

EQIA Submission – ID Number

Section A

EQIA Title

Prosecution Policy

Responsible Officer

Pauline Harmer - GT TRA

Approved by (Note: approval of this EqIA must be completed within the EqIA App)

Richard Emmett - GT TRA

Type of Activity

Service Change

No

Service Redesign

No

Project/Programme

No

Commissioning/Procurement

No

Strategy/Policy

Strategy/Policy

Details of other Service Activity

No

Accountability and Responsibility

Directorate

Growth Environment and Transport

Responsible Service

Highways and Transportation

Responsible Head of Service

Richard Emmett - GT TRA

Responsible Director

Andrew Loosemore - GT TRA

Aims and Objectives

KCC is responsible for ensuring safe public use of highways and coordinating utility works. The proposed policies will allow KCC to enforce compliance when landowners or utility companies break the law or disrupt road management.

This will enable KCC to recharge/recoup costs when landowners and or utility companies have been prosecuted. The cost of enforcement actions is initially borne by KCC with costs recovered from the relevant party if they have the means to pay and ordered by the Court. Such costs will be wholly be recoverable.

This will drive compliance to prevent further delays on and around the network, improving journey time and reducing disruption for all Kent residents and those that use the Kent network.

This is to assist the Council with its Statutory Obligations lawfully whilst managing risk.

Implementing the policies will ensure the Highway Operations Teams, in relation to Highway Enforcement and operational matters has an efficient, effective, consistent, fair, equitable and transparent approach to the legislative framework.

It will therefore have positive benefits for the safety of all highway users across the districts and local communities as well as supporting us in dealing with counter accusations regarding enforcement and operational matters.

The Highway team will provide the legal team with data and evidence to confirm acceptance and approval

to commence prosecution. This will be undertaken internally with the Highway and Legal team of KCC. The data and evidence will be taken from Street Manager and site visits undertaken by our officers. This is stored in Street Manager. The teams will ensure this information is archived and retained in line with KCC retention periods.

The information taken and shared for prosecution will be accessible (for those who are colour blind/visually impaired), and user friendly. There are considered to be no negative impacts of implementing this policy on persons with protected characteristics as these policies will only be used on companies and persons that have undertaken work illegally on the highway.

The Policies will only comply with the specific powers granted by legislation e.g the Highways Act 1980. The formal prosecution process will be assessed by Senior Management to ensure officers use discretion when deciding between a formal prosecution or Fixed Penalty Notice to ensure it is applied consistently and without bias.

Section B – Evidence

Do you have data related to the protected groups of the people impacted by this activity?

Yes

It is possible to get the data in a timely and cost effective way?

Yes

Is there national evidence/data that you can use?

Yes

Have you consulted with stakeholders?

Not Applicable

Who have you involved, consulted and engaged with?

Due to the statutory nature of this policy we have not consulted or engaged with stakeholders as it is outlined in the code of practice.

This will provide a positive impact for all protected characteristics and residents

Has there been a previous Equality Analysis (EQIA) in the last 3 years?

No

Do you have evidence that can help you understand the potential impact of your activity?

Yes

Section C – Impact

Who may be impacted by the activity?

Service Users/clients

Service users/clients

Staff

Staff/Volunteers

Residents/Communities/Citizens

Residents/communities/citizens

Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?

Yes

Details of Positive Impacts

* KCC is responsible for ensuring safe public use of highways and coordinating utility works.

* The proposed policies will allow KCC to enforce compliance when landowners or utility companies break the law or disrupt road management.

* This will enable KCC to recharge/recoup costs when landowners and or utility companies have been prosecuted.

* This will drive compliance to prevent further delays on and around the network, improving journey time and reducing disruption for all Kent residents and those that use the Kent network.

All characteristics and residents will have a positive impact

Negative impacts and Mitigating Actions

19. Negative Impacts and Mitigating actions for Age

Are there negative impacts for age?

No

Details of negative impacts for Age

Not Applicable

Mitigating Actions for Age

Not Applicable

Responsible Officer for Mitigating Actions – Age

Not Applicable

20. Negative impacts and Mitigating actions for Disability

Are there negative impacts for Disability?

No

Details of Negative Impacts for Disability

Not Applicable

Mitigating actions for Disability

Not Applicable

Responsible Officer for Disability

Not Applicable

21. Negative Impacts and Mitigating actions for Sex

Are there negative impacts for Sex

No

Details of negative impacts for Sex

Not Applicable

Mitigating actions for Sex

Not Applicable

Responsible Officer for Sex

Not Applicable

22. Negative Impacts and Mitigating actions for Gender identity/transgender

Are there negative impacts for Gender identity/transgender

No

Negative impacts for Gender identity/transgender

Not Applicable

Mitigating actions for Gender identity/transgender

Not Applicable

Responsible Officer for mitigating actions for Gender identity/transgender

Not Applicable

23. Negative impacts and Mitigating actions for Race

Are there negative impacts for Race

No

Negative impacts for Race

Not Applicable

Mitigating actions for Race

Not Applicable

Responsible Officer for mitigating actions for Race

Not Applicable

24. Negative impacts and Mitigating actions for Religion and belief

Are there negative impacts for Religion and belief

No
Negative impacts for Religion and belief
Not Applicable
Mitigating actions for Religion and belief
Not Applicable
Responsible Officer for mitigating actions for Religion and Belief
Not Applicable
25. Negative impacts and Mitigating actions for Sexual Orientation
Are there negative impacts for Sexual Orientation
No
Negative impacts for Sexual Orientation
Not Applicable
Mitigating actions for Sexual Orientation
Not Applicable
Responsible Officer for mitigating actions for Sexual Orientation
Not Applicable
26. Negative impacts and Mitigating actions for Pregnancy and Maternity
Are there negative impacts for Pregnancy and Maternity
No
Negative impacts for Pregnancy and Maternity
Not Applicable
Mitigating actions for Pregnancy and Maternity
Not Applicable
Responsible Officer for mitigating actions for Pregnancy and Maternity
Not Applicable
27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships
Are there negative impacts for Marriage and Civil Partnerships
No
Negative impacts for Marriage and Civil Partnerships
Not Applicable
Mitigating actions for Marriage and Civil Partnerships
Not Applicable
Responsible Officer for Marriage and Civil Partnerships
Not Applicable
28. Negative impacts and Mitigating actions for Carer's responsibilities
Are there negative impacts for Carer's responsibilities
No
Negative impacts for Carer's responsibilities
Not Applicable
Mitigating actions for Carer's responsibilities
Not Applicable
Responsible Officer for Carer's responsibilities
Not Applicable