

Chesterfield Borough Council

Equality Impact Assessment - Full Assessment Form

Service Area: Health & Wellbeing
 Section: Community Safety
 Lead Officer: Martin Key

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Adoption of Public Spaces Protection Orders

Is the policy, project, service, function or strategy:

Existing
 Changed
 New/Proposed

STEP 1 – MAKE SURE YOU HAVE CLEAR AIMS AND OBJECTIVES

What is the aim of the policy, project, service, function or strategy?

The Public Spaces Protection Order (PSPO) is a new power under the Anti-Social Behaviour, Crime and Policing Act 2014 and came into force in October 2014. PSPO's are intended to deal with a particular nuisance or problem in a particular geographical area that is detrimental to the local communities quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

A PSPO can be made by the local authority if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public place:

- Have had, or is likely to have a detrimental effect on the quality of life of those in the locality.
- Is, or likely to be of a persistent or continuing in nature.
- Is, or is likely to be unreasonable.
- Justifies the restrictions imposed.

The aim of the policy is to introduce additional controls over street drinking and associated anti-social behaviour to the benefit of residents, businesses and visitors to Chesterfield.

Who is the policy, project, service, function or strategy going to benefit and how?

The PSPOs are part of a series of measures aimed at taking an holistic approach to improving Chesterfield for the benefit of all.

Whilst there have been reductions in levels of reported crime within Chesterfield during 2016/17, there has been a 13% increase in reported ASB in the town centre with 972 reports in 2016/17. There has been a visible escalation of ASB focussed around street drinking, drug use and disorder around the key gateways to the town and the impact on residents and visitors is unacceptable. This is a national issue with most cities and larger towns affected. Many of the perpetrators are experiencing a complex range of issues including drug and alcohol dependency, mental illness underpinned by reductions in support due to public sector funding austerity and the impact of welfare reform changes. The impact in Chesterfield is exacerbated as it is the location for much of the multi-agency support.

There have been a number of multi-agency meetings called by the Chesterfield Community Safety Partnership that have discussed the issues and possible controls. Following a detailed review of intelligence on ASB a number of new PSPO controls in support of the existing DPPOs have been considered. These have been subject to extensive consultation with the police to ensure the proposed controls are proportionate and the areas proposed for the controls are supported by adequate evidence.

Further there was a summit chaired by the Police and Crime Commissioner on 14 July 2017 to address the ASB issues. This summit resulted in key actions to review existing and potential enforcement options, to review support and treatment and to lobby government on the impact of welfare reform on the vulnerable in society.

Analysis has been carried out on information taken from the ECINS database recording ASB from both council and police systems. Having reviewed the data between 5 December 2016 and 9 July 2017 there were 444 incidents recorded. Of these 186 were recorded as being alcohol-related.

These controls will benefit the residents, businesses and visitors to Chesterfield

What outcomes do you want to achieve?

Address the impact of the ASB and associated behaviours to reduce the negative impacts that have been identified and confirmed by the significant response to the public consultation on the proposals. The aim is to make the town centre an attractive place where residents, visitors and those at work can feel safe and protected.

What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?

The barriers to achieving these outcomes from the Council's side are largely lack of powers available to us and our partners to effectively address the impact of the ASB. In respect of those causing the ASB the barriers are often multi-layer and complex including alcohol and drug dependency, mental health, housing challenge or homelessness and complex medical issues. Also in a number of the more difficult cases the individuals have made a lifestyle choice and will not engage with the support and treatment services available. A significant cause of the ASB is alcohol and drug use.

STEP 2 – COLLECTING YOUR INFORMATION

What existing data sources do you have to assess the impact of the policy, project, service, function or strategy?

The original analysis of information on the need for the PSPOs was based on information taken from the E-CINS (Empowering Communities Inclusion and Neighbourhood Management System) database recording ASB from both council and police systems. E-CINS is a county-wide database with shared access to key partners that allows secure data sharing and case management. In addition police crime and ASB statistics have been evaluated as well as the responses from the public consultation exercise. There has also been a summit chaired by the Police and Crime Commissioner and additional evidence on data has been reviewed at the two sub-groups covering enforcement and treatment/support.

STEP 3 – FURTHER ENGAGEMENT ACTIVITIES

Please list any additional engagement activities undertaken to complete this EIA e.g. met with the Equalities Advisory Group, local BME groups, Employee representatives etc. Could you also please summarise the main findings.

Date	Engagement Activity	Main findings
May – September 2017	Public consultation	The detailed findings are attached as Appendix 1 of the cabinet report and the findings have been summarised in the report. The majority of respondents (over 90%) supported the introduction of the PSPOs. There were some concerns raised regarding providing sufficient support for homeless people and this has been addressed in the cabinet report.

STEP 4 – WHAT’S THE IMPACT?

Is there an impact (positive or negative) on some groups/people with protected characteristics in the community? (think about race, disability, age, gender, religion or belief, sexual orientation and other socially excluded communities or groups). You may also need to think about sub groups within each equalities group or protected characteristics e.g. older women, younger men, disabled women etc.

Please describe the potential impacts both positive and negative and any action we are able to take to reduce negative impacts or enhance the positive impacts.

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
Age – including older people and younger people.	The consultation responses highlighted that children and older people are more likely to find the ASB intimidating, unsafe and threatening. The proposed controls will reduce the levels of ASB	Young people may be more likely to congregate in groups that may cause alarm, nuisance, distress or harassment to others	Proportionate enforcement of the PSPO prohibitions. Continued work with partners to provide diversionary activities and support for young people to avoid the congregation.
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.	People with disabilities are often more sensitive to the impacts of ASB and may find it confusing, intimidating, and threatening. The proposed controls will reduce the levels of ASB	Some people with mental health issues or dependency on drugs and alcohol may be more likely to exhibit behaviours that would breach the proposed PSPO controls.	Proportionate enforcement of the PSPO prohibitions. Training enforcement staff to be able to signpost those with disability and health challenges that breach the PSPO to the most appropriate support or treatment partner.
Gender – men, women and transgender.	The consultation responses highlighted that women walking alone are more likely to find the ASB intimidating, unsafe and threatening. The proposed controls will reduce the levels of ASB	No negative impacts identified.	Proportionate enforcement of the PSPO prohibitions
Marital status including civil	The proposed controls will reduce the levels of ASB which will	No negative impacts identified.	Proportionate enforcement of the PSPO prohibitions

partnership.	positively impact this group.		
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.	Pregnant women and women and men on maternity leave with young children could be more likely to find the ASB intimidating, unsafe and threatening. The proposed controls will reduce the levels of ASB	No negative impacts identified.	Proportionate enforcement of the PSPO prohibitions
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.	The proposed controls will reduce the levels of ASB which will positively impact this group.	No negative impacts identified.	Proportionate enforcement of the PSPO prohibitions
Ethnic Groups	The proposed controls will reduce the levels of ASB which will positively impact this group.	Potential for the controls on tents and temporary structures to impact on travellers and gypsies who are a protected group.	The PSPO has been amended to exclude travellers and gypsies from the prohibitions relating to tents and moveable structures as there are existing controls in place.
Religions and Beliefs including those with no religion and/or beliefs.	The proposed controls will reduce the levels of ASB which will positively impact this group.	No negative impacts identified.	Proportionate enforcement of the PSPO prohibitions
Other groups e.g. those experiencing deprivation and/or health inequalities.	Identification of those facing deprivation who may be behaving in breach of the PSPO will enable signposting to support organisations.	There have been comments in the consultation that the proposals may target homeless people in terms of begging and the use of tents.	Proportionate enforcement of the PSPO prohibitions. Continuation of work with partners (including charities and faith groups) to provide support services to people who are homeless. Officers enforcing the Order will be briefed to signpost rough sleepers to appropriate support services. Continue with the work of the Police and Crime Commissioners

			treatment and support sub-group for homeless and those who are drug or alcohol dependent.
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From the information gathered above does the policy, project, service, function or strategy directly or indirectly discriminate against any particular group or protected characteristic?

Yes

No

If yes what action can be taken to stop the discrimination?

STEP 5 – RECOMMENDATIONS AND DECISION MAKING

How has the EIA helped to shape the policy, project, service, function or strategy or affected the recommendation or decision?

The EIA has identified possible areas where the proposed PSPO may have had an adverse impact on a particular group of people. It has then supported the development of actions to address these possible impacts. One area was the amendment of the proposed PSPO controls on tents and temporary structures for which an exemption has been included for gypsies and travellers who are a protected group. In addition the EIA has allowed a focus on the methods of enforcement and engagement with those possibly in breach of the PSPO to address underlying health and inequality challenges and offer support and signposting as a first option. The potential perpetrators of ASB will be offered support where appropriate through mental health and drug and alcohol services and the supporting voluntary and faith groups.

How are you going to monitor the policy, project, service, function or strategy, how often and who will be responsible?

A PSPO can be put in place for a maximum period of three years but can be extended if the need still exists. It can also be discharged at any point if the need for the controls no longer exists. Following the implementation of the PSPOs there will be regular on-going reviews of the effectiveness and enforcement actions through working with the police and also the Community Safety Partnership. It is proposed to carry out a review of the PSPOs after 12 months operation. This will be carried out by the Health and Wellbeing Manager and the portfolio holder for Health and Wellbeing and reported back to cabinet. In addition there are regular update reports presented at the CCO Scrutiny Committee on Community Safety and this will form a key part of those reports.

The purpose of the review is to identify where the evidence demonstrates that the prohibitions have been sufficiently effective or indeed to include new prohibitions to tackle emerging problems and also to build on learning from operation and enforcement of the PSPO including shared intelligence on the effectiveness of the treatment and support services.

STEP 6 – KNOWLEDGE MANAGEMENT AND PUBLICATION

Reviewed by Head of Service/Service Manager

Name: Martin Key

Date: 3 October 2017

Reviewed by Policy Service

Name: Donna Reddish

Date: 4 October 2017