

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