

Diversity impact assessment

TITLE
Enforcing Moving Traffic Offences in Medway
DATE
19 August 2022
LEAD OFFICER.
Michael Edwards, Head of Transport & Parking
1 Summary description of the proposed change
What is the change to policy / service / new project that is being proposed? How does it compare with the current situation?
Local Highway Authorities outside of London with civil parking enforcement powers are now able to apply to the Secretary of State for powers to enforce moving traffic offences under Part 6 of the Traffic Management Act 2004. This is a new policy as local authorities in England (outside London) have not previously had the powers to enforce moving traffic restrictions. With these new powers in place, contraventions would be subject to enforcement activity by the Police (the current situation) and the local Highway Authority. It is proposed that Medway Council applies to Government for enforcement powers.
2 Summary of evidence used to support this assessment
Eg: Feedback from consultation, performance information, service user. Eg: Comparison of service user profile with Medway Community Profile
The public consultation took place for six weeks in June and July and generated 239 responses. A summary of the findings is as follows: <ul style="list-style-type: none"> ○ 82% of respondents felt it was important/very important for Medway Council to help improve safety on the roads in Medway ○ 81% of respondents felt it was important/very important for Medway Council to help tackle congestion on the roads in Medway ○ 56% of respondents agree with plans to apply moving traffic enforcement powers on the roads in Medway ○ 78% of respondents agree with plans to enforce 'no motor vehicles' restrictions on Gillingham High Street to improve pedestrian safety ○ 76% of respondents agree with plans to enforce the no 'motor vehicles restriction' on Rochester High Street on Saturdays to improve pedestrian safety ○ 74% of respondents agree with plans to enforce the right turn ban to Orchard Street from the A2 High Street Rainham to tackle congestion on Medway's roads ○ 60% of respondents agree with plans to enforce the yellow box restriction at the junction of Rock Avenue and the A2 to tackle congestion on Medway's roads ○ 58% of respondents agree with plans to enforce the yellow box restriction at the A2 Watling Street, Gillingham at the junction with Ash Tree Lane and Canterbury Street to tackle congestion on Medway's roads

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- 57% of respondents agree plans to enter the yellow box restriction at the Gibraltar Hill junction with A230 Maidstone Road to tackle congestion on Medway's roads
- 61% of respondents agree plans to enter the yellow box restriction at Cuxton Road, High Street junction with Gun Lane, Strood to tackle congestion on Medway's roads
- 66% of respondents agree plans to enter the yellow box restriction at Whittaker Street/High Street, Chatham, including the junction with Brook to tackle congestion on Medway's roads

Where respondents indicated a lack of support for plans to enforce offences, the severity of the issues at the locations identified was questioned. Comments on proposals for Gillingham and Rochester High Streets raised issues around the impact on businesses and deliveries, preventing valid access, and access for vulnerable people and those with impaired mobility.

Consultation feedback also included views on the principle of enforcement, whether enforcement powers would achieve the desired outcomes, suggestions for alternative options to improve traffic flow and safety, the potential uses of income from penalty charge notices and views on the prioritisation of other issues such as highway maintenance.

3 What is the likely impact of the proposed change?

Is it likely to:

Adversely impact on one or more of the protected characteristic groups

Advance equality of opportunity for one or more of the protected characteristic groups

Foster good relations between people who share a protected characteristic and those who don't

(insert Yes when there is an impact or No when there isn't)

Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
Age	NO	NO	NO
Disability	NO	NO	NO
Gender reassignment	NO	NO	NO
Marriage/civil partnership	NO	NO	NO
Pregnancy/maternity	NO	NO	NO

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Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
Race	NO	NO	NO
Religion/belief	NO	NO	NO
Sex	NO	NO	NO
Sexual orientation	NO	NO	NO
Other (eg low income groups)	NO	NO	NO

4 Summary of the likely impacts

Who will be affected?

How will they be affected?

No adverse impacts are identified as a result of this proposal. This policy relates to the civil enforcement by the Council of traffic restrictions that are already in place on the highway and that all drivers are expected to comply with. Each restriction has been progressed through the statutory consultation process previously for the restriction to be included within a Traffic Regulation Order. Any exemptions for those with a right of access would not change. The introduction of enforcement would apply to all residents equally and on this basis, there are not considered to be any new implications for protected characteristic groups. Where a driver fails to comply with a correctly signed traffic restriction on the highway the impact will potentially be felt by all road users. Positive impacts are identified in terms of reducing congestion, promoting active and public transport travel, improving air quality, and supporting local transport policies.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

What alternative ways can the Council provide the service?

Are there alternative providers?

Can demand for services be managed differently?

No actions are required on the basis that no adverse impacts are identified as a result of this proposal. Notwithstanding this, a monitoring exercise will be completed to allow a review of implementation and ongoing practice to continue to ensure that protected characteristics are not disproportionately impacted. Education and communications events will be delivered alongside the implementation.

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6 Action plan

Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date
If powers are granted, and enforcement proceeds, education and communications events will be delivered alongside the implementation in the interests of fostering good relations	Head of Transport & Parking	One month prior to implementation of enforcement powers
DIA to be reviewed following consultation for the implementation of moving traffic enforcement at new locations.	Head of Transport & Parking	Within one month after consultation ends

7 Recommendation

The recommendation by the lead officer should be stated below. This may be: to proceed with the change, implementing the Action Plan if appropriate, consider alternatives, gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

It is recommended that the principle of the civil enforcement of moving traffic offences across Medway is accepted and the Council can apply to Government for enforcement powers.

8 Authorisation

The authorising officer is consenting that the recommendation can be implemented, sufficient evidence has been obtained and appropriate mitigation is planned, the Action Plan will be incorporated into the relevant Service Plan and monitored

Assistant Director

Ruth Du-Lieu

Date of authorisation

19 August 2022