

Initial equality impact assessment screening form

This form is an equality screening process to determine the relevance of equality to an activity, and a decision whether or not a full EIA would be appropriate or proportionate.

Directorate:	Economic Growth
Service Area:	Community Safety
Activity being screened:	Implementation of PSPO (Public Space Protection Order)
Officer(s) carrying out the screening:	Anna Willey
What are you proposing to do?	Introduce a PSPO to Darlington Town Centre. The PSPO will equip officers, including PCSO's, Police, Civic Enforcement Officer and any other authorised Council officers, with more powers to effectively deal with anti-social behaviour.
Why are you proposing this? What are the desired outcomes?	PSPO's are intended to limit and restrict activities which cause nuisance & lead to problems for a Community, and as such allow Councils to make restrictions on activities which are judged to have a detrimental effect on the quality of life in an area.
Does the activity involve a significant commitment or removal of resources? Please give details	No

Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or any other socially excluded groups?

As part of this assessment, please consider the following questions:

- To what extent is this service used by particular groups of people with protected characteristics?
- Does the activity relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the activity relates to?

If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate.

Protected characteristic	Yes	No	Don't know/ Info not available
Age	•		
Disability	•		
Sex (gender)	•		
Race		•	
Sexual Orientation		•	
Religion or belief		•	
Gender reassignment		•	
Pregnancy or maternity		•	
Marriage or civil partnership		•	
Other		•	
Carer (unpaid family or friend)		•	
Low Income	•		
Rural Location		•	
Does the activity relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No		
Will the activity have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No – policing the PSPO will be part of daily routine when patrolling The Town Centre.		
Decision (Please tick one option)	EIA not relevant or proportionate:		Continue to full EIA: *
			√
Reason for Decision	Some groups of people with a protected characteristic have been identified as likely to be more affected than others as a result of the implementation of the PSPO.		
Signed (Assistant Director)			
Date			



Equality Impact Assessment Record Form

This form is to be used for recording the Equality Impact Assessment (EIA) of Council activities. It should be used in conjunction with the guidance on carrying out EIA in **Annex 2** of the Equality Scheme. The activities that may be subject to EIA are set out in the guidance.

EIA is particularly important in supporting the Council to make fair decisions. The Public Sector Equality Duty requires the Council to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Using this form will help Council officers to carry out EIA in an effective and transparent way and provide decision-makers with full information on the potential impact of their decisions. EIAs are public documents, accompany reports going to Councillors for decisions and are published with committee papers on our website and are available in hard copy at the relevant meeting.

Title of activity:	Implementation of a Public Space Protection Order (PSPO)
Name of Directorate and Service Area:	Economic Growth Community Safety
Lead Officer and contact details	Anna Willey Ext 6756
Assistant Director accountable for this EIA	Ian Thompson
Who else will be involved in carrying out the EIA:	Luke Swinhoe / Natasha Telfer

When did the EIA process start?	September 2018	
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Section 2 – The Activity and Supporting Information

Details of the activity (describe briefly - including the main purpose and aims) (e.g. are you starting a new service, changing how you do something, stopping doing something?)

It is proposed that a Public Space Protection Order is implemented in Darlington Town Centre.

Restrictions under the PSPO in Darlington Town Centre would include;

- a) Persons drinking alcohol in public places which are not licensed premises
- b) Begging
- c) Threatening behaviour
- d) Swearing
- e) Obstruction of public access to buildings

Whilst the PSPO is designed to prohibit certain activities it is also designed to enable people to feel that Darlington is a safe and welcoming place for all.

The responsibility for making a new PSPO rests with the Council. The Council must, prior to making an Order, be satisfied, on reasonable grounds, that activities carried out in a public space have had or are likely to have a detrimental effect on the quality of life of those in the locality and that the effect or likely effect of the activities:

- (a) Is or is likely to be persistent or continuing;
- (b) Is or is likely to be such as to make the activities unreasonable; and
- (c) Justifies the restrictions imposed.

Where a PSPO is in force, a Police Officer, Police Community Support Officer or Council Officer witnessing behaviour that breaches its conditions may challenge the individual(s) concerned and ask them to comply. If the individual does not comply with the request, an offence is committed.

An offence involving failure to comply with a PSPO is punishable by a fine of up to £1,000 (or £500 in the case of consumption of alcohol) or by a fixed penalty of up to £100.

In practice an offence is only committed if a person refuses to stop carrying out a prohibited activity when asked to do so by an authorised Council officer or Police officer. If the person follows the instruction then no further action would be required. Any failure to comply with the instruction to desist from the prohibited activity would generally in the first instance lead to a Fixed Penalty Notice being issued rather than arrest or court appearance.

Why is this being proposed? What are the aims? What does the Council hope to achieve by it?
(e.g. to save money, meet increased demand, do things more efficiently)

The PSPO aims to address certain types of anti-social behaviour in the town centre which has a detrimental impact on the public and businesses. The Council have worked closely with partners, particularly the Police and implemented a series of actions to tackle these problems some of which have had a positive impact, however, there are still ongoing issues that can be addressed more effectively through a PSPO.

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.

What will change? What will be different for service users/ customers and/ or staff?

We know, anecdotally, that there are some sections of the community who currently don't feel that this is the case (i.e. some older people, disabled people, etc), which could have a negative impact on the individuals and the likelihood that they will choose to visit the town. The implementation of the PSPO could therefore potentially have a positive impact for some individuals.

Results of the latest Community Survey suggest 32.1% of female respondents were less likely to feel safe outside in their local area after dark. The implementation of a PSPO may encourage females to feel safer coming into the town centre after dark.

What data, research and other evidence or information is available which is relevant to the EIA?

Consultation findings from the 2018 Darlington Community Survey

Feedback from the 2018 Darlington Borough Council MTFP public consultation

2016 Crisis Survey (<https://www.crisis.org.uk/about-us/media-centre/crisis-reveals-scale-of-violence-and-abuse-against-rough-sleepers-as-charity-opens-its-doors-for-christmas/>)

Police data (refer to appendix 2 in main report)

Engagement and consultation (What engagement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

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). The consultation in relation to this order was live from 1st September – 1st December 2018.

Consultation was undertaken as follows:

- (1) Town Centre business consultation – hand delivered information.
- (2) Social Media
- (3) Council's web pages – information, map and draft order.
- (4) One Darlington Magazine
- (5) Police, Crime & Victims Commissioner (PCVC)
- (6) Police
- (7) The 700 Club

Generally the responses to the consultation have been supportive of the Order. There were 16 responses in total, 10 in support, and 6 against. There was no opposition in relation to the drinking and youth elements, with members of the public and businesses indicating broad support for these as they felt they were having a detrimental impact on the town.

Six of the respondents were concerned about the implications that a PSPO may have on people begging. It is intended that the provisions in the PSPO dealing with begging will be used in a proportionate way. Interventions other than enforcement will be attempted to deal with this behaviour, but it is considered important to be able to resort to PSPO powers when necessary.

What impact will this activity have on the Council's budget? (e.g. cost neutral, increased costs or reduced costs? If so, by how much? Explain briefly why this is the case)

Cost neutral.

Section 3: Assessment

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Age		•	•	<p>Police statistics show there are higher levels of youth nuisance at present in the town centre compared to the previous year, therefore there is the likelihood that young people are more likely to be affected by the implementation of a PSPO than older age groups.</p> <p>Conversely, older people have reported as most likely to feel unsafe in the town centre and therefore are likely to be positively impacted by the introduction of a PSPO</p>
Disability (Mobility Impairment, Visual impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments, Other – Specify)		•	•	<p>There is a correlation between individuals engaging in antisocial behaviour and individuals with substance misuse problems who, in turn, are more likely to suffer from mental health issues and/or learning impairments. Individuals with one or more of these disabilities have therefore been identified as more likely to be negatively affected by the introduction of a PSPO.</p> <p>Conversely, people with disabilities have reported as most likely to feel unsafe in the town centre and therefore are likely to be positively impacted by the introduction of a PSPO</p>
Sex (Gender)		•	•	<p>There is a higher number of male ‘beggars’ in the town centre and therefore it is likely that males are more likely to be negatively affected by the PSPO more so than females.</p> <p>Conversely, there would potentially be a positive effect on females as a result of this activity: responses to the 2018 Community Survey showed that females are more likely to feel unsafe in the town centre on an evening.</p>

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
				The implementation of a PSPO therefore may make females feel safer thus encouraging them to visit the town centre after dark.
Race	•			There is no anticipated impact upon Race as a protected characteristic group with regard to this proposed activity.
Gender Reassignment	•			There is no anticipated impact upon Gender Reassignment as a protected characteristic group with regard to this proposed activity.
Sexual Orientation	•			There is no anticipated impact upon Sexual Orientation as a protected characteristic group with regard to this proposed activity.
Religion or belief	•			There is no anticipated impact upon Religion or belief as a protected characteristic group with regard to this proposed activity.
Pregnancy or maternity	•			There is no anticipated impact upon Pregnancy or maternity as a protected characteristic group with regard to this proposed activity.
Marriage or civil partnership	•			There is no anticipated impact upon Marriage or Civil partnership as a protected characteristic group with regard to this proposed activity.
How will the activity affect people who:	No impact	Positive Impact	Negative Impact	Why will it have this effect? (Refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Live in a rural location?	•			There is no anticipated impact upon living in a rural location with regard to this proposed activity.
Are carers?	•			There is no anticipated impact upon carers with regard to this proposed activity.

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Are on a low income?			•	Committing offences prohibited by the PSPO could result in a fine which some individuals on a low income would be more likely to struggle to pay. It is recognised that begging can have ties with poverty and social exclusion, with individuals engaging in begging due to insufficient access to financial services. Officers will direct individuals to support services locally.

Section 4: Cumulative Impacts

Cumulative Impacts – will the activity affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men – state what you think the effect might be and why, providing evidence from engagement, consultation and/or service user data or demographic information, etc)

Are there any other activities of which you are aware which might also impact on the same protected characteristics?

As outlined above, individuals who participate in the types of behaviour the PSPO is intending to address are considered to be more likely to be younger, male and potentially suffering from poor mental health and/or a learning impairment. Individuals affected by the PSPO are not anticipated to be more affected if they have more than one of the protected characteristics identified as:

- It would their behaviour, rather than any one or combination of protected characteristic(s), which would cause them to be affected by a PSPO
- Officers enforcing a PSPO will be trained in identifying any vulnerable circumstances in the course of discharging their duties and ensure that these are considered and, where applicable, mitigated against i.e. by referring individuals with a mental health issue to relevant local support services

Officers are not aware of any other activities currently underway which are likely to impact on the same protected characteristic groups identified during this exercise.

Section 5: Analysis

a) How will the activity help to eliminate discrimination, harassment and victimisation?

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.

A survey of homeless people by Crisis in 2016 found that people who sleep rough are 17 times more likely to face public attacks than the rest of the UK public. Whilst all beggars are not homeless, they are likely to be more vulnerable to both physical and verbal attacks and therefore it is hoped that the implementation of a PSPO will assist in protecting them in relation to this.

b) How will the activity help to advance equality of opportunity?

A number of community services aiming to advance equality of opportunity are located in the town centre, including the Central Library and Dolphin Centre. By seeking to make the town centre feel safer for residents, the PSPO will encourage more families to visit these venues and others more regularly.

c) How will the activity help to foster good relations?

Findings from both the 2018 Community Survey and 2018 MTFP Consultation indicated that a significant proportion of the population do not always feel safe in the town centre, particularly women, older people and those with disabilities, with many respondents commenting on large groups, intimidating behaviour, and beggars as reasons as to why they did not feel safe. The PSPO, in conjunction with a wide range of other community safety activities, by addressing these issues, will help foster good relations by supporting residents to feel safer in the town centre and therefore more likely to visit and socialise there.

During the engagement/ consultation process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.

There were a number of suggestions made by respondents to the consultation, which have been considered by officers. Responses to these suggestions can be found at Appendix 4 (Consultation table).

- *Increased area to include South Park and Victoria Embankment due to car damage & asb.*
- *Include land behind Halfords down to the river Skerne, including under Russell Street bridge. The proposal includes residential areas to the West of the Town Centre but not to the east across the ring road.*
- *Needs to coincide with additional law enforcement patrols covering the whole of the town.*
- *There should be a zero tolerance on drinking alcohol in public places – signs should be put in place.*
- *No cycling signs need to be erected in the town centre to curb the youths.*

Section 6 - Sign-off when assessment is completed

Officer Completing the Form:		
Signed	Name:	Anna Willey
	Date:	18 January 2019
	Job Title:	ASB & Civic Enforcement Manager
Assistant Director:		
Signed	Name:	Ian Thompson
	Date:	18 January 2019
	Service:	Community Services

Section 7 – Reporting of Findings and Recommendations to Decision Makers

Next Steps to address the anticipated impact (Select one of the following options and explain why this has been chosen – remember we have a duty to make reasonable adjustments so that disabled people can access services and work for us)

b) Negative impact identified – recommend continuing with the activity (Clearly specify the people affected and the impacts, and providing reasons and supporting evidence for the decision to continue. The EIA identifies potential problems or missed opportunities. Officers will advise to change the proposal to reduce or remove these adverse impacts, or the Council will achieve its aim in another way which will not make things worse for people. There must be compelling reasons for continuing with the proposal which will have the most adverse impacts.)

Explanation of why the option above has been chosen (Including any advice given by legal services)

The recommendation to continue with the activity has been chosen because, as outlined during the EIA exercise:

- Those protected characteristic groups identified as being more likely to be affected by the PSPO will only be affected as a result of them engaging in antisocial behaviour, not on the basis of a particular characteristic.
- Individuals affected will be dealt with effectively and fairly: there will be a warning procedure in place and the enforcement of a PSPO will only be used as a last resort.
- Under the PSPO officers will utilise their discretion when dealing with such issues and take enforcement action only when justified. There has been a considerable amount of work undertaken with partner agencies, such as The 700 Club in order to ensure people are offered the necessary support and assistance. This work and detail around the Begging Strategy is referenced in the main report.

- In addition, authorised officers will be trained in identifying and sensitively dealing with any vulnerabilities relating to protected characteristics e.g. learning impairment, in order to mitigate against any negative impacts.

If the activity is to be implemented how will you find out how it is affecting people once it is in place? (How will you monitor and review the changes?)

Implementation of the PSPO and its impacts will be monitored closely during the first 6 months of its operation to ensure that no negative impacts on protected characteristic groups occur and that any mitigations can be put in place, if required.

Section 8 – Action Plan and Performance Management

List any actions you need to take which have been identified in this EIA, including post implementation reviews to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date
Younger people more likely to be affected	<p>Officers authorised to discharge the PSPO will be trained to ensure that where this power is used it is as a result of an individual or group's behaviour, rather than a protected characteristic</p> <p>Should an individual be affected by a PSPO who feels unfairly targeted or particularly negatively affected due to a protected characteristic, they will be able to appeal by following a formal appeals process.</p> <p>Where a vulnerability is identified relating to a protected characteristic during the process of a PSPO being made, officers will be trained to respond sensitively and appropriately i.e. by referring to a relevant local support agency.</p>		
Males more likely to be affected			
People with mental health issues potentially more likely to be affected			
People with learning impairments potentially more likely to be affected			

Performance Management	
Date of the next review of the EIA	6 months
How often will the EIA action plan be reviewed?	Until confident all required mitigations and actions required have been identified and completed
Who will carry out this review?	Community Safety Management Team