

Section 4

# Equality

# Analysis Toolkit

**Policy to reduce quantities of non-household waste delivered to the Household Waste Recycling Centres (HWRCs)**

November 2014

## **What is the Purpose of the Equality Decision-Making Analysis?**

The Analysis is designed to be used where a decision is being made at Cabinet Member or Overview and Scrutiny level or if a decision is being made primarily for budget reasons. The Analysis should be referred to on the decision making template (e.g. E6 form).

When fully followed this process will assist in ensuring that the decision-makers meet the requirement of section 149 of the Equality Act 2010 to have due regard to the need: to eliminate discrimination, harassment, victimisation or other unlawful conduct under the Act; to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard means analysing, at each step of formulating, deciding upon and implementing policy, what the effect of that policy is or may be upon groups who share these protected characteristics defined by the Equality Act. The protected characteristics are: age, disability, gender reassignment, race, sex, religion or belief, sexual orientation or pregnancy and maternity – and in some circumstances marriage and civil partnership status.

It is important to bear in mind that "due regard" means the level of scrutiny and evaluation that is reasonable and proportionate in the particular context. That means that different proposals, and different stages of policy development, may require more or less intense analysis. Discretion and common sense are required in the use of this tool.

It is also important to remember that what the law requires is that the duty is fulfilled in substance – not that a particular form is completed in a particular way. It is important to use common sense and to pay attention to the context in using and adapting these tools.

This process should be completed with reference to the most recent, updated version of the Equality Analysis Step by Step Guidance (to be distributed) or EHRC guidance - [EHRC - New public sector equality duty guidance](#)

Document 2 "Equality Analysis and the Equality Duty: Guidance for Public Authorities" may also be used for reference as necessary.

This toolkit is designed to ensure that the section 149 analysis is properly carried out, and that there is a clear record to this effect. The Analysis should be completed in a timely, thorough way and should inform the whole of the decision-making process. It must be considered by the person making the final decision and must be made available with other documents relating to the decision.

The documents should also be retained following any decision as they may be requested as part of enquiries from the Equality and Human Rights Commission or Freedom of Information requests.

Support and training on the Equality Duty and its implications is available from the County Equality and Cohesion Team by contacting

[AskEquality@lancashire.gov.uk](mailto:AskEquality@lancashire.gov.uk)

Specific advice on completing the Equality Analysis is available from your Directorate contact in the Equality and Cohesion Team or from Jeanette Binns

[Jeanette.binns@lancashire.gov.uk](mailto:Jeanette.binns@lancashire.gov.uk)

## **Name/Nature of the Decision**

To consider options for the introduction of charges for, or limits on, non-household wastes at HWRCs.

## **What in summary is the proposal being considered?**

The Council currently provides a network of 15 HWRCs for Lancashire residents to primarily dispose of household items that are not collected at the doorstep. This tends to be bulky items such as furniture and white goods. The Council has a legal obligation to provide Recycling Centre facilities for Household Waste free of charge.

Household waste is waste from domestic properties including waste from caravans, residential homes and premises forming part of an educational establishment and part of a hospital or nursing home. Examples of household waste include:

- Cardboard
- Clothing and shoes
- Food waste
- Glass bottles
- Green garden waste (grass cuttings)
- Newspapers and magazine
- Plastic bottles
- Tins and Cans

The Controlled Waste (England and Wales) Regulations 2012 classifies waste depending on the place of production and the nature of waste and activities producing waste. Under these regulations 'waste from construction or demolition works, including preparatory works' is classified as Industrial Waste. The legal definition of household waste does not include materials from the repair or improvement of houses i.e. DIY home improvement types of waste. The Council has no statutory obligation to provide facilities for waste of this nature.

In January 2014 the Council's Cabinet approved recommendations that the Environment Directorate consider options for the introduction of charges for, or limits on, non-household wastes at HWRCs in order to assist the Council in pursuit of its financial strategy.

Following a comprehensive review of the options available the Directorate is recommending the introduction of a policy to reduce the quantity of non-household wastes delivered to HWRCs; specifically targeted at soil/rubble and plasterboard.

The proposal will allow an element of free disposal (up to 10 25kg bags or 10 items per annum) by means of production of a permit\*; and introduce charges for any non-household waste delivered above this threshold without a permit. The charge being £3.50 per 25kg bag or item, or dependent on the amount being carried (where it is delivered loose for example not in 25 Kg bags) the following charging policy shall apply:

- Trailers up to 1 metre in length - £17.50
- Trailers up to 2 metre in length - £35.00
- Trailers up to 3 metre in length - £52.50).

*\*A resident of Lancashire can apply for a permit by telephoning the Council's Customer Contact Centre or through Lancashire Online.*

All of the HWRCs in Lancashire will keep a quantity of 25kg rubble sacks which residents can purchase at cost.

Below is a list of the types of non-household waste LCC is considering charging residents of Lancashire to deposit:

- Bath
- Bathroom sink and pedestal
- Bidet
- Bricks
- Ceramics
- Chimney pots
- Clay
- Concrete
- Concrete fence post
- Flag stones
- Floor tiles
- Glass
- Plate (Flat) glass
- Plasterboard (sheet)
- Hard-core
- Kitchen sink
- Lintel
- Plaster
- Plasterboard
- Roof tiles

- Rubble
- Sand
- Slates
- Soil (all types)
- Stones
- Tarmac
- Toilet base
- Toilet cistern
- Tiles
- Turf

It is considered that this approach maintains the Councils original intent in providing free facilities for non-household waste in small quantities from domestic DIY and garden works.

Is the decision likely to affect people across the county in a similar way or are specific areas likely to be affected – e.g. are a set number of branches/sites to be affected? If so you will need to consider whether there are equality related issues associated with the locations selected – e.g. greater percentage of BME residents in a particular area where a closure is proposed as opposed to an area where a facility is remaining open.

The proposal will affect **all** Lancashire residents wishing to deposit non-household waste at any of Lancashire's HWRCs.

**Could the decision have a particular impact on any group of individuals sharing protected characteristics under the Equality Act 2010, namely:**

- Age
- Disability including Deaf people
- Gender reassignment
- Pregnancy and maternity
- Race/ethnicity/nationality

- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership Status

In considering this question you should identify and record any particular impact on people in a sub-group of any of the above – e.g. people with a particular disability or from a particular religious or ethnic group.

It is particularly important to consider whether any decision is likely to impact adversely on any group of people sharing protected characteristics to a disproportionate extent. Any such disproportionate impact will need to be objectively justified.

The proposal will affect **all** Lancashire residents wishing to deposit non-household waste at any of Lancashire's HWRCs. Therefore all of the above people who share protected characteristics.

If you have answered "Yes" to this question in relation to any of the above characteristics, – please go to Question 1.

If you have answered "No" in relation to all the protected characteristics, please briefly document your reasons below and attach this to the decision-making papers. (It goes without saying that if the lack of impact is obvious, it need only be very briefly noted.)

## Question 1 – Background Evidence

What information do you have about the different groups of people who may be affected by this decision – e.g. employees or service users (you could use monitoring data, survey data, etc to compile this). As indicated above, the relevant protected characteristics are:

- Age
- Disability including Deaf people
- Gender reassignment/gender identity
- Pregnancy and maternity
- Race/Ethnicity/Nationality
- Religion or belief
- Sex/gender
- Sexual orientation
- Marriage or Civil Partnership status (in respect of which the s. 149 requires only that due regard be paid to the need to eliminate discrimination, harassment or victimisation or other conduct which is prohibited by the Act).

In considering this question you should again consider whether the decision under consideration could impact upon specific sub-groups e.g. people of a specific religion or people with a particular disability. You should also consider how the decision is likely to affect those who share two or more of the protected characteristics – for example, older women, disabled, elderly people, and so on.

The proposal will affect **all** Lancashire residents wishing to deposit non-household waste at any of Lancashire's HWRCs.

All Lancashire residents who wish to use Lancashire's HWRCs to deposit small amounts of non-household waste (arising from small scale domestic DIY projects) without charge will be required to obtain a permit in advance of their visit.

Residents with excessive amounts of non-household waste (arising from large scale domestic DIY projects) will be required to make a decision whether to use the chargeable facilities available at the HWRC, use a commercial provider, such as skip hire or other waste management service providers.



It should be noted that this proposal will have no effect on Lancashire residents continuing to deposit household waste at any of Lancashire's HWRCs.

It should be clear that the limit and charge is intended to assist the Council in achieving its financial strategy by reducing the amount of non-household waste delivered to the HWRCs; whilst maintaining some form of service provision for this type of waste. There is no intention to actively generate income by its implementation.

In addition, it is important that in order to reduce the amount of non-household waste received at the HWRCs the price set is not more attractive than market prices for other disposal services such as skip hire. The proposed £3.50 rate for 25kg equates to a charge of £140/tonne. Whilst skip hire prices vary a small 3 cubic yard 'midi' skip would cost circa £100. As such, the proposed rate will be attractive to small quantities from households but not something that would appeal to larger producers or for large DIY/garden projects.

## **Question 2 – Engagement/Consultation**

How have you tried to involve people/groups that are potentially affected by your decision? Please describe what engagement has taken place, with whom and when.

(Please ensure that you retain evidence of the consultation in case of any further enquiries. This includes the results of consultation or data gathering at any stage of the process)

Over the next four years, the Council will need to make significant savings of over £300 million. As part of this, Cabinet have received a set of options prepared by officers detailing how services could be delivered in future and how this could enable savings to be made.

The Council is now in consultation with members of the public including the people who use the Council's services, asking them to provide their views on the options to deliver future services.

The closing date for the budget consultation is 15 December and further options will be published at the next cabinet meeting in December.

It should be noted that this proposal forms an integral part of the Waste Management Service Offer detailed in the Council's Financial Strategy 2014/15 to 2017/18 and reported to Cabinet in November 2014. The details of the Financial Strategy are, at the time of this decision, subject to consultation and decision by Cabinet. As such, it is intended that recommendations of this proposal be implemented with effect from 01 April 2015 subject to Cabinet approval of the service offer.

A communications campaign would be instigated with immediate effect including the following:

- Banners at all HWRCs to make users aware of the changes.
- Leaflet distribution to users of the containers that are used to for non-household waste (mainly soil/rubble and plasterboard facilities).
- The customer service centre will inform customers of the changes during permit applications.
- Details of the changes will be communicated on the Council's web pages and permit application pages.

Communications will be updated throughout the process to ensure that the actual implementation date is only communicated once it is definite.

### **Question 3 – Analysing Impact**

Could your proposal potentially disadvantage particular groups sharing any of the protected characteristics and if so which groups and in what way?

It is particularly important in considering this question to get to grips with the actual practical impact on those affected. The decision-makers need to know in clear and specific terms what the impact may be and how serious, or perhaps minor, it may be – will people need to walk a few metres further to catch a bus, or to attend school? Will they be cut off altogether from vital services? The answers to such questions must be fully and frankly documented, for better or for worse, so that they can be properly evaluated when the decision is made.

Could your proposal potentially impact on individuals sharing the protected characteristics in any of the following ways:

- Could it discriminate unlawfully against individuals sharing any of the protected characteristics, whether directly or indirectly; if so, it must be amended. Bear in mind that this may involve taking steps to meet the specific needs of disabled people arising from their disabilities
- Could it advance equality of opportunity for those who share a particular protected characteristic? If not could it be developed or modified in order to do so?

- Does it encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low? If not could it be developed or modified in order to do so?
- Will the proposal contribute to fostering good relations between those who share a relevant protected characteristic and those who do not, for example by tackling prejudice and promoting understanding? If not could it be developed or modified in order to do so? Please identify any findings and how they might be addressed.

It is not anticipated that the introduction of this scheme would prevent or disadvantage groups from continuing to use the HWRCs to deposit household waste and non-household waste arising from small scale domestic DIY projects at Lancashire's HWRCs.

The need to apply for a permit to obtain the free allowance may disadvantage groups who do not have access to a telephone (to contact the Council's Contact Centre) or a computer (to apply at Lancashire Online).

Communities living in the areas immediately surrounding any HWRC may be disadvantaged. Anti-social behaviour in the form of fly-tipping is a possibility, however, it has been the Council's experiences that fly tipping is uncommon as a result of HWRC policies but that where it does occur it tends to be 'one-off' incidents borne generally out of protest at the policies rather than being a long term repeated problem.

Most importantly however it must be remembered that fly tipping is a criminal offence. It would not be justifiable to the law abiding tax payers of Lancashire for the Council to have policy dictated, or its financial strategy jeopardised, by the propensity of individuals to act unlawfully.

The authority will work with partner organisations to ensure any nuisance is immediately resolved and individuals concerned prosecuted.

#### **Question 4 –Combined/Cumulative Effect**

Could the effects of your decision combine with other factors or decisions taken at local or national level to exacerbate the impact on any groups?

For example - if the proposal is to impose charges for adult social care, its impact on disabled people might be increased by other decisions within the County Council (e.g. increases in the fares charged for Community Transport and reductions in respite care) and national proposals (e.g. the availability of some benefits) . Whilst LCC cannot control some of these decisions, they could increase the adverse effect of the proposal. The LCC has a legal duty to consider this aspect, and to evaluate the decision, including mitigation, accordingly.

If Yes – please identify these.

Yes, decisions that that the Council cannot control, for example if Lancashire's Waste Collection Authorities introduce charges for the collection of kerbside materials for example garden waste. Or if the Council decides to introduce further charges for other items of waste that is not legally defined as household waste for example Gas Bottles and Tyres may exacerbate the impact on the residents of Lancashire.

The group that could be impacted the most is people on low or fixed incomes (including people of retirement age and disabled people) - people on low or fixed incomes could be affected as they may not be able to afford to pay the charges to deposit additional non-household waste at the HWRCs. It should be noted that the proposal will allow an element of free disposal (up to ten 25kg bags or items per annum) of soil/rubble and plasterboard by means of production of a permit; this allowance is considered adequate for a small scale domestic DIY project.

The dimensions of deprivation used to classify households are indicators based on the four selected household characteristics:

- **Employment:** any member of a household not a full-time student is either unemployed or long-term sick.
- **Education:** no person in the household has at least level 2 education, and no person aged 16-18 is a full-time student.
- **Health and disability:** any person in the household has general health 'bad or very bad' or has a long term health problem.
- **Housing:** Household's accommodation is either overcrowded, with an occupancy rating -1 or less, or is in a shared dwelling, or has no central heating.

Percentage of Households by Deprivation Dimension (using the March 2011 Census Information):

	Not Deprived	Deprived in one dimension	Deprived in two dimensions	Deprived in three dimensions	Deprived in four dimension
Lancashire (12 Districts)*	43	31.7	19.5	5.3	0.5

Further information is available [here](#).

The employment rate in Lancashire is estimated to be below the national average which is likely to accentuate the problem of poverty in the local area. The Claimant count for districts, unitary, Lancashire and larger areas dated September 2014 indicates that in the 12 Districts of Lancashire\* 1.8% (12,971 people were claiming Job Seekers Allowance for unemployment) of all residents aged 16 and over are unemployed. Some older residents may also be on fixed income which can sometimes be considered low income. Further information is available [here](#).

This group may be tempted to deposit small quantities of non-household waste in their residual bin to avoid paying the charges at the HWRC.

These proposals will only impact on groups carrying out large scale domestic DIY projects for example a resident that has recently moved to a property in Lancashire and wishes to renovate the whole of the property at once rather than on an annual room by room basis as a free allowance will be available each year with a permit.

This proposal contributes towards achieving the budget reductions required, and the proposal to charge for excessive non-household waste may prevent other services being targeted to meet budget reductions.

The anticipated reduction in non-household waste tonnages will provide the additional operational benefit to the HWRCs of reducing congestion and vehicle movements. Particularly in respect of those who currently deliver large quantities of soil/rubble and plasterboard which can take a significant amount of time to unload.

## Question 5 – Identifying Initial Results of Your Analysis

As a result of your analysis have you changed/amended your original proposal?

Please identify how –

For example:

Adjusted the original proposal – briefly outline the adjustments

Continuing with the Original Proposal – briefly explain why

Stopped the Proposal and Revised it - briefly explain

No. This is the final proposal.

### **Question 6 - Mitigation**

Please set out any steps you will take to mitigate/reduce any potential adverse effects of your decision on those sharing any particular protected characteristic. It is important here to do a genuine and realistic evaluation of the effectiveness of the mitigation contemplated. Over-optimistic and over-generalised assessments are likely to fall short of the “due regard” requirement.

Also consider if any mitigation might adversely affect any other groups and how this might be managed.

The proposal will result in Lancashire residents being limited in the amount of non-household waste they can deliver free of charge and charged for the deposit of excessive amounts of non-household waste at Lancashire's HWRCs.

### **Question 7 – Balancing the Proposal/Countervailing Factors**

At this point you need to weigh up the reasons for the proposal – e.g. need for budget savings; damaging effects of not taking forward the proposal at this time – against the findings of your analysis. Please describe this assessment. It is important here to ensure that the assessment of any negative effects upon those sharing protected characteristics is full and frank. The full extent of actual adverse impacts must be acknowledged and taken into account, or the assessment will be inadequate. What is required is an honest evaluation, and not a marketing exercise. Conversely, while adverse effects should be frankly acknowledged, they need not be overstated or exaggerated. Where effects are not serious, this too should be made clear.

In January 2014 the Council's Cabinet approved recommendations that the Environment Directorate consider options for the introduction of charges for, or limits on, non-household wastes at HWRCs in order to assist Council in pursuit of its

financial strategy. The estimated income/cost reduction from implementation of a limiting/charging proposal is £0.5m.

The Cabinet preferred the Council to provide a limiting/chargeable service for the non-household waste types than no service at all. It is recognised that it is desirable to provide facilities for residents to dispose of small amounts of non-household waste, particularly where it is not economically viable to hire a skip.

Not providing a service would lead to difficulties for residents in finding suitable options to dispose of small quantities of non-household waste and may encourage fly tipping.

The proposal may encourage less non-household waste to be brought to Lancashire's HWRCs and more may go to commercial service providers allowing the Council to benefit from savings within the current HWRC Contract.

## **Question 8 – Final Proposal**

In summary, what is your final proposal and which groups may be affected and how?

The final proposal is unchanged.

## **Question 9 – Review and Monitoring Arrangements**

Describe what arrangements you will put in place to review and monitor the effects of your proposal.

The Environment Directorate recommends that the policy and rates charged be reviewed every 12 months with any proposed changes being reported to the Cabinet Member for Public Protection and Waste. It asks that in agreeing the recommendation the Cabinet Member be mindful that amendments to the administration and implementation of the policy may need to be made by officers during the first 12 months of its implementation; but that no changes will be made to the rates charged without following the formal decision making process.

The impact will be monitored both by the Council and by Lancashire WCAs. This will be carried out by monitoring the following at appropriate intervals:

- The number of permits processed for non-household waste will provide details of the number of residents who took advantage of the free of charge allowance.
- Records of income received will provide details of residents who had excessive non-household waste to deposit.
- Details of any reduction in the cost of provision of the service will be used to

assess the impact of the policy on the Council's financial strategy.

Equality Analysis Prepared By: Tracie Croasdale

Position/Role: Waste Management Officer

Equality Analysis Endorsed by Line Manager and/or Chief Officer

Decision Signed Off By

Cabinet Member/Chief Officer or SMT Member

**Please remember to ensure the Equality Decision Making Analysis is submitted with the decision-making report and a copy is retained with other papers relating to the decision.**

Where specific actions are identified as part of the Analysis please ensure that an EAP001 form is completed and forwarded to your Directorate's contact in the Equality and Cohesion Team.

Directorate contacts in the Equality & Cohesion Team are:

Karen Beaumont – Equality & Cohesion Manager

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Contact for Environment Directorate, Lancashire County Commercial Group and One Connect Limited



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Contact for Office of the Chief Executive and the County Treasurer's Directorate

Thank you