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| London Councils’ Transport & Environment Committee | | | | | | | |
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| Consultation on Fixed Penalty Notices and Setting Fixed Penalty Levels for Anti-social Spitting | | | | | | Item no: | 06 |
|  | | | | | | | |
| Report by: | Katharina Winbeck | | Job title: | | Head of Transport and Environment | | |
| Date: | 11 December 2014 | | | | | | |
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| **Summary:** | This report presents the results of the public consultation on the levels of fines for breaches of anti-social spitting byelaws. It seeks Members’ decision on whether to set a £80 fixed penalty level for spitting. |
| **Recommendations:** | The Committee is asked to:   * + Note the report.   + Note the consultation outcome.   + Decide whether to set a £80 fixed penalty level for a spitting offence.   + Decide whether to set the level of reduction at £50 if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice. |

**Consultation on Fixed Penalty Levels for Anti-social Spitting**

**Background**

1. On 8 November 2013, the Secretary of State confirmed Enfield Council’s byelaw for the offence of anti-social spitting, under Section 235 of the Local Government Act 1972, and it came into operation a month later on 8 December 2013. This byelaw contains a provision that a person shall not be guilty of a spitting offence if:

* They have a reasonable excuse or
* Where the spitting is into a handkerchief, tissue, bin, spittoon, or other receptacle.

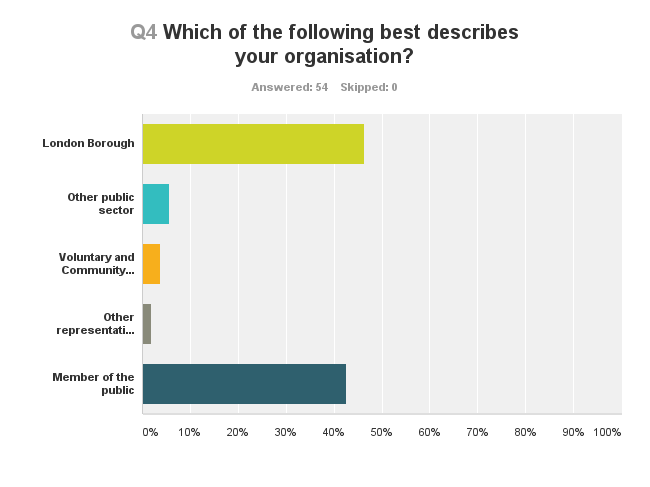
1. Any person offending against the byelaw is liable, on summary conviction, to a fine not exceeding level 2 on the standard scale, currently £500.00. Enfield Council wishes to introduce the option to discharge any liability to conviction by payment of a fixed penalty. Section 15 (1) (b) of the London Local Authorities Act 2004 (LLAA 2004) permits such an option.
2. The fixed penalty levels for any byelaws made by London borough councils under the LLAA 2004 are to be set by a joint committee, London Councils’ Transport and Environment Committee (TEC). Once the fixed penalty fee is agreed and approved by TEC, it becomes available to all London boroughs seeking to adopt such a byelaw.
3. It should be noted that there are other legislative routes to enforce against anti-social spitting. Waltham Forest and Newham councils have been issuing Fixed Penalty Notices (FPNs) for anti-social spitting using existing powers under Section 87 of the Environmental Protection Act 1990, which makes it an offence to throw, drop or deposit litter and then leave it. In this case, spitting is interpreted as litter as there is no statutory definition of litter. This was upheld in the Magistrates Courts in September 2013. The consultation response from LB Lambeth indicates that they are also considering this approach.
4. The new Public Spaces Protection Orders, under the Anti-social Behaviour Crime and Policing Act 2014 could potentially be used to tackle anti-social spitting. The new anti-social behaviour powers came into effect in October this year.

**Process of setting the level of penalties under London Local Authority (LLA) legislation**

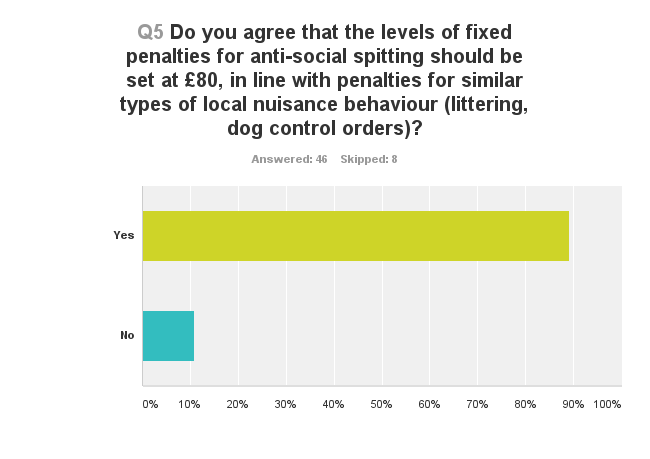
1. In May 2014, officers at London Councils asked LEDNet (the London Environment Directors Network) if any other borough, apart from Enfield, required TEC to set the levels of FPNs for a local byelaw. On 17 July 2014, TEC were also asked to inform London Councils officers if there were any other local byelaws boroughs are pursuing for which TEC has to set the level of penalties. No responses were received and therefore London Councils undertook preparatory work to consult on the level of fines for the anti-social spitting offence only.
2. LEDNet were also asked if there was support for TEC setting a standard fine for all Fixed Penalty Notices. Six responses were received, with all broadly being in favour. As setting a standard fine requires all London boroughs’ agreement, London Councils is not proposing to pursue this at the present time.
3. On 17 July 2014, TEC agreed to undertake a wider public consultation on the levels of fixed penalties for breaching a byelaw for anti-social spitting. The report suggested that the levels of fixed penalty fees for breaching this byelaw should be in line with penalties for similar types of local nuisance behaviour, for example, penalties for certain offences under the Clean Neighbourhoods and Environment Act 2005 such as littering offences (Section 88(1) Environmental Protection Act 1990) and Dog Control Orders (Section 59(2) Clean Neighbourhoods and Environment Act 2005).
4. On 2 September 2014, London Councils launched a six-week public consultation on fixed penalty levels for anti-social spitting. London Councils invited comments from a range of stakeholders with an interest in the topic, ranging from local authority professional officers including Directors of Environment; anti-social behaviour managers and heads of community safety, to national and regional organisations such as TfL, Met Police, GLA, Defra, Environment Agency and Keep Britain Tidy. The deadline for consultation responses from all respondents was Tuesday 14 October 2014.
5. The consultation questions were:
6. What is your name?
7. What is your email address?
8. What is the name of your business/organisation? Please state 'n/a' if you are responding as an individual member of the public.
9. Which of the following best describes your organisation?
   * London Borough
   * Other public sector
   * Voluntary and Community Sector
   * Other representative body
   * Member of the public
   * Other (please specify)
10. Do you agree that the levels of fixed penalties for anti-social spitting should be set at £80, in line with penalties for similar types of local nuisance behaviour (littering, dog control orders)?
11. Do you agree that the levels of fixed penalties for anti-social spitting should have a discount rate of £50 if paid within 10 days, in line with penalties for similar types of local nuisance behaviour (littering, dog control orders)?
12. Do you have any other comments relating to the London-wide fixed penalty levels for anti-social spitting?

**Consultation results summary**

1. 54 responses to the consultation were received; 25 from London boroughs and 23 from members of the public. The Metropolitan Police service, Transport for London and borough Community Safety Partnerships also responded.



1. 89% of respondents were in support of a fixed penalty level of £80 with 11% against. Eight additional comments included: concern about how to enforce the FPN; that greater work should be done to publicise why spitting was anti-social; concern that using FPN levels would undermine the higher penalties available under byelaws; the fine should be higher (three comments); spitting is not an offence; and the fine was too high.



1. 80% of respondents expressed support for reducing the penalty to £50 if paid within 10 days. 20% disagreed. The eight comments received were mixed with some supporting higher penalties and others lower penalties.
2. One respondent identified that they have dispensed with an early repayment discount option on its FPN's. To have an early repayment discount specified for these offences would therefore contradict their current policy, and they felt it should be left to individual boroughs to decide whether an early repayment option applies.
3. As Enfield Council wishes to introduce the option to discharge any liability to conviction by payment of a fixed penalty using Section 15 (1) (b) of the London Local Authorities Act 2004 (LLAA 2004), the FPN levels must therefore be compliant with this Act. Section 61 (3) (a) (iv) of the LLAA 2007 (which supersedes the 2004 Act) requires “that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion”.
4. In setting the levels of the FPN for the spitting byelaw, TEC must therefore also set an early discounted fine level. This is an option up until 14 days after the notice is issued, not the 10 days as originally consulted on.



1. The final question included space for additional comments. 27 people gave comments.

* Six expressed their explicit support for the proposals.
* Eight expressed concerns about how the byelaw would be enforced and how “reasonable excuse” could be interpreted. An additional two respondents felt it would be hard to prove intent.
* Two wanted to see offenders ‘named and shamed’ publicly.
* Three respondents felt the case had not been made for issuing fines, and one felt this was a revenue-raising opportunity for councils.
* Three respondents preferred to educate the public about spitting being anti-social.
* An additional three respondents felt signage and awareness-raising materials needed to be produced in multiple languages.
* One respondent queried whether young people and children would have to pay the penalty, or whether their parent would be liable. In the event of a child being in care, the council could therefore be liable.

**Next steps**

1. If TEC decides to set a £80 fixed penalty level for a spitting offence and a £50 discounted rate for early payment, London Councils will communicate this to the Secretary of State, as required by the legislation.
2. The FPN levels for the spitting byelaw come into force one month after the day of the notice to the Secretary of State, unless before this period ends he objects to the level of penalty, in which case they do not come into force.
3. If the Secretary of State considers the level of penalty excessive, he can make regulations reducing the level of fixed penalty notices.
4. In the event that the Secretary of State did make regulations, London boroughs would not be able to set any further fixed penalty notices for 12 months.
5. London Councils will communicate to all London boroughs any and all correspondence received from the Secretary of State on this matter.

**Recommendations**

1. The Committee is asked to:
   * Note the report.
   * Note the consultation outcome.
   * Decide whether to set a £80 fixed penalty level for a spitting offence.
   * Decide whether to set the level of reduction at £50 if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice.

**Financial Implications**

1. There are no financial implications to London Councils arising from this report.

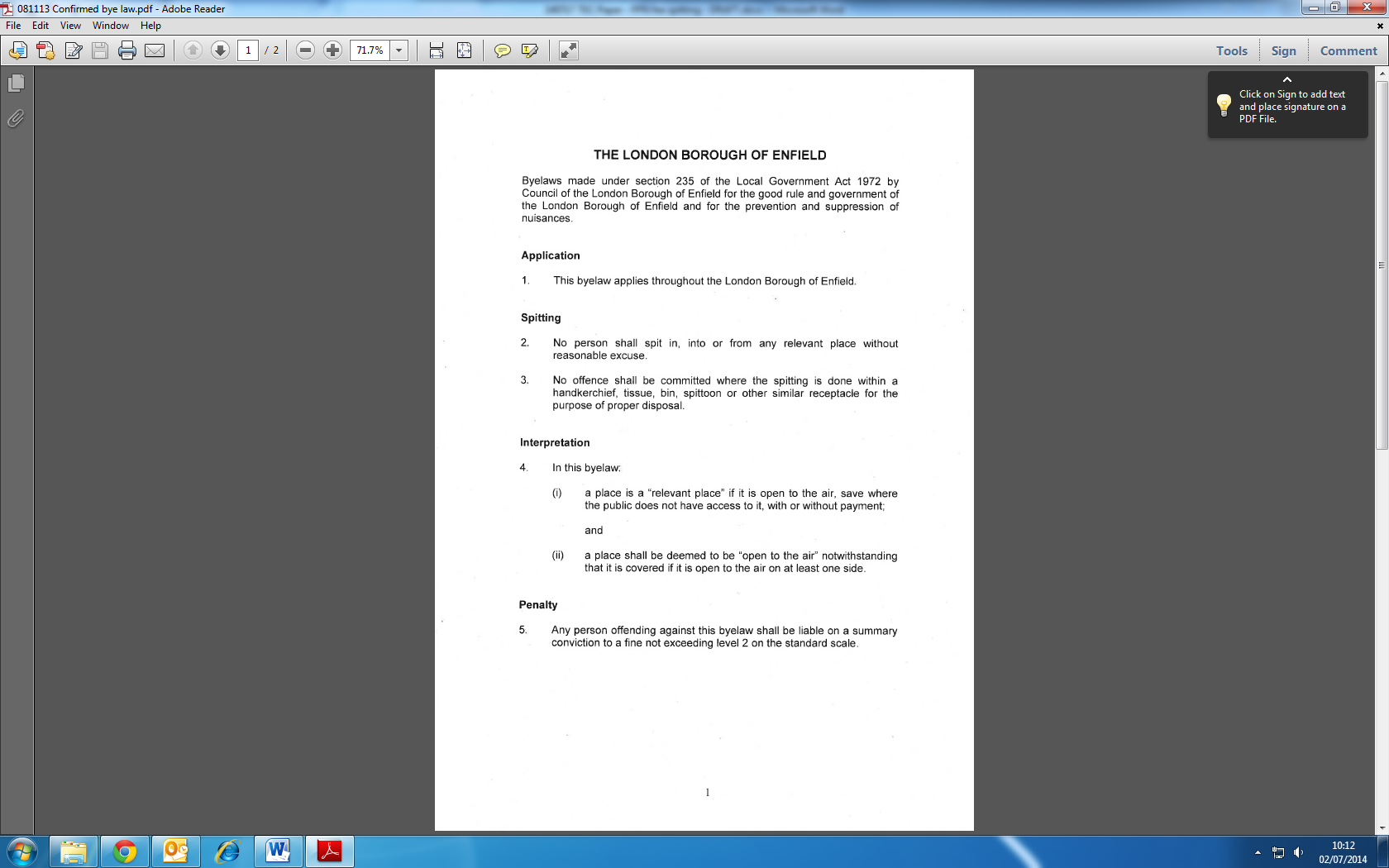
**Legal Implications**

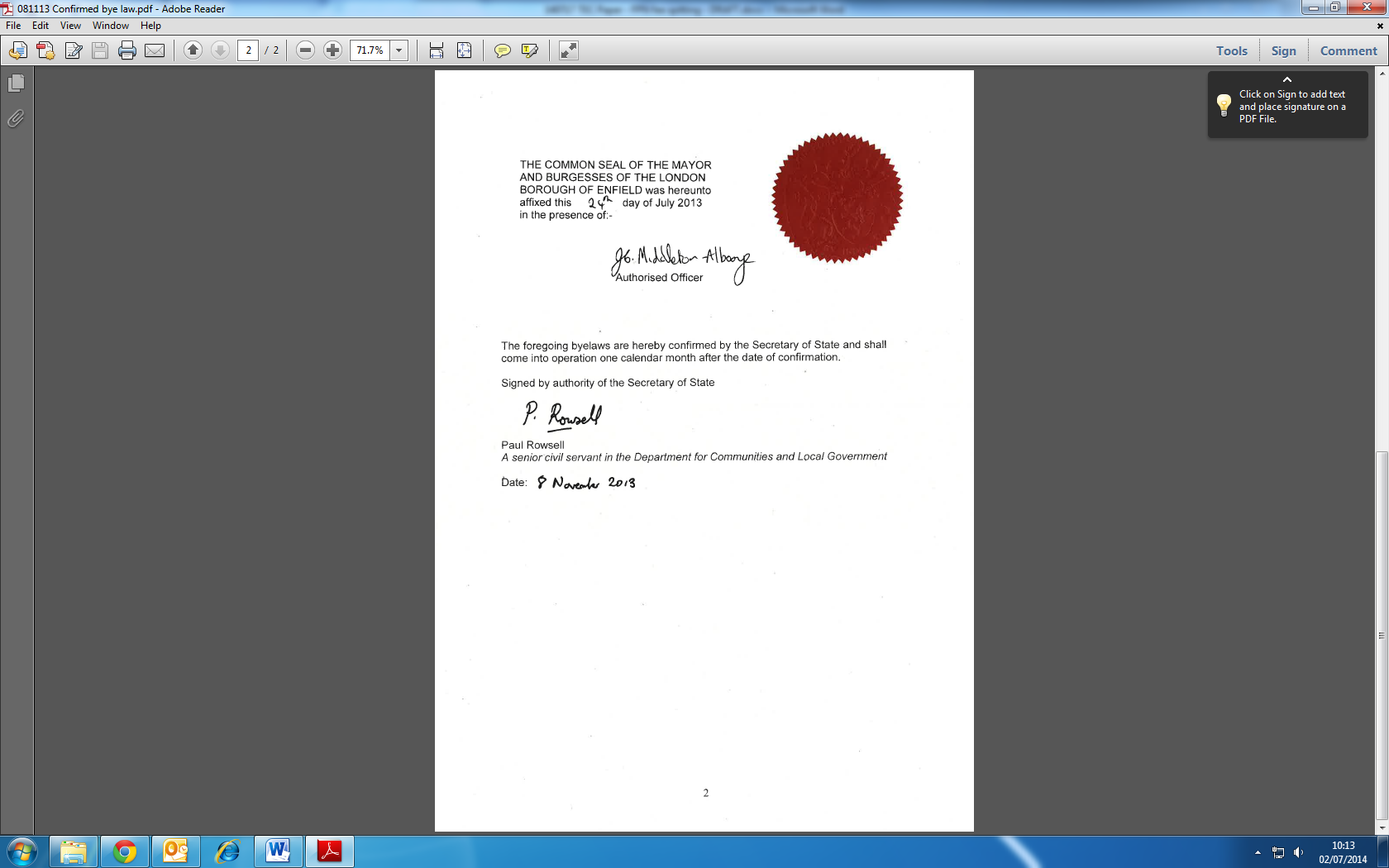
1. If a FPN fee for anti-social spitting offences is agreed and approved by TEC and is not objected to by the Secretary of State, it will become available to all London boroughs seeking to adopt a spitting byelaw.

**Equalities Implications**

1. Enfield Council carried out a generic assessment for all its regulatory work in November 2013 (Annex II). The next retrospective equality impact assessment/analysis (EQIA) of this service will be carried out in 2016/17 as part of the Council’s three-year rolling programme which will review the introduction of the anti-social spitting byelaw.

**Annex I: Enfield Council’s byelaw for anti-social spitting**





**Annex II – Enfield Council’s Retrospective Equality Impact Assessment (EQIA) – Equality Analysis Regulatory Services (November 2013)**

Retrospective equality impact assessment/equality analysis template

|  |  |
| --- | --- |
| **Service / policy** | **Regulatory Services** |
| **Officer completing the analysis** | **Martin Rattigan** |
| **Phone Number** | **020 83791854** |
| **Teams (if applicable)** | **a) Consumer Protection**  **b) Enviro-Crime**  **c) Pollution, Planning & Licensing Enforcement** |
| **Department** | **Environment** |
| **Date impact analysis completed** | **July 2013** |

**Section 1 – Aims and objectives**

|  |  |
| --- | --- |
| **Q1. Please provide a brief description of the service or policy covered by this assessment/analysis** | |
| Regulatory Services is a public-facing service that discharges the Council’s statutory duties in relation to Environmental Health, Enviro crime, Trading Standards, Planning, Pollution and Licensing Enforcement. We target our work on the areas of highest risk and concern, and will usually take a staged approach to enforcement; giving advice and support initially – unless an immediate risk to health of the environment is presented.  Much of our work is targeted based on the risk assessed programmes of work (defined in legislation or guidance) and areas of work that are agreed as being high priority by senior managers and Councillors. Where we identify community groups in need of more targeted advice and support (e.g. where English is not the first language) we will tailor our communications to support that. The majority of our work is also complaint led. We receive over 35,000 requests for service every year, and respond to them in accordance with legislative requirements and guidance, and procedures and policies agreed with senior managers and Councillors.  The work of Regulatory Services significantly contributes towards the Council’s Corporate objectives of Fairness For All, Growth and Sustainability and Strong Communities -   * To help prevent food poisoning, infectious disease, food borne and water-borne illness and the sale of unfit food. * To help prevent ill health caused by air pollution, seek to achieve compliance with air quality standards and minimise harm caused by the use of contaminated land. * To help prevent public health nuisance, resolve drainage problems and enforce street scene legislation, including graffiti removal. * To help prevent nuisance caused by noise and other environmental matters in the borough. * To improve health, safety and welfare in workplaces within the borough. * To issue and enforce registrations, consents and licences to control safety, animal welfare and help prevent nuisance. * To reply to enquiries of Local Authorities in a timely and manner and provide facilities to enable personal searchers to obtain all required information and assist where necessary, for inquires under the Freedom of Information Act (FOI) and Environmental Information Regulations (EIR). * To formulate licensing and gambling policies and other model conditions/guidelines for licensing functions. * To administer a range of licence applications in accordance with policies, procedures and legislation. * Ensure compliance of licences and planning consents by carrying out the necessary enforcement action and attending proceedings in court. * To act as contact point for regulatory aspects of events and festivals. * To control and eradicate vermin through our pest control service. * To provide a safe and fair trading environment. * Help reduce crime and the fear of crime by protecting consumers, especially vulnerable consumers, from doorstep sellers, rogue traders & loan sharks * Investigate and Prosecute those traders who operate in the informal economy * Ensure that Enfield provides a trading environment that is fair and safe and that goods are accurately measured/monitored * Protect children from harm through an intelligence-led programme of test purchasing for age restricted products. | |
| **Q2. Please list the main stakeholders / beneficiaries in terms of the recipients of the service or the target group at whom the policy is aimed** | |
| As a regulatory service, our principal aims are to protect and improve the environment and street scene. The service is available to all residents and businesses in the Borough to:   * educate, advice and support on all environmental matters * protect and promote the health of residents * ensure compliance with legal standards, policies and consents   In order to service the community, we have developed strong local partnerships and a working relationship with the Metropolitan Police on work such as licensing, age restricted products, public nuisance and street scene offences. This co-ordination leads to good intelligence gathering and actions for effective interventions. This is achieved through Street Action for Enfield (SAFE) partnerships and project planning.    On a regional and national basis we have developed partnerships with other regulatory bodies such as the Health and Safety Executive, LOTSA (London Office Trading Standards Association), National Trading Standards Board (NTSB) Association of Environmental Health Managers (ALEHMS) and the Environment Agency. We also contribute to the Health Strategic Partnership. Work plans, objectives and targets are developed with each partner to achieve common goals.  Other stakeholders include:   * Other Council Directorates * Elected Members * Housing associations * Charities * Transport for London * ENCAMS (Tidy Britain Group) * ALG (Association of Local Government) * Central Government bodies * Other London boroughs and neighbouring local authorities with whom we have form working alliances * Courts system, HM Coroner * Consultant in Communicable Disease Control, Director of Public Health, Health Protection Agency, Public Analyst * Trading Standards Institute, Chartered Institute Environmental Health, Office of Fair Trading, Citizens Advice Bureau, Age Concern & Regulatory working groups * Business groups, community groups, faith groups * Illegal Money Lending Team | |
| **Q3. How does the service or policy contribute to eliminating discrimination, advancing equality of opportunity, and foster good relations between different groups in the community?** If it does not, please identify actions you intend to undertake to remedy this in your action plan (see attached) | |
| **R** | The service is open to all customers and does not distinguish between groups that make up the Enfield community. In the event of enforcement action, it is proportional and equally applied under the burden of proof for which the courts decide the ultimate sanction. In accordance with the guidance for making information accessible, all enforcement letters for (e.g. noise, food, planning) have the recommended Council information symbol with contact details.  During the course of our licensing work we identified that a large sector of the alcohol licensed premises (e.g. off licences) were operated by the Turkish community, and recognised that language was a barrier to communication with these business proprietors and so have adjusted to this. We therefore produced licensing information packs in Turkish, and during the officers compliance visits, they hand out information on accessing the information on-line.  Likewise in the food team we had identified in the Black, Asian and Minority Ethnic (BAME) business communities that language (including technical language) and descriptions of scenarios may not be fully understood. We therefore attach photographs of issues found during our inspection embedded in the inspection report, so the proprietor can relate to what is required and also demonstrate to their staff.  All suspects being questioned under caution for identified offences are offered interpreter services.  Our Graffiti Action Team will remove all offensive and racist material within a maximum of 24hrs and within 4hrs if notified at an early stage in the working day.  We participate in the Anti-Social Behaviour Action Group (ASBAG) meetings where we can pick up on any racial issues that could be related to noise nuisance complaints and deal with it accordingly. |
| **D** | Regulatory Services is responsible for the investigation and enforcement of Blue Badge Fraud. This service seeks to ensure Blue Badges are properly used to protect people with disabilities, so they can park legally displaying the blue badge, which is their entitlement. Fraudulent use not only takes up reserved parking bays but causes indirect discrimination as the public perception of legitimate users is diminished when they see able bodied persons having these badges, without a disabled passenger. |
| **G** | None of the statutes that we enforce are gender specific or targeted on gender.  We participate in the ASB Action Group meetings where we can pick up on any gender related crime or issues that could be related to nuisance. |
| **A** | Some of the work in Regulatory Services is targeted a different age groups. We target businesses with a test purchase programme to see if they will sell age restricted products ‘Age Related Sales’ (ARS) for Alcohol, Cigarettes and Knives which directly affects young people under 18 yrs. This procedure is in accordance with national guidelines and in partnership with the police and Her Majesty Revenues and Customs (HMRC), which is often based on local intelligence. This has a positive impact for Enfield residents, reducing crime and protects legitimate business activity and contributes to the licensing objective of safeguarding children.  Our work on rogue traders, ‘No cold Calling Zones’ , fraud and the illegal money lending team indirectly supports the elderly as they tend to be targeted and more vulnerable to rogue traders and scams. We work closing with the safeguarding adults team to refer victims of rouge traders to them. We also inspect residential care homes and refer any concerns to the adult safeguarding team and they will refer issue in homes for us to investigate and liaise with them.  When assessing the risk to the public posed by food outlets, part of the risk assessment involves assessing the risk to the elderly and under 5 year olds as the most vulnerable groups of the population.  We do not issue litter Fixed Penalty Notices (FPN’s)/Dog Fouling FPNs to persons under 18. It is however perfectly legal to do so, but we have decided to deal with this offence by a written warnings via parent/guardian.  It is very uncommon for us to be dealing with a person under 18 for the other types of offences we investigate but will consider each case on its merits. |
| **F** | Regulatory Services enforce the Public Health Act which encompasses smoking. A predicative equality assessment was carried out last year on the regulation of shisha bars. None of the other areas of our work impinge on faith or cultural beliefs. Regulatory Services were the sole regulatory service to be involved in the recently-compiled health inequality impact assessment, tobacco use, health inequalities and the work of the London Health Improvement Board in London. |
| **S** | The service is open to all and not targeted at members of the lesbian, gay or bisexual (LGB) community. In our normal course of business, we would not be aware of the sexual orientation of the people were deal with. |
| **T** | None of the work in Regulatory Services would have a negative impact on the transgender community. We participate in the ASB Action Group meetings were we can pick up on any gender related crime or issues that could be related to nuisance |
| **M** | The service does not distinguish between people who are married or in a civil partnership. |
| **P** | The service has a positive and protective role in ensuring fairness for women who are pregnant or on maternity leave.  Through our role in consumer protection, we enforce health and safety legislation in many of the workplaces, which includes the safety and welfare of pregnant women and the unborn to ensure they are safe and not exposed to vectors of disease or workplace hazards.  The work of the food team ensures that pregnant women are not exposed to life threatening communicable disease.  We support the public health agenda by encourage ‘business friendly breastfeeding environments’ within the business community. |
| **Q4. If the service is provided by another organisation or agency on behalf of the Council, please give the names of these organisations / agencies** | |
| Redcorn Ltd – removal of nuisance and abandoned vehicles    Kingdom Security Ltd – Litter Contract  Waltham Forest Borough – Stray Dog Contract  City of London – Animal Welfare (for where a vet inspection is required) | |
| **Q5. If external providers are involved, what measures are in place to ensure that they comply with the Council’s Equal Opportunities and Valuing Diversity Policy?** If there are none, please identify actions you intend to undertake to remedy this in your action plan | |
| The Council’s procurement rules and processes set out procurement principles to meet the requirements of the Equalities Act 2010, including:   * that all legal obligations, including the public sector equality duties are met. * equality issues that are addressed in procurement are relevant to the subject or performance of the contract. * equality issues are considered early on in the procurement. * actions to take account of equality issues are proportionate and consistent with the Government’s value-for-money policy, taking account of whole-life costs. * value-for-money means securing the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought. * benefits sought are assessed against any additional costs and potential burdens on suppliers. | |
| **Q6.** **Does the policy / policies that influence the provision and delivery of your service need reviewing to take account of the duties under the legislation.** If so, include this in the action plan | |
| No, at this current time.  Regulatory Services discharges the Council’s statutory responsibilities through the enforcement of a wide range of Acts of Parliament, set out by Central Government. As such, all of our services are provided to everyone that lives, works, studies and does business throughout the Borough, irrespective of race, disability, gender, age, faith or sexuality etc.. In doing so, the Division provides equality of opportunity for all.  The team work programmes identify all of our individual functions, responsibilities and objectives across the range of services that we provide in the three teams.  Predicative equality assessments/analyses are carried out on any new policies or alterations to the existing enforcement policy. | |

**Section 2 – Consultation and communication**

|  |  |
| --- | --- |
| **Q7. Please list any recent consultation activity with disadvantaged groups carried out in relation to this service or policy** | |
| **R** | None |
| **D** | None |
| **G** | None |
| **A** | None |
| **F** | None |
| **S** | None |
| **T** | None |
| **M** | None |
| **P** | None |
| **Q8. Please state what action you have taken as a result of these consultation exercises** | |
| **R** | N/A |
| **D** | N/A |
| **G** | N/A |
| **A** | N/A |
| **F** | N/A |
| **S** | NA |
| **T** | NA |
| **M** | N/A |
| **P** | N/A |
| **Q9. Please state how you have publicised the results of these consultation exercises** | |
| **R** | N/A |
| **D** | N/A |
| **G** | N/A |
| **A** | N/A |
| **F** | N/A |
| **S** | N/A |
| **T** | N/A |
| **M** | N/A |
| **P** | N/A |
| **Q10. Please identify areas where more information may be needed.** Identify the action needed to obtain this data in the action plan | |
| **R** | None Indentified |
| **D** | None Indentified |
| **G** | None Indentified |
| **A** | None Indentified |
| **F** | None Indentified |
| **S** | None Indentified |
| **T** | None Indentified |
| **M** | None Indentified |
| **P** | None Indentified |
| **Q11. Please state how you consult with members of your staff about your service or policy.** If you do not, please identify what action you intend to take to remedy this, and include it in your action plan | |
| **R** | Staff are consulted in a number of ways, including:  Departmental Staff meetings  Team meetings  Corporate briefings  Corporate newsletters  Staff Matters magazine  Team briefs  Staff 1:1’s with line managers  Performance Annual Review (PAR) interviews and reviews  Access to Corporate policies, guidance etc on Council’s intranet etc |
| **D** | As above |
| **G** | As above |
| **A** | As above |
| **F** | As above |
| **S** | As above |
| **T** | As above |
| **M** | As above |
| **P** | As above |

**Section 3 – Data and research**

|  |  |
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| **Q12. Please describe how you carry out equalities monitoring of the take-up and use of your service – if you do not carry out equalities monitoring, please explain why** | |
| **R** | Equal opportunities monitoring was carried out as part of customer satisfaction surveys. These were stopped in 2011 as the primary aim to introduce them was to improve services and ongoing monitoring did not provide additional useful contributions for service improvement. General satisfaction had improved from 60% to 85%. Equalities data returns were low and therefore not statistically useful.  All responses to service complaints contain an equal opportunities monitoring form.  Customer Satisfaction is measured through residents’ satisfaction surveys and corporate monitoring of equalities data is carried and reported in connection with levels of satisfaction.  The 2012 residents survey highlighted increased levels of satisfaction for areas that Regulatory Services either direct control or make a contribution such as:   * Envirocrime Unit’s (ECU) work - % of residents satisfied with keeping public land clear of litter and refuse was up to 80% compared to 65% in 2011. * Licensing Control - % of residents who feel that people are being drunk or rowdy in a public place fell from 24% in 2011 to 11% in 2012. * ECU Graffiti Team – residents who felt there was a problem with graffiti fell from 23% in 2011 to 10% in 2012. * Noise Control – Noisy neighbours and loud parties fell from 15% in 2011 to 7% in 2012. * ECU – Abandoned Vehicles – abandoned or burnt out vehicles fell from 9% in 2011 to 2% in 2012. |
| **D** | As above |
| **G** | As above |
| **A** | As above |
| **F** | As above |
| **S** | As above |
| **T** | As above |
| **M** | As above |
| **P** | As above |
| **Q13. How are the results of any equalities monitoring analysed?** | |
| **R** | There is a very low return (2%) of monitoring forms. The main issues are delay in service delivery. |
| **D** | As above |
| **G** | As above |
| **A** | As above |
| **F** | As above |
| **S** | As above |
| **T** | As above |
| **M** | As above |
| **P** | As above |
| **Q14. Does an analysis of your customers against baseline population figures show that you are reaching all disadvantaged groups?** If not, state the action you plan to take to address this in your action plan | |
| **R** | The services are provided for all residents and businesses of the borough, irrespective of their background. No disadvantaged groups have been identified, either during the course of our work or by way of complaint by residents.  The results of the residents’ survey summarised above (Q12) gives an indication of spread of work within regulatory services and increasing satisfaction. |
| **D** | As above |
| **G** | As above |
| **A** | As above |
| **F** | As above |
| **S** | As above |
| **T** | As above |
| **M** | As above |
| **P** | As above |
| **Q15.** **Please describe how you carry out equalities monitoring of the satisfaction of customers using your service – if you do not carry out equalities monitoring, please explain why** | |
| **R** | See question 12 above. |
| **D** | As above |
| **G** | As above |
| **A** | As above |
| **F** | As above |
| **S** | As above |
| **T** | As above |
| **M** | As above |
| **P** | As above |
| **Q16. What does this customer satisfaction data tell you?** | |
| **R** | Refer to Q12 above |
| **D** | As above |
| **G** | As above |
| **A** | As above |
| **F** | As above |
| **S** | As above |
| **T** | As above |
| **M** | As above |
| **P** | As above |
| **Q17. Please list any performance targets relating to equality that your service or policy includes** | |
| **R** | None |
| **D** | None |
| **G** | None |
| **A** | None |
| **F** | None |
| **S** | None |
| **T** | None |
| **M** | None |
| **P** | None |
| **Q18. Please list any plans you have to introduce new targets for equality in your service or policy – this could be as a result of identifying best practice in other authorities.** Include this in the action plan | |
| **R** | None - Any new targets or changes may result in a predicative equality assessment. |
| **D** | As above |
| **G** | As above |
| **A** | As above |
| **F** | As above |
| **S** | As above |
| **T** | As above |
| **M** | As above |
| **P** | As above |
| **Q19. Have you received any complaints about your service or policy in respect of equality issues? If so, please give a brief description** | |
| **R** | Occasionally we received complaints from the public that officers investigating complaints or taking enforcement action are racist (and allege that that is the reason why the officer is investigating or enforcing against them). Such complaints are logged and investigated in accordance with Corporate Complaint Procedure. None of these complaints have been upheld. |
| **D** | None |
| **G** | None |
| **A** | None |
| **F** | None |
| **S** | None |
| **T** | None |
| **M** | None |
| **P** | None |

**Section 4 – Assessment of impact**

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| **Q20. Please list any evidence / results of research you have of the service or policy having an adverse impact on different disadvantaged groups.** If there is any adverse impact, please identify actions you intend to undertake to remedy this in your action plan | |
| **R** | None Available. Will explore whether there is any academic research or experience in other authorities. |
| **D** | As Above |
| **G** | As Above |
| **A** | As Above |
| **F** | As Above |
| **S** | As Above |
| **T** | As Above |
| **M** | As Above |
| **P** | As Above |
| **Q21. What are the potential or known barriers to participation for the different disadvantaged groups?** Please identify actions you intend to undertake to remedy this in the action plan | |
| **R** | The service is conscious of language and cultural differences and will implement any changes if identified such as our adjustment with the Turkish and other BME communities in relation to the identified language barrier. |
| **D** | If we are aware or become aware of a disability, we will ensure that we adjust our communications (eg visual or hearing impairment) |
| **G** |  |
| **A** |  |
| **F** | The service is conscious of cultural differences in our communities. Officers have been trained in cultural awareness and show respect to cultural etiquettes and adjust their approach accordingly. |
| **S** |  |
| **T** |  |
| **M** |  |
| **P** |  |
| **Q22. Could the service or policy discriminate, directly or indirectly, according to the accompanying definitions?** Please refer to the guidance notes under the 8.*Useful Definitions* | |
| No, the service does not directly or indirectly discriminate. | |
| **Q23. If so, is it justifiable under the legislation?** Please refer to the guidance notes under the 8.*Useful Definitions* | |
| N/A | |
| **Q24. Could the service or policy have an adverse impact on relations between different groups/community cohesion? If so, please describe below.** Identify actions you intend to undertake to remedy this in your action plan | |
| None of our work that could have an adverse impact on relations between different groups/community cohesion have been identified or materialised during the service history.  Officers often deal with cases where the complaint may have a racial element/ motivation or prejudice. Any identified issues would be reported to the ASB team. | |

**Section 5 – Tackling socio-economic inequality**

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| **Q25. Does your service in any way specifically assist communities disadvantaged through the following socio-economic factors? Please explain below.** If it does not, please state how you intend to remedy this (if applicable to your service), and include it in the action plan |
| **Communities living in deprived wards/areas** |
| Regulatory Services teams focus some of their activities in the most deprived wards of the borough. We have worked alongside London Fire Brigade (LFB) on estate days where trading standards have provided information and advice on illegal/unsafe/counterfeit items in the deprived wards.  Trading Standards have also provided a stand in Edmonton Green raising awareness on the dangers of loan sharks. Trading Standards are also leading a partnership with the national Illegal Money Lending Team to identify and refer victims of loan sharks in Enfield.  The ECU team concentrate the Council’s alley gating scheme in the most deprived wards. This has many aspects including reducing crime, fear of crime, fly-tipping and improving the aspect of the area.  Likewise the planning enforcement team are tackling the exploitation of tenants by landlords using unfit premise for habitation ‘beds in sheds’ project. |
| **People not in employment, education or training** |
| The consumer protection team provides a food hygiene course for residents who wish to work in the food industry.  We also investigate training organisations who exploit the unemployed by not fulfilling the content of promised courses which have been paid for in advance and issuing fake qualifications. These are often expensive training courses which are only exposed when the unemployed person applies for a job using their newly-acquired training qualifications. |
| **People with low academic qualifications** |
| Our work with food business premises seeks to increase compliance on a gradient scale (Zero & 1star premises) by working with the business to educate and ensure they remain trading and improving. |
| **People living in social housing** |
| The service provides a paid pest control service under a service level agreement to Enfield Homes such that tenants with rat, mice and cockroaches do not have to pay for the service. We also provide a paid pest control services to other social landlords and private sector landlords to ensure that the residents are protected from risk of vermin who are vectors of disease. |
| **Lone parents** |
| N/A |
| **People on low incomes** |
| Our toy safety inspections and sampling regimes are mainly focused on the low value shops where people on low incomes purchase goods. This is to ensure that the consumer is getting value for money and not being scammed into paying for counterfeit items and or unsafe articles.  We have frozen the prices for pest control treatments in 2013/14 and reduced the price of some in recognition of the economic climate and to assist people on lower incomes to access the service. |
| **People in poor health** |
| The Consumer Protection Team is focusing a new initiative ‘Healthier Catering Commitment’ in the most deprived wards to sign up restaurant/takeaways to provide a more balanced healthier menu options.  The Consumer Protection Team is also participating in the ‘Eat Well Start Better project’ in conjunction with the Early Years Team and the School Food Trust. Some of the nurseries and pre-schools are in the more deprived wards of the Borough. The project focuses on training the food provider at the nurseries settings to provide a balanced diet throughout the day. Additionally the settings must hold cooking/training sessions for families and local community. This cascading of the information will help to reduce obesity and prolong life expectancy in these areas as the life expectancy in these deprived wards are in the region of 10 yrs less than those living in the more affluent wards in the west of the borough.  The Tobacco Control Alliance focuses on dealing with illicit and illegal tobacco, and the highest prevalence of smoking and potential for sale of illegal tobacco is often highest in the most deprived wards.  Our action plan on air quality seeks to control air borne pollutants (which are most prevalent in along the A406 due to traffic) and we provide ‘air text’ which offers alerts asthma/respiratory suffers when there is deterioration of air quality in the area. |
| **Any other socio-economic factor** |
| The Marmot Review - 'Fair Society, Healthy Lives’ in England concluded that creating a fairer society is fundamental to improving the health of the whole population.  The Local Authority has a vital role in building the wider determinants of good health and working to support individuals, families and communities. The report relates strongly to the core business of local councils as local leaders for health improvement and the reduction of health inequalities.  Regulatory Services delivers a range of statutory and non statutory functions which support public health and encourage behaviour change to help people live healthier and longer lives. Regulatory Services contributes to reducing health inequalities by a strong focus on the health behaviours of smoking, alcohol consumption, obesity, unhealthy food, social and financial inclusion and wellbeing living in their environment. |

**Section 6 - Miscellaneous**

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| **Q26. How does your service plan address equalities issues? Please explain below.** If it does not, please state how you intend to remedy this, and include it in the action plan |
| Our service plans are operational and planned operations are often directed by statute.  Where the service initiates plans that address equalities, they are mentioned in section 5 above. |
| **Q27. Please list any staff training issues on equality arising from this assessment/analysis.** Include this in your action plan |
| None have been identified. |
| **Q28. How do you plan to publicise the results of this assessment/analysis?**  Include this in your action plan |
| Through 1:1 ‘s and team meetings.  This equality impact assessment/analysis will be published on the Council’s website. |
| **Q29. Does your service or policy result in any financial support being given to disadvantaged groups within the voluntary and community sector. If ‘yes’, please list organisations and amounts** |
| N/A |
| **Q30. When and how do you intend to review this assessment/analysis?** Include this in your action plan |
| The next retrospective equality impact assessment/analysis (EQIA) of this service will be carried out in 2016/17 as part of the Council’s three-year rolling programme. Predictive EQIAs will be undertaken whenever any relevant change in service is proposed. |

**13. Action plan template for existing services or policies**

Service or policy covered by this assessment/analysis:…Regulatory Services

Team:………………………………………. Department: Environment

Service manager: Sue McDaid

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Issue** | **Action required** | **Lead officer** | **Timescale** | **Costs** | **Comments** |
| Licensing Packs provided in Turkish not available on line | Update website with on-line information pack | Ellie Green | 31st August 2013 | N/A |  |
| The EQIA is not published | To publish on the council web site. | Sue McDaid/Martin Garnar | January 2014 (once been through the internal approval processes) | N/A |  |
| Equalities monitoring | Consider re-introducing some customer satisfaction surveys that will include equal opportunities monitoring | Sue McDaid (and being considered by Environment) | February 2014 | N/A |  |
| Knowing our communities | Research more information about who our communities are in Enfield to improve the evidential base for targeting of advice, support and enforcement undertaken | Sue McDaid | February 2014 | N/A | Need to better understand the constitution of the community (eg ‘newer’ Eastern European groups) |
| Equalities and Diversity training | All Regulatory Services staff to attend refresher E&D training | Esther Hughes  Rob Oles  Martin Rattigan  Colin Parsons | To be completed by end November 2013 |  |  |
| Equalities and Diversity training | Organise training for our litter warden contractors | Colin Parsons | To be completed by end January 2014 |  |  |

Please add additional rows if needed

APPROVAL BY THE RELEVANT ASSISTANT DIRECTOR - NAME……………………………SIGNATURE……………………………….