

Customer Access Review – Full Assessment

Assessment details		
Assessment area		Dartford Borough Council - Environmental Enforcement Policy
Date of assessment		26 TH February 2021
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 LA Support – Environmental Crime and Dog Fouling reviews and the Environmental Enforcement Customer Access Review (2016) - that relates to litter, trade waste duty of care, fly tipping and dog fouling enforcement.</p> <p>This policy provides a framework to explain the processes of Environmental Enforcement at Dartford Borough Council (DBC) and enable and assist environmental enforcement officers in decision making. It is intended to ensure that enforcement decisions are lawful, consistent, balanced, fair, transparent and proportionate.</p> <p>The process of regulation involves the ongoing monitoring and enforcing of various aspects of legislation and there are a range of tools available to achieve this. This policy details Dartford Borough Council’s approach to regulation and the subsequent, appropriate use of enforcement powers. DBC is committed to maintaining a clean and safe environment for the benefit of everyone in the borough. This commitment recognises the responsibility to keep the streets and local environment clear of litter, obstructions and deal with other local environmental quality issues. The presence of dumped waste, litter, dog fouling, graffiti and other environmental crime detracts from the image of the area and can have an adverse impact on inward investment as well as being a potential health hazard, whilst also contributing to the perception and fear of crime.</p>

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		<p>This policy highlights the Council’s responsibility to maintain a clean environment for all but recognises that this cannot be achieved without the support of the local community and the need for people to take personal responsibility for their actions</p> <ul style="list-style-type: none"> • To improve the quality and effectiveness of fly tipping, litter and environmental crime work across the borough and to help encourage behaviour-change and keep the streets and open spaces free from fly tipping, litter and environmental crime. • 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 environmental crime, 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, environmental crime offences ‘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 environment crime across the borough and reduce the cost of ‘clear up costs’ relating to fly tipping, litter and environmental crime on and around Dartford Borough Council (DBC) land.
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 / environmental crime)’ 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</p>

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		<p>environment. The scheme supports the Corporate Plan 2017 – 20 Environment and Sustainability theme, ET4 and Safer Communities theme, SC2 and SC3</p> <p>Fly tipping performance indicators include; the number of fly tipping investigations by Enforcement Officers; and, the number of successful prosecutions / outcomes for fly tipping in the borough.</p>
4	<p>Which aspects of the activity or proposal are dictated by legislation/regulation and where do we have discretion in how they are delivered?</p>	<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, litter and environmental crime 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>
<p>Step 2: Information collection Note: Equality and Diversity information for Dartford can be found at https://www.kent.gov.uk/about-the-council/information-and-data/facts-and-figures-about-Kent/equality-and-diversity-data</p>		
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>POPULATION PROFILE – DARTFORD</p> <p>(Sources: Mid-Year Population Estimate, 2011 Census, Vital Statistics – ONS)</p>

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		<ul style="list-style-type: none"> • Population – Dartford’s population is 112,600. • Gender – There are slightly more female residents than male residents in Dartford, where 50.7% people are female and 49.3% people are male. • Age – The mean age in Dartford is 37.57 years, which is slightly lower than the overall Kent mean age of 41.42 years. • Ethnicity – The largest ethnic group in Dartford is White (87.4%) whilst the remaining 12.6% of Dartford’s residents are from a Black Minority Ethnic (BME) group made up of four broad groups (Asian/Asian British; Black/African/Caribbean/Black British; Mixed/Multiple Ethnic Group and Other Ethnic Group). The Asian/Asian British group is the largest BME group in Dartford (6.0%). • Disability – 15.1% of Dartford residents consider themselves to have a long-term health problem or disability which limits their day-to-day activities. • Religion or belief – Almost three quarters of Dartford residents follow a religion. Christianity is the largest religion (60.64%) followed by the Muslim religion (1.61%). 27.20% of residents have no religion and 6.56% did not state a religion. • Sexual orientation – 0.2% of Dartford’s residents are in a registered same-sex civil partnership. • Gender reassignment – At present there is no single source of data that provides a measure of the number of people who are going through or have gone through gender reassignment. • Pregnancy and maternity – In 2018, there were a total of 1,668 births in Dartford. This is 15.2 births per 1,000 population of all ages. <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>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</p>
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		community groups, including the protected characteristic groups regarding the most appropriate level of enforcement activity and who targeted toward.
6	What consultation has taken place with affected groups? Please describe who was consulted and the key findings	<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> <p>Following consultation with the public, fly tipping, littering and environmental crime 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, environmental crime) 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 environmental crime.</p> <p>In the issuing of FPN’s for environmental crime offences, fly tip, trade waste duty of care 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 ‘£250 if paid early’), (LA Support - £75 litter, £300 fly tipping, £300 trade waste duty of care and £50 dog fouling).</p> <p>In terms of fly tipping, litter and environmental crime enforcement activity by DBC officers, I am unaware of any representations or concerns being raised from any protected characteristic groups.</p>
7	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>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>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</p>

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		depositing and environmental crimes. 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.
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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, Litter Enforcement and Environmental Crime Enforcement: The issuing of FPN’s is offender specific and not age specific.</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 environmental crime / littering laws.</p>	<input type="checkbox"/>	<input type="checkbox"/>

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b	Disability	<p>Fly Tipping, Litter Enforcement and Environmental Crime 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>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"/>
c	Gender (including reassignment)	<p>Fly Tipping, Litter Enforcement and Environmental Crime Enforcement: The issuing of FPN's is offender specific and not gender specific.</p>		<input type="checkbox"/>	<input type="checkbox"/>

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d	Race	<p>Fly Tipping, Litter Enforcement and Environmental Crime Enforcement: The issue of an FPN is offender specific and not race specific.</p>	<p>Fly Tipping, Litter and Environmental Crime Enforcement: 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>No data is available as to the ethnicity of the individual.</p>	<input type="checkbox"/>	<input type="checkbox"/>
e	Religion/Belief	<p>Fly Tipping, Litter Enforcement and Environmental Crime Enforcement: The issuing of FPN's is offender specific and not religion / belief specific.</p>		<input type="checkbox"/>	<input type="checkbox"/>

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		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.			
f	Sexual Orientation	<p>Fly Tipping, Litter Enforcement and Environmental Crime 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>		<input type="checkbox"/>	<input type="checkbox"/>
g	Pregnancy/Maternity	<p>Fly Tipping, Litter Enforcement and Environmental Crime 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>Fly Tipping, Litter Enforcement and Environmental Crime Enforcement: Vulnerable or infirm adults in particular may not always be able to comply with the littering and environmental crime laws.</p>	<input type="checkbox"/>	<input type="checkbox"/>

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		The long term impact of having environmental enforcement officers / patrols is anticipated to reduce the incidents of littering, small fly tips that often obstruct the public rights of way parents with prams to move into dangerous carriageways etc.		
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	<p>DBC Environmental Enforcement Officers work closely with Police, Courts and LA Support around the most appropriate and balanced enforcement of environmental related crime. 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.</p>		
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 / environmental crime is a nuisance to both residents and visitors to the borough. Fly tipping, litter, waste duty of care (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, littering enforcement and environmental crime 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 / LA Support 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 DBC and LA Support 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> <p>Complaints process - Any person who is not satisfied with the service they have received regarding the report and / or investigation into and around environmental crime or who believes they have been discriminated against can make a formal complaint to the Council using the corporate complaints process.</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**

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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 environmental enforcement activity or in the absence of any action being taken.	This can be mitigated by careful planning, raised public awareness and 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.	Public understanding, awareness and support	Ongoing monitoring activity with a 12 month review	Social Media, Compliments / Complaints and DBC / manager 121 meetings	Richard Cherry
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	More effective communication between the	Within a 12 month review process	DBC team and 121 meetings, contact from the public,	Richard Cherry

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	for environmental enforcement to carry with them	enforcement officer and recipient		customer services referral's and complaints monitoring	
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

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 Sheri Green (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?	The policy will be initially reviewed after one year. If there are any significant changes to the policy, this Customer Access Review will be reassessed at the same time. The policy and Customer Access Review will then be reviewed every three years.

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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