

EQUALITY ANALYSIS

This Equality Analysis considers the effect of Bury Council/ Bury CCG activity on different groups protected from discrimination under the Equality Act 2010. This is to consider if there are any unintended consequences for some groups from key changes made by a public body and their contractor partners organisations and to consider if the activity will be fully effective for all protected groups. It involves using equality information and the results of engagement with protected groups and others, to manage risk and to understand the actual or potential effect of activity, including any adverse impacts on those affected by the change under consideration.

For support with completing this Equality Analysis please contact corporate.core@bury.gov.uk / 0161 253 6592

SECTION 1 – RESPONSIBILITY AND ACCOUNTABILITY	
Refer to Equality Analysis guidance page 4	
1.1 Name of policy/ project/ decision	<p>Review of Public Protection Enforcement Policy Dec 2023</p> <p>The assessment will look at the proposed requirement for updating the enforcement policy within the Public Protection Service of the Council. Recognising the dynamic nature of regulatory landscapes and the evolving challenges faced by the public, this update aims to strengthen the council's ability to safeguard public interests, enhance compliance, and ensure the effective enforcement of regulations.</p>
1.2 Lead for policy/ project/ decision	Ben Thomson / Kelly Halligan
1.3 Committee/Board signing off policy/ project/ decision	Cabinet
1.4 Author of Equality Analysis	<p><i>Name: Ben Thomson</i> <i>Role: Head of Public Protection</i> <i>Contact details: 0161 253 7260</i></p>
1.5 Date EA completed	
1.6 Quality Assurance	<p><i>Name: Lee Cawley</i> <i>Role: Equality, Diversity and Inclusion Manager</i> <i>Contact details: l.cawley@bury.gov.uk</i> <i>Comments: No further actions required</i></p>
1.7 Date QA completed	21/12/2023
1.8 Departmental recording	<p><i>Reference:</i> <i>Date:</i></p>
1.9 Next review date	Annual

SECTION 2 – AIMS AND OUTCOMES OF POLICY / PROJECT

Refer to Equality Analysis guidance page 5

2.1 Detail of policy/ decision being sought	The adoption of a revised enforcement policy which will be ensure fair and transparent use of enforcement action and activities through existing delegated powers arrangements to officers in their statutory and non statutory enforcement activities.
2.2 What are the intended outcomes of this?	<p>The revised enforcement policy is an essential requirement to ensure that the Council adopts a consistent and fair approach to enforcement and the current enforcement policy no longer reflects recent changes to enforcement strategies and regulatory enforcement options available to the Council.</p> <p>The revised enforcement policy will ensure that the Council’s regulatory services operate under a Policy which has been reviewed in line with good governance.</p> <p>The revised enforcement policy will provide a number of regulatory services across the Council with a clear policy to ensure that enforcement, when absolutely required, is conducted in a consistent, proportionate, transparent and targeted fashion.</p>

SECTION 3 – ESTABLISHING RELEVANCE TO EQUALITY & HUMAN RIGHTS		
Refer to Equality Analysis guidance pages 5-8 and 11		
Please outline the relevance of the activity/ policy to the Public Sector Equality Duty		
General Public Sector Equality Duties	Relevance (Yes/No)	Rationale behind relevance decision
3.1 To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by Equality Act 2010	Yes	<p>Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:</p> <p>A public authority must, in the exercise of its functions, have due regard to the need to -</p> <ul style="list-style-type: none"> (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services.</p>

		The Public Protection Service has undertaken this EIA as part of this proposed policy review process to determine whether any amendments to address equality impacts are required to ensure the Licensing Authority fulfils its duties under Equalities Act 2010.
3.2 To advance equality of opportunity between people who share a protected characteristic and those who do not.	No	
3.3 To foster good relations between people who share a protected characteristic and those who do not	No	
3.4 Please outline the considerations taken, including any mitigations, to ensure activity is not detrimental to the Human Rights of any individual affected by the decision being sought.		
The proposed public consultation has no impact on individual rights is not detrimental to the human rights of an individual. The proposed enforcement policy respects the rights of families and for a private life and does not discriminate against the enjoyment of other human rights.		

SECTION 4 – EQUALITIES DATA			
Refer to Equality Analysis guidance page 8			
Protected characteristic	Outcome sought	Base data	Data gaps (to include in Section 8 log)
4.1 Age	No barriers	Data available	Not all protected characteristic data is held for all regulatory enforcement due to nature of investigatory practices. Any identified protected characteristics will be considered on a case by case basis in line with Enforcement Policy.
4.2 Disability	No barriers	Limited data available	
4.3 Gender	No barriers	Data available	
4.4 Pregnancy or Maternity	No barriers	Not held	
4.5 Race	Potential for businesses and residents/landlords, who, because of a language barrier may not fully understand the variety of regulatory requirements placed upon them and enforced by the Council. During formal investigations, access to approved interpreters made available, for example when interviewing a suspect under caution.	Not held	

	The policy will be published on the Council's website in an accessible format which can be converted digitally into different languages		
4.6 Religion and belief	No barriers	Not held	
4.7 Sexual Orientation	No barriers	Not held	
4.8 Marriage or Civil Partnership	No barriers	Not held	
4.9 Gender Reassignment	No barriers	Not held	
4.10 Carers	No barriers	Not held	
4.11 Looked After Children and Care Leavers	No barriers	Not held	
4.12 Armed Forces personnel including veterans	No barriers	Not held	
4.13 Socio-economically vulnerable	No barriers to usage	Not held	

SECTION 5 – STAKEHOLDERS AND ENGAGEMENT		
Refer to Equality Analysis guidance page 8 and 9		
	Internal Stakeholders	External Stakeholders
5.1 Identify stakeholders	Regulatory Enforcement Teams	Public/Businesses/National Regulators
5.2 Engagement undertaken	Reviewed with enforcement teams within Public Protection	Reviewed with Trading Standards North West Legal Group
5.3 Outcomes of engagement	Contributed to policy review process	Contributed to policy review process
5.4 Outstanding actions following engagement (include in Section 8 log)	Report to be considered by Cabinet	-

SECTION 6 – CONCLUSION OF IMPACT		
Refer to Equality Analysis guidance page 9		
Please outline whether the activity/ policy has a positive or negative effect on any groups of people with protected inclusion characteristics		
Protected Characteristic	Positive/ Neutral Negative/	Impact (include reference to data/ engagement)
6.1 Age	Neutral	Race: businesses/public whose first language is not English. Impact: Potential for businesses/public, who, because of a language barrier may not fully understand the variety of
6.2 Disability	Neutral	
6.3 Gender	Neutral	

6.4 Pregnancy or Maternity	Neutral	<p>regulatory requirements placed upon them and enforced by the Council</p> <p>Disability: Businesses/public who may have additional needs in respect of maintaining their living conditions</p> <p>Impact: A person's ability to comply will be considered at all stages</p> <p>Socio-economic: Businesses/public who may be financially vulnerable and unable to support the impact of enforcement measures</p> <p>Impact: Enforcement action guided by law may identify liable parties or individuals and require works to be undertaken to properties. Such parties may not have the financial capacity to comply or such enforcement places undue strain on their financial position.</p>	
6.5 Race	Neutral		
6.6 Religion and belief	Neutral		
6.7 Sexual Orientation	Neutral		
6.8 Marriage or Civil Partnership	Neutral		
6.9 Gender Reassignment	Neutral		
6.10 Carers	Neutral		
6.11 Looked After Children and Care Leavers	Neutral		
6.12 Armed Forces personnel including veterans	Neutral		
6.13 Socio-economically vulnerable	Neutral		
6.14 Overall impact - What will the likely overall effect of your activity be on equality, including consideration on intersectionality?	<p>There will be no detrimental equality impact.</p> <p>The impact assessment will be monitored to evaluate the impact on affected demographics and/or those with special characteristics to ensure they are not adversely impacted or disadvantaged. The Licensing Authority will ensure that the process is fair and equitable, and any relevant adjustments will be considered if any disadvantage is identified.</p>		

SECTION 7 – ACTION LOG			
Refer to Equality Analysis guidance page 10			
Action Identified	Lead	Due Date	Comments and Sign off (when complete)
7.1 Actions to address gaps identified in section 4			
RACE	B.Thomson (BT)	29/11/2023	During formal investigations, access to approved interpreters made available, for example when interviewing a suspect under caution. The policy will be published on the Council's website in an accessible format and be made available in different languages if required.
DISABILITY	B.Thomson (BT)	29/11/2023	<p>We will work proactively with tenants and occupiers and/or their representatives. This may include signposting to support services where applicable</p> <p>The impact of enforcement action is to be considered on a case by case basis and balanced against the principles of the Human Rights Act and The Equalities Act 2010</p>

SOCIO-ECONOMIC	B.Thomson (BT)	29/11/2023	The policy requires the use of risk based and targeted enforcement, therefore any additional non-required issues should not be subject to enforcement action. Specific legislation make provision for the use of “works in default” whereby the liable party is unable or will not comply with the enforcement action. Such cost of such works under specific legislation can be placed as a charge on the property and recovered when the property is eventually sold.
7.2 Actions to address gaps identified in section 5			
The policy will be available to internal staff and partners and the public	B.Thomson (BT)	29/11/2023	The policy will be available in a digital formats on the Councils website and shared internally with operation staff
7.3 Mitigations to address negative impacts identified in section 6			
Not Applicable			
7.4 Opportunities to further inclusion (equality, diversity and human rights) including to advance opportunities and engagements across protected characteristics			
No current action required.			

SECTION 8 - REVIEW			
Refer to Equality Analysis guidance page 10			
Review Milestone	Lead	Due Date	Comments (and sign off when complete)
Review of Enforcement Policy	Ben Thomson	January 2027	

Please make sure that every section of the Equality Analysis has been fully completed. The author of the EA should then seek Quality Assurance sign off and departmental recording.

SECTION 9 – QUALITY ASSURANCE		
Refer to Equality Analysis guidance page x		
Consideration	Yes/ No	Rationale and details of further actions required
Have all section been completed fully?	Yes	
Has the duty to eliminate unlawful discrimination, harassment, victimization and other conducted prohibited by the PSED and Equalities Act been considered and acted upon?	Yes	
Has the duty to advance equality of opportunity between people who	Yes	

share a protected characteristic and those who do not been considered and acted upon		
Has the duty to foster good relations between people who share a protected characteristic and those who do not, been consider and acted upon	Yes	
Has the action log fully detailed any required activity to address gaps in data, insight and/or engagement in relation to inclusion impact?	Yes	
Have clear and robust reviewing arrangements been set out?	Yes	
Are there any further comments to be made in relation to this EA	No	