



Cambridge City Council Equality Impact Assessment (EqIA)

This tool helps the Council ensure that we fulfil legal obligations of the [Public Sector Equality Duty](#) to have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Guidance on how to complete this tool can be found on the Cambridge City Council intranet. For specific questions on the tool email Helen Crowther, Equality and Anti-Poverty Officer at equalities@cambridge.gov.uk or phone 01223 457046. Once you have drafted the EqIA please send this to equalities@cambridge.gov.uk for checking. For advice on consulting on equality impacts, please contact Graham Saint, Strategy Officer, (graham.saint@cambridge.gov.uk or 01223 457044).

Appendix

1. Title of strategy, policy, plan, project, contract or major change to your service:
Fixed penalty notices review 2018/19
2. Webpage link to full details of the strategy, policy, plan, project, contract or major change to your service (if available)
Not yet available
3. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

New powers to revise the fixed penalty notice (FPN) levels for environmental offences for commercial waste, flyposting and graffiti have come into force under the [The Environmental Offences \(Fixed Penalties\) \(England\) Regulations 2017](#).

In line with setting the fixed penalty levels for environmental offences the fines for Community Protection Notices (under the [Anti-social Behaviour, Crime and Policing Act 2014](#)) and domestic waste offences (under the [Deregulation Act 2015](#)) are also being reviewed.

The council is seeking to use the maximum fixed penalty notice levels and to give a discount of 40% for early payment provided payments are made within 10 days (the process in line with all other council issued fixed penalty notices).

In June 2016, FPNs were introduced by the council, as an alternative to prosecution, for small scale fly tipping as an alternative to prosecution, diverting these cases away from the Magistrates and Crown courts. In accordance with the City Council's June, 2016, decision to adopt the FPN upper limit level for small scale fly tipping and the July 2018 decision to adopt the FPN upper limit for littering, it is proposed that the City Council also adopt the upper limit charge level for all available environmental offences as detailed in the paper.

FPN's are an effective and visible way of dealing with low level environmental crime and will be supported by the public provided they are used sensibly, enforced even hand and are seen as a response to genuine problems.

The Council has already approved the use of FPNs as an alternative to prosecutions when dealing with other environmental crimes including litter, dog fouling, illegal advertising and abandoned vehicles. Income from FPN's has to be spent on functions related to cleansing such as litter picking as specified by legislation. It is not a means of generating income for other uses.

The revised fixed penalty notices will not be appropriate for operators in the waste management industry, repeat offenders or those responsible for large-scale fly tipping, or the fly tipping of hazardous waste. These types of offences will continue to be enforced by using existing prosecution powers.

It is envisaged that this new power will be used as part of the package of enforcement options available in accordance with the Council's adopted Enforcement Policy.

4. Responsible Service

Streets and Open Spaces, Environmental Services

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5. Who will be affected by this strategy, policy, plan, project, contract or major change to your service? (Please tick those that apply)
<input checked="" type="checkbox"/> Residents of Cambridge City <input checked="" type="checkbox"/> Visitors to Cambridge City <input type="checkbox"/> Staff
<p>Please state any specific client group or groups (e.g. City Council tenants, tourists, people who work in the city but do not live here):</p> <p>Businesses operating in or around city, any tourists or individuals or visitors that travel through the city or land over which Cambridge City Council is responsible for within the administrative boundary of Cambridge.</p>
6. What type of strategy, policy, plan, project, contract or major change to your service is this? (Please tick)
<input type="checkbox"/> New <input type="checkbox"/> Major change <input checked="" type="checkbox"/> Minor change
7. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service? (Please tick)
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (Please provide details): <p>All council officers and external agencies who are involved with evidence gathering can be involved with fly tipping investigations, including but not limited to Cambridgeshire Police, Environment Agency, Cambridgeshire Fire and Rescue.</p>
8. Has the report on your strategy, policy, plan, project, contract or major change to your service gone to Committee? If so, which one?
<p>Not yet, due 17 January 2019 at Environment and Community Scrutiny Committee</p>
9. What research methods/ evidence have you used in order to identify equality impacts of your strategy, policy, plan, project, contract or major change to your service?
<p>None – this is a minor operational change to bring about FPNs in line with the 2016 and 2018 decisions on using the maximum fine level. Please see section 10(j) for information relating to payment troubles that may be encountered.</p>

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10. Potential impacts

For each category below, please explain if the strategy, policy, plan, project, contract or major change to your service could have a positive/ negative impact or no impact. Where an impact has been identified, please explain what it is. Consider impacts on service users, visitors and staff members separately.

(a) Age

Note that this refers to any group of people of a particular age (e.g. 32 year-olds) , or within a particular age range (e.g. 16-24 year-olds) – in particular, please consider any safeguarding issues for children and vulnerable adults

Data for this characteristic is not held for environmental offences.

(b) Disability

Note that a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Data for this characteristic is not held for environmental offences.

(c) Gender reassignment

Data for this characteristic is not held for environmental offences.

(d) Marriage and civil partnership

Data for this characteristic is not held for environmental offences.

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(e) Pregnancy and maternity

Data for this characteristic is not held for environmental offences.

(f) Race

Note that the protected characteristic 'race' refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Data for this characteristic is not held for environmental offences.

(g) Religion or belief

Data for this characteristic is not held for environmental offences.

(h) Sex

Data for this characteristic is not held for environmental offences.

(i) Sexual orientation

Data for this characteristic is not held for environmental offences.

(j) Other factors that may lead to inequality – in particular – please consider the impact of any changes on low income groups or those experiencing the impacts of poverty

Data for similar offences of environmental offences do not hold records of any of the above characteristics, so it is not possible to quantify / consider how specific groups might or might not be affected in Cambridge.

All enforcement action is undertaken in accordance with the council's [Corporate Enforcement Policy](#). The revised fixed penalty notices will offer individuals and businesses the opportunity to pay a monetary fine, and in turn discharge their liability to prosecution (they will not end up with a criminal record). The continuation of an early repayment amount of 40% offers a lower threshold that individuals and businesses can also take advantage of, reducing financial impacts.

The council does not offer payment by instalments or payment plans. Payment for fixed penalties can only be accepted for the full amount. However in cases of extreme financial difficulties, officers have discretion to be able to extend the lower threshold payment period (subject to legal restrictions), and will work together with those issued fixed penalties to avoid prosecution where possible.

11. Action plan – New equality impacts will be identified in different stages throughout the planning and implementation stages of changes to your strategy, policy, plan, project, contract or major change to your service. How will you monitor these going forward? Also, how will you ensure that any potential negative impacts of the changes will be mitigated? (Please include dates where possible for when you will update this EqlA accordingly.)

As this is a minor change, no further amendments to the FPNs will be made. Individual cases will continue to be dealt with on a case by case basis where people end up with financial difficulties.

12. Do you have any additional comments?

All communication by the Streets and Open Spaces Operations team is undertaken in accordance with the [Service Standards](#) which details what customers can expect of us. Usage and payment of new FPNs will be monitored and the EqlA kept under review as required.

13. Sign off

Appendix

Name and job title of lead officer for this equality impact assessment: Wendy Johnston, Community Engagement and Enforcement Manager

Names and job titles of other assessment team members and people consulted:

Date of EqlA sign off:

Date of next review of the equalities impact assessment:

All EqlAs need to be sent to Helen Crowther, Equality and Anti-Poverty Officer. Has this been sent to Helen Crowther?

☐ Yes

☐ No

Date to be published on Cambridge City Council website: