

**Report of: Corporate Director – Environment and Regeneration**

<b>Meeting of:</b>	<b>Date:</b>	<b>Ward(s):</b>
Audit Committee	3 <sup>rd</sup> June 2019	All

		Non-exempt
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## **SUBJECT: ENFORCEMENT AND PROSECUTION POLICY**

### **1. Synopsis**

- 1.1 This report provides an overarching policy for Enforcement and Prosecution.
- 1.2 This report is intended to support Audit Committee in obtaining assurance that the Council has a sound framework surrounding enforcement.

### **2. Recommendations**

- 2.1 Committee is asked to agree the contents of the policy.

### **3. Background**

- 3.1 The purpose of the overarching enforcement policy at **Appendix B** is to ensure that the Council's decision to enforce and prosecute can be justified as fair, effective and consistent.

### **4. Implications**

#### **4.1 Financial implications:**

There are no specific financial implications associated with this report.

#### **4.2 Legal Implications:**

Legal have been consulted and comments have been included in the body of the appendix.

#### **4.3 Environmental Implications**

There are no environmental implications.

#### 4.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment is attached at **Appendix A** below.

#### 5. Reason for recommendations

5.1 This report indicates that Enforcement and Prosecution policy is in place. Committee is asked to agree the report.

#### Appendices

- **Appendix A** – Resident Impact Assessment
- **Appendix B** – Enforcement and Prosecution Policy

Final report clearance:

**Signed by:**



**Date: 23/05/19**

Kevin O'Leary – Corporate Director  
Environment & Regeneration

Report Author: David Fordham (Service Manager – Public Protection)

Email: [David.Fordham@islington.gov.uk](mailto:David.Fordham@islington.gov.uk)

Financial Implications Author: Mohammed Sajid

Email: [Mohammed.Sajid@islington.gov.uk](mailto:Mohammed.Sajid@islington.gov.uk)

Legal Implications Author: Marina Lipscomb

Tel:

Email: [Marina.Lipscomb@islington.gov.uk](mailto:Marina.Lipscomb@islington.gov.uk)

# Resident Impact Assessment

## Overarching Enforcement and Prosecution Policy

### Service Area: Public Protection

#### 1. What are the intended outcomes of this policy, function etc?

To ensure a fair, consistent and transparent outcome across the Council where any decisions are taken to carry out enforcement or prosecution of individuals or businesses.

#### 2. Resident Profile

Who is going to be impacted by this change i.e. residents/service users/tenants? Please complete data for your service users. If your data does not fit into the categories in this table, please copy and paste your own table in the space below. Please refer to **section 3.3** of the guidance for more information.

		<b>Borough Profile</b>
		<b>Total: 206,285</b>
<b>Gender</b>	<b>Female</b>	<b>51%</b>
	<b>Male</b>	<b>49%</b>
<b>Age</b>	<b>Under 16</b>	<b>32,825</b>
	<b>16-24</b>	<b>29,418</b>
	<b>25-44</b>	<b>87,177</b>
	<b>45-64</b>	<b>38,669</b>
	<b>65+</b>	<b>18,036</b>
<b>Disability</b>	<b>Disabled</b>	<b>16%</b>
	<b>Non-disabled</b>	<b>84%</b>
	<b>Not Stated</b>	<b>No Data</b>
<b>Sexual orientation</b>	<b>LGBT</b>	<b>No data</b>
	<b>Heterosexual/straight</b>	<b>No data</b>
	<b>Not Stated</b>	
<b>Race</b>	<b>BME</b>	<b>52%</b>
	<b>White</b>	<b>48%</b>
	<b>Not Stated</b>	
<b>Religion or belief</b>	<b>Christian</b>	<b>40%</b>
	<b>Muslim</b>	<b>10%</b>
	<b>Other</b>	<b>4.5%</b>
	<b>No religion</b>	<b>30%</b>

	Religion not stated	17%
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### 3. Equality impacts

With reference to the [guidance](#), please describe what are the equality and socio-economic impacts for residents and what are the opportunities to challenge prejudice or promote understanding?

**Q.** *Is the change likely to be discriminatory in any way for people with any of the protected characteristics?*

**A.** No, the Enforcement Policy follows statutory guidance, and is aimed at being fair, transparent and consistent in all decision making relative to the Policy.

By adopting this Policy, we undertake to treat all people fairly. If a decision is made to take enforcement action, including prosecution, the Council must apply a Public Interest test to ensure that all relevant factors are taken into consideration and that it is in the public interest to take such action.

**Q.** *Is the proposal likely to have a negative impact on equality of opportunity for people with protected characteristics?*

**A.** No, the Policy is in fact aimed at eliminating any negative impact on equality, making sure decisions are fair and transparent.

**Q.** *Is the proposal likely to have a negative impact on good relations between communities with protected characteristics and the rest of the population in Islington? Are there any opportunities for fostering good relations?*

**A.** This police should ensure that there are no negative impacts between communities with protected characteristics, ensuring that decisions are made on facts and by applying the principles of good practice outlined in the policy.

**Q.** *Is the proposal a strategic decision where inequalities associated with socio-economic disadvantage can be reduced?*

**A.** Not applicable.

## 4. Safeguarding and Human Rights impacts

### a) Safeguarding risks and Human Rights breaches

Please describe any safeguarding risks for children or vulnerable adults AND any potential human rights breaches that may occur as a result of the proposal? Please refer to **section 4.8** of the [guidance](#) for more information.

**None**

If potential safeguarding and human rights risks are identified then **please contact equalities@islington.gov.uk to discuss further:**

## 5. Action

How will you respond to the impacts that you have identified in sections 3 and 4, or address any gaps in data or information?

For more information on identifying actions that will limit the negative impact of the policy for protected groups see the [guidance](#).

Action	Responsible person or team	Deadline
N/A		

Please send the completed RIA to [equalities@islington.gov.uk](mailto:equalities@islington.gov.uk) and also make it publicly available online along with the relevant policy or service change.

**This Resident Impact Assessment has been completed in accordance with the guidance and using appropriate evidence.**

**Staff member completing this form:**

Signed: D Fordham Service Manager –  
Public Protection

Date: 12/02/2019

**Head of Service or higher:**

Signed: Jan Hart  
Service Director - Public Protection

Date: 21/05/2019