

STRONGER together



Equality and Fairness Analysis Findings report – Public Space Protection Orders

Policy = the full range of our policies, practices, activities, projects, procurement and decisions, whether it is formally written down or whether it is informal custom and practice. This includes all existing policies and any new policies under development.

Person responsible for analysis	<i>Harry Williams, Policy & Engagement Coordinator</i>	
Person responsible for policy development	Harry Williams	
Policy area (or function)	Community Safety, including anti-social behaviour and environmental crime	
Service area responsible for implementing the policy	Service Delivery	
Originator (if not the Council)	N/A	
Is the policy proposed (new) or existing?	Proposed	
Is it an LDC/EBC policy or a partnership initiative?	LDC only	
Key people involved in the policy development and its implementation	Ed Hele, Functional Lead for Quality Environment. Inspector Rob Lovell, Sussex Police.	
Decision making bodies the policy will be referred to	Lewes District Council Cabinet.	
Director/Assistant Director	Ian Fitzpatrick.	
Date of first equality quality check (internal)	18/05/2017	
Date of external equality stakeholder group		

The Public Sector Equality Duty

The public sector equality duty is made up of a 'general equality duty' which in turn is supported by 'specific duties'. The general equality duty is set out in section 149 of the Equality Act 2010 and came into force on 5th April 2011. The general equality duty sets out what is required of public authorities and the specific duties help public authorities comply with the statutory obligations.

As a summary, we must, in the exercise of our functions, have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

These are commonly referred to as the three aims of the general duty.

The second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages experienced by people because of their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

The Equality Act further states that the steps involved in meeting the needs of disabled persons that are different to the needs of persons who are not disabled include, in particular, steps to take account of a disabled persons' impairment.

It describes the third aim (fostering good relations) as tackling prejudice and promoting understanding between people who share protected characteristics and those who do not.

It explains that compliance with the general equality duty may involve treating some people more favourably than others, as long as this is within the law.

The duty also covers a 'person' who is not a public authority but who exercises public functions. We retain the responsibility for the 'person' having due regard to the three aims when delivering a service on our behalf. This should be written into their contract with us.

By thoroughly assessing what we do against the general duty we are able to make better decisions about what we do, leading to better outcomes for people who work for us and for people who access our services and facilities.

Context and Scope

What is the purpose of the policy and why is it needed?

The purpose of the policy is to introduce two Public Space Protection Orders in Lewes district, to replace the current Designated Public Place Order and Dog (Fouling of Land) Order 2005, following the introduction of the Anti-Social Behaviour, Crime and Policing Act.

The project is needed to ensure that there's an effect response to alcohol related anti-social behaviour in Lewes and environmental crime across the district.

In what context will it operate and who is it intended to benefit?

In Lewes there's an on-going and emerging issue with alcohol related anti-social behaviour in parts of the town. Between 01/05/2016 and 30/04/2017 there has been a 31.3% increase in reports of street drinking in the Lewes Ward with a 20% increase in the Lewes Southover Ward. This is coupled within an increase in complaints from businesses and members of the public about this behaviour.

The Designated Public Place Order (DPPO) is used by Sussex Police to request those that are in possession of alcohol, and acting in an anti-social manner, to stop drinking or surrender any alcohol in their possession. As outlined above, the Anti-Social Behaviour, Crime & Policing Act replaces DPPOs with PSPOs. The introduction of the PSPO is to combat an arising issue within Lewes and ensure there's an effective response to the anti-social behaviour.

Anti-social behaviour can have a detrimental impact on communities' quality of life. It can leave people feeling frightened, unsafe and anxious within the neighbourhoods. It is a precursor, and sometimes cause, of wider crime. The Order will benefit visitors, residents and businesses in Lewes. Making it a safer place to live, work and visit.

Like street drinking, dog fouling is anti-social behaviour and can have similar affects on the quality of life of the community. In Lewes District 131 reports of dog fouling were made between 2016 and 17, highlighting an on-going issue for the district. The PSPO will ensure that relevant systems are in place to tackle the problems.

What are the expected outcomes/longer term benefits of the policy?

The policy provides a number of expected outcomes/long term benefits.

Research shows that street drinkers can sometimes be found to be intimidating and can cause nuisance and disorder. However, they often have a number of complex needs, such as poor health and homelessness, and are amongst some of the most vulnerable.

The policy has identified these issues and support for the street community, through sign-posting towards support services, is at the core of the enforcement.

Taking this policy approach may also provide further benefits, as it may lead to reducing demand for emergency services, and admission to health services, as street drinkers are sign-posted towards said support services to begin addressing these

vulnerabilities.

The policy will also provide the benefit of ensuring an ongoing response to alcohol related anti-social behaviour in Lewes town by providing the Council, and Sussex Police, with the required powers to reduce and prevent the behaviour. It's hoped that this will encourage businesses, residents and visitors to continue to use these areas without the negative impact of anti-social behaviour.

Policy benefits around the control of dogs are also expected. There's evidence to suggest a link between the spread of diseases in livestock and the presence of faeces from infected dogs on agricultural land. Lewes district has a range agricultural and rural land, some of which is open to the public. The policy may take positive action to assist in preventing the spread of disease within these areas.

Furthermore, research has recognised that dog excrement can have an economic impact in terms of deterring inward investment and tourism to an area. The policy would ensure that negative impact surrounding dog fouling is reduced through enforcement of the Order.

Lastly, the *Environmental and social impacts of domestic dog waste in the UK: investigating barriers to behavioural change in dog walkers (2014)*, estimates that individual authorities spend up to £100,000 per year on dog waste collection and disposal. The policy may provide financial benefits as costs associated to the collection and disposal of dog waste could be reclaimed through enforcement of the Order.

In addition, research shows that the effectiveness of enforcement agencies (such as the Council) can have a positive contribution towards the reduction of crime, as potential perpetrators are deterred from committing offences as they believe they are more likely to be caught.

Information and Research

List all sources of information and relevant data that was obtained and considered in the assessment and include the groups you consulted with?

The following was reviewed in the process of developing this assessment;

- Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers, statutory guidance for frontline professionals.
- Lewes District Council Dogs (Fouling of Land) Order (No.1) 2005
- The Local Authorities (Alcohol consumption in designated public places) regulations 2001 – Designation Order.
- Consultation with partner agencies through local Joint Action Groups, including Sussex Police and LDC officers.
- Report - Tackling Street Drinking: Police and Crime Commissioner Guidance on Best Practice.
- The impact of Anti-Social Behaviour, Victim Support.

- The Modern Crime Prevention Strategy, Home Office.
- Environmental and Social Impacts of Domestic Dog Waste in the UK: Investigating Barriers to Behavioural Change in Dog Walkers.
- Sussex Police reports on street drinking in Lewes, 01/01/2016 to 03/02/2017
- Sussex Police Partnership Reports, 01/05/2016 to 30/04/2017

On approval from Cabinet, a full consultation will be launched prior to the introduction of the PSPO. The Act doesn't specify what constitutes an appropriate consultation; but is clear that the following parties must be consulted:

- Chief Officer of Police for the local area;
- Police and Crime Commissioner;
- Land owners in the area;
- Any community representatives the local authority considers appropriate.

A full consultation plan will be developed to assist in managing the consultation. The Equality and Fairness Analysis will form part of that consultation and will be updated once approval has been granted from Cabinet and contact with relevant groups has been made.

Were any gaps identified in this information and if so, what are these and what actions are being taken to address them?

As mentioned above, the Act doesn't specify what constitutes an appropriate consultation for the purpose of a PSPO but provides a list of parties that must be consulted.

To ensure that all relevant parties are consulted with, a consultation plan will be written with the support of the Customer Communication and Engagement Lead.

Analysis and Assessment

What are the main findings, trends and themes arising out of the research and information you have gathered and any consultation you have carried out?

From the research carried out, and review of the data, it was found there's evidence to support the introduction of a PSPO, being justifiable and proportionate with prohibitions/requirements on the consumption and surrendering of alcohol from those acting anti-socially.

However, where a PSPO applies to everyone within the designated area, there are concerns that the PSPO may have a negative impact on individuals. Where there's no

data to assist in identifying the groups that are more likely to be effected by the prohibitions/requirements of the PSPO, the report *'Tackling Street Drinking: PCC Guidance on best practice'* attempts to profile 'street drinkers' across the country and identified that:

- 80% of street drinkers are Male with a smaller group of female drinkers (around 5% to 23%)
- An average street drinker is in their early 40's
- 80-90% of street drinkers are white British.

The above research suggests that it's more likely that a white British male in their early 40s will be affected by a PSPO that aims to address street drinking in Lewes.

In addition, the report identified that 40-50% of street drinkers are either in accommodation or are staying in hostels, squats or sleeping with friends, the report states that one quarter to one third are sleeping rough.

Furthermore, the report *Understanding the mental health effects of street drugs* written by Mind, identifies a correlation between 'street drugs' (including alcohol) and mental health. The reports states that substance abuse can lead to long-term mental health problems, such as depression and schizophrenia.

On the other hand, PSPOs are designed to prohibit certain activities to enable people to feel safer whilst out in their neighbourhoods. Anti-social behaviour can be intimidating and frightening to most people but research shows that disabled people, older people and Black, Asian and Minority Ethnic (BAME) people can find ASB even more intimidating than others. The introduction of a PSPO could have a positive impact for these groups.

Research also identified the possible impact of a PSPO, with prohibitions/requirements in regards to dog controls, adversely impacting on particular disability groups.

To combat this issue, certain restrictions on the Order placed within in PSPO (No.2) to ensure that it will not apply to a person who:

- a) is registered as a blind person in a register complied under section 29 of National Assistance Act 1948; or
- b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance or;
- c) has a disability which affects his/her mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a Prescribed Charity upon which he/she relies for assistance.

Which protected groups will it affect/benefit the most?	Age	M	E	L
	Disability	M	E	L
	Gender reassignment	M	E	L

<i>Considering who the policy is intending to benefit and what the expected outcomes are, assess each characteristic and indicate whether the policy has 'M' more, 'L' less, or 'E' equal relevance. Highlight the finding.</i>	Marriage and civil partnership	M	E	L
	Maternity and pregnancy	M	E	L
	Race	M	E	L
	Religion or beliefs	M	E	L
	Sex	M	E	L
	Sexual orientation	M	E	L
Which parts of the Public Sector Equality Duty are most relevant to the policy?	1. Eliminate discrimination, harassment and victimisation		M	L
	2. Advance equality of opportunity		M	L
	3. Foster good relations		M	L

Please explain your reasons for the above assessments and how you have given consideration to the different needs of people and taken steps to minimise potential disadvantages and maximise equality of opportunity

Public Space Protection Orders place certain prohibitions/requirements in a defined area to reduce or prevent the detrimental impact of anti-social behaviour within the locality. Where they don't necessarily target individual groups, the above analysis has identified that the protected characteristics of Age, Disability, Race and Sex are more relevant. .

Age in relation to legislation covering legal drinking and the purchase of alcohol as well as the age and sex demographic outlined by PCC guidance previously mentioned.

Age also features in research together with Race and Disability as particular groups of people who find ASB significantly more intimidating, leaving them feeling fearful, anxious and unsafe, when compared with other groups of people.

To try and address these issues, whilst taking into account the needs of the wider community, those that are identified as street drinkers in Lewes will be sign posted to support services (such as substances misuse and accommodation) to try and address the root causes where possible. In addition, police reports of street drinking will be monitored to see if there is a change within the demographic and if one group is being disproportionately, and unreasonably, targeted.

Analysis has identified a possibility that conditions around dog control within PSPO may have a disproportionate impact on particular disabled people as previously outlined.

In addition, the planned consultation will have a specific focus to include representation from the groups identified above. This will ensure that their views will contribute towards the development of the PSPO and influence the decision-making regarding its

establishment.

Based on your findings is there a need to balance conflicting views or counter resentment and inaccurate perceptions, if so what will you do?

Currently there are no identified conflicts or inaccurate perceptions but this situation could change once the results of the planned consultation exercise are known. Therefore, should a need arise, this will be outlined together with our resulting actions when the analysis is revisited post-consultation.

Appendix D

Action Planning

If you have identified specific areas that require action to promote equality, what steps are you going to take to ensure this work is carried out and completed?

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
The PSPO prohibitions/requirements around dog control disproportionately impacting on particular disabled people.,	Relevant representative disability groups to be included within the consultation.	Harry Williams, Policy and Engagement Coordinator.	Coordinator time	TBC.	Views of representative disability groups included within the consultation outcome report to Director of Service Delivery.
Disproportionate and unreasonable impact on white British males in their 40s.	On going review of street drinking reports in Lewes. To include sign-posting to support services within the enforcement processes for the PSPO.	Harry Williams, Policy and Engagement Coordinator.	Police reports.	Ongoing. TBC.	Processes developed, which included the sign posting to support services.

Outcome

Considering all the evidence and the potential or actual effect of the policy on equality, I conclude that:

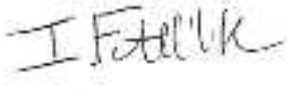
2. Minor adjustments can be made to better promote equality in the proposals - some steps have been identified to remove barriers or to better advance equality.

Quality Assurance

How will you implement any recommendations made?	<i>Through consultation and developing procedure for the enforcement of the PSPOs, which takes into account the above findings. Also, any recommendations made by the quality checking process for equality i.e. internal and external stakeholder groups, will be considered and where relevant will form part of the analysis as it is reviewed following consultation.</i>
How will the issues covered in the action plan be monitored and reviewed and who will do this?	<i>The Action Plan will be checked regularly and this will be carried out by the author of this report. In addition, the Action Plan will be reviewed every three years (in line with the duration of a PSPO) and if any adjustments to the Order is made.</i>
Who will sign off the action plan once all actions are completed?	Harry Williams, Policy & Engagement Coordinator.
How will you share the results with stakeholders?	<i>A copy of the Equality and Fairness Analysis will be included within the initial report to Cabinet. It will also be available to partners and residents of Lewes district on request.</i>

Approval

Report Author	Harry Williams, Policy and Engagement Coordinator
Signed	Harry Williams
Dated	17/05/2017

Director/Assistant Director	Ian Fitzpatrick, Director of Service Delivery.
Signed	
Dated	19/05/17

Please now send this report to equality@eastbourne.gov.uk

For completion by the Business Planning and Performance Team:

Quality Checking

Initial quality check carried out by	Harry Williams		
Report cleared for internal quality checking or returned to EaFA author for further action	Cleared	<input checked="" type="checkbox"/>	Returned to EaFA author for action
	Tick the box that applies		
Date sent to the internal equality checking group			
Record of comments/ recommendations made by this group			
Date comments sent back to EaFA author for inclusion in final draft report – where relevant			
Date final draft report received			
Final draft report cleared by			

Date of the Equality and Fairness External Steering Group final draft report was sent to	
Record of any comments/ recommendations made by this	

group	
Date comments/recommendations sent back to EaFA author for inclusion	
Date final EaFA received	
Final EaFA cleared by	
Date EaFA published on website	