

Annex B – Equalities impact assessment

City of York Council Equalities Impact Assessment

Who is submitting the proposal?

Directorate	All		
Service Area	Council enforcement teams		
Name of proposal:	Enforcement Policy (EIA V2.1)		
Lead Officer	Matt Boxall		
Date Assessment Started	08.04.2024		
Date Assessment Completed	29.04.2024		
Names of those who contributed to the assessment :			
Name	Job Title	Organisation	Area of Expertise
Matt Boxall	Head of Public Protection	City of York Council	Regulatory Enforcement including Environmental Health, Trading Standards and Licensing
David Smith	Access Officer	City of York Council	Diversity coordination
York Access Forum	N/a	n/a	Disability awareness

Step 1 – Aims and intended outcomes

1.1	What is the purpose of the proposal?
	Please explain your proposal in Plain English avoiding acronyms and jargon.

	<p>The proposal is a new enforcement policy ('the policy') for the council. It is intended to apply to almost all council services, therefore having a much wider scope than the existing policy which applies to the council's public protection, housing and community safety services. Other services currently follow their own specific guidelines when considering formal enforcement action.</p> <p>The policy sets out the general principles officers will apply to achieve compliance with the wide variety of legislation enforced. As a general rule, officers will seek to ensure compliance through advice and guidance. However, the policy sets out instances where a firmer stance, including prosecution, may be considered more appropriate even in the first instance.</p> <p>Where appropriate, the policy will be underpinned by specific procedures detailing how officers undertake the various aspects of enforcement. Whilst the procedures do not form part of the policy itself (and are not part of this report), the policy will help shape those procedures and therefore the way in which officers undertake their enforcement duties.</p>
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1.2	Are there any external considerations?
	Please explain your proposal in Plain English avoiding acronyms and jargon.
	The policy will guide officers and ensure a consistent approach across (almost) all enforcement activity undertaken by the council which by its very nature is external facing. The format is such that the council can easily demonstrate how it is meeting its obligations under the Regulators' Code for its regulatory functions such as planning, building control, licensing, environmental health and trading standards. The policy is designed to overcome challenges (legal or otherwise) that action taken by officers is unfair and/or is otherwise in accordance with principles agreed by members. Under the council's constitution, officers may take enforcement action in line with an approved enforcement policy.

1.3	Who are the stakeholders and what are their interests?
	Consider both internal and external stakeholders.

There are numerous stakeholders, with different and on some occasions competing interests.

Residents – York’s population is 202,821 according to the 2023 census with a student population of 48,799??. The city consistently ranks amongst the best places to live, but it is recognised that people have very different experiences of what it means to live in York. The policy is aimed at helping everyone to live healthier and happier lives. More details of how it attempts to support the interests of the different groups in our population is detailed below.

Visitors – York welcomes 8.9 million visitors per year according to the York Tourism Strategy with a value to the local economy of £1.7 billion. Visitors come to enjoy the city’s history as well as its contemporary culture including shops, accommodation, eateries, bars, the racecourse and a year-round programme of events and festivals. The city boasts the Purple Flag award in recognition of the diverse and vibrant mix of dining, entertainment and culture while promoting the safety and well-being of visitors and local residents.

Businesses – There are 6,675 businesses in York. These include large manufacturers in confectionary and construction, major players in rail, insurance and health services as well as science and innovation. There are many businesses serving the tourism industry. Businesses must comply with regulations to keep the residents and visitors of York safe and make informed purchasing decisions amongst other things. They must also comply with laws on protecting the environment, the health and safety of their employees etc. Businesses must compete on a level playing field and by virtue of the Regulators’ Code be helped to grow (where they wish to).

Local interest groups and associations – there are a number of examples where the council recognises particular interest groups and associations. Examples of business groups include groups representing private landlords, taxi drivers, licensees. However, there are also examples of groups representing particular sectors of the community including disabled residents and gypsies and travellers. Schools have governing bodies who are responsible for determining local policies and procedures for their staff and pupils.

Government Departments/Bodies - There are several government departments and bodies which regulate and inspect our activities. These include OFSTED, Food Standards Agency, DEFRA, Department for Transport amongst others like the

Information Commissioner. Some bodies such as the Planning Inspectorate and the Parking Adjudicator provide routes of appeal against our decisions. Our activities must comply with any specific requirements of these bodies. The Local Government Ombudsman may also deal with complaints about how we have carried out our administrative duties including enforcement activity.

Courts – Much our enforcement activity results in court action either in the criminal or civil courts. Our activity must comply with the rules of evidence and court procedure in order to secure successful convictions and/or court orders. Unsuccessful action brings the risk of costs being awarded against the council.

Other enforcement partners include North Yorkshire Police, North Yorkshire Fire and Rescue and other emergency services.

1.4 What results/outcomes do we want to achieve and for whom?

This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans

The policy is aimed to guide officers and ensure a consistent approach when enforcement activity is undertaken by the council. Adopting the new enforcement policy will support the following council plan priorities:

- priority a) Health and wellbeing: A health generating city, for children and adults
- priority b) Education and skills: High quality skills and learning for all
- priority c) Economy and good employment: A fair, thriving, green economy for all
- priority d) Transport: Sustainable accessible transport for all
- priority e) Housing: Increasing the supply of affordable housing
- priority f) Sustainability: Cutting carbon, enhancing the environment for our future
- priority g) How the council operates

Furthermore, the policy supports the administration’s four commitments to **Affordability; Environment; Equalities and Human Rights; and Health Inequalities.**

Step 2 – Gathering the information and feedback

2.1	What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?	
	Please consider a range of sources, including consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	Source of data / supporting evidence	Reason for using this source
	Enforcement policy consultation survey	Obtain equalities data for respondents to the consultation
	Office of National Statistics - 2021 Census	Details of York's population, and its make up.
	York Open data https://data.yorkopendata.org/dataset/york-profile/resource/5b1bd45f-bfb5-418a-b4f4-0bea0221bde4	Detailed information about York's population profile by ward.
	York Tourism Strategy https://democracy.york.gov.uk/documents/s171446/Appendix%20B%20-%20Tourism%20Strategy.pdf	Information relating to York's visitor economy
York Health and Wellbeing Board 'A Joint Strategic Needs Assessment'	Information about	

https://www.healthyyork.org/	the health and wellbeing of York's population
Economic Strategy 2022- 2032 https://www.york.gov.uk/downloads/file/8949/york-economic-strategy-2022-to-2032	Information about economic activity in York.
An Overview of York's economy: https://democracy.york.gov.uk/documents/s106043	Information about economic activity in York.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
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	Gaps in data or knowledge	Action to deal with this
	There was a limited response from people identifying as having some protected characteristics in the survey including females and disabled people.	The equalities impact assessment draws on census and other data to support the proposals.

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments?
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Below we have listed the 9 protected Characteristics recognised under the Equality Act.

Enter here any evidence you already have and what you have learned from you consultation with stakeholders.

Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.

Use the following guidance to inform your responses:

Indicate:

Where you think the proposal could have a **POSITIVE** impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups

Where you think the proposal could have a **NEGATIVE** impact on any of the equality groups, i.e. it could disadvantage them

Where you think that this proposal has a **NEUTRAL** effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

**High impact
(The proposal or process is very equality relevant)**

There is significant potential for or evidence of adverse impact
The proposal is institution wide or public facing
The proposal has consequences for or affects significant numbers of people
The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.

**Medium impact
(The proposal or process is somewhat equality relevant)**

There is some evidence to suggest potential for or evidence of adverse impact
The proposal is institution wide or across services, but mainly internal
The proposal has consequences for or affects some people
The proposal has the potential to contribute to promoting equality and the exercise of human rights

Low impact

There is little evidence to suggest that the proposal could result in adverse impact

	(The proposal or process might be equality relevant)	<p>The proposal operates in a limited way The proposal has consequences for or affects few people</p> <p>The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>
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Equality Groups and Human Rights	Key Findings / Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	<p>According to the census, the median age of people in York is 39 years. Around 38,700 (19.1%) of York residents are over 65, with 5,400 (2.7%) over 85 years old. According to the Joint Strategic Needs Assessment, there were 2,927 people living with dementia in York in 2020. Age being the strongest known risk factor for dementia.</p> <p>The census also identified that there were around 44,000 people (21%) in York under 19 years of age. Around 8500 (4.2%) were under four years old. The four years and under category was the only age group which had decreased as a percentage of the population (down from 5.4% of the population in 2011) .</p>	Positive	High

		<p>According to York Open data, 69.67% of residents agree that their local area is a good place for children and young people to grow up.</p> <p>The policy states that 'In taking formal enforcement action, the council aims to... ensure vulnerable residents are safe, and children and young people have childhoods in which they enjoy and achieve'. Examples of the situations which may result in formal enforcement action may be considered even in the first instance include 'fraudulent, aggressive or otherwise unfair trading practices targeting consumers or businesses', 'scams or otherwise cheating consumers at home' which often target vulnerable adults. It also includes 'children persistently or severely absent from education' as well as 'illegal sales of age restricted products' e.g. alcohol, cigarettes and vapes amongst other things. 'Noise and other nuisance', and 'clean air offences' can have a particularly detrimental effect on members of the community who are vulnerable by way of age. The policy would include anti-idling enforcement around schools.</p>		
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	<p>There were 38 respondents to the consultation who answered the question about their age (Q.21). Most of those respondents said they were between 40 and 55 years old (39.5%), there were no respondents under 16, and 15.8% of respondents were 65+. All respondents 65+ 'agreed' with the situations which may result in formal enforcement action.</p>		
<p>Disability</p>	<p>According to the census, just over 34,000 (16.8%) of York's population are disabled residents with just under 12,000 (5.9%) being 'disabled and limited a lot'. The 'Joint Strategic Needs Assessment, 818 people were living in York with a learning disability in 2020. The policy states that 'in taking formal enforcement action, the council aims to... to ensure vulnerable residents are safe...' and '...achieve compliance with highway regulations for the benefit of all road users and pedestrians'. As well as the examples above in relation to age (which equally apply to people who are vulnerable by way of a disability), other examples of the situations which may result in formal enforcement action may be considered</p>	<p>Positive</p>	<p>Medium</p>

	<p>immediately include 'failing to comply with pavement café licence conditions', 'A-boards obstructing the highway' and 'illegal parking'. These were issues highlighted by the York Access Forum. In relation to taxis, which is a form of transport used by many disabled residents because of the door-to-door service provided, it also includes 'drivers and operators who fail to comply with the required standards'. These standards include disability awareness.</p> <p>The policy also commits information being provided in a 'clear, concise and accessible language' and the policy itself will be provided in an accessible format on the council's website.</p> <p>There were 38 respondents to the consultation who answered the question about whether they had 'any physical or mental health conditions lasting or expected to last 12 months or more' (Q.25). Most respondents (79%) answered 'no'. Three respondents (7.9%) answered 'yes'. Two of those three respondents answered that they 'agreed' with the situations that may result in formal</p>		
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	enforcement action, the other answered 'don't know/not sure'.		
Gender	<p>According to the census, 51.9% of the population are female, and 48.1% male. The aims of the policy are not gender specific. However, there are some indirect positive impacts arising from the occasions in which formal enforcement action may be considered even in the first instance. For example, the safety of women and girls is a key consideration in the enforcement of 'conditions relating to the sale of alcohol' and 'unlicensed taxi drivers' for example, as such groups may be more vulnerable when intoxicated or at particular times such as in the late night economy.</p> <p>There were 38 respondents to the consultation who answered the question about their gender (Q.22). Most identified as male (65.8%), with only 7 respondents (18.4%) saying they were female. A further 6 people (15.8%) said they 'prefer not to say'. There were no respondents who identified as 'non binary /gender variant'. All the female respondents 'agreed' with</p>	Positive	Medium

	the situations which may result in formal enforcement action.		
Gender Reassignment	<p>According to the census, 93.41% of residents over 16 years old have a gender identity the same as their sex registered at birth. The impacts in this respect are similar to gender.</p> <p>There were 38 respondents who answered the question about their gender identity being the same as their sex registered at birth (Q.23). The majority respondents (86.8%) answered 'yes'. The remainder answered 'prefer not to say'. The impacts and effects of the policy on the group of people with this protected characteristic are similar to gender.</p>	Positive	Low
Marriage and Civil Partnership	<p>According to the census, just over 4 in 10 people (41.3%) said they were married or in a registered civil partnership. There are no notable impacts or effects from the policy on this protected characteristic</p>	Neutral	Low
Pregnancy and maternity	<p>According to the 'Joint Strategic Needs Assessment', Yorks birthrate has fallen every year since 2009 and remains significantly below</p>	Neutral	Low

	<p>the England Average at 36.8 per 1000 v 55.3 per 100 in England in 2020. There are no notable impacts or effects from the policy on this protected characteristic</p>		
<p>Race</p>	<p>According to the census, just over 15,600 (7.3%) of York's population are Black, Asian and racially minoritised communities. York Open data shows 4.6% of the population are 'Gypsy or Irish Traveller' and the same number are 'white other'.</p> <p>Furthermore, other than the UK, China is the top country of birth, with Polish the most popular language other than English or Welsh. Polish is spoken by 1,344 residents.</p> <p>The aims of the policy are not race specific, however one of the policy aims so to 'improve quality of life and well-being by ensuring... safe neighbourhoods'. As noted above, the policy commits officers to ensure that information 'will be clear, concise and in an accessible language' and the policy itself will be provided in an accessible format on the council's website. It is noted that a number of the city's businesses, including food businesses, are owned</p>	<p>Positive</p>	<p>High</p>

	<p>and operated by people whose first language may not be English. Officers have access to interpreters where necessary.</p> <p>There were 38 respondents who answered the question about their ethnic group (Q.24). The most respondents were 'White – English, Welsh Scottish/Northern Irish/British' (73.7%), those identifying as 'White – Irish' and 'Any other white background' each made up 5.3% of respondents to the question. There was one person (2.6%) of respondents identifying as 'Black - Caribbean' and 'Any other ethnic background' respectively. The remainder 'preferred not to say'.</p> <p>Under the new Gypsy Traveller Action Plan to work with the York Travellers Trust to review our Unauthorised Stopping Policy within the next 12 months.</p>		
<p>Religion and belief</p>	<p>According to the census, 93,500 (46.1%) of residents report having 'no religion', making it the most common response. Some 89,000 (43.9%) identified as Christian, the remaining specified</p>	<p>Positive</p>	<p>High</p>

	<p>religions namely Buddhist, Hindu, Jewish, Muslim, Sikh and 'Other' made up 3% of respondents in total.</p> <p>The aims of the policy are not specific to religion or belief, but there are similar positive impacts of the policy to those identified for race.</p> <p>There were 36 respondents who answered the question about their religion (Q.27). The most respondents were 'Christian' (47.2%), followed by 'No religion' (27.8%), 'prefer not to say' (16.7%), Buddhist (5.6%) and 'Other' (2.8%).</p>		
<p>Sexual orientation</p>	<p>According to the Council Plan, 5.5% of LGBTQIA+ live in York, that's higher than 3.0% in our region and 3.1% in England and Wales.</p> <p>The aims of the policy are not specific to sexual orientation, but again the policy aims to 'improve quality of life and well-being by ensuring... safe neighbourhoods'. The safety of LGBTAIA+ groups is a consideration in enforcement of 'licensable activities' as this group may be more vulnerable when intoxicated or at particular times such as in the late night economy</p>	<p>Positive</p>	<p>Medium</p>

	<p>There were 37 respondents who answered the question about their sexual orientation (Q.28). Most respondents said they were 'heterosexual/straight' (70.3%), followed by 'prefer not to say' (24.3%), and 'bisexual' and 'gay or lesbian' (2.7% each).</p>		
<p>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes, including:</p>			
<p>Carer</p>	<p>According to the census, around 16,200 residents (8%) of York's population are residents with carer responsibilities. These are people aged 5 years and over. The aims of the policy are not specific to carers.</p> <p>There were 36 respondents who answered the question asking if they were someone who 'looks after, or gives help or support to, anyone because they have a long term physical or mental health conditions or illnesses, or problems related to old age (excluding anything which is part of paid employment)' Most respondents replied 'no' (75%), followed by 'prefer not to say' (19.4%) and 'yes' (5.6%).</p>	<p>Neutral</p>	<p>Low</p>

<p>Low income groups</p>	<p>According to the York profile, 1.6% of the working population (aged 16-64) claim out of work benefits (either Job Seekers Allowance or Universal Credit). Furthermore, 11.5% of children are living in low income families and there are 13.5% of households in fuel poverty.</p> <p>York Open data shows 20% of the population are in private rented accommodation and 14% are in social rented accommodation. Public Health figures identify that there are links between health inequality and areas of deprivation.</p> <p>The policy has a positive impact on low income groups in a number of ways. For example, to 'help people to live healthier lives by preventing ill health and harm, and promoting public health', 'improve housing conditions and raise the standard of management in the private rented sector' and 'to provide safer, healthier, affordable and warmer homes in the private sector'. There are numerous examples where formal enforcement action may be taken in the</p>	<p>Positive</p>	<p>Medium</p>
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	first instance to help protect those on low incomes such as 'poor health and safety in private rented homes', 'illegal evictions'.		
Veterans, armed forces community	There are no specific impacts identified for this group.	Neutral	Low
Other	<p>According to York Open data there were 71.13 crimes and 22.50 incidents of ASB per 1000 population in 2022-23. The highest levels being in the Guildhall ward.</p> <p>Furthermore, 82.18% of residents are satisfied with their local area as a place to live.</p> <p>The enforcement policy is intended to guide officers when carrying out activities to reduce crime and anti-social behaviour. There are many examples of crimes enforced by officers (in partnership with the police where appropriate) which may contribute to residents being satisfied with their local area as a place to live. These include many of the offences under the categories of 'animal cruelty', 'dog attacks', 'noise and other nuisance', 'managing street works', 'illegal street trading', 'unauthorised traveller encampments', 'fly tipping', 'littering and dog</p>	Positive	High

	fouling', street urination', and numerous 'planning offences' amongst other things.		
Human Rights: List any impacts on Human Rights:			
The enforcement policy specifies that any impacts on human rights will be considered before enforcement activity is undertaken. Examples might include surveillance activity and requests for personal information (which may include sensitive personal information such as details of previous convictions) when conducting enforcement activity. In undertaking human rights assessments, officers have regard to any collateral intrusion of others not associated with the matter under investigation.			

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<p>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact.</p> <p>Where positive impacts have been identified, what is being done to optimise opportunities to advance equality or foster good relations?</p> <p>As noted above, the enforcement policy has a positive impact on many groups with protected characteristics and other socio-economic groups. Officers are appropriately authorised to enforce the legislation they are responsible for under the council's constitution. Furthermore, they are trained in conducting investigations and obtaining evidence admissible in court. Officers are also trained in identifying activities in the course of an investigation which may amount to surveillance and/or a request for personal information to ensure any such conduct is lawful. Processes (set by the Information Governance team) are in place to ensure appropriate considerations are made, management authorisation is obtained and records are kept.</p>
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Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision.	
	Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column. There are four main options you can take:	
	No major change to the proposal	The EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.
	Adjust the proposal	The EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
	Continue with the proposal	(despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
	Stop and remove the proposal	if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.
	Option Selected	Conclusion / justifications
	No major change to the proposal.	The enforcement policy has a positive impact on many groups with protected characteristics and other socio-economic groups

Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.			
	List below the actions that have been identified and who will be responsible to carrying them out. Add as many lines as you need.			
	Impact / Issue	Actions to be taken	Person Responsible	Timescale
	N/a			

Step 8 - Monitor, review and improve

8.1	How will the impact of your proposal be monitored and improved upon going forward?		
	Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?		
	The enforcement policy provides for an annual review by members of formal enforcement action undertaken by officers.		