

Customer Access Review – Full Assessment

Assessment details		
Assessment area		Dartford Borough Council Environmental Enforcement
Date of assessment		6 th October 2022
Directorate and Service		Enforcement and Regulatory Services
Manager		Mark Salisbury
Officer conducting assessment		Richard Cherry
Step 1: Scoping the assessment		
1	What are the aims and objectives of the activity or proposal?	<p>Please note: This Customer Access Review should be viewed in conjunction with the Kingdom / LA Support - Littering and Dog Fouling Patrols review, (updated on review on the 6/10/2022) - that relates to litter and dog fouling enforcement.</p> <ul style="list-style-type: none"> To improve the quality and effectiveness of fly tipping, litter and unauthorised encampment enforcement work across the borough and to help encourage behaviour-change and keep the streets and open spaces free from fly tipping, litter and unauthorised encampments. To provide an investigation process (fixed penalty notice (FPN) / summons), intelligence / information gathering and the appropriate partnership sharing protocols, target hardening around identified vulnerable hot spot locations, public and landowner, education and engagement and an overall deterrent against fly tipping (at all levels), litter and unauthorised encampment offences, provide an increased visible level of enforcement related patrols and initiatives (including technical equipment placement – RIPA authorised) activity ‘where appropriate and authorised’ within local neighbourhoods, parks and other open spaces. To provide targeted enforcement initiatives and activity in known fly tip, litter and unauthorised traveller encampment ‘hot spot’ areas, taking enforcement action against those caught committing fly tip and litter and ‘where appropriate’ dog fouling offences. To reduce the amount of unauthorised fly tipping, litter and unauthorised encampments across the borough and reduce the cost of ‘clear up costs’ relating to fly tipping, litter and the number of unauthorised encampments on and around Dartford Borough Council (DBC) land.

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2	Who will be affected?	All Dartford residents, visitors, locally based businesses and landowners, individuals working in Dartford and staff of DBC.
3	How does the activity or proposal contribute to: a) any key performance indicators? b) policies, values or objectives of Dartford Borough Council?	<p>Current targets to local environmental quality ‘Standard of cleanliness in the Borough (% of areas with an acceptable standard of litter – includes fly tipping)’ linked to ET4 below.</p> <p>Enhanced enforcement activities will result in improving the quality of existing spaces and contribute towards producing a cleaner, safer, community and environment. This service contributes to the Corporate Plan 2021-23 strategic objective ET4 of ensuring a high quality street scene.</p> <p>Fly tipping performance indicators include; the number of fly tipping investigations by Enforcement Officers EARPI27; Number of fly tipping incidents BI12, and the number of successful prosecutions for fly tipping in the borough.</p> <p>Reduction in the number of unauthorised encampments within DBC.</p>
4	Which aspects of the activity or proposal are dictated by legislation/regulation and where do we have discretion in how they are delivered?	<p>The processing procedures for FPN’s ‘DEFRA Guidance’; Guidelines have been developed by the DOE to provide guidance and information about litter prevention. They are aimed at councils to help them to contain and reduce incidence of fly tipping and litter on their land and provide guidance about taking enforcement action in their area.</p> <p>Enforcement officers work to DEFRA guidance which recommends not issuing FPN’s for litter, where there is no criminal liability, enforcement action is inappropriate or would be disproportionate for the offence (not in the public interest to do so, the offender is vulnerable, the offence is trivial), prosecution is more suitable (offence is major, committed by a persistent offender, the offender is violent or aggressive, scale and level of offence not appropriate for the issue of the new and recently legislated fly tipping FPN) and littering is done accidentally (item falls from an individual’s pocket, no evidence of intent to drop, give offenders the chance to pick up the litter before an FPN is issued).</p>

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		<p>Unauthorised encampment enforcement; DBC progress removal orders via the courts. The main legislation relating to unauthorised encampments includes:</p> <ul style="list-style-type: none"> • Section 77 and Section 78 of the Criminal Justice and Public Order Act 1994 (Council). • Section 61 of the Criminal Justice and Public Order Act 1994 (Police). • Anti-Social Behaviour and Crime and Policing Act 2014 (Closure of Premises Orders- Police and Council).
Step 2: Information collection		
5	<p>What do you know about the groups of people who will be affected? i.e. demographic information in relation to the protected characteristic groups (age, disability, pregnancy and maternity, religion or belief, race, sex, sexual orientation, gender reassignment)</p>	<p>DBC records the age and gender of persons issued with FPN's but does not record any further information regarding other protected characteristics. The issuing of environmental crime FPN's is however offender specific and not group specific in terms of age, disability, race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity.</p> <p>In terms of unauthorised encampments, enforcement action to deal with these are offender specific and not group specific in terms of age, disability, race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity. However, unauthorised encampments tend to be (but not necessarily exclusively) occupied by people from Gypsy and Traveller communities. When dealing with unauthorised encampments, DBC aims to record the concerns, needs and requirements of the occupants through welfare needs notices that are served on each individual caravan / vehicle present.</p> <p>DBC Officers will monitor the volume of reported fly tips and litter discarded, along with the level and scale and unauthorised encampments and the associated issues brought about by such activity and if necessary liaise with community groups, including the protected characteristic groups regarding the most appropriate level of enforcement activity and who targeted toward.</p>
6	<p>What consultation has taken place with affected groups? Please describe who was consulted and the key findings</p>	<p>Consultation has been undertaken via DBC's Management Team, Corporate Communications, Portfolio Holder for Enforcement and Regulatory Services, Relevant Head of Service and Delivery Team.</p>

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		<p>Following consultation with the public, fly tipping, littering and unauthorised encampments were high on the public’s agenda and it impacts upon their feelings of safety and their confidence in all unformed services. This is regarded as an aspect of anti-social behaviour and has a negative impact upon their community, health (in the case of industrial level fly tips, unauthorised encampments) and house prices. The Council works to foster good relations by advising and keeping residents, local councillors, businesses, land owners and the public informed of the activity and progress around dealing with any unauthorised encampment.</p> <p>In the issuing of FPN’s for litter and dog fouling to date, the main objection made by recipients is the affordability of FPN fines. Fine levels are set within legislation (DBC - £80 litter ‘£50 if paid early’ and £50 dog fouling and £400 fly tipping , (Kingdom £75 litter and £50 dog fouling).</p> <p>In terms of fly tipping, litter and unlawful encampment enforcement activity by DBC officers, I am unaware of any representations or concerns being raised from any protected characteristic groups.</p>
7	<p>Are there any gaps in information? If so, what additional research and/or consultation is needed to ensure that affected groups needs and views are taken into account?</p>	<p>There are limitations caused by the design of the DBC FPN ticket currently used as it records age and gender but does not record disability, sexual orientation, religion and race. However, it would not be appropriate to ask or determine this information when issuing an FPN to a member of the public.</p> <p>In terms of unauthorised encampments, information received back from the welfare notices that are issued is usually limited due to the reluctance of occupiers to submit this information.</p> <p>There is a risk that the Council will experience negative publicity if seen to not deal robustly, effectively and transparently with incidence of fly tipping, litter depositing and unauthorised encampments. This can be mitigated by positive enforcement action and intelligence gathering, information sharing, raised public awareness/education, robust recording and monitoring of reported incidents and keeping the public and informants updated and appraised of outcomes. In terms of unauthorised encampments within the borough, to</p>

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		maintain a SLA between DBC and Kent County Council (KCC) in relation to such encampments on KCC land thus allowing DBC to act on their behalf.
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Step 3: Assessing the equality impact

8	<p>Consider whether the activity or proposal has or will have any positive or negative equality impacts on the protected characteristic groups in relation to the following aims of the General Equality Duty:</p> <p>a) tackling unlawful discrimination b) promoting equality of opportunity c) promoting good relations</p> <p><u>NOTES:</u></p> <ul style="list-style-type: none"> • The Initial Screening will have identified which aims of the Public Sector Equality Duty are relevant to the activity or proposal for consideration • For existing activities, consider how they are working in practice for each relevant protected group • For new proposals, consider whether there is anything that could give rise to positive and negative equality impacts for each relevant protected group • If there is no identified equality impact, please tick the ‘No Impact’ box and explain why in question 9 • If the equality impact is unclear, please tick the ‘Unknown’ box and explain why in question 9
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		POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
a	Age	<p>Fly Tipping and Litter Enforcement: The issuing of FPN’s is offender specific and not age specific.</p> <p>Unauthorised Encampments: Action to deal with unauthorised encampments is offender specific and not age specific, although considerations relating to removal activity and action is based against the response to the welfare needs notice and appropriate needs raised and identified. This may relate to a number of issues around health, wellbeing, disability, child care and may include consideration around</p>	<p>Fly Tipping and Litter Enforcement: Adults on low incomes may not have the means to pay the FPN’s within the given timescales and be more likely to be prosecuted in the magistrate’s court which could lead to even higher penalties.</p> <p>Vulnerable or infirm adults in particular may not always be able to comply with the littering laws.</p>	<input type="checkbox"/>	<input type="checkbox"/>

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		there being elderly or infirm adults within the encampment.			
b	Disability	<p>Fly Tipping and Litter Enforcement: The issuing of FPN's is offender specific and not disability specific, although there is a need for the enforcement officer to evaluate each situation taking into account not only physical impairment but mental health and learning difficulties also. The expertise of the officers who have had full training on dealing with people with disabilities determines the course of action and the advice given.</p> <p>The long term impact of having environmental enforcement officers / patrols is anticipated to reduce the incidents of littering, small fly tips and unauthorised encampments that often obstruct the public rights of way, requiring wheelchair users to move into dangerous carriageways etc.</p> <p>Unauthorised Encampments: Action to deal with unauthorised encampments is offender specific and not disability specific, although any removal action would take into consideration any welfare needs highlighted within the welfare needs notice, around there being any</p>	<p>Fly Tipping and Litter Enforcement: The Service does not record disability on the FPN ticket. However we may consider including this in the future and re-design the tickets used by the Service.</p> <p>All forms of litter 'particularly large scale fly tips', can cause potential obstructions to public highways and this could be problematic to people with disabilities.</p> <p>Vulnerable or infirm adults in particular may not always be able to comply with the littering laws.</p>	<input type="checkbox"/>	<input type="checkbox"/>

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		disabled occupiers within the encampment.			
c	Gender (including reassignment)	<p>Fly Tipping and Litter Enforcement: The issuing of FPN's is offender specific and not gender specific.</p> <p>Unauthorised Encampments: Action to deal with unauthorised encampments is offender specific and not gender specific.</p>		<input type="checkbox"/>	<input type="checkbox"/>
d	Race	<p>Fly Tipping and Litter Enforcement: The issue of an FPN is offender specific and not race specific.</p> <p>Unauthorised Encampments: Action to deal with unauthorised encampments is offender specific and not race specific. Although unauthorised encampments tend to be (but are not necessarily exclusively) occupied by people from Gypsy and Traveller communities and so enforcement action is inclined to be disproportionate to this group. Promotion of equality of opportunity is met by taking a balanced and proportionate view when initially assessing unauthorised encampments. Through our attending at any unauthorised encampment and speaking with occupants, we will seek to achieve a balance between enabling the traveller community to lawfully maintain their traditional and</p>	<p>Fly Tipping and Litter Control: For those whose first language is not English, the FPN instructions and procedures may need to be explained more fully.</p> <p>The FPN is only available in English. It would not be cost effective for patrollers to carry the ticket in different languages in case they needed to issue to a non-English speaking member of the community. FPNs are issued by patrollers but do occasionally meet language barriers due to the multi-cultural community Dartford enjoys. On the odd occasion that this has occurred there has normally been an English speaking family member or friend to translate to the offender.</p> <p>Any failure to comply with the relevant legislation around removal powers and a failure to keep appropriate</p>	<input type="checkbox"/>	<input type="checkbox"/>

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		<p>nomadic ways of life whilst dealing robustly with issues of ASB that can be associated to unauthorised encampments and the rights of the landowner and concerns of the settled / resident community.</p> <p>It is recognised that because of the nomadic traditions of the Gypsy & Traveller community, this group can experience difficulties accessing services. All persons present at any unauthorised encampment 'whatever their background or circumstances' are served a welfare needs notice by DBC officers, providing them the opportunity to highlight any specific needs and problems that they may have, for return to DBC and consideration around dialogue and the most appropriate action to take.</p> <p>Consideration is given around when and how to take removal action, based against the response to welfare needs. Examples of this could be: adult or child hospitalised, pregnancy, vehicle movement issues 'in need of repair'.</p> <p>The establishment of an unauthorised encampment can raise concerns with members of the local settled community. To promote understanding, residents, local</p>	<p>persons informed around activity and progress.</p> <p>No data is available as to the ethnicity of the individual.</p>		
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		councillors, businesses, land owners and the public are advised and kept informed around activity and progress around dealing with any unauthorised encampment.			
e	Religion/Belief	<p>Fly Tipping and Litter Enforcement: The issuing of FPN's is offender specific and not religion / belief specific.</p> <p>A person's religious belief will not normally be known by the service and is not a barrier or target for enforcement work to be carried out and does not impact upon environmental / littering offences committed.</p> <p>Unauthorised Encampments: Action to deal with unauthorised encampments is offender specific and not religion / belief specific.</p>		<input type="checkbox"/>	<input type="checkbox"/>
f	Sexual Orientation	<p>Fly Tipping and Litter Enforcement: The issuing of FPN's is offender specific and not sexual orientation specific.</p> <p>A person's sexual orientation is not known by the service and is not a barrier or target for enforcement work to be carried out and does not impact upon environmental / littering offences committed.</p> <p>Unauthorised encampments: Action to deal with unauthorised</p>		<input type="checkbox"/>	<input type="checkbox"/>

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		encampments is offender specific and not sexual orientation specific.			
g	Pregnancy/Maternity	<p>Fly Tipping and Litter Enforcement: The issuing of FPN's is offender specific and not pregnancy / maternity specific.</p> <p>Pregnancy is not a barrier or target for enforcement work to be carried out and does not impact upon environmental / littering offences committed.</p> <p>The long term impact of having environmental enforcement officers / patrols is anticipated to reduce the incidents of littering, small fly tips and unauthorised encampments that often obstruct the public rights of way parents with prams to move into dangerous carriageways etc.</p> <p>Unauthorised encampments: Action to deal with unauthorised encampments is offender specific and not pregnancy / maternity specific.</p> <p>All persons present at any unauthorised encampment 'whatever their background or circumstances' are served a welfare needs notice by DBC officers, providing them the opportunity to highlight any specific needs and problems that they may have, for</p>	<p>Fly Tipping & Litter Enforcement: Vulnerable or infirm adults in particular may not always be able to comply with the littering laws.</p>	<input type="checkbox"/>	<input type="checkbox"/>

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		return to DBC and consideration around dialogue and the most appropriate action to take. Family circumstances, particularly the needs of any pregnant women, new mothers, or if a child is hospitalised, for example, will be taken into account when the council is considering the options available.		
9	If 'no impact' or 'unknown' was selected, please explain			
10	If Dartford Borough Council works with partners to deliver the activity or proposal, please describe any circumstances that could give rise to positive or negative equality impacts between different groups	DBC Enforcement Officers work closely with Police, Courts and Kingdom/LA Support around the most appropriate and balanced enforcement of environmental related crime and unauthorised encampments. All of the identified partners work to within the legislative requirements that relate to their specific area of business. Training is provided to them around the legislation and powers and issues / considerations relating to equality and considerations around the strands of diversity. Any issues that may impact either positively or negatively would be subject of discussion and review between partners.		
11	Any other comments	<p>The issuing of FPN's is offender specific and not group specific in terms of age, disability, race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity.</p> <p>There is no evidence to show that, given adherence to the DEFRA guidance, the enforcement activity has a negative impact upon any customer group, including the protected characteristic groups, or that any customer group is discriminated against.</p> <p>The unauthorised depositing of waste is a nuisance to both residents and visitors to the borough. Fly tipping and litter (particularly in terms of hazardous waste) can also be dangerous for health. All residents should benefit from improved local environmental quality. The long term impacts of having comprehensive fly tipping and littering enforcement is anticipated to reduce the incidence of unauthorised waste depositing.</p> <p>The customer monitoring system used by DBC is adequate and this is supported through regular meetings between DBC managers and staff (121, appraisal, informal daily meetings, and joint working).</p>		

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		<p>There are limitations caused by the design of the DBC FPN ticket currently used as it records age and gender but doesn't record disability, sexual orientation, religion and race. These are issues for future consideration and inclusion within the FPN. However, it would not be appropriate to ask or determine this information when issuing a Fixed Penalty Notice to a member of the public.</p> <p>The enforcement work carried out by the enforcement officer / team supports DBC to achieve the very highest standards when delivering local environmental quality services. Every group benefits from this activity in terms of clean neighbourhoods and environment which in turn encourages people to live and work in the Borough.</p> <p>Need to ensure that any customer / workforce conflict does not arise through any form of displayed or perceived prejudice.</p> <p>In achieving compliance and in terms of fairness and transparency, DBC to have in place robust training and policies, in order to comply with the 2010 Equality Act and in particular the advancement of equal opportunities</p> <p>The Customer Access Review has shown that there aren't any negative consequences for those with protected characteristics to this work being carried out.</p>
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Step 4: Action plan

11. Based on the information in Steps 1 and 2, please list the actions that will be taken to address:

a) any gaps in information and consultation
b) how any negative impacts on equality will be mitigated or eradicated

a) If additional information and/or consultation is required or the impact is still unclear, what actions will you put in place to gather the information you need?

Information needs	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
There is a risk that the Council will experience negative publicity through their	This can be mitigated by careful planning, raised public awareness and	Public understanding, awareness and support	Ongoing monitoring activity with a 12 month review	Social Media, Compliments / Complaints and DBC /	Richard Cherry

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environmental enforcement activity or in the absence of any action being taken.	engagement with victims of fly tipping / litter offences along with those reporting unauthorised encampments and explaining systems and processes and reasons 'in terms of powers and legislation' as to why or why not a specific course of action was decided upon.			manager 121 meetings	
b) If any negative impacts on equality were found, what actions will you put in place to mitigate or eradicate these impacts?					
Identified impacts (and who is affected)	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
FPN ticket does not record ethnicity and disability and there are limitations to the size of the FPN ticket	Review the design of the ticket to consider to include disability and ethnicity	Accurate monitoring around issue of FPN	Within a 12 month review process	DBC team and 121 meetings, contact from the public, customer services referral's and complaints monitoring	Richard Cherry
Trying to issue FPN's to people who do not speak English.	To consider the provision and use of simple translation cards for environmental enforcement to carry with them	More effective communication between the enforcement officer and recipient	Within a 12 month review process	DBC team and 121 meetings, contact from the public, customer services referral's and complaints monitoring	Richard Cherry
To regularly review all customer complaints 'at monthly 121 meeting' in order to identify any potential emerging trends / areas of concern.	Monitoring of FPNs issued and Prosecution case files by the enforcement manager.	Reduction in complaints and improved customer confidence and satisfaction.	Within a 12 month review process	DBC team and 121 meetings, contact from the public, customer services referral's and complaints monitoring	Richard Cherry

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Step 5: Decision making and future monitoring		
13	Which decision making process does this Customer Access Review need to go through? i.e. who does this need to be approved by?	Mark Salisbury (Head of Service) and Peter Dosad (Strategic Director)
14	How will you continue to monitor the impact of the activity or proposal on the equality groups?	Monthly 121 meetings between environmental enforcement officers and the enforcement manager for DBC. Monthly performance report – review.
15	When will you review this Customer Access Review?	Annually or in a response to any change in legislation.
Step 6: Final steps		
16	Once this Customer Access Review has been approved, send this assessment to the Policy & Projects Officer	
17	If the subject of the Customer Access Review is going to committee, summarise your findings in the committee report	
18	Implement the actions identified from this Customer Access Review and ensure progress is monitored and recorded	