

Equality with Human Rights Analysis Toolkit



SECTION A

|  |   |
|--|---|
| <p>Name of policy / project / service</p>  | <p><b>Health &amp; Environment Enforcement Policy 2019 - 2024</b></p>   |
| <p>Background and aims of policy / project / service at outset</p>   | <p>The policy seeks to clarify the principles under which the Health and Environment service area will undertake regulatory activity. These are</p> <ul style="list-style-type: none"> <li>• We will ensure that we enforce the law in a fair, equitable and consistent manner;</li> <li>• We will work to assist businesses and others in meeting their legal obligations;</li> <li>• Our focus will be on prevention rather than cure, where appropriate;</li> <li>• We will take action against those who breach the law or act irresponsibly.</li> </ul> <p>It also specifies which guidance we will follow and clarifies a range of enforcement powers and introduces and adopts civil penalties and penalty charge notices.</p> <p>The policy covers the following services</p> <ul style="list-style-type: none"> <li>• Environmental Health – Food Safety, Health &amp; Safety, Pollution Control and Private Sector Housing</li> <li>• Licensing</li> <li>• Anti-social behaviour &amp; Public Protection</li> </ul> |
| <p>Person(s) responsible for policy or decision, or advising on decision, and also responsible for equality analysis</p> | <p>Simon Colburn<br/>Assistant Director – Health and Environment</p>  |
| <p>Key people involved <i>i.e. decision-makers, staff implementing it</i></p>  | <p>Simon Colburn - Assistant Director Health and Environment<br/>Sara Boothright – Environmental Health and Corporate Safety Manager<br/>Francesca Bell – Public Protection, ASB and Licensing Manager</p>  |

## SECTION B

This is to be completed and reviewed as policy / project / service development progresses

|  | Is the likely effect positive or negative? (please tick all that apply) |          |      | Please describe the effect and evidence that supports this and if appropriate who you have consulted with*   | Is action possible to mitigate adverse impacts? | Details of action planned including dates, or why action is not possible |
|--|---|----------|------|--|---|--|
|  | Positive  | Negative | None |  |   |  |
| Age  | <b>X</b>  |          |      | <p>The policy aims to ensure that any enforcement activity is carried out in a fair, equitable and consistent manner considering relevant legislation and good practice guidance and taking the facts and specifics of every case into account (a persons protected characteristics if known may be one of those)</p> <p>While the policy is unlikely to directly have any specific positive or negative impacts on any protected characteristics as a group it should ensure that these factors are consistently considered on individual cases and the policy should provide reassurance that we act in a fair and consistent manner while considering the individual facts of a case.</p> | NA  |  |
| Disability including carers (see Glossary) | <b>X</b>  |          |      | As above   | NA  |  |
| Gender re-assignment                       | <b>X</b>  |          |      | As above   | NA  |  |
| Pregnancy and maternity                    | <b>X</b>  |          |      | As above   | NA  |  |
| Race                                       | <b>X</b>  |          |      | As above   | NA  |  |

|                            |   |  |  |   |    |  |
|----------------------------|---|--|--|---|----|--|
| Religion or belief         | X |  |  | As above  | NA |  |
| Sex                        | X |  |  | As above  | NA |  |
| Sexual orientation         | X |  |  | As above  | NA |  |
| Marriage/civil partnership | X |  |  | As above  | NA |  |
| Human Rights (see page 8)  | X |  |  | In ensuring fair, equitable and consistent enforcement following appropriate good practice the policy will positively support several human rights and freedoms including <ul style="list-style-type: none"> <li>• Right to a fair trial</li> <li>• No punishment without law</li> <li>• Respect for your private and family life, home and correspondence</li> </ul> | NA |  |

*\*Evidence could include information from consultations; voluntary group feedback; satisfaction and usage data (i.e. complaints, surveys, and service data); and reviews of previous strategies*

| Did any information gaps exist? | Y/N/NA | If so what were they and what will you do to fill these? |
|---------------------------------|--------|--|
|                                 | No     |  |

**SECTION C**

**Decision Point - Outcome of Assessment so far:**

**Based on the information in section B, what is the decision of the responsible officer (please select one option below):**

- |   |                  |
|---|------------------|
|   | <b>Tick here</b> |
| • <b>No equality or human right Impact</b> (your analysis shows there is no impact) - sign assessment below                         | [X]              |
| • <b>No major change required</b> (your analysis shows no potential for unlawful discrimination, harassment)- sign assessment below | [ ]              |
| • <b>Adverse Impact but continue</b> (record objective justification for continuing despite the impact)-complete sections below     | [ ]              |

- **Adjust the policy** (Change the proposal to mitigate potential effect) -progress below only AFTER changes made [ ]
- **Put Policy on hold** (seek advice from the Policy Unit as adverse effects can't be justified or mitigated) -STOP progress [ ]

|  |  |
|--|--|
| Conclusion of Equality Analysis<br>(describe objective justification for continuing) | The EA concludes that overall there should be a positive impact by ensuring fairness and consistency in our enforcement activities while considering the individual facts of a case.<br>The policy will have a positive impact on several human rights and freedoms. |
|--|--|

|  |   |
|--|---|
| When and how will you review and measure the impact after implementation?* | Equality and vulnerability issues will be considered for each enforcement case. If issues are identified from the policy itself then a review of the policy will be initiated at that time. Other than that the policy will be reviewed in 2024 |
|--|---|

|   |               |      |                   |
|---|---------------|------|-------------------|
| Checked and approved by responsible officer(s)<br>(Sign and Print Name) | Simon Colburn | Date | 25 September 2019 |
| Checked and approved by Assistant Director<br>(Sign and Print Name)     | Simon Colburn | Date | 25 September 2019 |

When completed, please send to [policy@lincoln.gov.uk](mailto:policy@lincoln.gov.uk) and include in Committee Reports which are to be sent to the relevant officer in Democratic Services

The Equality and Human Rights Commission guidance to the Public Sector Equality Duty is available via: [www.equalityhumanrights.com/new-public-sector-equality-duty-guidance/](http://www.equalityhumanrights.com/new-public-sector-equality-duty-guidance/)