

**MID SUSSEX DISTRICT COUNCIL**

**Equality Impact Assessment**

**Title of Policy/Service/Contract: Fixed Penalty Notice Expansion**

**Division: Performance & Partnerships**

**Lead Officer: Lucie Venables**

**Date Assessment completed: 14<sup>th</sup> July 2014**

**1. SCOPING**

**1.1 What are the aims of the policy, service/service change or contract?**

The Council proposes an extension to the existing powers within the Clean Neighbourhoods and Environment Act 2005 to issue Fixed Penalty Notices (FPNs) for additional offences. The Council approved the original powers in July 2008. It was always the intention of the Council to extend the use of FPNs to tackle other offences under the Act however policies and authorisation had not yet been developed to enable officers to do this. Fixed Penalty Notices are currently issued for Dog Control Offences only however the policy change extends this to include other offences: Graffiti, Litter, Fly-tipping and nuisance parking.

**1.2 Who does the service/policy/contract affect? Who are the main customers (internal or external)?**

The policy change will affect residents of Mid Sussex as well as internal staff who will need to be trained and authorised to expand the use of fixed penalty notices. To ensure that all residents are aware of the changes to policy and inclusion of additional offences a media campaign is planned. This will include the use of social media as well as more traditional methods to ensure that residents are aware of the changes before they become enforceable.

**1.3 What equality information is available, including any evidence from engagement and analysis of use of services?**

To date very few FPNs have been issued therefore the data available is limited. However it is expected based on data from other authority areas that this will remain the case and is unlikely to adversely affect any particular group.

**1.4 What does this information tell us about the equality issues associated with the service and implications for the protected groups?**

As current data is limited this will mean that for the duration of the pilot the issuing of FPNs will need to be closely monitored.

**1.5 Are contractors or partnerships used to deliver the service? Y**

If No go to section 2.

If yes, please refer to the guidance notes, particularly Appendix One of the MSDC Guidance "Integrating Equality and Diversity into Procurement", and complete the next three questions.

**Identify the contractors/partnerships used to deliver the service.**

Sussex Police will issue FPNs on behalf of the Council and therefore follow the same policy and procedure

**What is their contribution to equality in service delivery and the promotion of equality?**

Sussex Police already abide by strict equality policies and procedures which can be viewed on the Sussex Police website [www.sussex.police.uk](http://www.sussex.police.uk)

**How are equality issues addressed through contractual arrangements and service level agreements?**

Sussex Police have a Memorandum of Understanding with the Council which includes abiding by all policies and procedures as outlined.

## 2. Assessment of Impact; Analysis and Action Planning

Any gaps in information or provision, opportunities to promote equalities and good relations identified above need to be translated into SMART actions and recorded here. These actions need to be delivered and monitored through the service planning process.

Opportunity to promote equality, good relations and/or address barriers to service/differential impact	Current action taken to address these	Further actions required and timescales	Lead Officer	How will impact be measured
The needs of different ethnic groups including white minorities, but also established white communities				
There may be differing language needs among some BME groups.	The policy outlines the correct procedure for issuing FPNs. This includes taking what details can be obtained from an individual and asking them to attend the Council premises or other suitable location to discuss with the use of an interpreter before issuing the FPN.	Monitor the impact of the new policy to see if this does adversely affect certain communities	Lucie Venables	Number of FPNs issued with language identified as a barrier
The needs of men and women. Including taking account of pregnancy and maternity.				
None identified				
The needs of disabled people				
There may be additional needs that make it difficult to respond to what is required e.g. clearing up after a dog	<p>The policy states that those registered blind or with a dog trained by a prescribed charity (Dogs for disabled, Support dogs and Canine Partners for independence) and exempt from clearing up after dogs in their care.</p> <p>FPNs will be issued to individuals with additional needs not covered above however these will be taken into consideration at the time of the offence.</p>	This will be monitored for the duration of the pilot.	Lucie Venables	Number of FPNs issued where disability identified
The needs of people with a religion or belief				
None identified				

<b>Opportunity to promote equality and/or barriers to service/differential impact</b>	<b>Current action taken to address these</b>	<b>Further actions required and timescales</b>	<b>Lead Officer</b>	<b>How will impact be measured</b>
The needs of gay men, lesbians, bisexuals and heterosexual people				
None identified				
Issues from marriage and civil partnership				
None Identified				
The needs of different age groups, for example older and younger people				
Fixed Penalty Notices can be issued to those aged between 10 and 18 however this could be considered controversial. Educational campaigns around the new powers will target all ages through a range of media options to ensure that residents are aware of the changes.	The evidence for the offence with those both over and under the age of 18 needs to be clear for the officer to issue the FPN. Where the evidence is not clear for those under 18, name and address details are to be taken instead and passed to the MSDC Anti-social Behaviour Co-ordinator to contact parents.	To be monitored regularly with review as necessary	Lucie Venables	Number of FPNs issued to those under 18
The needs of transgender communities				
None identified				
The needs of people who are disadvantaged by socio-economic factors such as low incomes, skill or living in a deprived area				
Those unable or who have difficulty reading may require additional support with understanding what is required once issued with a FPN	The policy identifies the correct procedure to follow which includes confirmation that the receiver understands how to make payment.	Monitor number of FPNs issued where reading was identified as an issue	Lucie Venables	Number of FPNs issued and paid
The needs of people who live in a rural area				
Access to payment services of FPN	The policy outlines options for the payment of an FPN. These include 24 hours a day online, by telephone or by post using a cheque or postal order. Therefore living in a rural area should not			

	discriminate against individuals being able to access at least one of these methods. .			
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**3. Mid Sussex District Council Equality Impact Assessment Summary**

Key Findings	Future Actions
<ul style="list-style-type: none"> <li>• The Council currently issues Fixed Penalty Notices (FPNs) for dog control offences only.</li> <li>• The Council is to extend the use of FPN's to include additional offences of nuisance parking, littering, anti-social behaviour and fly-tipping</li> <li>• The Council is planning to work with Sussex Police to expand the use of FPNs</li> <li>• There is a lack of information about the characteristic of those to whom FPNs have been issued as numbers are low and equalities information is not recorded.</li> </ul>	<ul style="list-style-type: none"> <li>• Training will be provided to the additional officers who will be authorised to issue the FPNs. The training will emphasise the importance of using the correct procedure, taking into account equality issues.</li> <li>• Equalities data will be recorded to assess the impact of these changes</li> </ul>

**4. Signing off this assessment and action plan**



Signature .....  
 Person undertaking the assessment

Date ...14/07/2014.....

Signature .....  
 Head of Service

Date .....

Please send your completed impact assessment to Neal Barton for publication on the website.