

Equality Impact Assessment: Environmental Health and Community Safety Enforcement Policy

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 1 December 2020 Council 15 December 2020	Environmental Health and Community Safety Enforcement Policy	Adoption of policy	Regulatory action is undertaken when necessitated by events. Given the nature of regulatory action, and the potential impact on the regulated and those requesting regulatory activities, there is potential to impact all groups.

Factors to consider in the assessment: For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This is must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact –some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
<p>Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).</p>	<p>Neutral</p>	<p>Medium</p>	<p>There is potential for negative impact if English is not a person’s first language. In such cases, the Council would seek to provide an appropriate interpreter or translation service during any relevant part of an investigation. This would ensure that the person can exercise their rights and understand the action being taken.</p> <p>According to UK Government statistics (2017), “households from ethnic minority groups were more likely to be overcrowded...”, In private rented accommodation the difference was 9% (2% of white British households likely to be overcrowded against 11% of ‘other ethnic groups’). Therefore enforcement actions around overcrowding (HHSRS) will likely have a positive impact on this group, aiding transition to more appropriate accommodation.</p>

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Disability: as defined by the Equality Act – a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse impact on their ability to carry out normal day-to-day activities.	Positive	Low	The policy seeks to ensure that there is a positive impact for residents who may be vulnerable as a result of illness or physical disability through the improvement of standards in business, communities and private sector housing.
	Negative	Medium	If a person has impairments which affect their ability to understand the enforcement procedure the Council will ensure that they are accompanied by an appropriate person to provide assistance.
	Positive	Medium	The policy may have a positive effect, ensuring that people with a street attachment and an addiction engage with the support that is available. This in turn will deliver positive health benefits to them. The inclusion of an Acceptable Behaviour Contract (ABC) option within any Fixed Penalty Notice (FPN), will give a positive pathway to engagement with support services, and away from detrimental behaviour.
Sex/Gender	Neutral	Low	There is no evidence that this will impact on any specific person based on this characteristic.
Gender reassignment	Neutral		There is no evidence that this will impact on any specific person based on this characteristic.
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Negative	Low	However it is acknowledged that some faiths or religions require worship on particular days and therefore may not be able to attend meetings or appointments. Consideration will be given to this and flexibility will be applied, if required, in order to mitigate adverse impact.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		There is no evidence that this will impact on any specific person based on this characteristic.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	positive	Medium	The improvement of Housing Standards in the Private Sector in line with the Enforcement Policy will impact positively on all age groups, in particularly the elderly and families with young children, who are more vulnerable to particular hazards under the Health and Safety Rating System.
	Negative	Low	Fixed Penalty Notices will not be issued to persons under the age of eighteen, however a warning letter may be issued, along with the young person's parents or guardian being informed of the offence. Depending upon the seriousness of the offence, other interventions (including court action) will be considered on a case-by-case basis. In line with the principles of the policy, this will usually be as a result of persistent and re-occurring anti-social behaviour.
Pregnancy and maternity including new and breast feeding mothers	Neutral		There is no evidence that this will impact on any specific person based on this characteristic. Any incidental impact on those within this group is very likely to be positive, due to improvements made in housing conditions, including energy efficiency.
Marriage and civil partnership status	Neutral		There is no evidence that this will impact on any specific person based on this characteristic.

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
<p><u>Actions identified that will mitigate any negative impacts and/or promote inclusion</u></p> <p>When undertaking regulatory action, the Council will consider Equalities and protected characteristics at all stages of the process.</p> <p>Any potential adverse impact will be assessed early in an investigation and mitigated as far as reasonably practicable, while still meeting our statutory duties. This will ensure that the policy is applied in line with the Equality Act 2010 and the Human Rights Act 1998.</p> <p>All Authorised Officers undertaking enforcement duties will ensure that all persons dealt with will receive fair and equitable treatment irrespective of their background or protected characteristic, as defined in the Equality Act 2010.</p>			

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