

# **Predictive Equality Impact Assessment of the review of Trade Waste Sales Operation London Borough of Hammersmith & Fulham**

## **Introduction**

1. In April 2009, Cabinet endorsed the recommendation that LBHF continue to deliver a Trade Waste business for 2010/11 and through a more proactive approach to income generation work towards an external income target of £2.4m
2. However, with the increase in waste disposal charges effective from April 2011, and uncertainty about the future of the Landfill Allowance Trading Scheme, Cabinet asked that that a further review of the financial viability of the service be undertaken in March 2011.
3. This report sets out the current and projected year end position. It is recommended that LBHF continue to deliver a Trade Waste sales operation in 2011/12 with a further review in twelve months time.
4. The law places a duty on the Council to pay due regard to equalities in everything it does. This duty is not an absolute duty but merely requires that the Council 'considers' equality in the way we design and deliver policies and services. All significant changes to Council policies, services and functions require a predictive equality impact assessment (PEIA) be carried out.
5. The Council needs to carry out a predictive equality impact assessment of the proposed changes in order to comply with the three separate pieces of equality legislation which are:
  - a. Race Relations Amendment Act 2000
  - b. Disability Discrimination Act 2005
  - c. Equality Act 2006
6. The PEIA will primarily focus on issues relating to race, disability and gender but where possible, sexual orientation, age and belief system will also be considered. The purpose of this report is to enable the key decision maker, the Chief Executive in this case, to have due regard to the general duty to (a) promote racial, disability and gender equality and (b) eliminate unlawful discrimination when he makes his decision on these proposals.

## **Background to the PEIA process**

7. A PEIA is a thorough and systematic analysis of a policy or working practice intended to determine whether any social group, protected under race, disability or gender legislation, have been or will be affected differently by the policy or practice. Differential impacts can be:
  - d. Positive – beneficial to one or more groups

- e. Neutral – different but without notable consequences
  - f. Negative – having a detrimental affect on a group or groups
8. Understanding the impact of proposals will help enable policy makers to make a systematic appraisal to determine how the proposed change will impact. However, not all differential impacts are undesirable. Where a PEIA identifies differential impact the report writer must then make a judgement as to whether that impact would be unlawfully discriminatory, and/or against Council policy. It must be taken into account that some activities are intended to increase equality of opportunity by requiring or permitting positive steps or action to redress stark inequalities.
9. If the final judgement is that the proposals are likely to be unlawfully discriminatory, or though lawful are likely to hinder other Council priorities and therefore are undesirable in terms of detrimental impact on the groups protected under legislation, then the Council will try to:
- g. Identify alternative measures which will achieve the desired goal without differential impact
  - h. Identify ways to mitigate the unlawful or undesirable impact
  - i. Identify additional measures which would further equality of opportunity in this context
  - j. Closely monitor the impact after the proposal has been implemented
10. The PEIA, in particular the analysis and evidence gathering, should be undertaken within the framework of the Council’s vision, priorities and existing policies.

## **Governance**

11. The Assistant Director (Customer & Commercial Services) has overall responsibility for producing the PEIA.
12. The PEIA will be published on the intranet once it has been completed.
13. Wherever, the Report indicates that a proposed change will have a negative impact, it will be for those responsible for implementing the proposed changes to decide whether (a) the impact has been mitigated or reduced wherever feasible and (b) whether the negative impact is justified and proportionate having regard to the objectives which the changes are designed to achieve.

## **Conclusion**

14. The Trade Waste proposals presented to Cabinet will not impact on any specific group.



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RSD-Senior-Managers