

# Equality and Human Rights

## Impact Assessment

### **STEP A) Description of what is to be assessed and its relevance to equality**

**What is being assessed?** Please tick

Review of a service       Staff restructure      Decommissioning a service

Changing a policy    Tendering for a new service    A strategy or plan

#### **Borough wide Public Spaces Protection Order 2020**

Who is accountable? E.g. Head of Service or Corporate Director

Corporate Director

Date assessment completed and approved by accountable person

08/09/2020

Names and job titles of people carrying out the assessment

J Howells Team Leader ASB & Environment

N Welch Service Manager ASB & Environment Team

A.1) What are the main aims and intended benefits of what you are assessing?

Hillingdon Council is committed to maintaining a clean and safe environment and it is the Council's responsibility to keep our public spaces and local environment clear of litter and obstructions and deal with other local environmental quality issues including anti-social behaviour.

The proposal to adopt a borough-wide Public Spaces Protection Order (PSPO) for Council public spaces is in line with this priority. In particular, issues of enviro-crime and anti-social behaviour, which includes matters that cause harassment, annoyance and / or nuisance. The Council knows that the majority of those who live in, work in and visit the borough do keep the area clean and safe; however, it wants to ensure where this is not the case that it uses the relevant legislation and approaches to maintain a clean and safe environment.

The PSPO provides local authorities with the necessary powers to introduce restrictions upon activity and behaviours deemed to be anti-social and occurring in "public spaces". It is designed to restrict and prohibit certain behaviours, within the designated area, where evidential tests are satisfied.

A.2) Who are the service users or staff affected by what you are assessing? What is their equality profile?

The implementation of the PSPO is to be applied to everyone within the designated area, however it may have a negative impact on particular groups including; Homeless People, people on a low income, the working age population and potentially younger people as well.

Whilst the PSPO is designed to prohibit certain activities it is also designed to enable people to feel that Hillingdon is a safe and welcoming place for all. The implementation of the PSPO could therefore potentially have a positive impact for some individuals.

--

A.3) Who are the stakeholders in this assessment and what is their interest in it?

<b>Stakeholders</b>	<b>Interest</b>
<b>The Leader Sir Ray Puddifoot MBE</b> <b>Councillor Douglas Mills</b> <b>Deputy Chief Executive Jean Palmer</b> <b>Director Perry Scott</b> <b>Head of Service Nathan Welch</b>	<b>Provide a safe and improved service for residents</b> <b>A transparent and fair enforcement process</b> <b>Value for money in service delivery</b>

A.4) Which protected characteristics or community issues are relevant to the assessment?

Age	X	Sex	
Disability		Sexual Orientation	
Gender reassignment			
Marriage or civil partnership		Carers	
Pregnancy or maternity		Community Cohesion	

Race/Ethnicity	X	Community Safety	X
Religion or belief		Human Rights	X

## **STEP B) Consideration of information; data, research, consultation, engagement**

B.) Consideration of information and data -

If the PSPO is implemented it will be important for authorised officers to consider the needs of the individual and their personal circumstances in order to make an informed decision as to the appropriate action to take (i.e. recommendation for support, advice, fine, criminal justice approach etc). It will also be important for authorised officers to ensure that any action taken is proportionate to and balanced against any risks posed, either to the individual or the wider community. This includes the seriousness of the offence, past history, the consequences of non-compliance and the likely effectiveness of the various enforcement options. It has outlined the need for a consistent yet flexible approach to the application of the PSPO, which must be tailored to the individual's needs and circumstances. One of the concerns is that the PSPO could be used as a tool to unfairly target sections of the community. It will be important to evidence that the PSPO is therefore not used, or is not perceived to be being used in this way.

It is envisioned that some or all of the following factors will have a greater impact on individuals; the risk of further deprivation, destitution or homelessness, risk of criminalising behaviour, risk to health (for those physically dependant on substances)

## **Consultation**

B.2) Did you carry out any consultation or engagement as part of this assessment?

Please tick    NO

YES X

Under Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the 2014 Act"), a Public Spaces Protection Order (PSPO) may be made by the Council

after consultation with the Police, and any other relevant bodies, groups or individuals.

The PSPO places restrictions and/or requirements on people using the area defined by the PSPO. These can be blanket restrictions or targeted at particular groups (such as dog walkers), or apply at certain times. Breach of a PSPO is a criminal offence and could lead to a fixed penalty notice of £100 or a maximum penalty of £1000 if prosecuted.

The proposed prohibitions were identified looking at the evidence base, complaints to members, and issues which have an adverse effect to safety of residents and the wider public.

There was a period of statutory consultation which was both accessible and aimed at all residents and agencies likely to be affected by the order (positively and negatively). The proposals were supported, and we will actively promote positive outcomes resulting from the PSPO's to evidence improvements in neighbourhoods.

B.3) Provide any other information to consider as part of the assessment

Legal context

The council has a public duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations (Equality Act 2010)

Financial context - standard text

Since 2010, the Business Improvement Delivery (BID) Programme has driven transformation across the Council, reducing costs and improving efficiency to ensure that in an environment of on-going funding reductions we continue to deliver high quality services that put residents first. Over the past nine years, the Council has achieved £134m savings, with a further £6.6m due to be delivered during 2019/20.

Hillingdon's approach to maintaining sound financial management ensures that our finances are in a robust position, and therefore the Council is well placed to respond to the combined challenge of on-going funding reductions, emerging inflationary.

## C) Assessment

What did you find in B1? Who is affected? Is there, or likely to be, an impact on certain groups?

C.1) Describe any **NEGATIVE** impacts (actual or potential):

<b>Equality Group</b>	<b>Impact on this group and actions you need to take</b>

Young People	<p>Where appropriate, provide increased educational information on alcohol harm and drug use to young people.</p> <p><b>ACTION –</b> we will work closely with schools, colleges and universities to ensure that there is a good understanding of the application of the order by their students, and support available where needed.</p> <p>The PSPO will affect those with poor physical and mental health.</p> <p>Hillingdon Council regular meetings with the Police and with Community Safety Partners; including those who provide support and provisions for vulnerable people. Alleged offenders will be appropriately signposted to relevant support services. We will continue to refer and signposting individuals to commissioned support services</p>
Disability	
Poverty	<p>There is some anecdotal information which suggests that some areas across the Borough have disproportionate street drinking; whereas some more affluent areas are subject to issues around the ‘night economy’.</p> <p><b>ACTION -</b> The PSPOs will challenge this behaviour in all public spaces. All Agencies should be mindful of displacement and should consider appropriate actions</p>

Street Population Community	<p>The PSPO will affect those with dependency issues, a known problems for the street population community and can be the reason that led to someone becoming homeless.</p> <p><b>ACTION:</b> We will ensure that enforcement is justified/fair, is sensitive to needs and signposts appropriately to support provisions.</p>
--------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

#### C.2) Describe any **POSITIVE** impacts

<b>Equality Group</b>	<b>Impact on this group and actions you need to take</b>
<b>Age</b>	People will feel safer across the city
<b>Race/Ethnicity</b>	Community cohesion will increase as people feel safer in their neighbourhoods
<b>Community Safety</b>	Coordinated response to ASB
<b>Human Rights</b>	Reduced complaints and dissatisfaction from the general public  Access and signposting to support services more effective as pathways from ASB for vulnerable people are strengthened

#### D) Conclusions

The creation of the Anti-Social Behaviour (ASB) legislation has given local authorities the opportunity to bring in proportionate measures for a maximum of 3 years and is being adopted by many local authorities in the UK. Section 70 of the Anti-Social Behaviour Crime and Policing Act 2014 allows for a PSPO to supersede any byelaw once in operation

The initiative will also support the delivery of the Council's borough plan. This will

include supporting strategic themes around Putting residents first. The introduction of the PSPO will impact on the lives of people who live, work and visit the Borough. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the order is designed to address.

Young people in breach of the order will be referred through safeguarding arrangements when appropriate. Mental health considerations are assessed on a case by case basis and support and early intervention is used prior to more serious enforcement action.

The Environmental Enforcement Officers will police the order primarily. There will also be some assistance from relevant Safer Neighbourhood Teams and the Council's Police Partnership Tasking Team

**Signed and dated:** J Howells      09/09/2020

**Name and position:** Joanne Howells, Team Leader, ASB & Environment Team