

Equality Impact Assessment: Proposed consultation on varying the Public Space Protection Order

The Equality Act 2010 includes a general duty which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- **Eliminate discrimination**, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- **Advance equality of opportunity** between people who share a relevant protected characteristic and people who do not share it.
- **Foster good relations** between people who share a relevant protected characteristic and those who do not

In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

Authorities which fail to carry out equality impact assessments risk making poor and unfair decisions which may discriminate against particular groups and worsen inequality.

Committee name and date:	Report Title	Decisions being recommended:	People with protected characteristics potentially impacted by the decisions to be made:
Executive 2 November 2021	Proposed consultation on varying the Public Spaces Protection Order	That the Executive approves: a). the contents of the proposed variation of Prohibition E (contained in Appendix A) b). that consultation takes place between 2 November and 31 December 2021 which seeks the views of the	At present this is a consultation exercise relating to Prohibition E. Potential impacts are listed below.

		<p>public and other stakeholders.</p> <p>c). That a report making recommendations on the whether to amend or seek continuance of the current Public Spaces Protection Order is presented to Executive on 8 February 2022 and Council on 22 February 2022.</p>	
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Factors to consider in the assessment: For each of the groups below, an assessment has been made on whether the proposed decision will have a **positive, negative or neutral impact**. This is must be noted in the table below alongside brief details of why this conclusion has been reached and notes of any mitigation proposed. 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).

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

Protected characteristic/ area of interest	Positive or Negative Impact	High, Medium or Low Impact	Reason
Race and ethnicity (including Gypsies and Travellers; migrant workers; asylum seekers).	Potential negative impact	Medium	There is a risk that a number of people causing ASB may be asylum seekers as they have not secured fixed accommodation at that time. The Council would continue to make an assessment for temporary accommodation to someone in this position and the enforcement officers would first be trying to sign-post individuals into the services offered rather than simply enforce.

<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 impact on their ability to carry out normal day-to-day activities.</p>	<p>Potential positive and negative impact</p>	<p>Medium</p>	<p>The consultation may well have a positive effect and ensure that people who are causing ASB and have an addiction, engage with the support that is available and this in turn will deliver positive health benefits to them.</p> <p>A disproportionate number of 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 has developed a co-ordinated approach to weaken ‘street attachment’ and engender the positive movement of an individual into sustainable accommodation with necessary support for issues of mental health, physical health and addiction.</p> <p>The measures already contained within the PSPO restrict the consumption of alcohol, and NPS’s on the street could also affect those that are alcohol dependent and/or drug dependent.</p> <p>The proposals in the consultation 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.</p>
<p>Sex/Gender</p>	<p>Potential positive and negative impact</p>	<p>Medium</p>	<p>The proposals 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>The majority of people sleeping rough are male. Males are also more likely to have an alcohol or substance addiction. The alcohol/intoxicating substances, and street encampment 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.</p> <p>There is an increasing number of residents, businesses and visitors to the city who are feeling unsafe in the PSPO area due to unacceptable behaviours that are taking place. Therefore in having a clear set of measures to deal with unacceptable behaviours seeks to have a positive impact on people being able to enjoy the city safely.</p>

Gender reassignment	Neutral		There is no evidence that this will impact on any specific person based on this group of individuals.
Religion and belief (includes no belief, some philosophical beliefs such as Buddhism and sects within religions).	Neutral		There is no evidence that this will impact on any specific person based on their beliefs or religion.
Sexual orientation (including heterosexual, lesbian, gay, bisexual).	Neutral		There is no evidence that this will impact on any specific person based on their sexual orientation.
Age (children and young people aged 0-24; adults aged 25-50; younger older people aged 51-75/80; older people 81+; frail older people; people living with age related conditions. The age categories are for illustration only as overriding consideration should be given to needs).	Neutral		There is no evidence that this will impact on any specific person based on their age.
Pregnancy and maternity including new and breast feeding mothers	Neutral		There is no evidence that this will impact on any specific person based upon pregnancy and maternity.
Marriage and civil partnership status	Neutral		There is no evidence that this will impact on any specific person based on marriage and civil partnership status.

Actions identified that will mitigate any negative impacts and/or promote inclusion

- Following the consultation process ending, a report making recommendations on the whether to amend or seek continuance of the current Public Spaces Protection Order will be presented to Executive on 8 February 2022 and Council on 22 February 2022. That report will contain a further review of the Equality Impact Assessment.

Officer: Simon Lane, Service Lead – Environmental Health and Community Safety

Date: 8 September 2021