

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 Kate Yerbury, 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).

1. Title of strategy, policy, plan, project, contract or major change to your service
Review of fixed penalty notices 2023

2. Webpage link to full details of the strategy, policy, plan, project, contract or major change to your service (if available)
Agenda for Environment and Community Scrutiny Committee on Thursday, 5th October 2023, 6.00 pm - Cambridge Council

3. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?
New legislation to revise the fixed penalty notice (FPN) levels for environmental offences for littering, fly-tipping, household waste duty of care, flyposting and graffiti has come into force under The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 (legislation.gov.uk)
The council is seeking to increase the maximum fixed penalty notice levels for three offences (littering, household waste duty of care and flytipping) and to continue to give a discount of 40% for early payment (the process in line with all other council issued fixed penalty notices). The council is seeking to increase the payment period up to 28 days, and the early payment period to 14 days.

In 2016, FPNs were introduced by the council, as an alternative to prosecution, for small scale fly tipping, and in 2018 for household waste duty of care as an alternative to prosecution, diverting these cases away from the Magistrates and Crown courts. The council also adopted the FPN upper limit for littering in 2018 and it is proposed that the City Council also adopts increased limits for some of the 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

City Services: Streets and Open Spaces Operations

5. Who will be affected by this strategy, policy, plan, project, contract or major change to your service?

(Please tick all that apply)

- Residents
- Visitors
- Staff

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):

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.

6. What type of strategy, policy, plan, project, contract or major change to your service is this?

- New
- Major change
- 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)

Yes
 No

If 'Yes' please provide details below:

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.

8. Has the report on your strategy, policy, plan, project, contract or major change to your service gone to Committee? If so, which one?

Not yet, due 5th October 2023 at the Environment and Community Scrutiny Committee

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?

None – this is a minor operational change to bring about changes in FPNs (similarly to 2016 and 2018 decisions) on amending the level. Please see section 10(j) for information relating to payment troubles that may be encountered.

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 - Please also consider any safeguarding issues for children and adults at risk

There are no equality impacts specific to this protected characteristic

(b) Disability

The increased FPN levels will act to prevent littering, and fly-tipping and this might have a positive impact relating to disability: by preventing cluttering in public spaces and trip hazards.

(c) Gender reassignment

There are no equality impacts specific to this protected characteristic

(d) Marriage and civil partnership

There are no equality impacts specific to this protected characteristic

(e) Pregnancy and maternity

There are no equality impacts specific to this protected characteristic

(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.

There are no equality impacts specific to this protected characteristic

(g) Religion or belief

There are no equality impacts specific to this protected characteristic

(h) Sex

There are no equality impacts specific to this protected characteristic

(i) Sexual orientation

There are no equality impacts specific to this protected characteristic

(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**
- **Groups who have more than one protected characteristic that taken together create overlapping and interdependent systems of discrimination or disadvantage. (Here you are being asked to consider intersectionality, and for more information see: https://media.ed.ac.uk/media/1_159kt25q).**

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 fines with an option for an early repayment amount continues to offer a lower threshold that individuals and businesses can also take advantage of, reducing financial impacts. The extended payment period will allow offenders more flexibility to make arrangements to manage the financial impact. 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.

Increased FPN levels may also act to reduce anti-social behaviour, where areas with litter and fly tipped waste can have impacts on area's presentation which may in turn have an impact on crime and anti-social behaviour levels (broken window effect). This could have an impact on any equality group more likely to be subjected to ASB.

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 EqIA 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 FPNS will be monitored and the EqIA kept under review as required

13. Sign off

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: Helen Crowther, Equality and Anti-Poverty Officer

Date of EqIA sign off: 21/08/2023

Date of next review of the equalities impact assessment: As and when FPNs are next reviewed.

Date to be published on Cambridge City Council website: With committee papers for October 2023 committee.

All EqIAs need to be sent to the Equality and Anti-Poverty Officer at equalities@cambridge.gov.uk