

# Appendix 3 – Equality Impact Assessment - Regulatory Services Enforcement Policy

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**Section 1: Equality analysis details**

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<b>Proposed policy/decision/business plan to which this equality analysis relates</b>	Reviewed - Regulatory Services Enforcement Policy
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<b>Department</b>	Environment & Social Regeneration	<b>Division</b>	Regulatory Services
<b>Period analysis undertaken</b>	March 2021		

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## Section 2: Brief description of policy/decision/business plan

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### 1.1 Brief description of policy/decision/business plan

The Council carries out a number of enforcement activities. Enforcement Policies provide a structured basis for services to carry out their enforcement functions and provides members of the public and those subject to enforcement with a transparent policy on how the Council will carry out its enforcement functions.

This EIA covers the Regulatory Services Enforcement Policy. This document provides an overarching policy for the services sitting within the Regulatory Services Division. The purpose of the policy is to provide a consistent, correct, efficient and effective approach to making regulatory enforcement decisions. It also serves to communicate Southwark Council's policy towards addressing non-compliance with regard to the legislation that is enforced.

The Council uses a range of activities to ensure compliance with the legislation it enforces. These include:

- Site visits, inspections and patrols
- Acting on intelligence received
- Carrying out investigations
- Serving legal notices to effect a stop, a change, a restriction or an improvement
- Issuing financial penalties
- Giving formal warnings, conditional cautions and simple cautions
- Injunctive actions, byelaws and temporary powers
- Giving informal advice, including education & awareness programmes
- Carrying out test purchases, seizure, sampling and analysis
- Licensing and Permits
- Prosecutions

The decision maker is Cabinet.

## Section 3: Overview of service users and key stakeholders to be consulted

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### 2. Service users and stakeholders

<p><b>Key users of the department or service</b></p>	<p>The Policy covers the following functions:</p> <ul style="list-style-type: none"> <li>• Planning Enforcement</li> <li>• Building Control</li> <li>• Property Services</li> <li>• Community Wardens, Environmental Enforcement, CCTV &amp; Divisional Analytical Business Service (DABS)</li> <li>• Trading Standards, Health &amp; Safety, Food Safety and Environmental Protection</li> <li>• Private Sector Housing Enforcement</li> <li>• Noise &amp; Nuisance, Licensing and SASBU)</li> <li>• Highways Licensing &amp; Enforcement</li> </ul> <p>Therefore the users and stakeholders are broad and to surmise would cover:</p> <ul style="list-style-type: none"> <li>• Residents of Southwark regardless of tenure.</li> <li>• Visitors to Southwark, for leisure or business.</li> <li>• Business owners and managers in its widest sense.</li> <li>• Partner Enforcement Agencies, e.g. blue light services, HMRC, Immigration Services, etc.</li> <li>• Charitable and other advice services, e.g. Citizens Advice Bureau (CAB), the Leasehold Advisory Service (LEASE), etc.</li> <li>• Internal support Services, e.g. Legal services</li> </ul>
<p><b>Key stakeholders were/are involved in this policy/decision/business plan</b></p>	<p>Officers of:</p> <ul style="list-style-type: none"> <li>• Community Warden Service, Environmental Enforcement, CCTV &amp; Divisional Analytical Business Service (DABS)</li> <li>• Commercial Services (Trading Standards, Health &amp; Safety, Food Safety and Environmental Protection</li> <li>• Private Sector Housing Enforcement</li> <li>• Neighbourhood Nuisance Services (Noise &amp; Nuisance, Licensing and SASBU)</li> <li>• Legal Services</li> <li>• Finance &amp; Governance</li> </ul>

**Section 4: Pre-implementation equality analysis**

**Age** – Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

**Potential impacts (positive and negative) of proposed policy/decision/business plan**

In general enforcement action carried out by the Council is age neutral and would not specifically target any particular age group. In general enforcement action is taken against adults.

Enforcement action, in general, aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, food is safe to eat, places of business are safe to work in/enter, etc.

However, some limited enforcement action can be applied to minors, e.g. when dealing with Anti-Social Behaviour. Where a Service covered by this policy is empowered with enforcement action that can be used against minors that service will specifically cover the use of the power in their service specific policy.

The Regulatory Services Policy recognises and addresses the use of enforcement against minors and sets out what will be done to ensure the impact is proportionate, correct and reasonable. As a guiding principle across all services, no enforcement action will be taken against any minor without full consultation with the Council's Children's Services.

In addition the Policy recognises the risk of child sexual exploration (CSE). Although the services empowered under this policy don't have powers that directly impact CSE it sets out how this will be dealt with when officers suspect or have direct evidence of CSE it in carrying out their functions.

### **Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence.

### **Mitigating actions to be taken**

Where this overarching policy is likely to have an impact on people in relation to their age it has been addressed, e.g. enforcement against minors. Actions:

- As a guiding principle across all services, no enforcement action will be taken against any minor without full consultation with the Council's Children's Services.
- Service specific polices will directly deal with situations where they have powers that might or will impact a specific age group.
- This Policy will underpin enforcement activity and all officers will be trained on it and will be expected to refer to it in relation to their duties.

**Disability** – A person has a disability if they have a physical or mental

impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

In general enforcement action carried out by the Council is neutral to disability and would not specifically target any disability group.

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, food is safe to eat, places of business are safe, etc.

Some enforcement activity is directly targeted at ensuring facilities provided for persons with disabilities are protected. An example of this would be enforcement against the use disabled parking bays by persons without a disability.

However, certain enforcement limited enforcement action can be directed at persons with certain disabilities. An example of this would be the use of powers to address premises that are hoarded or filthy and verminous. It is known that persons hoarding or living in filthy and verminous conditions are likely to have a mental health disability.

However, it might be that a person with a disability is the recipient of enforcement action, e.g. a landlord or employer, this disability could be physical, or mental

The Regulatory Services Policy recognises and addresses the use of enforcement against persons with disability and has developed a protocol that directly addresses the management of enforcement action for vulnerable people.

**Equality information on which above analysis is based**

Census data

[What is hoarding? | Mind](#)

[Regulators' Code - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

**Mitigating actions to be taken**

Actions:

- Information, including the Policy will be made available in accessible formats online.
- Where required the Policy or correspondence and enforcement actions taken can be made available in appropriate formats, e.g. braille, etc.
- Any action taken by any of the services sitting within the scope of this

policy will have regard to the Management of Enforcement Action for Vulnerable People Protocol.

- This Policy will underpin enforcement activity and all officers will be trained on it and will be expected to refer to it in relation to their duties.

**Gender reassignment** – The process of transitioning from one gender to another.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action carried out by the Council is neutral to gender reassignment.

However, when enforcement action is taken, permits or licences issued it is incumbent on the Council to ensure that the official documents, such as enforcement Notices, a licence, etc. are correctly addressed to the correct person. This can have an unwanted impact on people that are undergoing gender reassignment. An example of this would be someone who has yet to have their official documentation, such as passport details, property ownership details, changed. The Council would be legally required to address the document to the person named on official documentation.

It may also be the case that someone who has undergone gender reassignment and has had their official documentation changed and request that certain documentation be updated to reflect this, e.g. a change in name.

**Equality information on which above analysis is based.**

Census Data, MHCLG data, Anecdotal evidence.

**Mitigating actions to be taken**

Actions:

Where an investigation discovers or the relevant person informs us, that the name given and the name on official documentation differ and the difference relates to gender reassignment then:

- Officers will deal with the matter sensitively and with compassion, whilst clearly explaining why only the official name can be used for certain legal documentation.
- Where it is possible to do so other correspondence will use the name/gender preferred and given by the person.

Where an individual having undergone gender reassignment requests that certain documentation be changed to reflect their name, and it is in the Council's power to do so, we will:

- Deal with the matter sensitively and with compassion.
- Explain how the process will be handled and what the person can expect to happen.
- Change the documentation and provide the changed documents to the individual and, where necessary, notify other relevant parties of the change.

Officers will be trained on what the Council expects of them in these situations.

**Marriage and Civil Partnership** – In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favorably than married couples and must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination).**

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, food is safe to eat, places of business are safe, etc.

No evidence or data to suggest that the Policy would have any marriage/civil partnership related impact or related employment issues for this specific group.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence.

**Mitigating actions to be taken**

N/A



**Pregnancy and maternity** – Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavorably because she is breastfeeding.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, food is safe to eat, places of business are safe, etc.

No evidence or data to suggest that the Policy would have any negative impacts for this specific group.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence.

**Mitigating actions to be taken**

N/A

**Race** – Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, food is safe to eat, places of business are safe, etc.

Southwark has diverse communities and cultures. There is therefore a strong likelihood that there will be issues around understanding of legislation, cultural and language barriers, where someone's first language is not English, etc.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence.

**Mitigating actions to be taken**

Actions:

- We will continue to ensure translation/interpretation services are available where needed.
- We will ensure that web content is accessible, consistent and in plain English to assist on-line translation tools to be used.

**Religion and belief** – Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, food is safe to eat, places of business are safe, etc.

No evidence or data to suggest that the Policy would have any negative impacts for this group of people.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence.

**Mitigating actions to be taken**

N/A

**Sex** – A man or a woman.

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, food is safe to eat, places of business are safe, etc.

No evidence or data to suggest that the Policy would have any negative impacts for this group of people.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence.

**Mitigating actions to be taken**

N/A

**Sexual orientation** – Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, food is safe to eat, places of business are safe, etc.

No evidence or data to suggest that the Policy would have any negative impacts for this group of people.

**Equality information on which above analysis is based**

Census Data, MHCLG data, Anecdotal evidence.

**Mitigating actions to be taken**

N/A

**Human Rights** – There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

**Possible impacts (positive and negative) of proposed policy/decision/business plan**

Enforcement action, in general aims to have direct positive improvements on peoples, health, safety and welfare, e.g. in ensuring homes are safe, food is safe to eat, places of business are safe, etc.

Southwark is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence. For clarity and transparency this is directly referenced in the Policy.

No evidence or data to suggest that the Policy would have any negative impacts.

**Information on which above analysis is based**

The Human Rights Act, Census Data, MHCLG data, Anecdotal evidence, Regulators Code.

**Mitigating actions to be taken**

N/A

## Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.			
Number	Description of issue	Action	Timeframe

5. Equality objectives (for business plans)				
Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.				
Objective and measure	Lead officer	Current performance (baseline)	Targets	
			2022/23	2024/25
Monitoring equality outcomes from the work of Regulatory Services Division	Head of Regulatory Services	None	Ongoing data collection	Ongoing data collection
Reporting on outcomes of monitoring at the Divisional Department Meetings on a quarterly basis.	Head of Regulatory Services	None	Ongoing Quarterly Reporting	Ongoing Quarterly Reporting
Action planning as required	Head of Regulatory Services	None	As required from monitoring and reporting	As required from monitoring and reporting