



HILLINGDON
LONDON

Appendix 2 - 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 2023

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

Corporate Director Place

Date assessment completed and approved by accountable person

27th February 2023

Names and job titles of people carrying out the assessment

Joanne Howells, ASB & Environment Team Leader

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 and Police 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 is likely that it will have an increased negative impact on particular groups such as Disabled People, BME People, 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. There are some sections of the community who currently don't feel that this is the case (i.e., some older people, disabled people, women, LGBT people, BME people etc), which could have a negative impact on the individuals and the likelihood that they will choose to visit the Borough.

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
The Leader Councillor Ian Edwards Councillor Eddie Lavery Corporate Director Perry Scott Head of Service Stephanie Waterford	Provide a safe and improved service for residents A transparent and fair enforcement process Value for money in service delivery

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 -

There is a requirement for a period of statutory consultation to be undertaken before a decision can be taken. It is important for the consultation to be both accessible and engaging with those likely to be affected by the order (positively and negatively). It must also consider the communication needs of those living within the designated area and ensure that they have access to translation services as required.

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 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).

An analysis of the consultation responses will inform the introduction and enforcement of a Hillingdon Borough Public Spaces Protection Order.

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.

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
Young People	<p>Where appropriate, provide increased educational information on alcohol harm and drug use to young people.</p> <p>ACTION – 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>An additional positive outcome in that by dealing with antisocial behaviour by way of FPNs as opposed to a criminal prosecution, offenders do not find their life chances affected by gaining a criminal record. This is particularly important for young people who probably constitute a significant portion of offenders.</p>
Disability	<p>The PSPO may affect those with poor physical and mental health.</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
Poverty	There is some anecdotal information which suggests that some areas across the Borough have disproportionate street drinking and begging activity, whereas some more affluent areas are subject to issues around the 'night economy'. ACTION - The PSPOs will challenge this behaviour in all public spaces. All Agencies should be mindful of displacement and should consider appropriate actions
Street Population Community	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. ACTION: We will ensure that enforcement is justified/ fair, is sensitive to needs and signposts appropriately to support provisions.

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

Equality Group	Impact on this group and actions you need to take
Age Race/Ethnicity Community Safety Human Rights	To introduce a Borough wide PSPO as an additional tool to enable council and police officers to manage specific types of anti-social behaviour. People will feel safer across the borough Community cohesion will increase as people feel safer in their neighbourhoods Coordinated response to ASB Reduced complaints and dissatisfaction from the public Access and signposting to support services more effective as pathways from ASB for vulnerable people are strengthened
	To raise awareness of the terms of the PSPO with all relevant groups For council and police officers to continue the partnership approach to tackling anti-social behaviour across Hillingdon Borough and in accordance with the Council's Corporate Enforcement and Anti Social Behaviour Policies.

	<p>To protect people from anti-social behaviour so they feel safe living, working and visiting the area.</p> <p>To continue to identify people with vulnerabilities and provide appropriate advice, signposting information and/or referrals on their behalf (e.g. safeguarding).</p> <p>To work with partners to effectively investigate and tackle anti social behaviour, avoiding duplication whenever possible.</p> <p>To respond to children (17 years and under) acting anti-socially in the city centre as a need for support / safeguarding as an alternative to PSPO formal enforcement.</p> <p>To apply the PSPO prohibitions and requirements to all persons (apart from those 17 years and under).</p>

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.

Environmental Enforcement and Street Scene Officers will police the order primarily however there will be some assistance from relevant Safer Neighbourhood Teams.

Signed and dated:.....J Howells.....27/02/2023

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