

## Colchester Borough Council

### Equality Impact Assessment Form - An Analysis of the Effects on Equality

#### Section 1: Initial Equality Impact Assessment

Name of policy\* to be assessed: **Environmental Protection Team**

1. What is the main purpose of the policy?

- To enforce legal standards in a fair and equitable manner in accordance with adopted Enforcement Policy. We also strive to provide a fair and equitable service to all our customers who make a formal complaint to our Service. We aim to educate and inform businesses, residents and visitors to the area in relation to Environmental Protection matters, taking a balanced approach to the requirements of both the complainant and the subject of the complaint. We aim to contribute to, improving the quality of life, opportunity and health within the Borough of Colchester.

2. What main areas or activities does it cover?

- Investigation of complaints with relation to Environmental and Public Health issues and subsequent enforcement action where necessary.  
Monitoring of Contaminated land, Air Quality, Private Water Supplies and Industrial Processes

3. Are there changes to an existing policy being considered in this assessment? If so what are they?

- No

4. Who are the main audience, users or customers who will be affected by the policy?

- The main audience is residents who live or work in the Borough of Colchester and businesses operating within the borough

5. What outcomes do you want to achieve from the policy?

- A state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity” (World Health Organisation 1946)

6. Are other service areas or partner agencies involved in delivery? If so, please give details below:

- Environmental Protection works closely with a number of internal and external agencies, externally these are primarily the Environment Agency, Police, Social Services and the Community Mental Health Team, Registered Social Landlords. Internally we work closely with the Anti- Social Behaviour team, Planning, Licensing, Street Services and Community Wardens and the CBC legal team.

7. Are you aware of any relevant information, data, surveys or consultations<sup>1</sup> which help us to assess the likely or actual impact of the policy upon customers or staff? *If so provide details and include a link to the document or source where available.*

[Public-Health-Outcomes-framework-2016-to-2019](#)

8. The ‘general duty’ states that we must have “due regard” to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation
- (b) advance equality of opportunity between people who share a ‘protected characteristic<sup>2</sup>’ and those who do not<sup>3</sup>
- (c) foster good relations between people who share a protected characteristic and those who do not<sup>4</sup>

Not all policies help us to meet the ‘general duty’, but most do.

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<sup>1</sup>Click on [Customer Insight](#) for more information. The Council’s surveys and consultations include ‘equality monitoring information’ to help us identify any particular concerns or views expressed by any particular group or ‘protected characteristic’. It can also help us to assess how representative of our customers the respondent group is. Local Data on the Protected Characteristics is available [on this page](#) of the staff intranet, ‘Colin’.

<sup>2</sup> The Equality Act’s ‘protected characteristics’ include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

<sup>3</sup> This involves having due regard, in particular, to the need to: (a) remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, and (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

<sup>4</sup> This involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

*Where applicable, explain how this policy helps us to meet the 'general duty':*

The policy helps us to 'eliminate unlawful discrimination, harassment and victimisation' in the following way(s):

- The policy helps the Council to enforce national legislation and guidance. This helps to protect vulnerable groups against discrimination and harassment and victimisation.

The policy helps us to 'advance equality of opportunity...' in the following way(s):

- 

The policy helps us to 'foster good relations...' in the following way(s):

- 

9. The Council has an important role in improving residents' health under the Health and Social Care Act 2012. This relates to both its 'core functions' (such as housing, leisure, green spaces and environmental health) and to its 'enabling roles' (such as economic development, planning and engaging with communities)<sup>5</sup>. The Council recognises that its Public Sector Equality Duty and its role in improving health are interrelated and mutually supportive. This is especially true across the 'protected characteristics' of age and disability.

*"Health inequalities are the unjust and avoidable differences in people's health across the population. They come from the unequal distribution of income, wealth and power and influence the wider determinants of health such as work, education, social support and housing. Currently, in England people living in the least deprived areas will live around 20 years longer in good health than those in the most deprived areas. Reducing health inequalities means giving everyone the same opportunities to lead a healthy life, no matter where they live or who they are."*

*Where applicable, explain how this policy helps us to improve health/ reduce health inequalities for residents:*

- This policy helps those residents residing in harmful living conditions including hoarding and rat/ mice infestations.

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<sup>5</sup> The King's Fund: [The district council contribution to public health: a time of challenge and opportunity, 2015](#)

10. This section helps us to identify any disproportionate equality impacts. Please indicate in the table below whether the policy is likely to particularly benefit or disadvantage any of the 'protected characteristics'.

Remember to include reference to any relevant consultation, data or information.

| 'Protected characteristic' group |  | Positive Impact | Explain how it could particularly benefit the group   | Negative Impact | Explain how it could particularly disadvantage the group  |
|----------------------------------|--|-----------------|---|-----------------|---|
| Age                              | Older people (60+)                         |                 | The policy particularly protects vulnerable people including those with disabilities, against excessive noise, poor air quality, contaminated land, poor private water supplies and harmful living accommodation including infestations |                 |   |
|                                  | Younger people (17-25) and children (0-16) |                 | As above  |                 |   |
| Disability                       | Physical                                   |                 | As above  |                 |   |
|                                  | Sensory                                    |                 | As above  |                 | Visually impaired customers may find it difficult to complete nuisance sheets. Age-related hearing loss may make it more difficult for this group to access telephone services. |
|                                  | Learning                                   |                 | As above  |                 | May negatively affect communication.  |
|                                  | Mental health issues                       |                 |   |                 | May negatively affect communication.  |
|                                  | Other – <i>specify</i>                     |                 |   |                 |   |

| 'Protected characteristic' group |   | Positive Impact | Explain how it could particularly benefit the group  | Negative Impact | Explain how it could particularly disadvantage the group  |
|----------------------------------|---|-----------------|--|-----------------|---|
| Ethnicity <sup>6</sup>           | White   |                 |  |                 |   |
|                                  | Black   |                 |  |                 |   |
|                                  | Chinese   |                 |  |                 |   |
|                                  | Mixed Ethnic Origin   |                 |  |                 |   |
|                                  | Gypsies/ Travellers   |                 | Colchester Borough Council works in partnership with Essex County Council, other local authorities, the police and the NHS to provide to fair consistent and proportionate approach in the delivery of Gypsy and Traveller services via the Essex County Travellers Unit so that it does not discriminate. |                 |   |
|                                  | Other – <i>please state</i>                                 |                 |  |                 |   |
| Language                         | English not first language                                  |                 |  |                 | Customers may find it difficult to read prepared communication or communicate via the telephone |
| Pregnancy and Maternity          | Women who are pregnant or have given birth in last 26 weeks |                 | The policy particularly protects vulnerable people including this group against excessive noise, poor air quality, contaminated land, poor private water supplies and harmful living accommodation including infestations.   |                 |   |
| Religion or Belief               | People with a religious belief (or none)                    |                 |  |                 |   |
| Sex                              | Men   |                 |  |                 |   |
|                                  | Women   |                 |  |                 |   |

<sup>6</sup> National Census 2011 categories are: Bangladeshi, Indian, Pakistani, Other Asian (Asian or Asian British), African, Caribbean, Other Black (Black or Black British), White and Black African, White and Asian, White and Black Caribbean (Mixed), British, Irish, Other White (White), Chinese, Other (Other Ethnic Group).

| 'Protected characteristic' group |  | Positive Impact | Explain how it could particularly benefit the group | Negative Impact | Explain how it could particularly disadvantage the group |
|----------------------------------|--|-----------------|---|-----------------|--|
| Gender Reassignment <sup>7</sup> | Transgender/<br>Transsexual                      |                 |   |                 |  |
| Sexual Orientation               | Bisexual,<br>Heterosexual,<br>Gay or Lesbian     |                 |   |                 |  |
| Marriage and Civil Partnership   | People who are married or in a civil partnership |                 |   |                 |  |

11. If you have identified any negative impacts (above) how can they be minimised or removed?

- Some older people may find it more difficult to access information on-line – For this group a variety of different options for accessing information is important and the Council offers telephone advice through the Customer Service Centre and face to face visits – as well as on-line services.
- Disability A textphone service is available for hearing impaired customers
- Visually impaired customers may find it difficult to complete nuisance sheets – Officers may offer a Dictaphone as an alternative to nuisance sheets.
- Learning Disabilities - May negatively affect communication – Officers liaise with a range of support services: including Essex Social Care; a member of family; or another advocate. This should help the customer to access the right advice and services.

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<sup>7</sup> The protected characteristic of gender reassignment is defined by the Equality Act 2010 as “a person proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.” This is a personal process that may involve medical interventions such as counselling, psychotherapy, hormone therapy or surgery, but does not have to.

- Gypsies/ Travellers - This group is less likely to access Council services – The Council works in partnership with various agencies led by Essex County Council’s ‘Countrywide Traveller Unit’, to ensure a fair and consistent approach to helping this group to overcome inequalities including of access to services.
- English not first language - May negatively affect communication – Translation services are available including: Google translate instant translation service for all web-pages and forms; officers may arrange for text translation (for example of nuisance diary sheets), telephone translation or face to face translation.
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12. Could the policy discriminate<sup>8</sup> against any ‘protected characteristic’, either directly or indirectly<sup>9</sup>? (Yes/No)

**Summary and findings of Initial Equality Impact Assessment**

13. Please put a tick in the relevant box to confirm your findings, and what the next step is:

| Findings  | Action required   |
|---|---|
| A. No negative impacts have been identified <input type="checkbox"/>  | Sign off screening and finish.  |
| B. Negative impacts have been identified but have been minimised or removed <input checked="" type="checkbox"/> | Sign off screening and finish.  |
| C. Negative impacts could not be minimised or removed <input type="checkbox"/>                                  | Sign off screening and complete a full impact assessment – Section 2. |
| D. There is insufficient evidence to make a judgement. <input type="checkbox"/>                                 | Sign off screening and complete a full impact assessment – Section 2. |

14. Name and job title of person completing this form:

<sup>8</sup> The Council has a general duty to ‘eliminate unlawful discrimination, harassment and victimisation’. Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their ‘protected characteristic’ whether on grounds of age, disability, pregnancy and maternity, ethnicity; religion or belief; sex (gender), sexual orientation, or marriage and civil partnership. Indirect discrimination occurs when an apparently neutral provision or practice would nevertheless disadvantage people on the grounds of their ‘protected characteristic’.

<sup>9</sup> If you answer ‘yes’ to question 11 (above) you will need to complete the following section *and* go on to complete Section 2 in order to conduct a full Equality Impact Assessment.

## **Belinda Silkstone - Environmental Protection Manager**

15. Date of completion: **25 November 2019**

16. Date for update or review of this screening<sup>10</sup>: **25 November 2022**

*If you have selected A or B (above), you have completed the assessment and can remove this paragraph and everything that appears below. In this case please:(a) send a copy to the relevant Head of Service and the Equality and Safeguarding Officer; (b) arrange for it to be published on the Council's website [here](#) (under the relevant service area heading); and (c) update the Corporate Spreadsheet by clicking [here](#) and selecting and updating the first document. If you have selected C or D (above), you must complete Section Two (below).*

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<sup>10</sup> This is normally three years, but not always: You may know that the policy itself will be reviewed earlier in which case the EqIA should be reviewed at that time. Or, in the case of a five year strategy, you may want to have a review date of five years. In the case of a “one off” decision, such as closing a service, a review date may not be needed - in which case you should indicate ‘N/A’. In any event, the review date should be brought forward if you receive information or feedback which raises new concerns, or if the public policy context changes. You can speak to the [Equality and Safeguarding Co-ordinator](#) for more advice.



## Section 2: Full Equality Impact Assessment

### Where there is a negative impact which has not been minimised or removed

17. If you have identified negative impact(s) on the ‘protected characteristics’ that have not been minimised or removed, is this considered to be ‘a proportionate means of achieving a legitimate aim’?<sup>11</sup> If yes, state how:

*If a negative impact cannot be minimised or removed and cannot be objectively justified as being ‘a proportionate means of achieving a legitimate aim’, the policy should not be implemented as it is could unlawfully discriminate.*

### Where there is insufficient evidence to make a judgement

*If you identified that there was insufficient evidence to make a judgement on whether there are any negative impacts on the ‘protected characteristics’, please complete the first column of the Action Plan below.*

### Engagement and Consultation Action Plan

|            |  | Details of Planned Engagement | Date for Review | Summary of findings |
|------------|--|-------------------------------|-----------------|---------------------|
| Age        | Older people (60+)                         |                               |                 |                     |
|            | Younger people (17-25) and children (0-16) |                               |                 |                     |
| Disability | Physical                                   |                               |                 |                     |
|            | Sensory                                    |                               |                 |                     |
|            | Learning                                   |                               |                 |                     |

<sup>11</sup> This phrase is taken from sections 15 and 19 of the Equality Act 2010. ‘Positive action’, benefitting one or more protected characteristic(s), may result in a disproportionate negative impact upon another, but this may be justified as being ‘a proportionate means of achieving a legitimate aim’. The need to balance a budget can constitute a “legitimate aim”. Contact the Equality and Safeguarding Co-ordinator for more information or look at the [Equality and Human Rights Commission](#) webpage under “objective justification”.

|                                |   | Details of Planned Engagement | Date for Review | Summary of findings |
|--------------------------------|---|-------------------------------|-----------------|---------------------|
|                                | Mental health issues  |                               |                 |                     |
|                                | Other – <i>please specify</i>                               |                               |                 |                     |
| Ethnicity                      | White   |                               |                 |                     |
|                                | Black   |                               |                 |                     |
|                                | Chinese   |                               |                 |                     |
|                                | Mixed Ethnic Origin   |                               |                 |                     |
|                                | Gypsies/ Travellers   |                               |                 |                     |
|                                | Other – <i>please state</i>                                 |                               |                 |                     |
| Language                       | English not first language                                  |                               |                 |                     |
| Pregnancy and Maternity        | Women who are pregnant or have given birth in last 26 weeks |                               |                 |                     |
| Religion or Belief             | People with a religious belief (or none)                    |                               |                 |                     |
| Sex                            | Men   |                               |                 |                     |
|                                | Women   |                               |                 |                     |
| Gender Reassignment            | Transgender/ Transsexual                                    |                               |                 |                     |
| Sexual Orientation             | Bisexual, Heterosexual, Gay or Lesbian                      |                               |                 |                     |
| Marriage and Civil Partnership | People who are married or in a civil partnership            |                               |                 |                     |

*If your answer to question 16 (above) is 'no', this policy could be unlawfully discriminatory against a 'protected characteristic'. You should not implement this policy. Otherwise, you may implement the policy, taking care to review its impact based on planned engagement. The Review should be carried out within 6 months from the date of this Full Impact Assessment, at which point a further Review may or may not be required depending on whether you have collected sufficient evidence.*

## Summary and findings of Full Equality Impact Assessment

18. Please put a tick in the relevant box to confirm your findings, and what the next step is:

| Findings  | Action required                      |
|---|--------------------------------------|
| Likely negative impacts have been identified but are considered to be a proportionate means of achieving a legitimate aim. <input type="checkbox"/>                 | Sign off and finish.                 |
| Further planned engagement with equality target groups will take place in order to gain sufficient evidence to make a judgement on impact. <input type="checkbox"/> | Sign off and review within 6 months. |
| Planned engagement has taken place: No likely negative impacts have been identified. <input type="checkbox"/>   | Sign off and finish.                 |
| Planned engagement has taken place: Likely negative impacts have been identified but have been minimised or removed. <input type="checkbox"/>                       | Sign off and finish.                 |
| The policy could be unlawfully discriminatory and will not be implemented. <input type="checkbox"/>   | Finish without signing off.          |

19. Name and job title of person completing this form:

20. Date of completion:

21. Date for update or review of this screening:

*If you have now signed off this full assessment, please (a) send a copy to the relevant Head of Service and the Equality and Safeguarding Officer (b) arrange for it to be published on the Council's website [here](#) (under the relevant service area heading) and (c) update the Corporate Spreadsheet by clicking [here](#) and selecting and updating the first document.*