

HDC Due Regard (Equality Analysis) Template

Due Regard (Equality Analysis) is an on-going proactive process which requires us to consider the effect our decisions are likely to have on local communities, service users and employees, particularly those most vulnerable and at risk of disadvantage.

This template has been designed to assist in the collation of information and evidence required to support the 'Due Regard' process when introducing new policies/procedures/functions and services or reviewing existing ones.

For help with this template please view the guidance document, which contains advice to assist you when you are considering the impact (both positive and negative) of the proposed actions on each of the protected equality characteristics.

Name of policy/procedure/function/service being analysed: Enforcement Policy

Department and section: Regulatory Services

Name of lead officer: Elaine Bird

Other people involved (assisting or reviewing - including any service users or stakeholder groups etc.):

Date assessment completed: 8/5/15

Step 1: Defining the policy/procedure/function/service

Is this a new, amended or reviewed policy? What are the aims, objectives and purpose and how will they be achieved? What are the main activities and which communities are likely to be affected by these activities? What are the expected outcomes?

The current enforcement policy is being reviewed to bring it in line with current guidance and legislation. The aim of the policy is to ensure that any enforcement undertaken by the council is fair, open and transparent.

Step 2: Data collection & evidence

What relevant evidence, research, data and other information do you have and is there any further research, data or evidence you need to fill any gaps in your understanding of the potential or known affects of the policy on different communities? Include

quantitative data as well as qualitative intelligence such as community input and advice.

Enforcement issues have the potential to affect all protected groups. There is no evidence in the form of collected data to support the fact that any protected group is adversely affected by this policy. Generally the protected group with the potential to have the greatest impact with enforcement issues is race, however from local knowledge from inspectors the number of premises where English is not the first language is very low. Whilst there may be concerns that The break down of types of food premises within the district is

Premises type	Approx number
Cafe	62
Childminder	64
Educational establishments (nurseries and schools)	81
Takeaways (including fish and chips)	39
Restaurants and pubs, licensed clubs	184
Mobiles	50
Outside caterers (inc home bakers)	77

Approximately 10% of the total number of taxi and hackney carriage drivers are from a BME background and there is no evidence to show that this group is disproportionately affected by enforcement issues with only 5% of taxi/hackney carriage driver hearings being held for people from a BME background.

Step 3: Consultation and involvement

Have you consulted and if so outline what you did and who you consulted with and why.

There will be public consultation on the draft policy

The Equality and Diversity Officer has been consulted on the policy

Step 4: Potential impact

Considering the evidence from the data collection and feedback from consultation, which communities will be affected and what barriers may these individuals or groups face in relation to Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, Sexual Orientation, Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities and also the potential impact on Community Cohesion. Remember people have multiple characteristics so the impact of a policy on a particular community may impact people within the community differently. Where possible include numbers likely to be affected.

Having an effective enforcement policy which ensures officers authorised by the Council must be fair, independent and objective and must not let any political views or personal beliefs regarding the protected characteristics of the suspect, victim, witness or offender influence their decisions is fundamental.

Enforcement action could potentially impact on any protected characteristics

Age: the policy has a staged approach to the type of enforcement action to be taken and if appropriate the council will not take action if the offender is vulnerable or a juvenile and formal action would seriously damage their well being. Prosecutions of juveniles will go through the Youth Courts process.

Disability and carers - as above consideration will be given with regards to the vulnerability of the offender when considering appropriate action.

Gender - there are no perceived gender issues when considering enforcement action.

Trans Gender/Gender Reassignment - there are no perceived issues when considering enforcement action

Race - there is the potential for a disproportional impact on this characteristics where English is not necessarily the first language.

Religion -there is a potential impact on religious groups where officers may arrive at a premise unannounced during particular religious ceremony or festival.

Sexual Orientation - there are no perceived issues when considering enforcement action.

There is currently very little data available regarding the equality and diversity profile of enforcement action undertaken by the Council. During the lifetime of the policy, data will be collected regarding the profile of any offender where formal action is taken.

Step 5: Mitigating and assessing the impact

If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons. If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately. If you have identified adverse impact or discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people. Consider what barriers you can remove, whether reasonable adjustments may be necessary and how any unmet needs have identified can be addressed.

The level of enforcement action is generally very low throughout the authority and whilst there is currently no data to support, anecdotal evidence suggests that equality is not an issue when considering formal action. The new policy does ensure that equality issues are considered as part of the determination of the most appropriate action to take

"The Enforcement Policy aims to ensure consistent enforcement to protect all stakeholders from unfair treatment. It does not disproportionately affect any particular group and is relevant to all those on whom the law places a duty and on those whom the law protects. Where necessary information will be provided in a different language and/or format to ensure the enforcement process and implications are full understood by all relevant parties."

In 2013 the council participated in a countywide initiative to offer training and mentoring to take away premises where the Scores on the Doors rating was 3 or below to encourage greater compliance in this food sector.

Translation services have been made available when required and processes have been amended where language has been seen to be a barrier e.g. use of verbal knowledge tests for taxi and hackney carriage drivers.

All officers have undergone equality and diversity training

Any enforcement action taken will be subject to due legal proceedings which will take into account Human Rights and equality legislation.

Customer satisfaction surveys are undertaken by officers on completion of an inspection or investigation and complaints re periodically monitored to determine whether any complaints are connected to issues surrounding equality issues.

Step 6: Making a decision

Summarise your findings and give an overview of whether the policy will meet Harborough District Council's responsibilities in relation to equality, diversity and human rights. Does it contribute to the achievement of the three aims of the Public Sector Equality Duty - eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity and foster good relations?

The policy does contribute to achieving the equality duty to eliminate unlawful discrimination, harassment and victimisation.

The policy recognises that enforcement action will only be considered as a last resort depending on the nature of the offence and in the event of formal action being taken consideration will be given to human rights and equality legislation throughout the process.

Step 7: Monitoring, evaluation & review of your policy/procedure/service change

What monitoring systems will you put in place to promote equality of opportunity, monitor impact and effectiveness and make positive improvements? How frequently will monitoring take place and who will be responsible?

Data will be collected and analysed to see if disproportionate amount of enforcement action is taken against people with particular protected characteristics to see if further targeted work is required to encourage compliance with legislation.

Equality Improvement Plan

Equality Objective :

Action: To collate equality and diversity information in relation to enforcement action undertaken to identify any non-compliance trends.

Officer Responsible: Team Leaders

By when: on going

Equality Objective :

Action:

Officer Responsible:

By when:

Equality Objective :

Action:
Officer Responsible:
By when:

Equality Objective :

Action:
Officer Responsible:
By when:

Signed off by:

Date:

Once signed off, please forward a copy for publication to Julie Clarke, Equality and Diversity Officer
e-mail: j.clarke@harborough.gov.uk , telephone: 01858 821070.