



# 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

Date assessment completed and approved by accountable person

08/09/2020

Names and job titles of people carrying out the assessment

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?

| Stakeholders  | Interest  |
|---|---|
| <b>Sir Ray Puddifoot MBE – Leader of the Council</b><br><b>Councillor Douglas Mills - Cabinet Member for Community, Commerce and Regeneration</b><br><b>Deputy Chief Executive Jean Palmer,</b><br><b>Director Perry Scott</b><br><b>Head of Service Nathan Welch</b> | <b>Provide a safe and improved service for residents</b><br><b>A transparent and fair enforcement process</b><br><b>Value for money in service delivery</b> |

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

|                               |   |                    |  |
|-------------------------------|---|--------------------|--|
| 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.1) 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):

| Equality Group | Impact on this group and actions you need to take |
|----------------|---|
|----------------|---|



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:**.....

**Name and position:**.....