

**Gateshead Council Enforcement and Regulation Policy 2014-19
 Development and Enterprise
 Local Environmental Services
 Draft December 2013
 DESUIF+GAP Service User Consultation**

Feedback from Presentations and Review Meetings with Disabled Service Users and Carers at DESUIF Focus Group 14 Jan and GAP Focus Group 17 Jan 2014.

DESUIF Focus Group Review 14 Jan 2014

The background to this policy document was presented to the DESUIF Focus Group members by Anne Lewis, with some brief discussion for points of explanation and clarification by Anne for those present.

The following notes are based on points recorded from Anne Lewis's presentation and discussion with members by Darren Ramshaw, Access Officer, Property and Design, D+E:

- a. Parking Services for example are not covered by the document.
- b. Enforcement Teams not covered by the policy are covered by the Enforcement Concordat
- c. In response to a question on whether servicing of adaptations equipment is covered in the policy. Anne said this falls under DFG guidance and servicing would be a case of good practice. In the case of homes owned by a Housing Association, the general feeling was that they should be responsible for servicing as Landlord.
- d. Timescale for implementation – late Spring, early Summer 2014. Teams will be able to update their section following implementation.
- e. In response to a service user complaint about vehicles attending private functions at Saltwell Towers blocking pedestrian access to the building's ramped access and public toilets, Anne suggested Street Enforcement would be responsible for parking transgressions in Saltwell Park. However, this requires confirmation as others thought it to be Park Management responsibility.
- f. Comments required to Anne by Friday 24 Jan.

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As it was obvious that the group required more time to consider the contents of the policy document, GAP were asked to hold a separate Focus Group Meeting.

GAP Focus Group Review 17 Jan 2014

The draft document and its contents was further presented by Steve Hudson to the GAP Focus Group members and discussed to reflect on the content in regard to its intended meaning and effect. All of those present at this review had been present at the DESUIF presentation earlier that same week. Steve briefly reminded the group of the nine protected characteristics under the Equality Act.

The following feedback notes represents the views of those attending the GAP Meeting:

“1.5 Equalities Statement”

1. This statement does not appear to comply with the Council’s and its officers’ equality duty under Equality Act 2010, in that by stating that decisions **“will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views, or sexual orientation of any of the interested parties”**. This policy is in effect stating that no consideration will be given to the effect of decisions on people with protected characteristics. Such considerations are required under the Equality Act.
2. Neither does the statement reflect on all groups of people or individuals with protected characteristics such as age, disability, marriage of civil partnerships, pregnancy or maternity, or gender reassignment; which is also a concern, particularly where some such groups or individuals may be unreasonably and adversely affected.

“2.1 The Regulators’ Code”

3. Reference in the third paragraph to Hampton principles, with no explanation of what these principles are.

Issues from Focus Group Discussions Relating to the Draft Policy, Current Enforcement Practices and Service Delivery: -

4. Some members expressed concern that when making complaints about housing issues, the channels for such complaints were either not very clear, accessible, or responsive; and responses did not demonstrate an understanding of the disabled persons condition, situation, or the effect of the problem on the individual.
5. In regard to risk based assessments, the effect on an individual as well as on groups of people with a protected characteristic, may require different considerations by those persons responsible for enforcement.

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6. In regard to Licensing, wheelchair accessible taxis should be available 24 hours a day, but this is not the case, so where is the enforcement and monitoring?
7. A parent expressed concern that her child with autism needs to go to school in a taxi, but this is sometimes replaced with a minibus when a taxi is not available, without consideration of the child's individual needs.
8. A member who is a wheelchair user and a dog owner stated that in her immediate neighbourhood, dog fouling is disgusting especially in the hot weather, and that owners do not attempt to clean up the mess. She felt this should be a criminal offence.
9. Members felt that the powers of litter patrol officers were ineffective and believe only the Police have powers to detain.
10. Members complained about grass cutting where Council employees or contractors leave grass cuttings, with no attempt to collect the cut grass; which as well as being an eyesore can present an access hazard for some people, such as causing a risk of slips and trips when the grass is blown onto footpaths.
11. Some members suggested there should be more restrictions against fly tipping and that formal action should be taken against fly tipping and dog fouling.
12. Several members complained that recycle bins were not big enough, and that any additional recycling waste that is left outside of the bin is automatically thrown into the trash section when collected, instead of being recycled; even when it is clearly and separately bagged or packaged as cardboard or glass bottles for recycling.
13. Several members who are wheelchair users complained that the collection staff often left bins in locations that either blocked driveway or ramp access or between cars, where they effectively prevented the disabled person's access from or to their home or to their vehicle.
14. Several members suggested that drinking in neighbourhood streets should be banned as this often creates anti-social behaviour during the day or evening. Street signage to ban such behaviour should be installed and enforced similarly to what is done in some town centres.

General Issues: -

15. This document is difficult to comprehend for persons not directly involved or with a good awareness of the enforcement responsibilities and activities of each of the services within D+E and LES. For example in section 2.1, references to legislation may need to be simplified to enable less wordy statements and to improve understanding of the point of the statement.

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16. The document appears to have sections for each such service presented in a different format, which also does not aid comprehension for third parties.

Recommendations

- A. The Policy document should be reviewed and written in Plain English to be understandable to third parties to whom the enforcement policy is likely to apply and to officers within the Council who have enforcement responsibilities: this may require a supplementary document for third parties to sit alongside the Policy Document or alternatively by the addition of explanatory paragraphs in the policy document to provide the necessary explanation of such as:
 - i. who is affected by the policy and why;
 - ii. the reasons for this;
 - iii. an explanation of how this impact may be required to be applied by the Council and when.

- B. The Equalities Statement should be reviewed and amended to ensure compliance by the Council and its officers with the Equality Act 2010 General Duty and Specific Duties to give due regard to:
 - i. the effect or potential effect of the Enforcement and Regulation Policy on groups and individuals with protected characteristics;
 - ii. the effect on compliance and non-compliance on groups and individuals with protected characteristics;
 - iii. the effect of proposed actions in response to non-compliance or to encourage or enforce compliance.

- C. Further consideration should be given to the above issues raised by members of the focus groups, who include disabled service users and carers, regarding policies and practices relating to the current enforcement and service delivery; even if they are/appear to be outside of the remit of the proposed enforcement and regulation policy and this current review.

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