



## LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

**DECISIONS** to be made by the Lead Member for Transport and Environment,  
Councillor Claire Dowling

**TUESDAY, 17 NOVEMBER 2020 AT 10.00 AM**

**COMMITTEE ROOM, COUNTY HALL, LEWES**

**++Please note, the Lead Member will not be present in person, but will be taking the decisions remotely++**

### **AGENDA**

- 1 Decisions made by the Lead Cabinet Member on 19 October 2020 (*Pages 3 - 4*)
- 2 Disclosure of Interests  
Disclosure by all Members present of personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- 3 Urgent items  
Notification of any items which the Lead Member considers urgent and proposes to take at the appropriate part of the agenda.
- 4 Highway Maintenance - Consideration of Character (*Pages 5 - 20*)  
Report by the Director of Communities, Economy and Transport
- 5 Any urgent items previously notified under agenda item 3

PHILIP BAKER  
Assistant Chief Executive  
County Hall, St Anne's Crescent  
LEWES BN7 1UE

9 November 2020

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## LEAD MEMBER FOR TRANSPORT AND ENVIRONMENT

DECISIONS made by the Lead Member for Transport and Environment, Councillor Claire Dowling, on 19 October 2020 at County Hall, Lewes

++ The Lead Member was not present in person, but took the decisions remotely ++

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Councillors Nick Bennett, Bob Bowdler, Godfrey Daniel, Rupert Simmons, Richard Stogdon, and Sylvia Tidy spoke on item 4 (see minute 20)

Councillor Tom Liddiard spoke on Item 5 (see minute 21)

Councillors John Barnes, Alan Shuttleworth and David Tutt spoke on items 4 and 5 (see minute 20 and 21)

### 17 DECISIONS MADE BY THE LEAD CABINET MEMBER ON 28 SEPTEMBER 2020

17.1 The Lead Member approved as a correct record the minutes of the meeting held on 28 September 2020.

### 18 DISCLOSURE OF INTERESTS

18.1 Councillor John Barnes declared a personal interest in Item 5 as a Member of Rother District Council, but he did not consider this to be prejudicial.

### 19 REPORTS

19.1 Reports referred to in the minutes below are contained in the minute book.

### 20 PLANNING FOR THE FUTURE WHITE PAPER

20.1 The Lead Member considered a report by the Director of Communities, Economy and Transport.

#### DECISIONS

20.2 The Lead Member RESOLVED (1) to note the reforms being proposed;

(2) to note the potential implications for ESCC; and;

(3) to endorse the key points that were set out in Section 4 of the report, which will be raised in the County Council's consultation response and provide delegated authority to the Director of Communities, Economy & Transport to expand upon these points in a full written response to the consultation prior to the deadline of the 29 October 2020. It was also agreed that the County Council's consultation response should endorse the representation made by the High Weald AONB Unit, raise concern that the reforms so not seem to address the matter of landbanking and that that it is not clear how the White Paper reforms tie in with matters such as Climate Change targets and the emerging Environment Act.

#### Reasons

20.3 Some of the proposals set out could be welcomed by the County Council (e.g. abolition of the five year housing land supply requirement), although with the caveat that this is

somewhat dependent on the detail that follows in legislation and policy. Some of the proposed reforms do, on the face of it, present potential concerns and/or require some clarification.

20.4 The proposed response to the consultation set out in the report suggests what the County Council wishes to see from the planning reforms. It includes a formal and statutory strategic level of plan-making, which could be used to determine and set binding targets for housing growth, as well as setting out a broad strategy for distribution and what strategic infrastructure will be necessary alongside this. The reforms should also allow for increased scope around the use of planning conditions to secure site specific infrastructure (in the absence of S.106 agreements) and it is suggested that the provision of affordable housing is dealt through a separate funding stream to the Infrastructure Levy.

## 21 PEVENSEY SUSTAINABLE DRAINAGE - COLLABORATIVE AGREEMENT

21.1 The Lead Member considered a report by the Director of Communities, Economy and Transport.

### DECISIONS

21.2 The Lead Member RESOLVED to agree for East Sussex County Council to enter into a collaborative agreement with the Environment Agency to release funds for the Pevensey Sustainable Drainage (SuDS) project and to delegate authority to the Director of Communities, Economy & Transport to make the necessary arrangements.

### Reasons

21.3 The Pevensey Sustainable Drainage (SuDS) project is compatible with both the Council Plan's priorities and the objective of the adopted East Sussex Local Flood Risk Management Strategy in that it looks to developing the optimal balance between the economic and social wellbeing of residents and the needs of its unique environment.

<b>Report to:</b>	<b>Lead Cabinet Member for Transport and Environment</b>
<b>Date of meeting:</b>	<b>17 November 2020</b>
<b>By:</b>	<b>Director of Communities Economy and Transport</b>
<b>Title:</b>	<b>Highway Maintenance - Consideration of Character</b>
<b>Purpose:</b>	<b>To consider a new policy on the approach materials and equipment used in highway maintenance.</b>

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**RECOMMENDATIONS:** The Lead Member is recommended to:

- (1) Approve the proposed new policy Highway Maintenance – Consideration of Character set out in Appendix 3;**
  - (2) Rescind policy PS 7.3 Maintenance of Footways set out at Appendix 1; and**
  - (3) Approve the proposed amendments to existing policy PS 10.1 Street Lighting set out in Appendix 2.**
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## **1 Background Information**

1.1. East Sussex has a wealth of historic towns and villages which contribute to the overall character and distinctiveness of the county. The County Council recognises the importance of these areas and the impact that the local highway network can have on their character.

1.2. At present there are two highway policies that set out the approach to maintenance of assets with particular conservation or historical interest. These cover highway footways and street lighting. Copies can be found in Appendix 1 and 2. However, these no longer reflect local priorities and a new more flexible approach covering all types of highway assets is proposed. This will help to maximise value for money where resources are limited.

1.3. It should be noted that, under the Planning (Listed Buildings and Conservation Areas) Act, some structures and the materials on some streets (e.g. some of the cobblestones in Rye), have been granted special status as “listed buildings”.

1.4. There are no other direct legal requirements on the authority to maintain historic assets or use sympathetic materials. Best practice guidance generally recommends that consideration is given to the character of an area, or the value of a historic asset, when making maintenance decisions. However, the statutory duty to maintain a safe and usable network must be the priority when considering maintenance against the available funding. A summary of national legislation and guidance relevant to this policy can be found in Appendix 4.

## **2 Supporting information**

### Current Policies

2.1. The current policies were created following a consultation with District and Borough Councils in 2006 about maintenance of the public realm. At that time a pilot study was introduced to given consideration to the feasibility of a sympathetic replacement policy for all footways and street lights in Conservation Areas. The cost was estimated to be around 90% and 70% of the entire footway and street lighting budgets for these works alone.

2.2. Therefore, a policy decision was made by Lead Member to carry out sympathetic repairs on footways and street lights only in the 18 streets used in the pilot study, as these streets were considered to be of “more than local” importance.

2.3. As a result, the policies set out in Appendix 1 and 2 were developed. They state that standard materials will be used for maintenance, but that non-standard materials may be used in the 18 streets named in the pilot study. They also require consultation to take place with local planning authorities and that they are given the opportunity to fund or seek funding for the use of non-standard materials in other streets within Conservation Areas. For all other highway assets, maintenance decisions are based on need, safety and value for money.

2.4. However, where funding allows, alternatives may be considered. For example, in the past this has included: a local Council taking over the responsibility for maintenance of decommissioned street lighting columns; funding embellishments to make new lighting columns look more traditional; and moving historic assets from one area to another area where they are considered to have a more important contribution to the street scene.

### **Proposed new policy**

2.5. The current approach outlined above specifically focuses limited resources on the 18 streets from the pilot study. However, these may no longer represent the priorities of local communities and planning authorities. For example, Keere Street in Lewes, a well-known historic street with a cobbled surface, is not included within the 18 streets.

2.6. A review has recently been carried out on current policies and procedures, taking into consideration best practice and feedback from stakeholders including Conservation Officers and Highway engineers.

2.7. All stakeholders support increased collaboration with interested parties working together to develop creative solutions to target those areas, and those assets, which will benefit most from limited funds.

2.8. It is recognised that not all asset types on a given street will contribute equally to the character of an area or have the same priority in terms of conservation. It is also recognised that it is often the wider streetscape that determines the character of an area. Therefore, continuing to focus limited resources on a small number of streets may be detrimental to the overall character of streets in the county.

2.9. Following consultation, it is considered that a more flexible policy, with maintenance decisions made on a case by case basis, would better maximise the potential for preserving the character of streets across the county.

2.10. Therefore, a new conservation policy to replace the existing policy on footway materials and street lights is proposed (see Appendix 3). It sets out the approach to management of all highway assets of particular historical interest as well as highway assets that are not historic but contribute to the character of an area. It should be noted that this policy only covers maintenance of existing materials, not enhancements.

### **3 Equality Impact Assessment**

3.1 An Equality Impact Assessment has been carried out and a summary of the findings is detailed in Appendix 5. Research suggests that although some non-standard materials, such as paving slabs, can be more costly to maintain in a safe condition, the impact on those with protected characteristics will be minimal. This is because there are other policies and procedures in place to provide mitigation e.g. the Highway Inspection Policy.

3.2 Ongoing maintenance costs will be taken into consideration when decisions are made, and materials avoided where these might cause an unacceptable risk to members of the community with protected characteristics.

## **4 Financial Appraisal**

4.1 The statutory duty to maintain a safe and usable network using affordable standard materials will continue to be the priority and to provide value for money. Non-standard materials will only be used where sufficient funding is available or can be identified from other sources.

## **5 Conclusion and Reasons for Recommendations**

5.1 The Lead Member is recommended to approve the proposed changes to policy. This will ensure that the County Council maintains a more flexible approach to conservation across all highway asset types, retains character as far as possible and maximises value for money where resources are limited.

RUPERT CLUBB

Director of Communities, Economy and Transport

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### LOCAL MEMBERS

All

### BACKGROUND DOCUMENTS

[Lead Member report on Maintaining and Improving the Public Realm in East Sussex, October 2007](#)

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**EAST SUSSEX COUNTY COUNCIL****LEAD MEMBER - TRANSPORT AND ENVIRONMENT**  
**POLICY SUMMARY**

MAINTENANCE OF FOOTWAYS - MATERIALS		PS 7/3
<u>Purpose of Policy</u> To make maximum use of the financial resources available.		
<u>Specific Policies</u> 1. Footway maintenance shall be carried out in accordance with the standards as laid down in the Transport Asset Management Plan Maintenance Management Policy Documents. * 2. The budget for the reconstruction of footways shall be based upon the use of blacktop materials. 3. A three to five year reconstruction programme shall be drawn up so that it's impact on conservation areas can be discussed with the local Planning Authorities. 4. In conservation areas of more than local importance (see page 2), surface finishes other than black bituminous materials will generally be specified subject to (a) funds being available within the annual maintenance budget, or (b) the difference in whole life costing between the special surface and bituminous material being contributed by another source, e.g. District Council or Amenity Group or Local Residents.		
		/Continued overleaf
* See Policy statement PS 7/1.		
<u>Supporting Statement</u> Black bituminous material is by far the most economical form of footway surfacing. Special materials such as paving slabs, coloured concrete, paving bricks or blocks etc. are more costly to lay and maintain and are less capable of resisting the effects of vehicles mounting the footway.		
<u>References - Further Information</u>		<u>Date of Approval</u>
H&T Committee - 22 September 1981	Agenda Item 8.25	22.09.1981
H&T Committee - 13 December 1983	Agenda Item 6.27	13.12.1983
H&T Committee - 20 March 1984	Agenda Item 8.25	20.03.1984
T&E Committee - 03 June 1997	Agenda Item 11	03.06.1997
T&E Committee - 10 March 1998	Agenda Item 6	10.03.1998
Lead Member Meeting – 26 March 2007	Agenda Item 6	26.03.2007
Lead Member Meeting – 15 October 2007	Agenda Item 14	15.10.2007

**EAST SUSSEX COUNTY COUNCIL**

**LEAD MEMBER - TRANSPORT AND ENVIRONMENT**  
**POLICY SUMMARY**

**MAINTENANCE OF FOOTWAYS – MATERIALS – CONT'D**

**PS 7/3**

Specific Policies (continued)

5. The Local Planning Authority shall define which streets in their areas are in the conservation areas of more than local importance and shall submit schedules of these to the County Council's Transport and Environment Department for consideration.
6. The Local Planning Authority shall be notified of proposed footway reconstruction in conservation areas which cannot be specifically funded by the Highway Authority to determine if they would wish to meet the additional costs of using a different surfacing material and its subsequent maintenance.

**Conservation Areas of More than Local Importance**

The following conservation areas of more than local importance were agreed at the Lead Member Meeting of the 15 October 2007:

<b><u>Borough/District</u></b>	<b><u>Streets within Pilot Area</u></b>
Eastbourne	- Meads Street
Hastings	- Norman Road, East Ascent, Maze Hill & Kenilworth Road
Lewes	- Western Rd (Irelands Lane to High Street), High Street (Western Rd to Friars Walk).
Wealden	- High Street, Alfriston
Rother	- Citadel Area of Rye taken to be the following streets:-Watchbell Street, Church Square, Mermaid Street, Market Street, West Street, East Street, Conduit Hill, East Cliff, High Street & The Mint

**EAST SUSSEX COUNTY COUNCIL  
LEAD MEMBER - TRANSPORT AND ENVIRONMENT  
POLICY SUMMARY**

Street Lighting	PS10/1
<b>Purpose of Policy</b>	
To efficiently maintain and improve, where necessary, the standards of lighting throughout the County:- in the interests of road safety, to reduce the incidence of night crime, and to enhance public safety and amenity.	
<b>Specific Policies</b>	
<ol style="list-style-type: none"> <li>1. To carry out routine maintenance works in accordance with the agreed standards, as specified in the current contract.</li> <li>2. To carry out design works generally as laid down in the current issue of the British Standard Code of Practice for the design of Road Lighting [BS 5489] and in accordance with a locally developed lighting strategy.</li> <li>3. Designs to be undertaken using equipment that has long term economic benefit. Designs should use a “white” light source (Colour Rendering Index &gt;60) for all new schemes. LED solutions should be considered if appropriate.</li> <li>4. A three to five year street lighting renewal programme shall be prepared so that its impact on conservation areas may be discussed with local authorities.</li> <li>5. All streets and areas, with the exception of the limited number of streets agreed as part of the Public Realm scheme, will be provided with standard functional lighting equipment. The street lighting in the Public Realm identified pilot streets will be maintained at the current standard (no further deterioration or improvement). In conservation areas street lighting columns will be painted in the appropriate local colour.</li> <li>6. The local Planning Authority shall be notified of proposed street lighting works in conservation area, or more than local importance, which cannot be specially funded by the Highway Authority, to determine if they wish to meet the additional costs of installing equipment to a different specification and its subsequent maintenance.</li> <li>7. Street lighting shall be provided and operate in accordance with strategy below: Street lighting will be provided to operate as appropriate and will be installed in accordance with local requirements. In certain areas existing all-night street lighting installations may be subject to the following changes: <ol style="list-style-type: none"> <li>1. Part-night Street Lighting - Lights turned off from midnight to 0530 hrs in residential streets.</li> <li>2. Partial Street Lighting – Alternate street lights left switched on between midnight and 0530 hrs on specific distributor routes/estate feeder roads.</li> <li>3. Dimmed – Light output reduced on traffic routes when traffic flows are lighter.</li> <li>4. Permanently Switched Off - A small number of lights in rural areas may be switched off.</li> </ol> </li> </ol>	
<b>Supporting Information</b>	
<b>Part-night street lighting</b>	
After carrying out a site assessment we will be installing part-night lighting controls in streets in residential areas (switching lights off between midnight and 5.30 am).	
Once the changes in street lighting are introduced we will be monitoring all the sites in conjunction with the emergency services and parish/town councils. This is to ensure that the introduction of part night lighting does not have any unanticipated adverse impacts. This process will identify if any further changes need to be made to the lighting.	
<b>Partial Street Lighting</b>	
After carrying out site assessments on some of the more important local distributor roads or estate feeder roads we may decide that instead of converting all units to part-night lighting we will leave specific units switched on all night. These units will generally be located at conflict points such as junctions or crossings or if the current street lights are already widely spaced along the street.	

**Dimming of street lights**

After carrying out a site assessment we will be dimming most of our brightest (higher wattage) lights on main traffic routes. It has been decided that dimming to 50% light output between 0000hrs and 0600hrs is generally the most appropriate although this may vary at some locations.

Dimming will only be carried out when traffic flows are low, when a lower level of lighting will have the least affect on road safety. Lights will generally not be dimmed in areas with above-average crime rates, at busy junctions or in town centres.

**Street lighting switch-off**

After carrying out a risk assessment, we may be switching off some lights completely in rural areas or in other locations where there are no houses fronting onto the roads. Only a small number of lights (about 1 - 2% of all the lights in the County) are expected to be affected. Once switched off, the lights will be kept in place for approximately 3 years whilst monitoring is carried out to ensure there are no adverse impacts as a result of the changes.

**References- Further Information**

H&T Committee- 1 September 1976- Agenda Item 9  
H&T Committee- 18 September 1992- Agenda Item 9.2  
T&E Lead Member- 27 February 2012- Agenda Item 6

**Date of Approval**

01.09.76  
18.09.92  
27.02.12

**EAST SUSSEX COUNTY COUNCIL  
LEAD MEMBER - TRANSPORT AND ENVIRONMENT  
POLICY SUMMARY**

## **Highway Maintenance - Consideration of Character**

### **Purpose of Policy**

East Sussex County Council (ESCC) recognises the impact that the local highway network has on the character of an area.

The purpose of this policy is to set out the approach to the maintenance of historic assets and assets where materials have been used that contribute to the character of an area. It does not cover enhancements.

In carrying out this policy ESCC will meet its statutory obligations and will also support the Council's Priorities, Local Transport Plan and Highway Service Outcomes.

### **Policy Statement**

1. It is recognised that under the Planning (Listed Buildings and Conservation Areas) Act that some structures, and the materials on some streets, have been granted listed status and therefore will always require appropriate consideration.
2. For all other assets, when undertaking highway maintenance on any part of the network, standard materials will generally be used in order to minimise whole life cost and maximise value. However, unique historic materials will be preserved where appropriate, subject to safety considerations and availability of funds.
3. Therefore, prior to any planned works being undertaken:
  - a. A forward maintenance programme will be prepared annually and will be shared with relevant County Councillors and local planning authorities. They will be given the opportunity to comment on the potential impact of the programme on the character of an area, or any items of historical interest, in advance of any works taking place.
  - b. Local planning authorities will be given the opportunity to determine if they wish to meet the additional costs of using preferred alternative materials and/or seek funding for the alternative materials (within reasonable timescales and without detriment to the asset's condition).
  - c. Final decisions on the most appropriate materials will be made following the asset management approach set out in the Highway Asset Management Policy, taking into consideration feedback on historic assets and character from the local planning authority and County Councillor and the available funding.
4. Note section 3 is in reference to long term planned works and does not apply to reactive repairs of safety defects as set out in the Highway Inspection Policy. Reactive repairs of safety defects may be carried out with standard, non-historic materials where it is not possible to re-use existing material.
5. In conservation areas, street lighting columns may be painted an appropriate local colour to help them blend in.

**Supporting Information**

Planning (Listed Building and Conservation Areas) Act 1990

Code of Practice 'Well-managed highway infrastructure', 2016

Streets for All, Advice for Highway and Public Realm Works in Historic Places, 2018

Environment Act, 1995

**Version control****Date of last review:**

## Appendix 4: Summary of national legislation and guidance relevant to this policy

Guidance/Legislation	Recommendations
<p><b>Well Managed Highway Infrastructure Code of Practice – 2016, UK Roads Liaison Group</b></p>	<p><b>RECOMMENDATION 33 – CONSISTENCY WITH CHARACTER</b></p> <p>Determination of materials, products and treatments for the highway network should take into account the character of the area as well as factoring in whole life costing and sustainability. The materials, products and treatments used for highway maintenance should meet requirements for effectiveness and durability.</p> <p><b>RECOMMENDATION 34 – HERITAGE ASSETS</b></p> <p>Authorities should identify a schedule of listed structures, ancient monuments and other relevant assets and work with relevant organisations to ensure that maintenance reflects planning requirements.</p> <p><b>Section A9.6</b></p> <p>Authorities should consider, wherever practicable and cost effective, to maximise the use of: local materials to minimise transport costs, support the local economy, and to maintain local character. This will be of particular importance for the use of visible materials in conservation areas;</p> <p>They should also consider carefully whether some limited reduction in material specification might be acceptable in order to achieve a more sustainable outcome without excessive cost.</p> <p>Alternatives to exact physical replacements of existing equipment which give the same ‘feel’ to the conservation area may be considered by the authority and proposals for alternative equipment should be investigated.</p> <p>The Planning (Listed Buildings and Conservation Areas) Act 1980, or equivalent, provides for the protection of conservation areas that have special historical interest. The status can influence the processes required for maintenance in such areas.</p> <p>Authorities may consider identifying a hierarchy of streets and spaces to prioritise the use of more expensive, natural materials. Each area should have a palette of materials appropriate to its location, which allows new and old work to relate to one another.</p>

<b>Streets for All, Advice for Highway and Public Realm Works in Historic Places, 2018</b>	Encourages a coordinated approach by organisations and communities in order to maintain local distinctiveness.
<b>The 1949 National Parks Act and the 1995 Environment Act</b>	Parts of East Sussex fall within the South Downs National Park. The Act sets out the responsibilities and duties of all public organisations working in a National Park. The primary purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Public bodies working in the National Park have a duty to have regard to these purposes.
<b>The Planning (Listed Building and Conservation Areas) Act 1990</b>	<p>Requires each authority to compile a list of buildings of special interest, either historic or architectural. Listed building consent is required to demolish such a structure, or to alter or extend it in a manner affecting its architectural or historic interest.</p> <p>Some highways structures are listed including the cobbled surface of several streets within Rye town centre.</p> <p>The Act also provides for the protection of conservation areas that have special historical interest, but consent from the planning authority is not required for unlisted streets within Conservation Areas.</p>

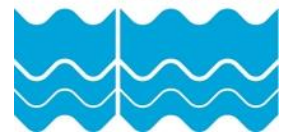




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## Appendix 5: Summary of Equality Impact Assessment

East Sussex  
County Council



### Equality impact assessment update

## Summary report for the Implementation of the Code of Practice Well Managed Highway Infrastructure, 2016

**Date of assessment update:** August 2019

**Manager(s) name:** Pippa Mabey

**Role:** Highway Service Development Manager

**Impact assessment (project or service, strategy or policy) that was updated:**

Highway Maintenance - Consideration of Character  
Highway Inspection Manual

### Background

The above policies have been reviewed and amended in line with the recommendations set out in the Code of Practice – Well Managed Highway Infrastructure, 2016. This is a nationally recognised best practice guide for authorities to use when developing their approach to highway infrastructure. The code advocates a flexible, risk based approach to highway maintenance decision making taking into consideration local needs, priorities and affordability.

An Equality Impact Assessment has not previously been carried out on these policies so the existing policy statements have been assessed as well as the proposed amendments.

### Summary of findings

Research suggests that these policies are expected to have a generally positive impact on safety and accessibility for all users including those with protected characteristics.

A review of customer feedback has highlighted that some individuals may be more affected by defects on the highway than others. For example, those with mobility or visual impairments may be more likely to trip on an uneven surface. Some non-standard materials such as paving slabs can be more costly to maintain in a safe condition.

The new approach allows for consideration of a wider range of factors (including user needs) when assessing risk and making decisions. Although it is not possible to completely eliminate the greater risk some users face, the new policies will ensure a more realistic assessment of risk and will help to ensure we have the best network condition for the investment available.

### Summary of recommendations and key points of action plan:

It is recommended that the policy is subject to regular review. The policy review process will take into consideration feedback/complaints from users, particularly where it relates to equality, to help support and inform decision making.

### Groups that this project or service will impact upon

Please mark the appropriate boxes with an 'x'

	Positive	Negative
Age	X	
Disability	X	
Ethnicity		
Gender/Transgender		
Marriage or Civil partnership		
Pregnancy and Maternity	X	
Religion/Belief		
Sexual Orientation		
Other (including carers/rurality etc)		
All		