

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, flytipping and other associated enforcement issues. There should be no adverse effect on those classed as having protected characteristics and the approach should ensure cleanliness and safety of our neighbourhoods are promoted, enhancing accessibility.

Part 1 - The Project

Policy/Service under development/review:	Enforcement of Waste Offences Policy.
Service Unit:	Housing and Communities
Service Lead:	Kelly Deane
Equality Impact Assessment Team:	Sophie Sajic, Simon Legg, Richard Pearson, Claire Seymour
Date assessment started:	03/10/2024
Date assessment completed:	22/11/2024

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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 environment crime offences and increase the collective responsibility for improving the local environment using the 3 E approach: education, engagement and enforcement.</p> <p>To inform the public and stakeholders of the process for enforcement through the issue of fixed penalty notices and prosecution, to include the legislative framework, appeals, costs and impact. The policy complies with updated national guidance.</p>
What outcomes will be achieved with the new or changed policy/service?	<p>Reduction of environmental crime offences, enhanced education on the methods of waste disposal and in turn an improved local environment. This supports 'Our Place and Environment' element of the Corporate Strategy, namely 'our communities have pride in our streets, neighbourhoods and public spaces.'</p> <p>Following updated DEFRA guidance in October 2023, this new policy ensures compliance with national statutory guidance and ensures a transparent, accountable and consistent framework for enforcement approaches.</p>
Are there any associated services, policies or procedures?	<p>Corporate Strategy Cleansing & Waste Neighbourhood Management Services Economic development Public Protection 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 including Operations Directorate and Wellbeing Directorate.</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, residents and visitors who commit environmental crime
Business Improvement Districts
Dorset Police
Customers of:
Youth services
Youth offending services
Services supporting vulnerable adults
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 Portfolio Holder for Housing and Regulatory Services and the wider Cabinet on 5/11. Engaged with Neighbourhood Management on 3/10, Traffic and Safety Manager on 24/10 and WISE Ltd throughout September and October 2024.

The BCP residents survey 2023 showed that 24% of respondents felt that 'rubbish and litter lying around' was a very big problem, with the 2021 survey showing this at 25%.

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

<https://www.bournemouthecho.co.uk/news/17816417.plastic-free-bournemouth-call-council-step-action-beach-rubbish/>
<https://www.bournemouthecho.co.uk/news/16349326.leave-only-footprints-not-litter-on-bournemouth-beach/>
<https://www.bournemouthecho.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>
[Christchurch man fined £500 for 'flytipping' | Bournemouth Echo](#)

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.

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Part 2 – Supporting Evidence¹

[Bournemouth woman fined for leaving take-for-free cabinet outside home - BBC News](#)
[BCP Council launch new campaign to stop fly-tipping | Bournemouth Echo](#)
[Redeployable CCTV Case Study - BCP Council - WCCTV UK](#)
[Bournemouth woman loses fly-tipping appeal over cabinet outside home - BBC News](#)

It is clear that litter and flytipping are contentious issues, with residents supporting clear and safe streets but also the Council needing to balance this with recycling initiatives, education, enforcement and alternative provisions. Current economic climates also need to be considered so that approaches are proportionate and potential financial hardships are considered.

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
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834449/part1a-enforcement-guidance1.pdf
[guidance-for-local-authorities-on-household-waste-duty-of-care-fixed-penalty-notice.pdf](#)

This policy applies to the use of statutory legislation and public consultation is not required although authorities should use public opinion to support policy writing. Following a significant amount of social media and media coverage in recent months, both showing views for robust enforcement of issues like flytipping and asking for a more proportionate approach to residential flytipping, these views have been considered within the setting of fine levels. The policy is based on statutory guidance that advises on the required content. Litter, waste duty of care, flytipping and flyposting offences are primarily enforced in BCP through tender with an external provider, however some Council officers also hold delegated powers to enforce these offences. The updated policy ensures that relevant diversity and equality implications have been considered and new government guidance is 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

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Part 2 – Supporting Evidence¹

street population varies according to the time of day and the season in which it is undertaken. i.e. visitor flux in summer and winter events, university students in certain areas.

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. 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. A communications campaign will be created following the approval of the policy to support behaviour change and inform on correct disposal of waste.

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:

Current tendered service shows that fixed penalty notices are 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 available, with the following data on fixed penalty notices issued between November 2023-November 2024 as follows:

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Age Binding

Age Binding	Age Binding Count	Percentage
15 and under	2	0.05%
16	2	0.05%
17	3	0.07%
18	14	0.35%
19	65	1.62%
20 - 29	761	19.00%
30 - 39	886	22.12%
40 - 49	797	19.90%
50 - 59	667	16.65%
60 - 69	424	10.59%
70 - 79	153	3.82%
Not known	231	5.77%

Gender

Gender	Gender Count	Percentage
Female	1322	33.01%
Male	2683	66.99%
Total:	4005	

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Part 2 – Supporting Evidence¹

■ Ethnicity

Ethnicity	Ethnicity Count	Percentage
IC1 - White - North European	2522	62.97%
IC2 - White - South European	538	13.43%
IC3 - Black	54	1.35%
IC4 - Asian (India, Pakistan, Bangladesh, Nepal)	242	6.04%
IC5 - Chinese, Japanese or other South East Asian	71	1.77%
IC6 - Arabic or North African	267	6.67%
IC9 - Unknown	310	7.74%
Not known	1	0.02%
Total:	4005	

The figures detailed are aligned to current demographic of the area and based on trends of offending nationally, therefore do not show a disproportionate impact of enforcement. The data is reviewed regularly and if disproportionate impacts are identified, the contract manager will review this with the enforcement staff. Wider data on other characteristics is not captured as this is not proportionate or relevant to the offences.

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

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Part 2 – Supporting Evidence¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834449/part1a-enforcement-guidance1.pdf

The DEFRA October 2023 guidance gives very clear advice on what local authorities should do to ensure consistent, transparent and proportionate policies on the issue of fixed penalty notices. This guidance details what is required in both policy and approach. The new BCP policy adheres to this guidance and follows the principles of the Regulators Code.²

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:

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 no enforcement on those under 10, however a wider approach to those aged 10-18. BCP will not issue fixed penalty notices to those under 16 and usually not those under 18, however, informal action or wider enforcement	No effect based on the current statistical evidence, legislation applied without prejudice to any person that commits an offence, except where statutory guidance exemptions apply.

² [Regulators' Code](#)

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

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	Actual or potential positive outcome	Actual or potential negative outcome
	options will be considered to include potential use of low-level suitable anti-social behaviour enforcement. Officers will always consider vulnerability, which includes vulnerability by age, when considering the appropriateness of the issue of a fixed penalty notice or prosecution. This falls in line with the statutory guidance. Age profiling for the issue of fixed penalty notice is ongoing to monitor if there are any disproportionate effect.	
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. Current data on FPNs issued between Nov 23-Nov 24 show no disproportionate impact on those with a disability.	No effect based on the current statistical evidence, legislation applied without prejudice to any person that commits an offence, except where statutory guidance exemptions apply. Officers will be trained in trauma informed practices, however, discretion is applicable as per the policy where vulnerability is present.
3. Sex	No effect, legislation applied without prejudice to any person that commits an offence. Current data shows male fines issued are 2/3 and female fines issued are 1/3. Non binary data is	Legislation applied without prejudice to any person that commits an offence, except where statutory guidance exemptions apply.

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

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	Actual or potential positive outcome	Actual or potential negative outcome
	not held at this stage and this is being picked up with the contractor to ensure this is recorded.	
4. Gender reassignment ⁵	No effect, legislation applied without prejudice to any person that commits an offence. No current data held.	No effect, Legislation applied without prejudice to any person that commits an offence, except where statutory guidance exemptions apply.
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, except where statutory guidance exemptions apply.
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, except where statutory guidance exemptions apply.
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. Current data shows the majority of fixed penalty notices issued to white European nationals which includes British. Where there are concerns about understanding of the offence or the fixed penalty notice, translation	No effect, Legislation applied without prejudice to any person that commits an offence, except where statutory guidance exemptions apply.

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
	and engagement will take place before enforcement.	
8. Religion or Belief	No effect, Legislation applied without prejudice to any person that commits an offence, except where statutory guidance exemptions apply.	No effect, Legislation applied without prejudice to any person that commits an offence, except where statutory guidance exemptions apply.
9. Sexual Orientation	No effect, Legislation applied without prejudice to any person that commits an offence, except where statutory guidance exemptions apply.	No effect, Legislation applied without prejudice to any person that commits an offence, except where statutory guidance exemptions apply.
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. Payment plans will be offered where financial hardship is present. Fine levels are considered within the guidance and regional socio-economic demographic and are not out of kilter with other similar local authority areas.	No effect, Legislation applied without prejudice to any person that commits an offence, except where statutory guidance exemptions apply. Payment plans will be offered where financial hardship is present. Fine levels are considered within the guidance and regional socio-economic demographic and are not out of kilter with other similar local authority areas. Where there are trends of free-cycling, the policy supports what is and isn't considered an offence. Warnings may be offered in certain situations as per the policy.

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

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	Actual or potential positive outcome	Actual or potential negative outcome
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.

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 including media boards, leaflets, social media campaign.	Ongoing following policy implementation	Sophie Sajic

