

Background paper of Agenda Item x

Equality Impact Assessment – Litter and Fly Tip Action Plan, September 2018

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Partners/decision makers/implementers, etc.	Legal Services, Members/Officers of the Litter and Fly Tipping Working Group, consultation with public, parish councils, large landowners.
Start date	December 2018
End date	December 2022
Relevance	<p>To reduce litter and fly tipping, public and businesses will have to take positive action concerning their actions/behaviour with regard to disposal of waste.</p> <p>Age Children under 16 are exempt from FPN's although the law and Orders remain, as children should not litter and children who are walking dogs would themselves need to be able to control the dog, and would therefore be responsible enough to keep within the controls of the PSPO.</p> <p>Disability There are no circumstances where disability would have an impact on deliberate littering or fly tipping. Accidentally littering, whether a person is disabled or not, would not result in the issue of a FPN. With regards to dog fouling, the policy will have a positive impact as it exempts registered blind people and people with a registered disability that would prevent them from doing so, from having to remove dog faeces and exemptions from the requirements of the exclusion control.</p> <p>No other protected characteristics are affected by the controls in the Environmental Protection Act 1990 concerning littering or waste or in the PSPO, Dog Control 2017 (and any subsequent revision).</p> <p>PSPO may impact Article 8, the right to respect private and family life by restricting one's right to take a dog on to those areas where they are excluded by the Order. However, the restriction is on the grounds of protection of health and is therefore deemed as reasonable and necessary.</p>
Policy Aims	<p>To reduce littering and fly tipping.</p> <p>The PSPO, Dog Control is needed to control dog fouling and dog exclusion of designated areas.</p> <p>In this context, restrictions in the PPSPO are deemed</p>

	necessary on public health and nuisance grounds.
Available evidence	Budget revenue spend Complaints made to the Council about fly tipping, littering, dog exclusion and dog fouling.
Evidence gaps	Other potential impacts will be identified during the delivery of the action plan and may be incorporated at the review stages.
Involvement and consultation	The Member/Officer Working Group reviewed the National Litter Strategy when devising the Litter and Fly Tip Strategy and Action Plan and have considered year 2 of the action plan. For the PSPO, a full public consultation was carried out between 15 Feb 17 and 15 Mar 17. In addition, various partner agencies and interested stakeholders were consulted. Officers subsequently made additional enquiries post consultation with stakeholders and land owners where the consultation resulted in proposed changes to the PSPO. The consultation responses will be brought before Cabinet before decisions are made on the draft PSPO.
What is the actual/likely impact?	Individuals who litter, allow their dogs to foul or to go in dog exclusion areas, fly tip or fail in their duty of care to waste or carry/transport waste without a licence, may be subject to formal action. They could receive a FPN or be subject to prosecution where this is more appropriate for the seriousness of the offence/level of harm caused. Those that fail to discharge an offence by payment of a FPN may also be prosecuted.
Address the impact	Policy exempts registered blind people and certain disabilities
Monitoring and review	No changes proposed, individual cases are assessed on their merits for example a FPN was waived where an elderly dog owner was unable to pick up due to heart condition.
Action Plan	Staff receive equalities training and are familiar with delivering these controls. There is an informal appeal process for FPNs issued for littering, dog fouling and dog exclusion. In investigating fly tipping cases, assessment is made of the seriousness of the offence, the level of harm and any mitigating circumstances, as outlined in the Sentencing Guidelines for environmental offences. Monitor on a case by case basis.
Decision making and quality control	Monitoring will be by way of revenue budget monitoring for clearing litter and fly tips.

	<p>Monitoring number of FPNs issued, payment rates and prosecutions</p> <p>Contract management and monitoring of legal agreement with East Hampshire District Council (EHDC)</p> <p>Chief Executive Officer, Cabinet, Full Council in terms of delegating the litter and PSPO Dog Control enforcement functions to EHDC.</p>
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