

Equality Impact Assessment

Section 1 - Context Setting

1. Title of strategy, policy, project, service (Now known as 'the proposal')

Review of Enforcement Policy and Procedures and Guidelines – the paper to be presented to the Joint Committee on 6th November recommends a harder line approach to waste crimes and waste collection offences i.e. issuing of warnings, Fixed Penalty Notices, prosecutions and waste collection charges where applicable.

This will enable the DWP to deal with waste crimes appropriately and proportionally.

2. Service and lead officer:

Gemma Clinton, Head of Service (Strategy), Dorset Waste Partnership

3. Officers involved in the EqIA:

Lisa Mouny / Louise Bryant, Service Development Manager

4. What does the proposal assess?

Existing:

New/proposed:

Changing/Update/revision

Other

please list below

5. What are the aims and objectives of the proposal?

The Enforcement Procedures and Guidelines document details the core functions of the enforcement team as follows:

- Abandoned Vehicles
- Fly tipping
- Dropping litter
- Powers to prevent littering
- Duty of care compliance checks
- Waste collection related offences – Recycle for Dorset offences

For each function the document details the relevant legislation, the type of enforcement action available and the procedure that will be followed in order for suspected perpetrators to be dealt with in the most appropriate manner.

Currently, our approach to enforcement has been to provide informal advice and guidance with warning letters sent out where appropriate. The revised procedures will provide us with the tools to enable a more hard line approach to waste enforcement involving the issuing of warnings, Fixed Penalty Notices, prosecution through the courts and waste collection charges.

All enforcement action taken by the DWP will be with regard to the relevant statutory provisions and their amendments. The DWP has key legislative powers, under the Environmental Protection Act 1990 (EPA 1990), Clean Neighbourhoods and Environment Act 2005 (CNEA 2005) and other legislation relating to the environment. These offer a wide range of powers to enable the DWP to fulfil the duties for which it is responsible.

For example, under Section 46 of the Environment Protection Act, a Council may serve notice on the occupiers of the premises from which it collects household waste, requiring those occupiers to place their waste in receptacles of a particular kind and of a particular number. The council may specify the size, type and colour of these receptacles, and how these containers are presented. A failure to comply with requirement a local authority has made is an offence and enforcement action can be taken.

Enforcement is any formal or informal action taken to prevent or rectify infringements of legislation. The enforcement options may differ where different areas of legislation are used but the principles of application should remain constant and consistent.

6. Who will be involved in the implementing and/or delivery of the proposal?

DWP officers only

7. Who could be impacted (either negative or positive) with the implementation of the proposal?

(For example, public, visitors, staff members or partners)

The implementation of this proposal will primarily impact upon those perpetrators that are responsible for a waste crime and commit an offence under the relevant environmental legislation.

With regards to waste collection offences, the DWP's intention remains to resolve issues, where appropriate, by information, advice and education. A staged approach will be followed whereby offenders are issued with warnings to allow them an opportunity to rectify their behaviour and comply with the requirements of the law. Only in cases of persistence or severe non-compliance will enforcement action be taken.

On a positive note, the more hard lined approach towards environmental enforcement will result in a cleaner environment with less incidences of fly-

tipping, litter, waste contamination and abandoned vehicles – this will benefit all Dorset residents.

With regards to fly-tipping in particular, the current occurrence of incidences is costing money to the local taxpayer – it is resulting in costs for the DWP in clearance and disposal costs of approximately £130K per year. On a national scale, the estimated cost of clearance of fly-tipping to local authorities in England in 2014/15 was nearly £50 million, an 11% increase on 2013/14. The reduction in environmental crime through enhanced enforcement will deliver savings.

Section 2 – Information Gathering

1. What, data, information, evidence, research was used in this EqIA and how has it been used to inform the decision making process?

Monthly figures are held for the number of abandoned vehicles reported, flytip incidents and the costs of clearing these. We are also maintain records of the number of enforcement actions undertaken. Historically, the number of enforcement actions has been low whilst the incidences of crime are now rising. This is therefore being tackled by the revision of the policy and procedures documents, which is also being supported by an increase in resource in this area.

Various pieces of environmental legislation (including Environmental Protection Act 1990, Controlled Waste Regulations 2012, Refuse (Disposal) Amenity Act 1978 and the Deregulation Act 2015) and DEFRA guidance have been used to formulate the procedures. Legal guidance has also been sought from legal experts at Keep Britain Tidy.

2. What data do you already have about your service users, or the people your proposal will have an impact on?

Information is held in the Dorset data book about the number of juveniles across the County.

The DWP holds an extensive household waste database which includes details of all households which currently have a non-standard variation of the 'Recycle for Dorset' service. This may be used when looking into waste collection offences.

3. What engagement or consultation has taken place as part of this EqIA?

Although the community have not been directly engaged in the development of this proposal, the DWP will endeavour to feedback the outcomes through use of newsletter articles, press releases, information on the website and various educational roadshows that are held across the County. Information regarding enforcement would also be made available through contact with residents e.g. talks and presentations.

A DWP customer satisfaction was undertaken during summer 2017. In this survey, 39.1% of residents indicated that flytipping was a problem in their area. 15.4% of residents also viewed their local area to be unsatisfactory in terms of the level of cleanliness. Both of these issues will be tackled through this revised enforcement policy.

4. Is further information needed to help inform this proposal?

No.

Section 3 – Assessing the Impact

Section 149 of the Equality Act 2010 states that a public authority must in carrying out its functions have due regard to the need to:

- Eliminate all forms of discrimination; harassment and victimisation that are prohibited by the Equality Act 2010.
- Advance equality of opportunity.
- Foster good relations.

1. What does the consultation, data, evidence tell us about the likely impact on any equality group?¹ (Please include a summary of the data used, an attachment or link to it)

Protected characteristic	Positive impact	Negative impact	Neutral impact	Unclear	Please explain the impact
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal may have a negative impact on juveniles and their families.
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Gender Identity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Pregnancy and Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Race and Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Other socially excluded groups (Carers, rural isolation, low income, armed forces personnel)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal will have a negative impact on families on low income as they may struggle to seek the appropriate funds to pay a fixed penalty notice or a fine imposed by the prosecution courts

Section 4 - Action Plan, Monitoring and Communication

What plans do you have in place, or are developing, that will mitigate the likely identified negative impacts?

¹ This will include impacts upon workforce including staff transferring under TUPE to a new service provider

Objective / Outcome	SMART Action	Lead officer	Deadline
Minimise impact to low income families	Where appropriate, the enforcement team will initially provide advice and information to those who commit an offence. The procedures involve a 'staged approach' whereby perpetrators receive a warning prior to a FPN being issued or court proceedings starting.	Jason Dobson / Jeremy Gallagher	Ongoing
Minimise impact to juvenile offenders	<p>No juvenile (a person aged under 17) or mentally impaired person should be interviewed without an appropriate adult being present.</p> <p>For offenders between 10 and 15 years old, an FPN should not normally be issued. If on enquiry it is found that an FPN is suitable, then the notice should be issued to the offender with an appropriate adult being present.</p> <p>For offenders aged 16 or 17 years old, an FPN can be issued using the same procedure as for adults.</p>	Jason Dobson / Jeremy Gallagher	Ongoing

1. Good communication is essential to help ensure that the proposal is correctly implemented. **How will this proposal be communicated?**

All enforcement related information is detailed on our website including the different areas of enforcement the DWP cover, the FPN charges, etc. We also send out warning letters prior to further enforcement action being taken outlining the offence committed and the consequences of further non-compliance.

2. The full impact of the proposal may only be known after the proposal has been implemented. **How will the impact of the proposal be monitored?**

The number of enforcement actions will be monitored continuously through the use of LAGAN. LAGAN will also be used to monitor any complaints relating to the proposal.

The expectation is you will continue to work with the communities you engaged with in this proposal. Please use this space to include how the outcome of consultation will be fed back to those who you consulted with.

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A DWP customer satisfaction was undertaken during summer 2017. In this survey, 39.1% of residents indicated that flytipping was a problem in their area. 15.4% of residents also viewed their local area to be unsatisfactory in terms of the level of cleanliness. Both of these issues will be tackled through this revised enforcement policy.

Section 5 - Decision Making Process

After consideration please state your final recommendations based on the findings from this EqlA. This will be used to inform the decision-making process. Include any examples of good practice and positive action taken.

The impact of this proposal is minimal. The recommendation is therefore to proceed.

This EqlA was signed off by Karyn Punchard Director of Dorset Waste Partnership

Date: 13 October 2017

Action Plan review date: October 2019

