

BCP Equality Impact Assessment Template

Executive Summary and Conclusions

Once the Equality Impact Assessment Template has been completed, please summarise the key findings here.

The Policy is designed to benefit the community through consistent environmental enforcement which in turn should reduce litter and other associated enforcement issues. There should be no adverse effect on those classed as having protected characteristics and full monitoring will be provided following the end of the trial scheme.

Part 1 - The Project

Policy/Service under development/review:	Policy for environmental enforcement through fixed penalty notices and pilot scheme for enforcement in the Town Centre.
Service Unit:	Communities
Service Lead:	Kelly Ansell
Equality Impact Assessment Team:	Sophie Ricketts, Sam Johnson, Ian Cooke, Kirstin Cummings, Cat McMillan, Matthew King, Andy MacDonald, Andrew Brown
Date assessment started:	22/8/19
Date assessment completed:	06/11/19

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Part 1 - The Project

What are the aims/objectives of the policy/service?	<p>The aim is to protect the environment through the reduction of litter and environment crime and increase sense of citizenship, collective responsibility for improving the local environment using robust enforcement.</p> <p>To inform the public and stakeholders of the process for enforcement through the issue of fixed penalty notices, to include the legislative framework, appeals, costs and impact.</p>
What outcomes will be achieved with the new or changed policy/service?	<p>Reduction of pollution and improved local environment. This supports the sustainable environment element of the Corporate Plan.</p> <p>Introduction of issuing of fixed penalty notices with robust supporting policy to ensure legal compliance.</p>
Are there any associated services, policies or procedures?	<p>Corporate Strategy Cleansing & Waste Environmental services Economic development Communities Community Safety Accreditation Scheme This supports the environmental agendas of BCP Council</p>
Please list the main people, or groups, that this policy/service is designed to benefit, and any other stakeholders involved:	<p>Residents Visitors Businesses Stakeholders include parks, street services, seafront services and tourism</p>

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Part 1 - The Project

With consideration for their clients, please list any other organisations, statutory, voluntary or community that the policy/service/process will affect:

Businesses who litter
Fly-tippers
Customers of:-
Youth services
Youth offending services
Addaction
Language Schools

Part 2 – Supporting Evidence¹

Please list and/or link to below any recent & relevant consultation & engagement that can be used to demonstrate a clear understanding of those with a legitimate interest in the policy/service/process and the relevant findings:

Engaged with Cabinet member for Communities and the Leader of the Council through consultation on 23/8. Engaged with seafront services on 20/8. Engaged with Head of Parks 22/8.

The Bournemouth Opinion Survey 2017 showed that 25% of respondents felt that 'rubbish and litter lying around' was a very big problem, an increase from 23% in 2015. Those that felt it was not a very big problem had reduced from 46% in 2015 to 41% in 2017, showing an increased negative perception.²

There have also been a range of media articles regarding litter in Bournemouth, to include:

<https://www.bournemouthcho.co.uk/news/17816417.plastic-free-bournemouth-call-council-step-action-beach-rubbish/>
<https://www.bournemouthcho.co.uk/news/16349326.leave-only-footprints-not-litter-on-bournemouth-beach/>
<https://www.bournemouthcho.co.uk/news/16216109.ignorant-visitors-slammed-for-bournemouth-beach-litter/>
<https://www.bbc.co.uk/news/av/uk-england-dorset-44047285/bournemouth-beach-covered-in-litter-after-bank-holiday>

¹ This could include: service monitoring reports, research, customer satisfaction surveys & feedback, workforce monitoring, staff surveys, opinions and information from trade unions, previous completed EIAs (including those of other organisations) feedback from focus groups & individuals or organisations representing the interests of key target groups or similar.

² <https://www.bournemouth.gov.uk/councildemocratic/GetInvolvedHaveyoursay/Documents/bournemouth-opinion-survey-2017-report-final.pdf>

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Part 2 – Supporting Evidence¹

If there is insufficient consultation or engagement information please explain in the Action plan what further consultation will be undertaken, who with and how.

Please list or link to any relevant research, census and other evidence or information that is available and relevant to this EIA:

<https://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse>

<https://www.gov.uk/pay-challenge-fine-environmental-offence>

<http://www.mcs.org.uk/ftp/fixed-penalty-guidance.pdf>

https://www.keepbritaintidy.org/sites/default/files/resources/KBT_The_Effectiveness_Of_Enforcement_2011.pdf

This policy applies to the use of statutory legislation and public consultation is not required. Litter and dog fouling offences have previously been enforced in Bournemouth through tender with an external provider. The planned BCP enforcement approach through the use of CSAS officers and fixed penalty notices will professionalise this approach and ensure that relevant diversity and equality implications have been considered and government guidance adhered to. There are numerous EIAs from local authorities who undertake these enforcement processes, there is no negative impact on any protected characteristic within the EIAs researched. However, consideration will need to be given to ensure enforcement does not disproportionately and unintentionally impact any protected group. The hours when enforcement activity is undertaken needs to consider the likely community profile at that point in times as it is recognised that the profile of the street population varies according to the time of day and the season in which it is undertaken. i.e. younger population in the evenings and such as students on Wednesday nights and older people during the Christmas period and families during summer

Keep Britain tidy report shows that a robust communication strategy and transparency in the service delivery are key to ensuring that the public are aware of the offences and consequences and the impact of the service on the authority. As a trial period, public perception and scheme success will be monitored. According to the study only 51% of BME groups are aware of consequences of the offences, therefore it is imperative that communications are through a medium of channels.

Please list below any service user/employee monitoring data available and relevant to this policy/service/process and what it shows in relation to any Protected Characteristic:

Previous tendered service shows that fixed penalty notices were issued on the basis of offence only, without any prejudice or targeting of any protected characteristic. Data on the service of notices on specific demographics is not available, except in the case of age-where no disproportionate level of enforcement is shown.

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Part 2 – Supporting Evidence¹

https://www.keepbritaintidy.org/sites/default/files/resources/KBT_The_Effectiveness_Of_Enforcement_2011.pdf shows that schemes can address issues, but measures around communications and education are required.

https://consult.defra.gov.uk/environment/reducing-litter-proportionate-enforcement/supporting_documents/Consultation%20%20Reducing%20litter

“As well as influencing the behaviour of those against whom enforcement action is taken, the use of proportionate enforcement can also help to deter others from committing offences which cause damage to local environmental quality. In turn, this will assist litter authorities in keeping their relevant land clear of litter and refuse.”

https://consult.defra.gov.uk/environment/litter-penalties/supporting_documents/Reducing%20litter%20%20Consultation%20on%20penalties%20for%20environmental%20offences.pdf

<https://www.zerowastescotland.org.uk/litter-flytipping/effective-enforcement>

All supporting documents look at the consistency of the application of legislation, onus on the local authority to communicate both the expectations of the public and the use/effectiveness of litter enforcement. There are no adverse effects on protected groups in the studies researched or other local authority scheme reports.

If there is insufficient research and monitoring data, please explain in the Action plan what information will be gathered:

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Part 3 – Assessing the Impact by Equality Characteristic

Use the evidence to determine the impacts, positive or negative for each Equality Characteristic listed below. Listing negative impacts will help protect the organisation from potential litigation in the future, it does not mean the policy cannot continue. [Click here](#) for more guidance on how to understand the impact of the service/policy/procedure against each characteristic. If the impact is not known please explain in the Action plan what steps will be taken to find out.

	Actual or potential positive outcome	Actual or potential negative outcome
1. Age ³	Service of notice is prescribed by age and therefore limited enforcement on those under 18, however, informal action will be considered to include potential use of low-level suitable anti-social behaviour enforcement.	No effect, legislation applied without prejudice to any person that commits an offence.
2. Disability ⁴	No formal action will be taken where there is significant concern or evidence over lack of mental capacity. Where required, further advice will be sought before considering formal action.	No effect, legislation applied without prejudice to any person that commits an offence
3. Sex	No effect, legislation applied without prejudice to any person that commits an offence	No effect, legislation applied without prejudice to any person that commits an offence
4. Gender reassignment ⁵	No effect, legislation applied without prejudice to any person that commits an offence	No effect, legislation applied without prejudice to any person that commits an offence
5. Pregnancy and Maternity	No effect, legislation applied without prejudice to any person that commits an offence	No effect, legislation applied without prejudice to any person that commits an offence

³ Under this characteristic, The Equality Act only applies to those over 18.

⁴ Consider any reasonable adjustments that may need to be made to ensure fair access.

⁵ Transgender refers to someone who considers that they do not identify strictly to one gender to the other, identifying themselves as neither male nor female.

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	Actual or potential positive outcome	Actual or potential negative outcome
6. Marriage and Civil Partnership	No effect, legislation applied without prejudice to any person that commits an offence	No effect, legislation applied without prejudice to any person that commits an offence
7. Race	There are potential impact on cultures where litter offences are not the same as the UK, a robust communication tool will be used to inform the public through various mediums.	No effect, legislation applied without prejudice to any person that commits an offence
8. Religion or Belief	No effect, legislation applied without prejudice to any person that commits an offence	No effect, legislation applied without prejudice to any person that commits an offence
9. Sexual Orientation	No effect, legislation applied without prejudice to any person that commits an offence	No effect, legislation applied without prejudice to any person that commits an offence
10. Any other factors/groups e.g. socio-economic status/carers etc ⁶	No fixed penalty action will be taken where a person is of no fixed abode, due to legislative guidance. Anti-social behaviour legislation will be considered instead.	No effect, legislation applied without prejudice to any person that commits an offence
11. Human Rights	No effect, legislation applied without prejudice to any person that commits an offence	No effect, legislation applied without prejudice to any person that commits an offence

Any policy which shows actual or potential unlawful discrimination must be stopped, removed or changed.

⁶ People on low incomes or no income, unemployed, carers, part-time, seasonal workers and shift workers

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Part 4 – Equality Impact Action Plan

Please complete this Action Plan for any negative or unknown impacts identified in the assessment table above.

Issue identified	Action required to reduce impact	Timescale	Responsible officer
Communications on legislation and use of such required to ensure public awareness	Communication of service delivery through multiple mediums	Prior to service implementation	Sophie Ricketts

Key contacts for further advice and guidance:

Equality & Diversity:

[Sam Johnson - Policy and Performance Manager](#)

Consultation & Research:

[Lisa Stuchberry – Insight Manager](#)