

Equality Impact Assessment (EIA):

| | | | |
|--|---|-----------------------|------------------------------|
| Name of Report/Proposal/Strategy: | Community Safety Enforcement and Prosecution Policy | | |
| Name (Key Officer/Author): | Fran Hughes | Business Unit: | Community Safety |
| Position: | Executive Head Community Safety | Tel: | 8002 |
| Date: | August 2014 | Email: | Frances.hughes@torbay.gov.uk |

Since the Equality Act 2010 came into force the council has continued to be committed to ensuring we provide services that meet the diverse needs of our community as well as ensure we are an organisation that is sensitive to the needs of individuals within our workforce. This Equality Impact Assessment (EIA) has been developed as a tool to enable business units to fully consider the impact of proposed decisions on the community.

This EIA will evidence that you have fully considered the impact of your proposal / strategy and carried out appropriate consultation with key stakeholders. The EIA will allow Councillors and Senior Officers to make informed decisions as part of the council's decision-making process.

Relevance Test – ‘A Proportionate Approach’

Not all of the proposals or strategies we put forward will be ‘relevant’ in terms of the actual or potential impact on the community in relation to equality and vulnerable groups. For instance, a report on changing a supplier of copier paper may not require an EIA to be completed whereas a report outlining a proposal for a new community swimming pool or a report proposing a closure of a service would.

Therefore before completing the EIA please answer the following questions. If you answer ‘yes’ to any of the questions below you must complete a full EIA.

| | | | |
|----|---|--|--|
| 1) | Does this report relate to a key decision? | Y <input type="checkbox"/> | N <input type="checkbox"/> |
| 2) | Will the decision have an impact (i.e. a positive or negative effect/change) on any of the following: <ul style="list-style-type: none"> • The Community (including specific impacts upon the vulnerable or equality groups) • Our Partners • The Council (including our structure, ‘knock-on’ effects for other business units, our reputation, finances, legal obligations or service provision) | Y <input type="checkbox"/> Y <input type="checkbox"/> Y <input type="checkbox"/> | N <input type="checkbox"/> N <input type="checkbox"/> N <input type="checkbox"/> |

Section 1: Purpose of the proposal/strategy/decision

| No | Question | Details |
|----|--|---|
| 1. | <p>Clearly set out the purpose of the proposal</p> | <p><i>Outline exactly what the proposal is / whether there is any change including reasons for the change. List the key objectives of the proposal/strategy.</i></p> <p><i>The new Community Safety Enforcement and Prosecution Policy is being implemented to ensure that the council is compliant with the Regulators Code.</i></p> <p><i>The Community Safety Business Unit has had an Enforcement and Prosecution Policy for many years. This policy has been reviewed in light of recent statutory guidance.</i></p> <p><i>The purpose of our regulatory activities is to protect the safety and health of residents and visitors in Torbay, to reduce crime and the fear of crime and to protect consumers. Enforcement is one of the ways we achieve these goals. However, enforcement is a very broad term which covers a large spectrum of work and includes offering advice and information through to bringing prosecutions for more serious offences.</i></p> |
| 2. | <p>Who is intended to benefit / who will be affected?</p> | <p><i>Who are the key stakeholders / which individuals / specific groups may benefit from the proposal or who will be most affected?</i></p> <p><i>The intended beneficiaries are:</i></p> <p><i>Businesses operating in Torbay – who can be assured that the council has a transparent and proportionate approach to its enforcement activities and the right balance of support is provided to ensure compliance and where proportionate formal enforcement is undertaken;</i></p> <p><i>Consumers and the public within Torbay – who can be assured that those trading in Torbay are being appropriately regulated and therefore public health, safety and welfare in Torbay is not compromised.</i></p> <p><i>Torbay Council as the regulator – this will ensure that the councils policies are compliant with the national Regulators Code.</i></p> |

| No | Question | Details |
|----|--------------------------------------|--|
| 3. | What is the intended outcome? | <p><i>It is important to identify the specific outcomes that this proposal intends to deliver.</i></p> <p><i>The previous Enforcement and Prosecution Policy was reviewed in 2008. In light of recent legislative requirements and new guidance to local authorities the policy has been reviewed to take the new information into account. Local authorities are required to prepare and publish an enforcement policy for all their duties covered by the Compliance Code.</i></p> <p><i>An important element of applying enforcement options to any situation is to have a clear policy in place to ensure that the decision making process is transparent, fair, consistent and proportionate to the risks created by the offence.</i></p> <p><i>The new Regulators Code issued under the Legislative and Regulatory Reform Act 2006 required regulators to have regard to the Code when developing policies and operational procedures that guide their regulatory activities.</i></p> <p><i>The key priorities of the Code are:</i></p> <ol style="list-style-type: none"> <i>1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow;</i> <i>2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views;</i> <i>3. Regulators should base their regulatory activities on risk;</i> <i>4. Regulators should share information and compliance and risk;</i> <i>5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply;</i> <i>6. Regulators should ensure that their approach to their regulatory activities is transparent.</i> |

Section 2: Equalities, consultation and engagement

Torbay Council has a moral obligation as well as a duty under the Equality Act 2010 to eliminate discrimination, promote good relations and advance equality of opportunity between people who share a protected characteristic and people who do not.

The **equalities, consultation and engagement** section ensures that, as a council, we take into account the Public Sector Equality Duty at an early stage and provide evidence to ensure that we fully consider the impact of our decisions / proposals on the Torbay community.

Evidence, consultation and engagement

| No | Question | Details |
|----|--|---|
| 4. | Have you considered the available evidence? | <i>The policy is a refresh of a previously existing policy. It has been subject to consultation for 6 weeks, 14 July – 24 August 2014.</i> |
| 5. | How have you consulted on the proposal? | <i>Consultees were written to inviting their comments on key areas of the policy, namely its aims and guiding principles. General feedback about the policy was also sought. The consultation was ran online for 6 weeks from 14 July – 24 August 2014.</i> |
| 6. | Outline the key findings | <i>Consultees agreed that the aims and guiding principles of the policy reflected the needs of the bay.</i> |
| 7. | What amendments may be required as a result of the consultation? | <i>No amendment necessary.</i> |

Positive and negative equality impacts

| No | Question | Details | | |
|----|--|--|-----------------|--|
| 8. | Identify the potential positive and negative impacts on specific groups | <i>It is not enough to state that a proposal will affect everyone equally. There should be more in-depth consideration of available evidence to see if particular groups are more likely to be affected than others – use the table below. You should also consider workforce issues. If you consider there to be no positive or negative impacts use the ‘neutral’ column to explain why.</i> | | |
| | | Positive Impact | Negative Impact | Neutral Impact |
| | All groups in society generally | The policy has been developed to ensure that businesses are appropriately supported, and that were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the Regulators Code. This is a transparent, risk based approach. | | |
| | Older or younger people | | | The policy has been developed to ensure that businesses are appropriately supported, and that were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the Regulators Code. This is a transparent, risk based approach. |
| | People with caring | | | The policy has been developed to |

| No | Question | Details | |
|----|--------------------------|---------|--|
| | responsibilities | | ensure that businesses are appropriately supported, and that were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the Regulators Code. This is a transparent, risk based approach. |
| | People with a disability | | The policy has been developed to ensure that businesses are appropriately supported, and that were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the Regulators Code. This is a transparent, risk based approach. |
| | Women or men | | The policy has been developed to ensure that businesses are appropriately supported, and that were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the |

| No | Question | Details | |
|----|---|---|--|
| | | | Regulators Code. This is a transparent, risk based approach. |
| | People who are black or from a minority ethnic background (BME) | <i>(please note Gypsies / Roma are within this community)</i> | The policy has been developed to ensure that businesses are appropriately supported, and that were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the Regulators Code. This is a transparent, risk based approach. |
| | Religion or belief (including lack of belief) | | The policy has been developed to ensure that businesses are appropriately supported, and that were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the Regulators Code. This is a transparent, risk based approach. |
| | People who are lesbian, gay or bisexual | | The policy has been developed to ensure that businesses are appropriately supported, and that |

| No | Question | Details | |
|----|--|---------|---|
| | | | <p>were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the Regulators Code. This is a transparent, risk based approach.</p> |
| | <p>People who are transgendered</p> | | <p>The policy has been developed to ensure that businesses are appropriately supported, and that were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the Regulators Code. This is a transparent, risk based approach.</p> |
| | <p>People who are in a marriage or civil partnership</p> | | <p>The policy has been developed to ensure that businesses are appropriately supported, and that were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the Regulators Code. This is a</p> |

| No | Question | Details | |
|----|--|---|--|
| | | | transparent, risk based approach. |
| | Women who are pregnant / on maternity leave | | The policy has been developed to ensure that businesses are appropriately supported, and that were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the Regulators Code. This is a transparent, risk based approach. |
| | Socio-economic impacts (including impact on child poverty issues and deprivation) | The policy has been developed to ensure that businesses are appropriately supported, and that were there are no compliance concerns that regulators apply a light touch approach. For those businesses which are high risk, a more targeted approach will be appropriate in accordance with the Regulators Code. This is a transparent, risk based approach. | |
| 9. | Is there scope for your proposal to eliminate discrimination, promote equality of opportunity and / or foster good relations? | <i>The council is committed to ensuring that we meet the diverse needs of our community. As part of the Equality Act there is a <u>general duty as well as our moral obligation</u> where we are required to have ‘due regard’ to eliminating unlawful discrimination, advancing equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Outline how your proposal meets the general duty.</i> | |

| No | Question | Details |
|----|----------|---|
| | | <i>The Community Safety Business Unit has been working to the Regulators Code since April 2014 and prior to that was compliant with previous government standards on enforcement including the Hampton principles and the Regulators compliance Code. The unit has a range of engagement activities in place to positively support businesses across Torbay, including approaches such as the licencees forum, Mayors ASB/Landlords forum etc</i> |

Section 3: Steps required to manage the potential impacts identified

| No | Action | Details |
|-----|---|--|
| 10. | Summarise any positive impacts and how they will be realised most effectively? | <p><i>Outline any positive impacts that you have identified relating to equalities and how these impacts will be realised most effectively. What ways can the positive impacts be maximised? Use the action plan (after section 5) to outline actions, responsible officers and timescales.</i></p> <p>There are no anticipated negative impacts from this policy.</p> |
| 11. | Summarise any negative impacts and how these will be managed? | <p><i>Outline any negative impacts that you have identified relating to equalities and how these impacts will be managed / monitored so that they are reduced / eliminated or mitigated. What ways can the negative impact be minimised? Use the action plan (after section 5) to outline actions, responsible officers and timescales.</i></p> <p>There are no anticipated negative impacts from this policy.</p> |

Section 4: Recommended course of action

| No | Action | Details |
|-----|---|---|
| 12. | State a recommended course of action | <i>Clearly identify an option and justify reasons for this decision. The following four outcomes are possible from an assessment (and more than one may apply to a single proposal). Please select from the 4 outcomes below and justify reasons for your decision - If '3' please provide full justification :</i> |

| | | |
|--|--|---|
| | <p>[please refer to action after section 5]</p> | <p>Where: -</p> <p>Outcome 1: No major change required - EIA has not identified any potential for adverse impact in relation to equalities and all opportunities to promote equality have been taken.</p> <p>Outcome 2: Adjustments to remove barriers – Action to remove the barriers identified in relation to equalities have been taken or actions identified to better promote equality.</p> <p>Outcome 3: Continue with proposal - Despite having identified some <u>potential</u> for adverse impact / missed opportunities in relation to equalities or to promote equality. Full justification required, especially in relation to equalities, in line with the duty to have 'due regard'.</p> <p>Outcome 4: Stop and rethink – EIA has identified actual or potential unlawful discrimination in relation to equalities or adverse impact has been identified.</p> |
|--|--|---|

Section 5: Monitoring and action plan

| No | Action | Details |
|-----|--|---|
| 13. | <p>Outline plans to monitor the actual impact of your proposals</p> | <p><i>The full impact of decisions will only be known once it is introduced. Identify arrangements for reviewing the actual impact of proposals once they have been implemented. Please also use the action plan below.</i></p> |

Please use the action plan below to summarise all of the key actions, responsible officers and timescales as a result of this impact assessment

Action plan

Please detail below any actions you need to take:

| No. | Action | Reason for action / contingency | Resources | Responsibility | Deadline date |
|-----|--|---------------------------------|-----------|----------------|---------------|
| 1 | <p><i>This should include actions highlighted from the sections 3, 4 & 5</i></p> | | | | |

| | | | | | |
|---|--|--|--|--|--|
| | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |