

Cyngor Sir Powys County Council

Impact Assessment (IA)

The integrated approach to support effective decision making



Please read the accompanying guidance before completing the form.

This **Impact Assessment (IA)** toolkit, incorporates a range of legislative requirements that support effective decision making and ensure compliance with all relevant legislation. **Draft versions of the assessment should be watermarked as “Draft” and retained for completeness. However, only the final version will be made publicly available. Draft versions may be provided to regulators if appropriate. In line with Council policy IAs should be retained for 7 years.**

Service Area	Countryside Services & Outdoor Recreation	Head of Service	Nina Davies	Director	Nigel Brinn	Portfolio Holder	Cllr Aled Davies
Proposal	To adopt a revised protocol for authorisation of motorsport events affecting public rights of way, under section 33 of the Road Traffic Act 1988						
Outline Summary / Description of Proposal							
The Council recognises that motorsport events bring benefits to the local economy and that mid-Wales has a reputation as an excellent venue for hosting such events. These motorsport events will frequently need to utilise footpaths, bridleways and restricted byways as part of their routes. The Council has a direct role in providing section 33 Road Traffic Act 1988 (s.33 RTA88) authorisations to motorsport events that cross or pass along public footpaths, bridleways and restricted byways.							
It is proposed that a revised protocol be implemented for authorising these events. The revisions are being made to safeguard the future of motor sports within the county, whilst at the same time ensuring statutory compliance. The concerns about the existing protocol relate to management of public safety during an event and the associated liabilities.							

1. Version Control (services should consider the impact assessment early in the development process and continually evaluate)

Version	Author	Job Title	Date
1	Sian Barnes	Acting Professional Lead, Countryside Access and Recreation	17/11/2019

2. Profile of savings delivery (if applicable)

2018-19	2019-20	2020-21	2021-22	2022-23	TOTAL
£N/A	£ N/A	£ N/A	£ N/A	£ N/A	£ N/A

3. Consultation requirements

Consultation Requirement	Consultation deadline/or justification for no consultation
Public consultation required	Consultation with public rights of way user groups, motorsport organisations and representatives has already been completed.

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4. Impact on Other Service Areas

Does the proposal have potential to impact on another service area? (Have you considered the implications on Health & Safety and Corporate Parenting?) PLEASE ENSURE YOU INFORM / ENGAGE ANY AFFECTED SERVICE AREAS AT THE EARLIEST OPPORTUNITY		
Adult Services <input type="checkbox"/>	Education <input type="checkbox"/>	Legal and Democratic Services <input checked="" type="checkbox"/>
Children's Services <input type="checkbox"/>	Finance <input type="checkbox"/>	Property, Planning and Public Protection <input type="checkbox"/>
Commissioning <input type="checkbox"/>	Highways, Transportation and Recycling <input checked="" type="checkbox"/>	Strategy, Performance and Transformation Programmes <input type="checkbox"/>
Customers and Communications <input type="checkbox"/>	Housing and Community Development <input type="checkbox"/>	Workforce and OD <input type="checkbox"/>
Data Protection Impact Assessment		
Will the proposal involve processing the personal details of individuals? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Is Powys County Council the data controller? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
If you have answered yes to either of the above you will be required to complete, as a minimum, the screening questions on the data protection impact assessment. For further advice please contact the Data Compliance Team.		

4a Geographical Locations

What geographical area(s) will be impacted by the proposal? (Chose all those applicable)			
Powys <input checked="" type="checkbox"/>	Brecon <input type="checkbox"/>	Llandrindod and Rhayader <input type="checkbox"/>	Machynlleth <input type="checkbox"/>
North <input checked="" type="checkbox"/>	Builth and Llanwrtyd <input type="checkbox"/>	Llanfair Caereinion <input type="checkbox"/>	Newtown <input type="checkbox"/>
Mid <input checked="" type="checkbox"/>	Crickhowell <input type="checkbox"/>	Llanfyllin <input type="checkbox"/>	Welshpool and Montgomery <input type="checkbox"/>
South <input checked="" type="checkbox"/>	Hay and Talgarth <input type="checkbox"/>	Llanidloes <input type="checkbox"/>	Ystradgynlais <input type="checkbox"/>
	Knighton and Presteigne <input type="checkbox"/>		

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5. How does your proposal impact on the council's strategic vision?

Council Priority	How does the proposal impact on this priority?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
The Economy We will develop a vibrant economy	The overall impact would be neutral. Motorsport events are known to bring economic benefits to the county, through increased visitor numbers and jobs directly and indirectly associated with the event. The proposal safeguards the future of those events and ensures that safety and liability concerns are addressed. The proposals would result in some increased cost for event organisers for temporary closures, but these are considered modest and not likely to impact on the viability of events. Temporary closures for affected public rights of way could negatively impact on the local economy, via reduced tourism due to the inconvenience that may be caused.	Neutral	Alternative routes will be considered for affected public rights of way to ensure that safe and enjoyable routes are available to the public during an event, to minimise inconvenience.	Good
Health and Care We will lead the way in effective, integrated rural health and care	The proposal would result in suspension of public rights of way for short periods during a motorsport event, so could have an adverse impact on preventive healthcare by reducing opportunities for physical activity in the outdoors.	Poor	The suspension of public rights of way would be short term – no more than 5 days – and alternative routes will be identified wherever possible to mitigate against adverse impacts.	Neutral
Learning and skills We will strengthen learning and skills		Unknown		Choose an item.

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Council Priority	How does the proposal impact on this priority?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
Residents and Communities We will support our residents and communities	The impacts for residents may be positive, if they enjoy watching or taking part in motorsport events, or benefit from a job associated with the event or the tourism that it brings, as they would safeguard the event. Alternatively, residents may feel that an event in their locality causes them inconvenience. However, the proposals do not change the frequency of events or their locations. The proposals ensure that safety requirements in relation to public paths are more actively considered and alternatives provided, so the overall impact is considered to be neutral as compared to the existing situation.	Neutral		Choose an item.
Source of Outline Evidence to support judgements				
Consultation responses from path user groups, motorsport organisations and representatives .GOV.UK website article about motorsport events at https://www.gov.uk/government/news/motor-racing-boost-to-english-tourism The Economic Impact of Outdoor Activity Tourism in Wales report, Final Report, Visit Wales, March 2014 Regulatory Impact Assessment: Proposal to Authorise Motor Sport Events on Public Roads (12 th May 2014) at https://www.gov.uk/government/consultations/proposal-to-authorise-motor-sport-events-on-public-roads				

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6. How does your proposal impact on the Welsh Government's well-being goals?

Well-being Goal	How does proposal contribute to this goal?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
<p>A prosperous Wales: An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.</p>	<p>The overall impact would be neutral. Motorsport events are known to bring economic benefits to the county through increased visitor numbers and jobs directly and indirectly associated with the event. The proposal safeguards the future of those events and ensures that safety and liability concerns are addressed. The proposals would result in some increased cost for event organisers for temporary closures, but these are considered modest and not likely to impact on the viability of events. Temporary closures for affected public rights of way could negatively impact on the local economy via reduced tourism due to the inconvenience that may be caused.</p>	<p>Neutral</p>	<p>Alternative routes will be considered for affected public rights of way to ensure that safe and enjoyable routes are available to the public during an event, to minimise inconvenience.</p>	<p>Good</p>
<p>A resilient Wales: A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).</p>	<p>Motorsport events may impact adversely on designated sites e.g. SSSIs and are already subject of statutory consultation with Natural Resources Wales to identify impacts and mitigation. The proposals do not change this, so are considered to have a neutral impact on biodiversity as compared to the current situation.</p>	<p>Neutral</p>	<p>Natural Resources Wales would be consulted at an earlier stage under the new protocol, so allowing more time to identify adverse impacts and put mitigation in place.</p>	<p>Good</p>
<p>A healthier Wales: A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood. Public Health (Wales) Act, 2017: Part 6 of the Act requires for public bodies to undertake a health impact assessment to assess the likely effect of a proposed action or decision on the physical or mental health of the people of Wales.</p>	<p>The impact of suspending public rights of way during an event could have a negative impact on physical and mental wellbeing, by reducing the opportunities for physical activity in the outdoors.</p>	<p>Poor</p>	<p>The suspension of public rights of way would be short term – no more than 5 days – and alternative routes will be identified wherever possible to mitigate against adverse impacts.</p>	<p>Neutral</p>

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Well-being Goal	How does proposal contribute to this goal?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
<p>A Wales of cohesive communities: Attractive, viable, safe and well-connected Communities.</p>	<p>The overall impact is neutral. Motorsport events may take place in remote, rural areas e.g. forestry or may have stages that start in, or pass through towns or villages. Events can form a focus for communities that allow for involvement and enjoyment, thus increasing community cohesion.</p> <p>However, suspension of public rights of way may have a negative effect, if popular local paths are closed and this impacts on tourism and local use.</p>	Neutral	<p>Suspension of public rights of way will be of very short duration – generally not more than one day – and alternative routes will be provided wherever possible. Path user groups and others will be consulted prior to the suspension taking effect, to allow opportunity for particular concerns to be raised and resolved and for the community to make preparations for any adverse impact.</p>	Good
<p>A globally responsible Wales: A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.</p> <p>Human Rights - is about being proactive (see guidance)</p> <p>UN Convention on the Rights of the Child: The Convention gives rights to everyone under the age of 18, which include the right to be treated fairly and to be protected from discrimination; that organisations act for the best interest of the child; the right to life, survival and development; and the right to be heard.</p>	<p>Motorsport events may have a negative impact on emissions and resource use, through increased activity by motor vehicles in remote, rural areas. The events may cause damage to the surface of public rights of way, which could negatively impact on opportunities for low-carbon travel.</p>	Poor	<p>The protocol includes a requirement that event organisers meet the cost of any damage to the surface of public rights of way that is caused by their event. The revised protocol will not increase the number of motorsport events held per year in itself; it will simply ensure that they are managed more safely in relation to public access.</p>	Neutral
<p>A Wales of vibrant culture and thriving Welsh language: A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.</p>				
<p><i>Opportunities for persons to use the Welsh language, and treating the Welsh language no less favourable than the English language</i></p>	<p>The signage for temporary closures of public paths is bilingual. Guidance notes for the new protocol will be produced in Welsh.</p>	Neutral		Choose an item.
<p><i>Opportunities to promote the Welsh language</i></p>		Unknown		Choose an item.

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Well-being Goal	How does proposal contribute to this goal?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
<i>People are encouraged to do sport, art and recreation.</i>	By safeguarding the future of motorsport events in the county, the impact on the ability of people to enjoy motorsport as recreation (as a spectator or participant) will be positive. The impact on users of public rights of way may be negative if paths are temporarily closed, so the overall impact is poor.	Poor	Alternative routes will be provided wherever possible for public rights of way that are closed. These will be located to minimise adverse effects of the event on enjoyment of the paths.	Neutral
A more equal Wales: A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).				
<i>Age</i>		Unknown		Choose an item.
<i>Disability</i>	In choosing alternative routes for public rights of way that are temporarily closed, least restrictive access principles will be applied.	Neutral		Choose an item.
<i>Gender reassignment</i>		Unknown		Choose an item.
<i>Marriage or civil partnership</i>		Unknown		Choose an item.
<i>Race</i>		Unknown		Choose an item.
<i>Religion or belief</i>		Unknown		Choose an item.
<i>Sex</i>		Unknown		Choose an item.
<i>Sexual Orientation</i>		Unknown		Choose an item.
<i>Pregnancy and Maternity</i>		Unknown		Choose an item.

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Source of Outline Evidence to support judgements

Consultation responses from path user groups, motorsport organisations and representatives
 .GOV.UK website article about motorsport events at <https://www.gov.uk/government/news/motor-racing-boost-to-english-tourism>
 The Economic Impact of Outdoor Activity Tourism in Wales report, Final Report, Visit Wales, March 2014
 Regulatory Impact Assessment: Proposal to Authorise Motor Sport Events on Public Roads (12th May 2014) at <https://www.gov.uk/government/consultations/proposal-to-authorise-motor-sport-events-on-public-roads>
 Rights of Way Improvement plan consultation responses

7. How does your proposal impact on the council's other key guiding principles?

Principle	How does the proposal impact on this principle?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
Sustainable Development Principle (5 ways of working)				
Long Term: <i>Looking to the long term so that we do not compromise the ability of future generations to meet their own needs.</i>	The revised protocol provides an approach that is resourced through full cost recovery, so can be sustained in the longer term. It allows for motorsport events to continue in a more sustainable and safe way, with the ongoing economic benefits and allows for active consideration of the impact of events on public rights of way with appropriate mitigation through alternative routes.	Good		Choose an item.
Collaboration: <i>Working with others in a collaborative way to find shared sustainable solutions.</i>	The impact is positive; a significant amount of consultation and collaboration has taken place with path user groups, motorsport organisations and representatives in preparing this protocol, to understand their views. Dialogue will be ongoing; under the revised protocol, path user groups and others will be consulted about all section 33 authorisations, which is not currently the case.	Good		Choose an item.

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Principle	How does the proposal impact on this principle?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
Involvement (including Communication and Engagement): <i>Involving a diversity of the population in the decisions that affect them.</i>	Stakeholders have been involved through the process of revising this protocol. Motorsport organisations and representatives have been instrumental in developing it. Other path user groups have been consulted to ensure that they have opportunity to contribute ideas.	Neutral	Key stakeholders will continue to be involved once the revised protocol comes into effect, as they will be consulted about any paths to be suspended each time an application is made for section 33 authorisation. They also have opportunity to contribute their views via the Powys Local Access Forum, Byways User Group and Countryside Services and Outdoor Recreation team's stakeholder working group.	Good
Prevention: <i>Understanding the root causes of issues to prevent them from occurring.</i>	Management of health and safety of motorsport events in relation to public rights of way is an ongoing concern, as path users are coming into close proximity to these events. By suspending existing public rights of way and providing alternative routes for the duration of the event, the revised protocol will address that issue to prevent problems occurring in the future.	Good		Choose an item.
Integration: <i>Taking an integrated approach so that public bodies look at all the well-being goals in deciding on their well-being objectives.</i>	There are potential tensions between motorsport events and users of public rights of way already. Event organisers may feel that members of the public using the paths during an event impacts on event management. Users of the public rights of way network are likely to feel that the event impacts on the convenience and enjoyment with which they can use public rights of way. The proposal aims to reduce these tensions by providing pro-active management of the impact of events on public rights of way and vice versa, including provision of alternative routes.	Good		Choose an item.

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Principle	How does the proposal impact on this principle?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
<p>Preventing Poverty: Prevention, including helping people into work and mitigating the impact of poverty.</p>	<p>By safeguarding the future of motorsport events within the county, the proposal would ensure the ongoing contribution that these events make to the local economy and so help to provide job opportunities, either directly or through tourism. The proposals may have a negative impact on job opportunities associated with outdoor recreation tourism associated with public rights of way, due to inconvenience caused by temporary suspension.</p>	<p>Neutral</p>	<p>Alternative routes will be provided wherever possible for public rights of way that are temporarily suspended, to mitigate against any adverse impact.</p>	<p>Good</p>
<p>Unpaid Carers: Ensuring that unpaid carers views are sought and taken into account</p>		<p>Unknown</p>		<p>Choose an item.</p>
<p>Safeguarding: Preventing and responding to abuse and neglect of children, young people and adults with health and social care needs who can't protect themselves.</p>		<p>Unknown</p>		<p>Choose an item.</p>
<p>Powys County Council Workforce: What Impact will this change have on the Workforce?</p>	<p>The process of authorising motorsports events will become more involved and time-consuming, which will have an adverse impact on staff workloads. However, legal protection to staff members would be afforded by implementing temporary closures of the affected public rights of way. There is currently a liability and corporate manslaughter risk for Council staff associated with authorising these events. This change would have a positive impact on the workforce by reducing that risk.</p>	<p>Neutral</p>	<p>Costs will be recovered for the time spent, releasing resources for other work. Event organisers will be required to submit fuller information at the outset, which will ease some pressure on officer time.</p>	<p>Good</p>

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Principle	How does the proposal impact on this principle?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
Payroll: Will this change impact negatively or positively on salary, or any overtime/enhanced payments etc? Does this proposal comply with the Councils Single Status Terms and Conditions? If the pay element for the member of staff changes, does this affect any particular group of employees? (Male/Female dominated workforce) Does this proposal comply with the Councils Single Status Terms and Conditions?	No	Neutral		Choose an item.
Welsh Language impact on staff	N/A	Neutral		Choose an item.
Apprenticeships: Has consideration been given to whether this change impacts negatively, or positively on Apprenticeships within the service?	N/A	Unknown		Choose an item.
Source of Outline Evidence to support judgements				
Discussions with staff involved in authorising motorsport events under section 33 of the Road Traffic Act 1988 Legal advice from Queen’s Counsel about legal implications and options for authorisation of these events and temporary suspension of public rights of way Consultation responses from path user groups, motorsport organisations and representatives .GOV.UK website article about motorsport events at https://www.gov.uk/government/news/motor-racing-boost-to-english-tourism The Economic Impact of Outdoor Activity Tourism in Wales report, Final Report, Visit Wales, March 2014 Regulatory Impact Assessment: Proposal to Authorise Motor Sport Events on Public Roads (12 th May 2014) at https://www.gov.uk/government/consultations/proposal-to-authorise-motor-sport-events-on-public-roads				

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8. What is the impact of this proposal on our communities?

Severity of Impact on Communities	Scale of impact	Overall Impact
Medium	Medium	Medium
Mitigation		
Those communities that regularly host motorsport events will be most heavily impacted by these proposals, both positively through increased income from tourism and negatively through any inconvenience caused by temporary closure of public rights of way. However, the impact of the events and any temporary closures of public rights of way will be very short term in duration, being usually one day and no more than 5 days in length. Prior consultation with community councils about temporary closures of public rights of way will help to mitigate against these impacts.		

9. How likely are you to successfully implement the proposed change?

Impact on Service / Council	Risk to delivery of the proposal	Inherent Risk
Medium	Medium	Medium
Mitigation		
The proposal is not difficult to implement, as current systems and processes can be adapted. However, the need to temporarily close public rights of way will impose additional workload on the service. As such, administrative systems will need to be in place to ensure that the processing of these applications is as efficient as possible.		

What are the risks to service delivery or the council following implementation of this proposal? (To be included within project risk register)

Risk Identified	Inherent Risk Rating	Mitigation	Residual Risk Rating
Legal challenge to temporary closure of a public right of way	Medium	Early communication with stakeholders and identifying suitable alternative routes	Low
Insufficient staff time to process section 33 applications and implement temporary closures in advance of an event	Medium	Ongoing review of process; ensure that full costs are met and consider whether additional staff time can be bought using income if required.	Low
Failure of event organisers to provide sufficient information to allow for authorisation of events in advance of the planned date, leading to events being cancelled and adverse publicity	Medium	Ensure good communications strategy to ensure that all events organisers are aware of the protocol. Early communication of potential problems to organisers and Council events team and escalate to senior management if required. Ongoing review of process with stakeholders to address issues and streamline process.	Low

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10. Overall Summary and Judgement of this Impact Assessment?

Outline Assessment (to be inserted in cabinet report)	Cabinet Report Reference:	
<p>The proposals would safeguard the future of motorsport events in the County, whilst allowing for more pro-active management of the health and safety risks associated with members of the public using public rights of way across the event site. Temporary closure of public rights of way would cause some short term inconvenience to public rights of way users, which would be mitigated through provision of alternative routes. The proposals would significantly reduce the liability and corporate manslaughter risks to Council staff associated with authorising these events. Overall, the impact of the changes would be positive.</p>		
Overall Risk Judgement:	Medium	

11. Is there additional evidence to support the Impact Assessment (IA)?

What additional evidence and data has informed the development of your proposal?
Officer expertise and experience in processing these applications for authorisation and management of the public rights of way network

12. On-going monitoring arrangements?

What arrangements will be put in place to monitor the impact over time?
<p>Ongoing, periodic discussions and review of impacts with:</p> <ul style="list-style-type: none"> - Local Access Forum - Countryside Services & Outdoor Recreation team's stakeholder working group - Motorsport organisers and representatives - Powys byways user group. <p>Ad hoc review of feedback from members of the public and tourism providers.</p>
Please state when this Impact Assessment will be reviewed.
December 2020

13. Sign Off

Position	Name	Signature	Date
Impact Assessment Lead:	Sian Barnes		
Head of Service:	Nina Davies		
Director:	Nigel Brinn		
Portfolio Holder:	CLlr Aled Davies		

14. Governance

Decision to be made by	Cabinet	Date required	11 th February 2020
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FORM ENDS