

Public Space Protection Order for Exeter City Centre – Equality Impact Assessment

Introduction

A Public Space Protection Order (PSPO) allows a local authority to introduce a series of measures into a defined locality. The proposed PSPO will bring in measures to control and restrict certain activities, in particular the consumption of psychoactive substances, consumption of alcohol in public (other than in licensed premises), anti-social behaviour of groups or by an individual, aggressive begging and urination (other than in public toilets).

This is a legal order that can last for up to three years and it will prohibit a number of activities. If an element of this order is breached, the outcome could be that the individual is issued with a fixed penalty notice (the penalty can be set from zero up to a maximum of £100) or fined up to a maximum of £1000 on summary conviction as a result of legal proceedings for that breach.

The Executive agreed on the 15 September 2015 its wish to progress a consultation on a proposal to introduce a Public Space Protection Order for Exeter. This was proposing introducing measures to restrict the use of psychoactive substances and alcohol, prohibition on begging, prohibition of street encampments, prohibition on public urination and controls to be introduced for controlling anti-social groups or individuals.

A 16 week consultation took place from 6 November 2015 to 29 February 2016 on the proposals. The results of the consultation will be presented to Place Scrutiny, Executive and Council for a decision on whether to implement an Order, and if so, what that Order would restrict. Following an analysis of the results, officers are not recommending that the Order seeks to place restrictions on street encampments. With regard to begging, a distinction has been made between passive begging (e.g. someone sat or stood in one spot with a hat on the floor to collect money), and intimidating begging; therefore the original restriction will be modified to focus on aggressive begging where someone actively approaches a passer-by asking for money in an intimidating way, or purposefully places themselves in close proximity (within 5 metres) of an automatic pay point (e.g.

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automatic telling machine [ATM], or parking pay machine) where people expect privacy and/or feel more vulnerable with their money on display).

In relation to fixed penalty notices, officers will be recommending that these are not routinely served dynamically, but instead and in most instances, will be served retrospectively. In addition, the intention will be to offer an alternative positive/restorative pathway to the punitive pathway of a monetary penalty, by means of opting to commit to an Acceptable Behaviour Contract (ABC) that will be crafted on an individual basis between the Police and Council, with input from any other agency where appropriate.

A draft Equality Assessment was produced at the start of the consultation period, and has now been reviewed following completion of the consultation and also to reflect the proposals that are being presented to Place Scrutiny, Executive and Council.

Lead officer: Robert Norley, Assistant Director Environment

Stakeholders: Devon & Cornwall Constabulary, residents, visitors, elected members, regulatory services, Third Sector Providers, Business Community, commissioned services, alcohol licensed trade, Taxi trade, health providers, users of intoxicating substances and individuals who are street attached.

For each of the areas below, an assessment has been made on whether the policy has a **positive, negative or neutral impact**, and brief details of why this decision was made and notes of any mitigation are included. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future). For clarification, the term 'Target Group' used in this assessment, refers to a defined group within the population that may be directly or indirectly affected by the proposal, and does not mean that this group is being deliberately targeted or singled out.

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High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact –some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

Target group / area	Neutral	Positive	Negative
<p>Race and ethnicity (including Gypsies and Travellers; migrant workers asylum seekers etc.)</p>	<p>There is no evidence that the order will impact on this group</p>		
<p>Disability (as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)</p>		<p>The Order may well have a positive effect and ensure that people who may be sleeping rough and have an addiction, engage with the support that is available and this in turn will deliver positive health benefits to them.</p>	<p>Medium. A disproportionate number of street homeless (street attached) people suffer mental ill health and addiction, and therefore present a higher risk of breaching the PSPO. To mitigate this, the Community Safety Partnership, and its Street Attachment Group have been developing a co-ordinated approach to weaken ‘street attachments’ and engender the positive movement of an individual into sustainable accommodation with necessary support for issues of mental health, physical health and</p>

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			<p>addiction. This is also linked to Integrated Care in Exeter (ICE) Workstream C, MEAM, and CoLab.</p> <p>The measures that have been proposed that will restrict the consumption of alcohol, and NPS's on the street could also affect those that are alcohol dependent and/or drug dependent. The proposed order will not bring in any new powers in respect of alcohol but will replace the existing Designated Public Protection Order. The Order may well have a positive effect and ensure that people with a street attachment and have an addiction, engage with the support that is available and this in turn will deliver positive health benefits to them. The inclusion of an ABC option within any FPN, will give a positive pathway to engagement with support services, and away from detrimental behaviour.</p>
<p>Gender</p>		<p>The Order may serve to help engage members of each gender that have alcohol and substances addictions with support services, thereby having a positive impact on their health.</p>	<p>Medium. The majority of people sleeping rough are male. Males, particularly males with a street attachment, are also more likely to have an alcohol or substance addiction. The</p>

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			alcohol/intoxicating substances, and anti-social behaviour elements could disproportionately affect men. However the Order may also serve to engage those affected with support services and have a positive impact on their health.
Gender reassignment	There is no evidence that the order will impact on this group		
Religion and belief	There is no evidence that the order will impact on this group		
Sexual orientation (including heterosexual, lesbian, gay, bisexual)	There is no evidence that the order will impact on this group		
Age (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older people 81+. The age categories are for illustration only as overriding consideration should be given to needs).		Reports have stated the life expectancy of someone 'sleeping rough' can be in their early 40's. Therefore there is a clear benefit by encouraging and supporting people away from this lifestyle into sustainable accommodation with access to support services; where an intervention under the PSPO takes place in reaction to a breach of the PSPO, then that will be used to help link that person with support services both informally and through an	

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		<p>ABC if part of a FPN.</p> <p>In Exeter, there is growing evidence of more young people being drawn to the street attached lifestyle. Such young people are very vulnerable to exploitation in this situation, therefore using the PSPO tools to positively change behaviour will benefit this group.</p>	
Areas of deprivation		<p>In terms of the street community, the intention is that this Order will sit alongside other interventions to encourage individuals to engage with the support services offered and this in turn will benefit the individuals involved.</p>	<p>High. There is a risk that this activity will have a negative impact on those that are street attached and sleeping rough. To some this is a choice as they do not wish to engage with support services. The intention is that this Order will sit alongside other interventions to encourage individuals to engage with the support that is offered. The use of an ABC option within a FPN will amplify this encouragement and this in turn will benefit the individuals involved.</p>
Human Rights		<p>The Order has been proposed due to the volume of incidents that are occurring that are having a significant impact on peoples quality of lives.</p>	<p>High. There is a potential high impact on a number of groups that are likely to be affected. E.g. someone taking a NPS may feel their human rights have been impacted</p>

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		<p>Evidence has been collated of negative impacts on visitors, residents, businesses and their employees; this Order will have a positive impact on residents, visitors and businesses.</p> <p>Surrendering of alcohol or psychoactive substances could positively benefit the taker from the self-harm that substance can cause to their health and the effect of that intoxicant in terms of leaving them in a vulnerable situation in a public place.</p>	<p>(enjoyment of property) if their supply of NPS is confiscated, or a loud, aggressive group asked to disperse (freedom of assembly and association). These human rights need to be balanced against the impact any ASB emanating from the subjects is having on other law-abiding users of a public space, and their human rights (e.g. the protection of property in relation to a retailer whose business is suffering from the ASB of groups regularly congregating outside his/her shop). The Community Safety Partnership will develop an Enforcement & Positive/Restorative Pathway Protocol and training programme for officers, with safeguards to ensure this impact is mitigated, with appropriate, proportionate and compassionate application of any intervention.</p>
<p>Health and Wellbeing (consider both the wider determinants of health such as education, housing, employment, environment, crime and transport, as well</p>	<p>The Order has been proposed due to the volume of ASB incidents that are occurring, which are having a significant impact on people’s quality of lives.</p>	<p>The introduction of Acceptable Behaviour Contracts as a positive/restorative alternative within a fixed penalty notice, that will be</p>	

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as the possible impacts on lifestyles and the effect there may be on health and care services)	There has been an evidence gathering process undertaken and the introduction of this Order will have an overall positive impact on the community. The restriction on the use of psychoactive substances and alcohol will in turn have a positive impact on health and a positive action to encourage people to engage with the support that is available. A reduction in the personal use of alcohol and drugs for users with an addiction, will have a positive health impact for that user group.	jointly crafted between the Council, Police and where appropriate any lead agency engaged with an individual, will provide a positive and strengthening mechanism for engagement with support services such as addiction services, and health needs assessment.	
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Documents

There are a number of documents that will be made available at www.exeter.gov.uk/pspo. This includes information that details the proposed zone, a document that contains frequently asked questions, a copy of the proposed order prohibitions/restrictions.

There has been a range of evidence that has been collated that captures the impact these activities contained within the proposed PSPO is having on visitors, residents, businesses and other stakeholders within the city. A summary of the evidence collated and further information about the proposal will be made available within the report to be presented to the Place Scrutiny, Executive, and Council in January and February 2017.