

Equality Impact Assessment
Corporate Assessment Template



Appendix B

PARKING ENFORCEMENT AND MOVING TRAFFIC OFFENCES - CHALLENGES, REPRESENTATIONS AND APPEALS POLICY

New Policy and Guidance

Who is responsible for developing and implementing the Policy/Strategy/Project/Procedure/Service/Function?

Name: Matthew Wakelam	Job Title: Assistant Director – Street Scene
Service Team: Street Scene	Service Area: Planning, Transport & Environment

Assessment Date: 28th February 2019

1. What are the objectives of the Policy/Strategy/Project/ Procedure/ Service/Function?

To introduce a new policy for challenges, representations and appeals policy associated with Civil Parking enforcement and Moving Traffic Offences.

The policy will ensure Cardiff Council processes for pursuing outstanding penalties are efficient, effective and easy to understand.

The policy sets out Cardiff Council’s consideration of challenges, representations and appeals against the issuing of Penalty Charge Notices (PCNs) as well as determining enforcement processes to be followed to ensure consistency and adherence to current legislation.

The Council is under a legal duty never to fetter its discretion so this policy is only guidance and all considerations of challenges, representations and enforcement measures in general will be considered on their own merits, provided legislation is observed to at all times.

2. Please provide background information on the Policy/Strategy/Project/Procedure/Service/Function and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]

The 2013 Regulations enable the Council to assume responsibility for enforcement of bus lane and some moving traffic offences (MTOs), pursuant to Part 6 of the Traffic Management Act 2004. The Traffic Management Act 2004 indicates the range of road signs which will be enforceable under this new legislation. These include enforcement of:

- Directed and prohibited movement

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- Pedestrian precincts
- Bus and Cycle provisions and
- Yellow Box Junctions

These powers particularly assist:

- Enforcement of Bus Lanes - preventing the blocking of bus lanes, especially at the approach to traffic signals.
- Enforcement of Yellow Box Junctions - reducing illegal queuing across the boxes, particularly during peak hours, preventing congestion and delay to all vehicles.
- Enforcement of turning movement bans - enhancing public safety, by preventing conflict with pedestrian crossing movements, and by reducing the use of weak bridges by lorries ignoring weight restrictions.

Penalty Charge Notices can be appealed within 28 days of the date the ticket was issued and can be challenged for the following reasons:

- The alleged parking offence did not happen
- The vehicle was never owned by the appellant; had stopped being the owner of the vehicle before the alleged parking offence; or that they became the owner of the vehicle after the date of the alleged parking offence
- The vehicle was parked by someone else without the permission of the owner (e.g. if it was stolen)
- The vehicle was being driven by someone else under a hire arrangement (this is for use by car hire companies only)
- The penalty exceeded the amount applicable for the offence type quoted
- The Council has not followed the correct procedure
- The parking limit where the alleged parking offence took place was not valid

Cardiff Council also considers other mitigating circumstances on a case by case basis. The current legislation for dog fouling, The Dog (Fouling of Land) Act 1996, are currently not supported via Magistrates Courts and will eventually be completely repealed due to there being more up to date legislation that the Council should be utilising, specifically the Anti-Social Behaviour, Crime and Policing Act 2014.

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3 Assess Impact on the Protected Characteristics

3.1 Age

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative/]** on younger/older people?

	Yes	No	N/A
Up to 18 years	✓		
18 - 65 years	✓		
Over 65 years	✓		

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The policy is expected have a positive differential impact on all Protected Characteristics of Age. All age groups will benefit from having policy and guidance relating to challenges, representations and appeals of parking and moving traffic offence fines. The policy will ensure Cardiff Council processes for pursuing outstanding penalties are efficient, effective and easy to understand.

Individuals may have physical limitations relating to their eyesight and the team will provide large print and easy read versions of correspondence on request. Connect 2 Cardiff is available to discuss any concerns and the service will provide a call back service for individuals confused by the enforcement notices who are unable to be assisted by C2C.

What action(s) can you take to address the differential impact?

Further (generic) consideration needs to be given to:-

- Management of large print and easy read format policy and penalty notices, including clear notification these are available on request.
- Good clear information in the Policy, on the Website and on the penalty notices (Plain English)
- Training of staff at C2C and in the Appeals team with regards management of vulnerable individuals.

The Council is under a legal duty never to fetter its discretion so this policy is only guidance and all considerations of challenges, representations and enforcement measures in general will be considered on their own merits, provided legislation is observed to at all times.

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3.2 Disability

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on disabled people?

	Yes	No	N/A
Hearing Impairment	✓		
Physical Impairment	✓		
Visual Impairment	✓		
Learning Disability	✓		
Long-Standing Illness or Health Condition	✓		
Mental Health	✓		
Substance Misuse	✓		
Other	✓		

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The policy is expected have a positive differential impact on all Protected Characteristics of Disability. All groups will benefit from having policy and guidance relating to challenges, representations and appeals of parking and moving traffic offence fines. The policy will ensure Cardiff Council processes for pursuing outstanding penalties are efficient, effective and easy to understand.

Individuals may have physical limitations relating to their eyesight and the team will provide large print and easy read versions of correspondence on request. Individuals may have limitations relating to understanding penalty notices and the policy and guidance will provide further explanation. Connect 2 Cardiff is available to discuss any concerns and the service will provide a call back service for individuals confused by the enforcement notices who are unable to be assisted by C2C.

What action(s) can you take to address the differential impact?

- Further (generic) consideration needs to be given to:-
- Management of large print and easy read format policy and penalty notices including clear notification that these are available on request.
 - Good clear information in the Policy, on the Website and on the penalty notices (Plain English)
 - Training of staff at C2C and in the Appeals team with regards management of vulnerable individuals.

The Council is under a legal duty never to fetter its discretion so this policy is only guidance and all considerations of challenges, representations and enforcement measures in general will be considered on their own merits, provided legislation is observed to at all times.

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3.3 Gender Reassignment

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on transgender people?

	Yes	No	N/A
Transgender People (People who are proposing to undergo, are undergoing, or have undergone a process [or part of a process] to reassign their sex by changing physiological or other attributes of sex)		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The policy is expected have a positive differential impact on all Protected Characteristics of Gender Reassignment. This group will benefit from having policy and guidance relating to challenges, representations and appeals of parking and moving traffic offence fines. The policy will ensure Cardiff Council processes for pursuing outstanding penalties are efficient, effective and easy to understand.

Consideration is required relating to individuals legally changing their gender as this as this can be overly bureaucratic and invasive.

What action(s) can you take to address the differential impact?

Further (generic) consideration needs to be given to:-

- Management of large print and easy read format penalty notices and clear notification these are available on request.
- Good clear information in the Policy, on the Website and on the penalty notices (Plain English)
- Training of staff at C2C and in the Appeals team with regards management of vulnerable individuals.

The Council is under a legal duty never to fetter its discretion so this policy is only guidance and all considerations of challenges, representations and enforcement measures in general will be considered on their own merits, provided legislation is observed to at all times.

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3.4. Marriage and Civil Partnership

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on marriage and civil partnership?

	Yes	No	N/A
Marriage		✓	
Civil Partnership		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The policy is not expected to have a positive differential impact on all Protected Characteristics of Marriage and Civil Partnership.

What action(s) can you take to address the differential impact?

The Council is under a legal duty never to fetter its discretion so this policy is only guidance and all considerations of challenges, representations and enforcement measures in general will be considered on their own merits, provided legislation is observed to at all times.

3.5 Pregnancy and Maternity

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on pregnancy and maternity?

	Yes	No	N/A
Pregnancy	✓		
Maternity	✓		

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The policy is expected have a positive differential impact on all Protected Characteristics of Pregnancy and Maternity. These groups will benefit from having policy and guidance relating to challenges, representations and appeals of parking and moving traffic offence fines. The policy will ensure Cardiff Council processes for pursuing outstanding penalties are efficient, effective and easy to understand.

What action(s) can you take to address the differential impact?

- Further (generic) consideration needs to be given to:-
- Management of large print and easy read format penalty notices and clear notification these are available on request.
 - Good clear information in the Policy, on the Website and on the penalty notices

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(Plain English)

- Training of staff at C2C and in the Appeals team with regards management of vulnerable individuals.

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3.6 Race

Will this Policy/Strategy/Project//Procedure/Service/Function have a **differential impact [positive/negative]** on the following groups?

	Yes	No	N/A
White	✓		
Mixed / Multiple Ethnic Groups	✓		
Asian / Asian British	✓		
Black / African / Caribbean / Black British	✓		
Other Ethnic Groups	✓		

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The policy is expected have a positive differential impact on all Protected Characteristics of Race. This group will benefit from having policy and guidance relating to challenges, representations and appeals of parking and moving traffic offence fines. The policy will ensure Cardiff Council processes for pursuing outstanding penalties are efficient, effective and easy to understand.

What action(s) can you take to address the differential impact?

Further (generic) consideration needs to be given to:-

- Management of large print and easy read format penalty notices and clear notification these are available on request.
- Good clear information in the Policy, on the Website and on the penalty notices (Plain English)
- Training of staff at C2C and in the Appeals team with regards management of vulnerable individuals.

The Council is under a legal duty never to fetter its discretion so this policy is only guidance and all considerations of challenges, representations and enforcement measures in general will be considered on their own merits, provided legislation is observed to at all times.

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3.7 Religion, Belief or Non-Belief

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on people with different religions, beliefs or non-beliefs?

	Yes	No	N/A
Buddhist	✓		
Christian	✓		
Hindu	✓		
Humanist	✓		
Jewish	✓		
Muslim	✓		
Sikh	✓		
Other	✓		

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The policy is expected have a positive differential impact on all Protected Characteristics of Religion, Belief, Non-Belief. These groups will benefit from having policy and guidance relating to challenges, representations and appeals of parking and moving traffic offence fines. The policy will ensure Cardiff Council processes for pursuing outstanding penalties are efficient, effective and easy to understand.

What action(s) can you take to address the differential impact?

Further (generic) consideration needs to be given to:-

- Management of large print and easy read format penalty notices and clear notification these are available on request.
- Good clear information in the Policy, on the Website and on the penalty notices (Plain English)
- Training of staff at C2C and in the Appeals team with regards management of vulnerable individuals.

The Council is under a legal duty never to fetter its discretion so this policy is only guidance and all considerations of challenges, representations and enforcement measures in general will be considered on their own merits, provided legislation is observed to at all times.

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3.8 Sex

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on men and/or women?

	Yes	No	N/A
Men		✓	
Women		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The policy is not expected to have a positive differential impact on all Protected Characteristics of Sex.

What action(s) can you take to address the differential impact?

The Council is under a legal duty never to fetter its discretion so this policy is only guidance and all considerations of challenges, representations and enforcement measures in general will be considered on their own merits, provided legislation is observed to at all times.

3.9 Sexual Orientation

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on the following groups?

	Yes	No	N/A
Bisexual		✓	
Gay Men		✓	
Gay Women/Lesbians		✓	
Heterosexual/Straight		✓	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The policy is not expected to have a positive differential impact on all Protected Characteristics of Sexual Orientation.

What action(s) can you take to address the differential impact?

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3.10 Welsh Language

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on Welsh Language?

	Yes	No	N/A
Welsh Language	✓		

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

The policy is expected have a positive differential impact on all Protected Characteristics of Welsh Language. These groups will benefit from having policy and guidance relating to challenges, representations and appeals of parking and moving traffic offence fines. The policy will ensure Cardiff Council processes for pursuing outstanding penalties are efficient, effective and easy to understand.

The policy is a public document and will be available in Welsh and English.

What action(s) can you take to address the differential impact?

Further (generic) consideration needs to be given to:-

- Any media to be bilingual.
- Support Welsh Language training and look at improving the number of bilingual Officers in C2C and the Appeals Team.

4. Consultation and Engagement

What arrangements have been made to consult/engage with the various Equalities Groups?

Engagement and communication of the new policy and guidance will take place following Cabinet Approval to introduce the new Policy / guidance.

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5. Summary of Actions [Listed in the Sections above]

Groups	Actions
Age	
Disability	
Gender Reassignment	
Marriage & Civil Partnership	
Pregnancy & Maternity	
Race	
Religion/Belief	
Sex	
Sexual Orientation	
Welsh Language	<ul style="list-style-type: none">• Welsh media• Welsh language training for Enforcement Officers.
Generic Over-Arching [applicable to all the above groups]	Further (generic) consideration needs to be given to:- <ul style="list-style-type: none">• Management of large print and easy read format penalty notices and clear notification these are available on request.• Good clear information in the Policy, on the Website and on the penalty notices (Plain English)• Training of staff at C2C and in the Appeals team with regards management of vulnerable individuals.

6. Further Action

Any recommendations for action that you plan to take as a result of this Equality Impact Assessment (listed in Summary of Actions) should be included as part of your Service Area's Business Plan to be monitored on a regular basis.

7. Authorisation

The Template should be completed by the Lead Officer of the identified Policy/Strategy/Project/Function and approved by the appropriate Manager in each Service Area.

Completed By : Matthew Wakelam	Date:
Designation: Assistant Director – Street Scene	

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Approved By:	
Designation:	
Service Area: Planning Transport & Environment	

- 7.1 On completion of this Assessment, please ensure that the Form is posted on your Directorate's Page on CIS - *Council Wide/Management Systems/Equality Impact Assessments* - so that there is a record of all assessments undertaken in the Council.

For further information or assistance, please contact the Citizen Focus Team on 029 2087 2536 / 3262 or email equalityteam@cardiff.gov.uk