways Act 1980 deposits and s53 Wildlife & Countryside Act 1981 modification applications and determines definitive map modification applications based on historical and user evidence in line with the adopted Statement of Priorities. In recent years there has been an increase in applicants appealing to the Planning Inspectorate that the Council has not determined applications to modify the definitive map within 12 months, leading to an increase in instances of the Inspectorate issuing a direction to the Council to complete the process. There are currently 382 applications which have not been determined (resolved and completed), with 55 directions from the Inspectorate since 2016 (24 of which remain undetermined). The proposed reduction in capacity will likely lead to a much larger backlog. Officers currently each determine around 3 cases per year (amongst other tasks) so the reduction in capacity will reduce the number of cases determined annually from about 15 to 6. The risk of not investigating thoroughly, or of choosing not to defend our decisions at the appeal / objection stage is that rights of way go unrecorded and are unavailable to the public, or we become liable for the maintenance of routes which should not have been added to the definitive map. In most cases, once a route is added we are responsible for maintenance in perpetuity, creating an ongoing year on year cost for the council. The reduction in capacity will also impact on the timeliness of referring opposed orders to the Planning Inspectorate.

Network maintenance and development: Reduction in one senior officer and one area warden. The Council has a legal

obligation to ensure the rights of way network is available to use safely under the Highways Act 1980, thereby contributing to the percentage of the network that is considered 'easy to use'. There are over 6000km of public rights of way across Somerset comprising 4700+ bridges and 36,000+ other structures and assets (stiles, gates, signposts, drainage assets, etc). The team delivers a revenue funded programme to fulfil statutory duty to keep the network in repair and free of obstruction (includes a delegation agreement with Exmoor National Park) and a capital programme to ensure repair and replacement of structures and larger bridges. The team helps to provide more accessible gates (instead of stiles) and bridges which are wider with gates and ramps instead of steps where possible, thereby making the network incrementally more accessible to those with mobility difficulties. This is in line with our duty under the Equalities Act 2010. The Service also administers a number of volunteer schemes with assets, eg: strimmers, to help keep the network open. The public can serve notice on the council to take action to remove certain obstructions from public rights of way.

Development Planning advice: Capacity is proposed to be retained at current levels for this activity.

Evidence

What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#),, should be detailed here

There are currently 51 applications to modify the Definitive Map that rely on 5 or more user evidence forms. Additional delay to determining these applications impacts on the Age protected group as there is an increasingly likelihood that users will be unable to have their evidence heard or cross-examined where there is an opposed order or an appeal against refusal.

Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?

No consultation undertaken with protected groups at this stage as proposed staff reduction is in consultation stage with affected staff.

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> Reduced service levels may impact on older people who may be more affected by the longer time taken to make necessary repairs or remove obstructions since they may find it harder than others to navigate the right of way whilst in that condition due to lower fitness levels, and may be more reliant on mobility aids. Older people may be more likely to trip and fall as a result of outstanding repairs. User evidence for modification applications could also be lost due to increased delays. 	☒	☐	☐
Disability	<ul style="list-style-type: none"> Reduced service levels may impact on people with mobility disabilities such as wheelchair users who may find there are more barriers to accessing rights of way than there are with current service standards. 	☒	☐	☐
Gender reassignment	<ul style="list-style-type: none"> None identified 	☐	☒	☐
Marriage and civil partnership	<ul style="list-style-type: none"> None identified 	☐	☒	☐

Pregnancy and maternity	<ul style="list-style-type: none"> None identified 	□	⊗	□
Race and ethnicity	<ul style="list-style-type: none"> None identified 	□	⊗	□
Religion or belief	<ul style="list-style-type: none"> None identified 	□	⊗	□
Sex	<ul style="list-style-type: none"> Reduced service levels may impact on women who may be more likely to be using pushchairs who may find there are more barriers to accessibility than there are with current service standards. 	□	⊗	□
Sexual orientation	<ul style="list-style-type: none"> None identified 	□	⊗	□
Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> None identified 	□	⊗	□
Other, e.g. carers, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> May impact on those that care for disabled people as it may impact on disabled peoples independence should rights of way no longer be accessible. May impact on people living in rural areas who may be more likely to experience longer timescales for implementing repairs, removing obstructions or temporary closures following the 	⊗	□	□

	introduction of new service levels.			
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Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Revise and publish service standards in the Rights of Way Safety Inspection Manual	31/03/2025	Pete Hobley	Key Decision	<input type="checkbox"/>
Implement new customer access procedures to reduce demand for officer time spent on lower priority issues and progress enquiries. This will enable officer time to be deployed on highest risk issues.	31/03/2025	Andrew Turner	Project Board	<input type="checkbox"/>
Review and update mechanisms to enable disability groups to inform service priorities (e.g. identifying particularly significant routes etc) to include as part of revised service standards.	28/02/2025	Pete Hobley	Project Board	<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

Actions above will seek to minimise negative impacts and ensure remaining offer time is deployed on dealing with highest risk issues, but some negative impacts are likely to remain given the proposed scale of the capacity reduction.

Completed by:	Mike O'Dowd-Jones
Date	03/01/25
Signed off by:	Mike O'Dowd-Jones
Date	03/01/25
Equality Lead sign off name:	Tom Rutland
Equality Lead sign off date:	06/01/2025
To be reviewed by: (officer name)	Andrew Turner
Review date:	31 March 2025