

# **Appendix D**

## **EQUALITIES IMPACT ASSESSMENT**

**London Borough of Hackney  
Equality Impact Assessment Form**

**Title of this Equality Impact Assessment:**

Waste Regulations and Time Banded Waste Collections

**Purpose of this Equality Impact Assessment:**

To assess the positive and negative impacts that the Waste Regulations and expanded time banded waste collections would have on any protected groups in Hackney.

**Officer Responsible: (to be completed by the report author)**

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<b>Directorate:</b> Neighbourhoods & Housing	<b>Department/Division:</b> Sustainability & Environment

**Director:** Aled Richard, Strategic Director, Sustainability and Public Realm

**Date:** 6th October 2021

Signed:



**Comment:** I approve this EIA.

Section 149 of the 2010 Equality Act sets out the three equality needs that the Council must have 'due regard' to. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c) Foster good relations between people who share a protected characteristic and those who do not.

The equality need that is most relevant to the proposal to introduce household and commercial waste regulations and to expand the number of streets subject to timed waste collections, is the need to eliminate discrimination. This proposal does not amount to direct discrimination as no individual is being treated less favourably by a reason of a protected characteristic.

However, this assessment has acknowledged that there could be a risk of indirect discrimination on certain protected groups by applying time banded waste collections to all properties on the selected streets, in particular disabled people (difficulty meeting the timebands) and elderly people (difficulty meeting the timebands).

The Council provides evidence that the proposal is proportionate and is so because of the following reasons:

- It achieves the legitimate aim of reducing waste, particularly illegal waste, and so reducing our impact on the planet (which is facing a climate emergency);
- It achieves the legitimate aim of improving local environmental quality;
- A series of mitigation measures for the potential indirect discrimination risks on the identified protected groups have been proposed, including providing the facility to apply to the Council for exemption from specified requirements and/or providing the facility to apply for an assisted collection.

## **STEP 1: DEFINING THE ISSUE**

### **1.1. Summarise why you are having to make a new decision**

Over the last 12 years Hackney has made significant improvements in managing residential and commercial waste on our main thoroughfares and this has been largely down to the introduction of time bands. Time bands are two 1-hour periods each day where residents and businesses are allowed to place their waste out for collection. The waste is then collected shortly after the expiration of these time bands to ensure that the time period that waste is left out on the public highways is kept to a minimum.

Time bands were first piloted along Stoke Newington High Street in June 2007. Their success led to a wider roll-out in 2009 to approx. 20 additional roads. The scheme was expanded again in 2013 to another 20 roads.

Hackney has continued to expand in its provision of commercial premises and is an ever popular destination for leisure and nightlife. This has led to Special Policy Areas being introduced in Dalston, Hoxton East and Shoreditch. In order to meet the Mayor's priority of prioritising quality of life and the environment; making our streets safer for cyclists and pedestrians, tackling air pollution, protecting our parks and green spaces, as well as to keep pace with the expansion of the SPAs, it is proposed that time bands are expanded further to another 30 streets (and 1 of the original streets is removed).

To ensure the old time band times are fit for purpose, this report proposes to revoke all 40 of the time bands currently in place as part of the review, and to introduce new\* time bands across 69 streets and commercial parades (\*many of the current times will remain the same however some may be adjusted or removed if they are deemed unnecessary).

In tandem with the time band changes we also propose to introduce new waste regulations to help improve understanding amongst residents and businesses of their instructions and obligations, to aid the Council in improving the quality of the local environment, and to ensure a smooth transition to fortnightly waste collections on our residential streets.

Although we already specify the day(s) on which waste will be collected (and the times on time banded roads), Hackney's Waste Regulations 2021 would allow the Council to specify how, when and where recycling and waste containers should be placed for collection, as well as which containers should be used and what should and should not go in them.

The Regulations will provide guidance to residents and businesses. The Council would help residents and businesses to comply with the new Regulations by continuing targeted communications about what is required of them as part of the Regulations. These Regulations will complement the service change to fortnightly waste collections, whereby a new Domestic Waste and Recycling Policy has been developed.

The Regulations will further underpin enforcement action taken against residents and businesses in the borough. As part of the service change to fortnightly waste collections, a new Waste Enforcement Policy for Street-Level Properties has been developed.

**1.2. Who are the main people that will be affected?** Consider staff, residents, and other

Hackney is home to an estimated 275,930 people, with the population likely to grow to 310,000 people by 2028. It is considered that because the scope of the time bands and the waste regulations are borough-wide, members of the public, residents, workers and visitors to the Borough as well as business and partner organisations could be potentially affected. The following table shows the relevance of the positive or negative impacts of the time bands and the waste regulations on the following equality strands.

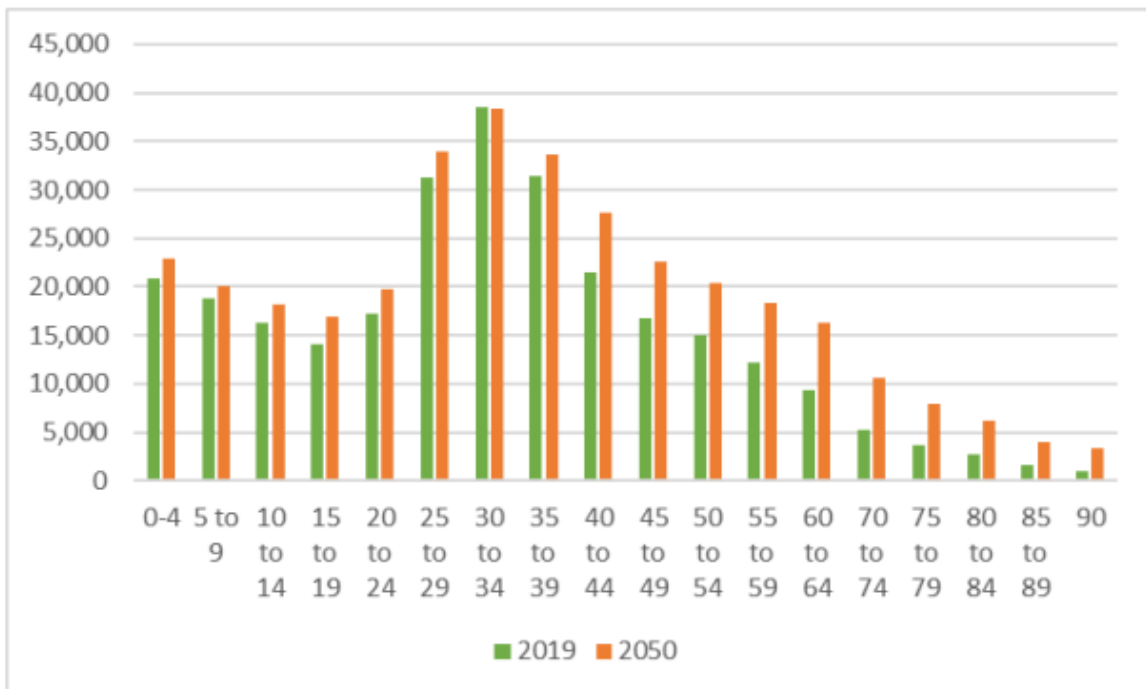
	Age	Disability	Gender reassignment	Pregnancy & Maternity	Marriage and Civil Partnership	Race	Religion or belief	Gender	Sexual Orientation
Relevance	Low	Low	Low	Low	Low	Low	Low	Low	Low

**Table 1: Relevance of the introduction of regulations and time band expansion impacts on each of the protected groups.**

**a. Age**

Age is defined by reference to a person’s age group. An age group can mean people of the same age or people of a range of ages. The Council is committed to promoting equality among people of all ages and valuing the contribution made by all citizens.

Hackney is a young borough with a quarter (25%) of the population aged under 20 years old and a third (33%) of the population aged between 20 and 34 years old. Only 7% of the population are aged 65 and over compared to a national average of 17.8%.



**Graph 1: Current and projected age structure of Hackney's population 2019 and 2050.**

All ages are impacted by poor waste management if it becomes a nuisance and is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality. There is perhaps an increased inconvenience or hazard to residents with children in pushchairs or to the elderly if waste becomes a highway obstruction and/or trip hazard. With time bands and regulations aimed at ensuring waste is contained properly, disposed of correctly, and presented for collection in a controlled and limited manner, the introduction of these will help address these issues.

The impact of the time bands and regulations on the disposal of waste by residents and businesses should also be considered in light of age. In terms of time bands, the change of time bands or the introduction of time bands may impact on arrangements that are in place for assistance with collections- for example, a neighbour may be able to help but not during the specific time of the time bands. These types of concerns will be encouraged during the notice period and if there are legitimate barriers to compliance then these will be addressed and accommodated as explained in section 7.2 of the Household Waste Regulations, namely where the occupier of a domestic property, a caravan or a moored vessel used wholly for the purposes of living accommodation is of the opinion that because of age or disability it is not possible to comply with any regulation, then that person or his agent may apply to the Council for exemption from specified requirements imposed by the Council to support the application for an assisted collection.

#### **b. Disability**

In the 2011 Census a total of 14.5% of Hackney respondents said that they had a long-term condition or disability that limited their life in some way compared with 13.6% for London and 17.9% for England and Wales. In Hackney 7.3% of respondents said they had a long-term illness that limited their daily activities a lot and 7.1% said they had a long-term condition or disability that limited their life in some way.

Like with age, the main issues for those with a disability is waste creating a highway obstruction and their ability to adhere to the time bands and regulations. And again, the introduction time bands and regulations will help keep the public highway free of obstructions, and if there are barriers to compliance due to a disability not identified through this EIA process then these will be addressed and accommodated when they are raised, as explained in section 7.2 of the Household Waste Regulations.

#### **c. Gender reassignment**

Data on the transgender population is not available at a borough level. Data on gender re-assignment is not available at a local level, but a Home Office funded study estimated there were 300,000 – 500,000 transgender people in the UK. If they were evenly distributed throughout the UK then this would equate to around 60 residents in Hackney.

It is anticipated that people with this protected characteristic would not be disproportionately impacted by the introduction time bands and regulations and have no specific needs relating to this characteristic, however, if there are barriers to compliance due to a gender reassignment not identified through this EIA process then these will be addressed and accommodated when they are raised.

#### **d. Pregnancy and maternity**

There were 4,336 live births to women in Hackney in 2017. The fertility rate for Hackney is slightly lower than the London and national average at 1.6 live births per woman compared to 1.7 in London and 1.76 in England. However, in some parts of Hackney fertility rates are amongst the highest in London, particularly in the northeast of the borough.

The main issue for pregnant women, particularly during the final weeks of pregnancy, is restricted movement affecting their ability to adhere to the time bands and regulations. And for parents with young children a highway free of obstruction is also very important. As aforementioned, the introduction time bands and regulations will help keep the public highway free of obstructions, and if there are barriers to compliance due to a pregnancy and maternity not identified through this EIA process then these will be addressed and accommodated when they are raised.

#### **e. Marriage and Civil Partnership**

Marriage is defined as a 'union between two people'. Same-sex couples can also have their relationships legally recognised as a 'civil partnership'. Civil partners must be treated the same as married couples on a wide range of legal matters including protection under the Equality Act. Hackney has fewer pensioner households, couples who are married or in a same sex civil partnership and cohabiting couples with children than London and England and Wales.

People who are married or in a civil partnership have not identified any specific needs in relation to the changes to the time bands or introduction of the regulations. However, they may fall into vulnerable groups or in a group with all the protected characteristics.

It is considered, at this stage, that there are no specific needs identified for people who are married or in a civil partnership in the borough and therefore they should not be disproportionately impacted by the changes to the time bands or introduction of the regulations, however, if there are barriers to compliance due to marriage and civil partnership not identified through this EIA process then these will be addressed and accommodated when they are raised.

#### **f. Race (this evidence base refers to ethnicity)**

Race refers to the equality group of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. Just over a third (36%) of respondents to the 2011 Census in Hackney described themselves as White British (see Table 2: Religion and belief. ONS Census, 2011, on next page). The remainder is made up of black and minority ethnic groups, with the largest group Other White, 16.3%, followed by Black African, 11.4%. The number of Black Caribbean people fell slightly between 2001 and 2011. They made up 7.8% of Hackney's population in 2011 compared with 10.3% in 2001.

Hackney also has a well established Turkish and Kurdish community; at least 5.6% of the Hackney population describe themselves as Turkish, Turkish Cypriot or Kurdish (2011 Census). These populations are often captured in the White British/Other White, Other Ethnic Group or, for Turkish people, Arab. Other significant communities in Hackney include Chinese, Vietnamese and Eastern Europeans especially Polish, Western Europeans particularly Spanish and French people, Australasians and residents from North, and Latin America.

It is considered, at this stage, that there are no specific needs identified for any particular race and therefore race should not be a factor in the impact of the changes to the time bands or introduction of the regulations, however, if there are barriers to compliance due to race not identified through this EIA process then these will be addressed and accommodated when they are raised.

<b>Ethnic group</b>	<b>Hackney %</b>	<b>London %</b>	<b>England %</b>
White: English/Welsh/Scottish/Northern Irish/British	36.2	44.9	79.8
White: Irish	2.1	2.2	1.0
White: Gypsy or Irish Traveller	0.2	0.1	0.1
White: Other White	16.2	12.6	4.6
Mixed/multiple ethnic group: White and Black Caribbean	2.0	1.5	0.8
Mixed/multiple ethnic group: White and Black African	1.2	0.8	0.3
Mixed/multiple ethnic group: White and Asian	1.2	1.2	0.6
Mixed/multiple ethnic group: Other Mixed	2.0	1.5	0.5
Asian/Asian British: Indian	3.1	6.6	2.6
Asian/Asian British: Pakistani	0.8	2.7	2.1
Asian/Asian British: Bangladeshi	2.5	2.7	0.8
Asian/Asian British: Chinese	1.4	1.5	0.7
Asian/Asian British: Other Asian	2.7	4.9	1.5
Black/African/Caribbean/Black British: African	11.4	7.0	1.8
Black/African/Caribbean/Black British: Caribbean	7.8	4.2	1.1
Black/African/Caribbean/Black British: Other Black	3.9	2.1	0.5
Other ethnic group: Arab	0.7	1.3	0.4
Other ethnic group: Any other ethnic group	4.6	2.1	0.6

**Table 2: Religion and belief. ONS Census, 2011.**

### **g. Religion or belief**

Hackney has significantly more people of the Jewish and Muslim faiths than England (Table 5). The borough is home to a number of smaller national and cultural communities. Hackney has the largest group of Charedi Jewish people in Europe representing an estimated 6.3% of the borough's overall population.

<b>Religion</b>	<b>Hackney %</b>	<b>London %</b>	<b>England %</b>
Christian	38.6	48.4	59.4
Buddhist	1.2	1.0	0.5
Hindu	0.6	5.0	1.5
Jewish	6.3	1.8	0.5
Muslim	14.1	12.4	5.0
Sikh	0.8	1.5	0.8
Other religion	0.5	0.6	0.4
No religion	28.2	20.7	24.7
Religion not stated	9.6	8.5	7.2

**Table 3: Religion and belief (ONS Census, 2011).**



It is considered, at this stage, that there are no specific needs identified for faith groups in the borough and therefore they should not be disproportionately impacted by the changes to the time bands or introduction of the regulations, wever, if there are barriers to compliance due to religion or belief not identified through this EIA process then these will be addressed and accommodated when they are raised.

#### **h. Gender**

There are slightly more females than males currently living in the borough. Some 138,736 residents are female, 50.3% of the population, and 137,193 residents are male, 49.7%. Therefore there is a relatively equal gender split.

It is considered, at this stage, that there are no specific needs identified for any gender and therefore gender should not be a factor in the impact of the changes to the time bands or introduction of the regulations, however, if there are barriers to compliance due to gender not identified through this EIA process then these will be addressed and accommodated when they are raised.

#### **i. Sexual orientation**

Sexual orientation is defined as whether a person's sexual attraction is towards the opposite sex, their own sex or to both sexes. The August 2018 GP patient survey indicated that, in Hackney there were comparatively high numbers of people who identify as gay or lesbian (5%), bisexual (2%), other (2%), and a further 10% preferred not to say. The remaining 81% identify as heterosexual or straight. These figures may under-represent the size of the non-heterosexual population, given the problems involved in disclosure of sexual orientation.

There are no specific needs identified for this group in the Borough and it is thought they would not be disproportionately impacted by the changes to the time bands or introduction of the regulations, however, if there are barriers to compliance due to sexual orientation not identified through this EIA process then these will be addressed and accommodated when they are raised.

## **STEP 2: ANALYSING THE ISSUES**

### **2.1. What information and consultation have you used to inform your decision making?**

#### **2.1.1. Internal stakeholder sessions**

The decision to make the proposed changes to the time bands and to introduce regulations was born out of meetings between multiple teams with Hackney Council, namely Environmental Operations, Waste Strategy, Legal, Consultations and Community Safety, Enforcement and Business Regulation. The purpose of these sessions was to discuss ways in which we could:

- ensure that the Council is clear and our residents are aware of their instructions and responsibilities whether they live on estates, in flats above shops or in our street-level properties. This is especially important given the move to fortnightly waste collections using wheelie bins from 1st March 2021; and
- improve the strength and efficiency of enforcement process when dealing with commercial waste storage and disposal; and
- ensure that time-restricted waste collections (time bands) are in place where they are needed, i.e. on those Hackney roads that feature commercial properties and/or where high-density residential properties with no waste storage capacity is leading to regular problems with the streetscene.

#### **2.1.2. Consultation**

There is no requirement to consult before the introduction of the time bands or regulations, however, in line with section 20 and section 22 of the LLAA 2007 the Council is required to publish in at least two newspapers circulating in the borough notice of the making, amendment and revocation of the regulations. The notice will include:

- (a) the date on which the regulations are to come into force, or be amended or revoked, as the case may be;
- (b) the general effect of the change in regulations;
- (c) an address at which the regulations can be inspected during reasonable office hours and purchased for a reasonable amount; and
- (d) a website address at which the regulations can be viewed.

The date on which the Regulations are to come into force, be amended or be revoked, as the case may be, will not be earlier than the expiration of one month from the publication of the notice (as per the legislation).

#### **2.1.3. Other sources of information**

- Hackney Domestic Waste and Recycling Policy
- Hackney Waste Enforcement Policy for Street-Level Properties
- The London Local Authorities Act 2007
- The Environmental Protection Act 1990

## 2.2. Equality Impacts - Identifying the impacts

The equality groups that are included in this evidence base are the 'protected characteristics' as set out under the Equality Act:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Marriage and Civil Partnership
- Race (this evidence base refers to ethnicity)
- Religion or belief
- Gender
- Sexual orientation

### 2.2.1 What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

Table 4 states whether the proposed changes to the time bands and introduction of regulations would have an overall positive impact on each protected group.

Key: Y: Yes; N: No; N/A: Not applicable.

A: Age; D: Disability; GR: Gender reassignment; PM: Pregnancy and maternity; MC: Marriage and Civil Partnership; R: Race; Re: Religion or belief; G: Gender; and SO: Sexual orientation

Theme	A	D	GR	PM	MC	R	Re	G	SO	Comments
Additional time bands introduced	Y	Y	Y	Y	Y	Y	Y	Y	Y	These groups, like all other residents, should benefit from the improvements in local environmental quality from the proposed actions.
Enforcement of business waste (using new Regulations)	Y	Y	Y	Y	Y	Y	Y	Y	Y	These groups, like all other residents, should benefit from the improvements in local environmental quality from the proposed actions.
Enforcement of residential waste (using new Regulations)	Y	Y	Y	Y	Y	Y	Y	Y	Y	These groups, like all other residents, should benefit from the improvements in local environmental quality from the proposed actions.

**Table 4: Proposed actions per theme and the potential negative impact on each protected group.**

Many people will identify with more than one protected characteristic. For example, young people may fall under the sexual orientation group, disability group, and the race groups. As the overall impact of the proposed changes to the time bands and introduction of regulations will reduce waste on the street, it is anticipated that all groups would experience a positive impact.

**2.2.2. What negative impact could there be overall, on different equality groups, and on cohesion and good relations?**

Table 5 states whether the proposed changes to the time bands and introduction of regulations would have an overall negative impact on each protected group.

Key: Y: Yes; N: No.

A: Age; D: Disability; GR: Gender reassignment; PM: Pregnancy and maternity; MC: Marriage and Civil Partnership; R: Race; Re: Religion or belief; G: Gender; and SO: Sexual orientation

Theme	A	D	GR	P M	M C	R	R e	G	S O	Comments
Additional time bands introduced	N	N	N	N	N	N	N	N	N	There is no evidence found to show that these actions would have a potential impact on these characteristics.
Enforcement of business waste (using new Regulations)	N	N	N	N	N	N	N	N	N	There is no evidence found to show that these actions would have a potential impact on these characteristics.
Enforcement of residential waste (using new Regulations)	N	N	N	N	N	N	N	N	N	There is no evidence found to show that these actions would have a potential impact on these characteristics.

**Table 5: Proposed actions per theme and the potential positive impact on each protected group.**

Many people will identify with more than one protected characteristic. For example, young people may fall under the sexual orientation group, disability group, and the race groups. As there are no anticipated negative impacts of the proposed changes, it is anticipated that no groups would experience negative impacts.

## **STEP 3: REACHING YOUR DECISION**

### **3.1. Describe the recommended decision**

Having due regard to the need to advance equality of opportunity involves considering the need to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics;
- Meet the needs of people with protected characteristics; and
- Encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

The adoption and implementation of the proposed revised and expanded time bands and the introduction of waste regulations should pay due regard to the equality considerations highlighted in this assessment, to ensure that the Council is compliant with its statutory obligations under the Equality Act 2010.

The Council will continue to consider the impact on all protected characteristics during the introduction time bands and regulations should approval for change be granted by Cabinet in 2021. Where appropriate it will undertake additional engagement with the community or more detailed equality analysis where the possibility of negative impacts on specific protected characteristics are identified, in particular those identified through the notice period following the cabinet decision.

## STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS

### 4.1. Equality and Cohesion Action Planning

The table below provides a list of specific actions which sets out how the Council will address equality and cohesion issues identified by this assessment.

No	Objective	Actions	Outcomes highlighting how these will be monitored	Timescales / Milestones	Lead Officer
1	Communicate the changes to residents, businesses and organisations	In line with legislation the council will advertise the changes in at least two local newspapers and provide a website and location where the details of the changes can be read.	Complete an evaluation of any responses/ enquiries obtained from the notice process and update this EIA.	<p>October 2021: Design and plan the notice publication</p> <p>November 2021: Advertise the changes in two local newspapers</p> <p>Early December 2021: Complete responses to any enquiries that come in from the notice.</p> <p>Late December 2021: Communicate changes to those impacted</p> <p>December 2021/ January 2022: Introduce changes</p>	Waste and Environment Manager, Environmental Services
2	Plan mitigation actions to address any issues raised after introduction of the changes	<ul style="list-style-type: none"> <li>- Review impact of new time bands on street cleanliness</li> <li>- Review any responses to the notice</li> <li>- Discuss proposed mitigation actions with stakeholders</li> </ul>	Complete an evaluation of the reviews and plan any agreed changes.	Complete reviews within the first 6 months of 2021.	Waste and Environment Manager, Environmental Services