

## Bristol City Council Equality Impact Relevance Check

This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required. Please read the guidance prior to completing this relevance check.



What is the proposal?	
Name of proposal	The Environmental Offences (Fixed Penalties) (England) Regulations 2017 Changes to Fixed Penalty Rates
Please outline the proposal.	<p>The Environmental Offences (Fixed Penalties) (England) Regulations 2017 came into effect on 1 April 2018 increasing rates for fixed penalties payable in respect of certain offences relating to the environment. 12 months after the changes were introduced the penalty rates have been reviewed and it is proposed to</p> <ul style="list-style-type: none"> <li>• Remove the early fixed penalty payment rate tier for 1) distribution of printed matter; 2) graffiti and 3) flyposting and increase the full fixed penalty payment rate to the maximum allowable under the legislation to £150.00.</li> <li>• Increasing the full fixed penalty payment rate for Commercial Waste Receptacles to the maximum allowable under the legislation of £110.00.</li> <li>• Increasing the full fixed penalty payment rate for Domestic Waste Receptacles to the maximum allowable under the legislation of £80.00.</li> <li>• Increasing the full fixed penalty payment rate for Fly Tipping to the maximum allowable under the legislation of £400.00.</li> <li>• To remove the early fixed penalty payment rate tier for Fail to produce waste transfer notes.</li> <li>• To remove the early fixed penalty payment rate tier for Fail to produce waste carriers licence.</li> <li>• Introduce The Domestic Duty of Care Fixed Penalty S34 (2A) Environmental Protection Act which came into force from 7th January 2019. This enables local authorities to issue a FPN to a person who has failed to comply with the duty relating to the transfer of household waste. The range of the penalty is £150- £400. As this is a new measure and in consideration that the business rate is a maximum of £300 and in line with other core cities it is proposed to set the fixed penalty rate at £200</li> <li>• FPNs for littering will remain the same at £100 with an early payment rate of £65</li> </ul> <p>Although the cleanliness of the city has improved in many parts much more work needs to be done particularly in relation to behaviour change. An independent environmental quality survey completed in November</p>

	2018 found that Bristol needed to do more to tackle litter, fly posting and graffiti. Removing early payment rate tiers and increasing the penalty rates for certain offences sends a clear message that Bristol is determined to tackle environmental offences and improve the cleanliness of the city.
What savings will this proposal achieve?	This proposal will be implemented as part of the Mayoral Clean Streets Plan which will continue to be delivered with no financial cost impact to the Council.
Name of Lead Officer	Lindsay Hay

### Could your proposal impact citizens with protected characteristics?

(This includes service users and the wider community)

Please outline where there may be significant opportunities or positive impacts, and for whom.

The proposal does not introduce any new impacts which have not been addressed as part of the Clean Streets Plan EqIA.

Please outline where there may be significant negative impacts, and for whom.

This proposal will be implemented as part of the Mayoral Clean Streets Plan for which a full EqIA has been undertaken to identify and mitigate any potential negative impact on people with protected characteristics.



Appendix Clean Streets EqIA revised.

The introduction of a FPN for Householder Duty of Care could disproportionately affect low income households who may not have a vehicle to take items to a Household Waste Recycling Centre themselves and who may seek to use the cheapest way of disposing of waste. This may well be by using an unlicensed waste carrier which are known to be more likely to fly tip the waste they have collected. In order to mitigate any negative impact for this group that may potentially be disadvantaged by this change promotional and educational campaigns and engagement with communities will be undertaken in advance and will be targeted at the more deprived parts of the city. This will include information about bulky waste collection and other charitable collection schemes such as the Sofa Project.

People with a learning disability or sensory impairment, or people who speak English as additional language may find it more difficult to legitimately challenge an FPN and/or understand/discharge their responsibilities. Information about the appeal process will be provided in various formats and an individual's impairments would be taken into account in the process of issuing FPNs and any subsequent appeal.

Defra guidance suggests: 'If a householder is considered to be a vulnerable person (for example due to age or disability), close consideration should be given as to whether it would be proportionate and in the public interest to issue a fixed penalty notice, on a case-by-case basis'.

[https://consult.defra.gov.uk/waste/consultation-household-waste-duty-of-care/user\\_uploads/guidance-for-local-authorities-on-household-waste-duty-of-care-fixed-penalty-notices.pdf](https://consult.defra.gov.uk/waste/consultation-household-waste-duty-of-care/user_uploads/guidance-for-local-authorities-on-household-waste-duty-of-care-fixed-penalty-notices.pdf)

**Could your proposal impact staff with protected characteristics?**

(i.e. reduction in posts, changes to working hours or locations, changes in pay)

Please outline where there may be significant opportunities or positive impacts, and for whom.

See Clean Streets EqIA

Please outline where there may be negative impacts, and for whom.

See Clean Streets EqIA

**Is a full Equality Impact Assessment required?**

Does the proposal have the potential to impact on people with protected characteristics in the following ways:

- access to or participation in a service,
- levels of representation in our workforce, or
- reducing quality of life (i.e. health, education, standard of living) ?

Please indicate yes or no. If the answer is yes then a full impact assessment must be carried out. If the answer is no, please provide a justification.

No. The potential negative impacts of using fixed penalty fines are addressed in the Clean Streets Plan EqIA.

Service Director sign-off and date:



Patsy Mellor  
02/04/2019

Equalities Officer sign-off and date:



Duncan Fleming  
12/2/2019