

Title of proposed EIA	Application for Moving Traffic Enforcement Powers
Reference No	EQUA1015
EA is in support of	New Policy
Review Frequency	Annually
Date of first review	17/11/2023
Directorate	Inclusive Growth
Division	Transport and Connectivity
Service Area	Transport Planning and Network Strategy
Responsible Officer(s)	■ Jamie Stanford
Quality Control Officer(s)	■ Jaswinder Gandham
Accountable Officer(s)	■ Mel Jones
Purpose of proposal	To review the Application for Moving Traffic Enforcement (MTE) Powers which will enable Birmingham City Council to enforce moving traffic contraventions against designated Traffic Regulation Orders.
Data sources	
Please include any other sources of data	
ASSESS THE IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Service Users / Stakeholders; Employees; Wider Community
Age details:	<div> <p>Of the 1,140,500 people living in Birmingham (according to the 2020 mid-year population estimates):</p> <ul style="list-style-type: none"> • 22.5% (257,100) are children and young persons; and, • 13.1% (140,400) are pensioners (older persons and the elderly). <p>Younger people typically make a higher than average proportion of journeys on foot. Supporting this, a study commissioned by the DfT (2018), 'Young People's Travel – What's changed and why?', suggests that only 29% of those aged 17-20 have a driving licence, falling by 20% since 2000. Through the expected improvements to road safety due to stronger deterrents for non-compliant drivers, children will be encouraged to travel actively from a younger age which will subsequently help develop confidence and other skills, increasing the chance of continuing these behaviours into adulthood, without the need to start driving.</p> <p>The Application for MTE Powers also further supports the clean air agenda, following on from the implementation of the Clean Air Zone, through aiming to direct any revenue generated from non-compliant vehicles towards sustainable, low and no-carbon modes of transport in areas of the city where most needed. This will contribute towards improved ambient air quality, through reducing the pollutants associated with transport.</p> <p>Air pollution affects everyone, but certain age groups are more likely to be adversely affected by poor air quality (e.g. the very old or the very young). Throughout childhood, there is a natural development of lung functioning which is vitally important. Similarly, lung function in adulthood slowly declines with age, and there is emerging evidence that air pollution and living near a busy road accelerates this decline for both adults and older people.</p> <p>It is considered that the Application for MTE Powers will result in a net Positive impact upon the Age protected characteristic.</p> </div>
Protected characteristic: Disability	Service Users / Stakeholders; Employees; Wider Community
Disability details:	<p>The West Midlands Metropolitan area has a larger percentage of people in households with a limiting long-term illness (6% of households compared to 4.7% in England and Wales). It also has a slightly larger proportion of disabled people than England and Wales (19% versus 18% in England and Wales). More and more people are living with impairments or with or beyond serious illness.</p> <p>Although the Application for MTE Powers seeks to deter non-compliant car-use where possible while encouraging use of more sustainable modes of travel, it is recognised that the levels of access experienced by some disabled persons with physical mobility issues may be dependent upon use of private vehicles. In mitigating this, provisions for disabled car-users will be retained and improved where possible – for example,</p>

retaining Blue Badge Holder parking bays situated near key services while monitoring abuse of them by non-compliant drivers.

It is also recognised that for those with hearing or visual impairments, some modes of more sustainable transport - in particular cycles and scooters (both electric and manual) may not be visible or audible which can lead to accidents and confusion. In mitigating this, separated and segregated transport modal facilities will be provided wherever possible, as well as dropped kerbs and improved legibility for all users as part of wider high-quality streetscape/public realm (re)design.

Driver behaviour is also expected to become more predictable which may significantly benefit those with mental disabilities such as autism. Sudden and drastic behaviour of drivers (e.g. fast / loud acceleration) can be distressing and disorientating for them – therefore removing this, the environment becomes safer and more attractive for them.

Poor air quality is also proven to adversely impact people with disabilities, particularly those with respiratory problems. Schemes incorporated by this proposal will subsequently aim to improve air quality in the city (e.g. through reducing congestion) and therefore, it is likely to have a positive impact on those with long-term health issues.

It is considered that the Application for MTE Powers will result in a net Positive impact upon the Disability protected characteristic.

Protected characteristic: Sex

Gender details:

Service Users / Stakeholders; Employees; Wider Community

The gender balance of residents in Birmingham is currently 49.2% male and 50.8% female.

The Application for MTE Powers will indirectly increase footfall across the city which is expected to deliver increased natural surveillance, creating a safer environment for all residents and visitors. This change is likely to be significantly beneficial to women and girls due to improved, safer access to key services and facilities at all times of the day and night. Supporting this, in a study by TWM (2022), whilst 87% of women noted that they feel safe walking during peak times, only 70% felt the same during off-peak times.

It will also be considered where measures can be implemented to further protect women in the public environment – for example, one-way streets have the ability to remove the possibility of following vehicles.

A study undertaken by Sustrans entitled Birmingham Bike Life 2017 identified that women in Birmingham are less represented than men in cycling and a lack of cycle infrastructure adversely affects them, attributable in part to women generally having a more risk averse attitude to mixing with traffic. Through gaining these powers, it will be considered whether cycle lanes can be introduced where the potential increase in uptake of cycling by females is greatest.

It is considered that the Application for MTE Powers will result in a net Positive impact upon the Sex protected characteristic.

Protected characteristics: Gender Reassignment

Gender reassignment details:

Service Users / Stakeholders; Employees; Wider Community

There are no national estimates on the trans population in England because the subject is not included in the national census. Additionally, there hasn't been any research completed elsewhere in England which was large enough to be statistically significant. The best estimate is that around 1% of the population might identify as trans, including people who identify as non-binary. If this estimate is applied to Birmingham, assuming that the 1% figure is equally represented across all age groups, then there are an estimated 1,400 trans people aged 16 to 24 years in Birmingham.

This proposal is expected to indirectly increase footfall across the city which would deliver increased natural surveillance, improving perceptions of, and actual personal safety at all times of the day and creating a safer environment for all residents and visitors. This change is likely to be significantly beneficial to those undergoing gender reassignment who can be at higher risk of discrimination, hate crime and personal safety issues by delivering improved, safer access to key services and facilities provided within the city at all times of the day and night.

It is considered that the Application for MTE Powers will result in a net Positive impact upon the Gender Reassignment protected characteristic.

Protected characteristics: Marriage and Civil Partnership

Marriage and civil partnership details:

Service Users/ Stakeholders; Employees; Wider Community

Only 41% of Birmingham's resident population are married or in a civil partnership, which partly reflects the relative youth of the city's population.

It is considered that the Application for MTE Powers will result in a net Neutral impact upon the Marriage and Civil Partnership protected characteristic.

Protected characteristics: Pregnancy and Maternity

Pregnancy and maternity details:

Service Users / Stakeholders; Employees; Wider Community

Approximately 17,000 babies are born in Birmingham each year. As such, Birmingham has a large resident population of persons with this protected characteristic.

Research shows that pregnancy and early childhood are critical times for the formation and maturation of bodily systems. Factors that can adversely affect human development include air pollution and can have both immediate and long-lasting effects such as low birth weight and premature birth. The positive implications for air quality will further reduce local air pollution and the effects it has on pregnant women and their new-born children.

Access to main hospitals across the city, in particular Birmingham's Children Hospital located within the city centre, will be maintained and enhanced where possible. It is recognised that ambulances will continue to need rapid road access and therefore, congestion levels around its vicinity will be addressed where possible.

It is considered that the Application for MTE Powers will result in a net Positive impact upon the Pregnancy and Maternity protected characteristic.

Protected characteristics: Race

Race details:

Service Users / Stakeholders; Employees; Wider Community

Birmingham is a multi-ethnic city with 57.9% of Birmingham's population identifying as white, 26.6% as Asian, 9% as black and 2% as other ethnicities.

Gaining MTE Powers will indirectly help provide an enhanced environment for all users of active travel and road-based public transport modes, regardless of race. In addition, creating roads where driver behaviour will become more predictable is expected to improve the perception of safety for all.

It is considered that the Application for MTE Powers will result in a net Neutral impact upon the Race protected characteristic.

Protected characteristics: Religion or Beliefs

Religion or beliefs details:

Service Users / Stakeholders; Employees; Wider Community

In Birmingham, 46.1% of residents identify as Christian, 21.8% as Muslim, 19.3% have no religion, 3% are Sikh, 2.1% are Hindu and the remaining 7.7% are other religions. The city is known for its ethnic diversity.

Some of the largest religious institutions in the West Midlands are located in Birmingham (e.g. Birmingham Central Mosque). Access to them will be encouraged via more sustainable modes of transport while for whom this may not be possible, driving is expected to become safer due to improved road safety and quicker given the reduced congestion.

It is considered that the Application for MTE Powers will result in a net Neutral impact upon the Religion or Belief protected characteristic.

Protected characteristics: Sexual Orientation

Sexual orientation details:

Service Users / Stakeholders; Employees; Wider Community

Public Health England (PHE) estimate that between 2% and 5% of the national population identify with a non-heterosexual sexual orientation. GP survey data also shows that young adults are more likely to identify with non-heterosexual identities than older age groups. Although there has been NHS guidance on collecting data on sexual orientation there is very little Birmingham data on the health of this group. Based on the various available reports, the LGBTQIA+ population of Birmingham is estimated to be approximately 45,000 adults. This does not however include practising homosexual men who continue to see themselves as heterosexual whilst having sexual contact with other men.

Members of the LGBTQIA+ community are disproportionately more likely to be subject to personal security issues, discrimination and hate crime. These proposals will indirectly increase footfall and natural surveillance across Birmingham, as well as improving access by public transport and active travel modes for all by enhancing the quality of infrastructure and services provided to support use of these modes. On the other hand, it is anticipated that roads will become safer to be driven on by those who may not feel comfortable travelling outside in the public realm.

It is considered that the Application for MTE Powers will result in a net Positive impact upon the Sexual Orientation protected characteristic.

Socio-economic impacts

Please indicate any actions arising from completing this screening exercise.

Undertake further equality assessments as part of individual scheme design, development and delivery, informed by public and stakeholder consultation, to identify opportunities to mitigate any adverse impacts and generate additional positive impacts, where realistic and appropriate.

Please indicate whether a full impact assessment is recommended

NO

What data has been collected to facilitate the assessment of this policy/proposal?

- **Census 2011 and Mid Year Population Estimates:**
- www.nomisweb.co.uk
- **Why getting transport right matters to young people - Campaign for Better Transport:**
- https://bettertransport.org.uk/sites/default/files/research-files/Young_People_and_Buses_FINAL_forweb_0.pdf
- **Fit for the Future – Birmingham's Childhood Obesity Strategy:**
- https://www.birmingham.gov.uk/downloads/file/8102/fit_for_the_future_childhood_obesity_strategy
- **The future of Transport in an Ageing Society – Age UK:**
- https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/active-communities/rb_june15_the_future_of_transport_in_an_ageing_society.pdf
- **Transport for London – Violence Against Women and Girls Strategy:**
- https://www.london.gov.uk/sites/default/files/vawg_strategy_2018-21.pdf
- **Bike Life Birmingham – Sustrans:**
- <https://www.sustrans.org.uk/media/2950/bike-life-birmingham-2017.pdf>
- **LGBT in the UK - Trans Report - Stonewall:**
- https://www.stonewall.org.uk/system/files/lgbt_in_britain_-_trans_report_final.pdf
- **LGBT Britain – Hate Crime and Discrimination – Stonewall:**
- <https://www.stonewall.org.uk/lgbt-britain-hate-crime-and-discrimination>
- **Health Matters: Air Pollution – Public Health England:**
- <https://www.gov.uk/government/publications/health-matters-air-pollution/health-matters-air-pollution>
- **Accessing transport connectivity in London – TfL:**
- <https://content.tfl.gov.uk/connectivity-assessment-guide.pdf>
- **Tackling Violence Against Women and Girls - TfWM:**
- <https://beta.wmca.org.uk/what-we-do/tackling-violence-against-women-and-girls/>

Consultation analysis

Adverse impact on any people with protected characteristics.

Could the policy/proposal be modified to reduce or eliminate any adverse impact? If deemed necessary, any potential adverse impacts of the Application for MTE Powers can be mitigated by:

- Ensuring provisions for disabled car-users go unaffected and potentially improved where possible – for example, retaining Blue Badge Holder parking bays situated near key services and monitoring abuse by non-compliant drivers;
- Providing separated and segregated transport modal facilities wherever possible, as well as dropped kerbs and improved legibility for all users as part of wider high-quality streetscape/public realm (re)design;
- Directing attention towards non-compliant drivers in critical areas of the city – for example, Birmingham Children's Hospital; and,
- Consultation / communication with members from each of these protected characteristics as part of the design, development and delivery of each measure and subsequently (re-) undertaking a Equality Impact Assessment.

How will the effect(s) of this policy/proposal on equality be monitored?

Further EQIAs will be undertaken at each stage of the process and compared to the results of this screening.

What data is required in the future?

Are there any adverse impacts on any particular group(s)

No

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

This EQIA has reviewed the Application for Moving Traffic Enforcement (MTE) Powers which will enable Birmingham City Council to enforce moving traffic contraventions against designated Traffic Regulation Orders including:

- Banned Turns;
- One-way streets;
- Yellow box markings;
- Weight restrictions;
- Mandatory cycle and bus lanes;
- Restricted access;

- School Keep Clear markings;
- Red routes; and,
- ...could include speeding, in future.

Approval of this will allow BCC to:

- Make an application to the DfT for powers to enforce moving traffic contraventions across the City Council's jurisdiction, in accordance with Part 6 of the Traffic Management Act 2004.
- Delegate the management of operational policy regarding camera site selection and operation to the Assistant Director for Highways in consultation with the Assistant Director for Transport and Connectivity and the Cabinet Member for Transport;
- Delegate the authority to approve future camera enforcement sites to the Director for Highways and Transport in consultation with the Cabinet Member for Transport and relevant divisional members;
- Approve the setting of PCNs to be issued with MTE at the higher level of (£70) for moving traffic contraventions;
- Agree to receive annual reports on the effectiveness of MTE by the Cabinet Member for Transport; and
- Ensure that any surplus income generated as a result of MTE is hypothecated towards transport or environmental improvement schemes, as required by law and to delegate authority to make decisions about the use of any surplus income to the Assistant Director for Highways in consultation with the Assistant Director for Transport and Connectivity and the Cabinet Member for Transport.

This EQIA has identified a list of actions and mitigations to take when considering the next steps of the proposals in order to ensure that benefits are harnessed and adverse impacts are minimised for as many people as possible. Most notably, it has been established that there a number of associated benefits for those identifying with the mentioned protected characteristics including that relating to: improved road safety, reduced congestion and likelihood of delays, improved air quality, and increased compliance with TROs. Through BCC gaining these powers, it will also ensure that matters of equality and equity are intertwined at every stage from design through to use of the generated revenue from non-compliant drivers.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

16/11/2022

Reasons for approval or rejection

Approved because the overall impact is net neutral or positive. It will be important to make sure project communications are appropriately inclusive.

Please print and save a PDF copy for your records

Yes

Content Type: Item

Version: 20.0

Created at 15/11/2022 04:33 PM by ■ Jamie Stanford

Last modified at 16/11/2022 12:52 PM by Workflow on behalf of ■ Mel Jones

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