

London Borough of Waltham Forest

Summary of Equality Impact Assessment Findings 11/05/05

Policy/service/function assessed

Enforcement Protocol, and Checklist including an overview of enforcement activities in Environmental Services.

Environmental Services

Lead Officer Usha Parmar

Summary

Positive

The enforcement protocol offers good guidance on customer care and best practice, and in addition some officers have received advanced enforcement customer care training.

There is high, positive impact of the protection of vulnerable communities through inspections and enforcement carried out. These include food inspections where businesses selling specialist ethnic items are targeted in order to protect ethnic users of these businesses; targeting businesses for illegal underage sales in order to protect young people; the waiving of application fees for people with disabilities for certain types of changes to residential developments; and the reduction of costs in pest control for people in low socio-economic groups.

There are considerable media articles on successful outcomes of Trading Standards enforcement, and some on food enforcement.

Challenges

With the exception of the Food Section there is no equalities monitoring of regulatory and enforcement activities. As a result there is only a high degree of speculation and hearsay evidence as to the profile of who has been prosecuted or is likely to fail on standards. It is therefore not possible to assess if there is any actual adverse impact on any of the equality groups.

Based on perception of the customer profile, there is a high impact of regulatory and enforcement activities on ethnic customers. Due to language barriers the issue of communication difficulties still remains to be resolved. Although officers meet with customers on a 1-2-1 basis on site visits and follow-up meetings more proactive work could be done to address this. On issuing prosecution notices more information and guidance should be provided for people with limited or no English.

Currently the route of enforcement is to provide advice, then issue warnings and as a last resort prosecution. However a great deal more can be achieved through proactive measures of education and awareness raising. This requires a shift in culture in equipping customers to understand the standards better, and in empowering the public to know their rights by embracing the public as advocates. More can be done in building partnerships with counterpart business start up organisations to support new business in understanding regulations.

The main form of deterrence is negative press through successful prosecution. More can be done to improve deterrence through better preparation of cases, and increasing the number of successful prosecutions. A principal recommendation is to have a review of enforcement activities.

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Section 11 – Recommendations

High Priority

1. EIA

Each enforcement section to complete its own equality impact assessment. Priority areas include Development Control and enforcement, Highways and Enforcement, and Building Control and enforcement.

2. Monitoring

Equality monitoring needs to be implemented as part of procedure across all regulatory services in order to establish definitive data and avoid speculation and assumptions on groups that do not meet standards and regulations.

3. Enforcement Protocol Checklist

This needs to be adapted to include ethnic monitoring information, and should be used routinely across all sections where a case is prepared. Currently this is only being used by Trading Standards and Food sections.

4. Enforcement notices

These need to be issued with standard translated text across all ES enforcement sections.

5. Review and analysis

- There needs to be a systematic review of enforcement activities due to the high impact on ethnic customers, and because ultimately regulatory services protect public health and safety of the borough, including vulnerable communities. This needs to establish the effectiveness and efficiency of current enforcement methodology, and assess what alternative methods could be developed.
- Analysis needs to account for the following over a fixed period of time, numbers of:
 - Total inspections
 - Inspections passed and failed
 - Inspections dealt with through education, advice and consultation
 - Warnings issued
 - Cases prepared for prosecution
 - Cases brought to prosecution
 - Successful prosecutions

6. Deterrence

The main form of deterrence is negative press through successful prosecution. More can be done to improve deterrence through better preparation of cases through better training.

7. Training

- All enforcement officers need to have case preparation training provided by the Legal department, particularly to look at the guidance on preparing witness statements.
- To ensure all officers also have training in cultural awareness, the enforcement customer care training should be rolled out across the directorate.
- There is a common issue of language barriers and training should include how officers can address this. One option is to undertake an exercise where an equalities officer would accompany enforcement officers on site visits and meetings to carry out an assessment to make initial improvements.

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8. **Enforcement working group**

Communication across the ES regulatory services needs to improve through formalised cross working and information sharing, with revised terms of reference to clarify purpose of the enforcement working group. The group needs to be monitored by and report to Customer First.

NB ESMT is asked to advice if the existing enforcement working group will operate separately or be subsumed into the new Envirocrime enforcement working group.

9. **Register Convictions**

Convictions should be registered as matter of routine procedure with the completion of form NPA091 to support deterrence.

10. **Actionplan**

All sections to produce, implement, and monitor their action plan based on these recommendations.

Long term priority

11. **Consultation**

Targeted consultation needs to take place in the following areas:

- **Food:** Ethnic proprietors and business associations
- **Development Control:** agents
- **Building Control:** Ethnic/Eastern European building trade
- **Highways:** Disability and older people groups
- **Trade Waste:** Ethnic proprietors and business associations

12. **Education**

- All regulatory sections need to consider alternative methods of tackling community safety besides the route leading to prosecution. In particular, how they can engage and tap into the wider public domain to develop proactive deterrence through public awareness and empowerment.
- All enforcement sections need to highlight achievements and outcomes of successful prosecutions through articles and press features.

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Improvement Plan

Item	Issues	Action required	Lead Officer	Time Scale	Comments/Outcomes
1.	Equality Impact Assessments	Compile programme of EqIA's for 05/6 Enf EIA Actionplans to be linked to service actionplans and review at ESMT	Usha Parmar	June 05 Ongoing	Services to undertake 2 nd tier enforcement EqIA's. Monitoring
2.	Equality Monitoring	Equality monitor proprietor/offender during inspections, capture on databases and cases.	Linda Wacey Keith Weir Mike Kiely	June 05	Gather customer profile data to assess if any adverse impact.
3.	Protocol Checklist	Revise protocol Include offender equality profile	Usha Parmar	May 2005	Use info for case prosecution/ warning preparation.
4.	Enforcement Notices	Have standard translated texts issued with notices	Mike Kiely, Usha Parmar	May 2005	For people with limited or no English.
5.	Review and analysis of data covering a fixed period of time.	Total inspections. Inspections passed and failed. Inspections dealt with through education, advice and consultation. Warnings issued. Cases prepared for prosecution. Cases brought to prosecution. Successful prosecutions.	Envirocrime group	July 2005	Establish the effectiveness and efficiency of current enforcement methodology, and assess what alternative methods could be developed.
6.	Deterrence	Publicise successful prosecutions in the media through regular features and articles. Set objective for teams Media coverage	Linda Wacey Keith Weir	May 2005. Ongoing.	Keep public informed of successful outcomes of council commitments.

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7.	Training	All staff to have received training in Winning Prosecutions. Equality Officer to assess customer care on inspections	Usha Parmar	July 05 September 05	Officers clear about how to prepare cases and witness statements. Identify training needs , make recommendations for improvements in communication where there are language barriers.
8.	Working Group	Enforcement working group to be superceded by envirocrime enforcement group, Chaired by KW Working Group to report to Customer First group	Keith Weir	June 05 Ongoing	Change of group in line with changing priorities. Monitor group
9.	Register Convictions	To be continued by Legal department	Tasnim Shawkat, Usha Parmar	May 05	Commitment as part of SLA with Legal dept.
10.	Consultation	Undertake consultation: Food: Ethnic proprietors + business associations Development Control: planning agents Building Control: Ethnic/Eastern European building trade Highways: Disability + older people groups Trade Waste: Ethnic proprietors + business associations	Linda Wacey Keith Weir Mike Kiely	March 06	Improve health and safety of community by finding out the needs of proprietors and agents.
11.	Partnership working	Services to forge links with "business start-up" organisations in/around the borough.	Linda Wacey Keith Weir Mike Kiely	July 05	Support new businesses to ensure an understanding of standards.