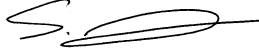




Equality Impact Assessment

Name of Project	Introducing a Fixed Penalty Notice for Fly-tipping	Cabinet meeting date <i>If applicable</i>	TBC
Service area responsible	Commercial & Operations		
Name of completing officer	Debbie Campbell	Date EqIA created	7-9-16
Approved by Director / Assistant Director	Stephen McDonnell 	Date of approval	6-10-16

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

Haringey Council also has a 'Specific Duty' to publish information about people affected by our policies and practices.

All assessments must be published on the Haringey equalities web pages. All Cabinet papers **MUST** include a link to the web page where this assessment will be published.

This Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above, for more information about the Council's commitment to equality; please visit the Council's website.

Stage 1 – Names of those involved in preparing the EqIA	
1. Project Lead Tom Hemming	5.
2. Equalities / HR Kathryn Booth	6.
3. Legal Advisor (where necessary) Robin Levett	7.
4. Trade union – N/A	8.

Stage 2 - Description of proposal including the relevance of the proposal to the general equality duties and protected groups. Also carry out your preliminary screening (Use the questions in the Step by Step Guide (The screening process) and document your reasoning for deciding whether or not a full EqIA is required. If a full EqIA is required move on to Stage 3.

The proposal concerns the introduction of a Fixed Penalty Notice (FPN) for fly-tipping offences at the maximum statutory level of £400, with no early payment option.

The Fixed Penalty can be levied by authorised officers giving those believed to have committed flytipping offences a FPN payable within a limited period as an alternative to prosecution or serving a notice. These penalties range from between £80 for residents and £300 for businesses, depending on the exact offence, and prosecution is unlimited.

The introduction of a FPN for flytipping provides an additional tool for councils to tackle flytipping. It does not replace the use of existing tools and means that the Council would retain existing powers to issue FPNs at lower amounts for small scale infringements such as litter and would, as a matter of course, still prosecute for more serious offences.

The Fixed Penalty will apply equally to anyone committing this offence regardless of background. The policy is intended to have a positive impact on local communities in terms of improving the local environment, by helping keep the Borough cleaner and safer.

Stage 3 – Scoping Exercise - Employee data used in this Equality Impact Assessment
Identify the main sources of the evidence, both quantitative and qualitative, that supports your analysis. This could include for example, data on the Council’s workforce, equalities profile of service users, recent surveys, research, results of recent relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national.

Data Source (include link where published)	What does this data include?
This proposal does not have any implications for employees.	N/A

Stage 4 – Scoping Exercise - Service data used in this Equality Impact Assessment
This section to be completed where there is a change to the service provided

Data Source (include link where published)	What does this data include?
No equality data is collected on those that commit offenses. All areas of the borough are affected by flytipping, flytipping is not area specific.	N/A

Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery:

Positive and negative impacts identified will need to form part of your action plan.

	Positive	Negative	Details	None – why?
Sex				No data available on the sex of the offender in relation to Fixed Penalty Notices. However, it is not anticipated that the policy will have a disproportionate impact on this protected group.
Gender Reassignment				No data available on gender reassignment in relation to Fixed Penalty Notices. However, it is not anticipated that the policy will have a disproportionate impact on this protected group.
Age	Age is a potential mitigating factor in implementing the policy and requires officer discretion.		The general practice is not to issue a Fixed Penalty Notice to anyone below the age of 18 years old.	
Disability	Learning disability and mental health issues are potential mitigating factors for issuing		Fixed Penalty Notices would not be issued on persons with certain disabilities, such	

	Fixed Penalty Notices and therefore require officer discretion.		as issuing a Fixed Penalty Notice for dog fouling on a visually impaired person with a dog, or persons with mental health issues. Discretion is also applied in other instances such as persons with manual dexterity.	
Race & Ethnicity	Language barrier is a potential factor requiring different forms of engagement.	Adopting the maximum statutory amount of £400 is an increase on current Fixed Penalty Notices used which is around £80 to £100 pounds, but in some cases £300. No payment could lead to increased prosecutions.	The policy aims to take a stronger enforcement approach but also recognises the need for engagement. Where language is a barrier steps to ensure the warning stage is communicated will be made. Income data suggests that BME communities are more likely to be on lower incomes and could be therefore more affected by a higher charge.	
Sexual Orientation				No data available on sexual orientation in relation to Fixed Penalty Notices. However, it is not anticipated that the policy

				will have a disproportionate impact on this protected group.
Religion or Belief (or No Belief)				No data available on religion or belief in relation to Fixed Penalty Notices. However, it is not anticipated that the policy will have a disproportionate impact on this protected group.
Pregnancy & Maternity				No data available on pregnancy or maternity in relation to Fixed Penalty Notices. However, it is not anticipated that the policy will have a disproportionate impact on this protected group.
Marriage and Civil Partnership (note this only applies in relation to eliminating unlawful discrimination (limb 1))				No data available on marriage and civil partnerships in relation to Fixed Penalty Notices. However, it is not anticipated that the policy will have a disproportionate impact on this protected group.

Stage 5b – For your employees and considering the above information, what impact will this proposal have on the following groups: Positive and negative impacts identified will need to form part of your action plan.

	Positive	Negative	Details	None – why?
Sex				Policy has no impact on employees
Gender Reassignment				As above
Age				As above
Disability				As above
Race & Ethnicity				As above
Sexual Orientation				As above
Religion or Belief (or No Belief)				As above
Pregnancy & Maternity				As above
Marriage and Civil Partnership (note this only applies in relation to eliminating unlawful discrimination (limb 1))				As above

Stage 6 - Initial Impact analysis	Actions to mitigate, advance equality or fill gaps in information
<p>The impact assessment highlights that different engagement interventions may be required to ensure that offenders who face language barriers understand the enforcement process and are able to respond to final warnings.</p> <p>Low income groups are likely to have greater difficulty in meeting increased charges. Certain protected groups, such as BME households, are currently disproportionately likely to be on low incomes. The impact assessment suggests that certain groups may have increased difficulty in complying with the policy due to factors such as age or a disability.</p>	<p>Where possible the service will use communication material that is visual and other engagement tactics such as door-stepping. Discretion to be used in implementation of the policy where required and informal enforcement/warnings already in place will continue to be used.</p> <p>Discretion to be used in implementation of the policy where required and informal enforcement/warnings already in place will continue to be used.</p> <p>Discretion will continue to be used in the issuing of Fixed Penalty notices where required and informal enforcement/warnings already in place will continue to be used.</p>

Stage 7 - Consultation and follow up data from actions set above	
Data Source (include link where published)	What does this data include?
<p>Relates to increase to existing fees and charges. There is no specific public consultation planned as this is a statutory fine. Consultation with London Councils was undertaken which</p>	<p>N/A</p>

recommended setting the fine at the statutory level. Members and council officer have also been consulted.	
--	--

Stage 8 - Final impact analysis

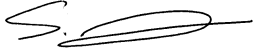
The service does not currently collect data on the breakdown of Fixed Penalty Notices by different equalities groups. However informal policy restrictions are currently adopted or used at the discretion of the officer, thereby protecting groups that may be disadvantaged. These groups include those who may be more vulnerable or less able to comply with the policy on account of their age or disability. Enforcement activities focus on engagement to ensure that offenders are aware of the enforcement process and the consequences of not complying. The service currently uses a range of engagement mechanisms, including more visual communications and face-to-face engagement where possible and therefore will continue to do so.

It is noted that certain groups may be more affected by the increase in the Fixed Penalty Notice rate where they are on low incomes. The focus of the policy is to take a stronger approach to enforcement and it is therefore important that the policy is implemented consistently wherever a crime has been committed. However, income may be taken into account during the prosecution and subsequent fine setting process.

Overall conclusion is that no one group will be disadvantaged as a result of introducing a new Fixed Penalty for Flytipping. If mitigation measures addressed within this equality impact assessment are implemented.

Stage 9 - Equality Impact Assessment Review Log

Review approved by Director / Assistant Director



Date of review

6-10-2016

Review approved by Director / Assistant Director



Date of review



Stage 10 – Publication

Ensure the completed EqIA is published in accordance with the Council's policy.