

London Borough of Hackney Equality Impact Assessment Form

The Equality Impact Assessment Form is a public document which the Council uses to demonstrate that it has complied with Equality Duty when making and implementing decisions which affect the way the Council works.

The form collates and summarises information which has been used to inform the planning and decision-making process.

All the information needed in this form should have already been considered and should be included in the documentation supporting the decision or initiative, e.g. the delegated powers report, saving template, business case etc.

Equality Impact Assessments are public documents: remember to use at least 12 points Arial font and plain English.

The form must be reviewed and agreed by the relevant Assistant Director, who is responsible for ensuring it is made publicly available and is in line with guidance. Guidance on completing this form is available on the intranet.

<http://staffroom.hackney.gov.uk/equalities-based-planning-and-decision-making>

Title of this Equality Impact Assessment: Dog Control and Alcohol Public Spaces Protection Order

Purpose of this Equality Impact Assessment:

Assess the impact of seeking an injunction to place restrictions on behaviour on London Fields
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Officer Responsible: (to be completed by the report author)

Name: Steven Davison	Ext: 5750
Directorate: Neighbourhoods and Housing	Department/Division: Enforcement and Business Regulation

Assistant Director: Aled Richards	Date:
Comment: I am satisfied that the Council has had due regard to the public sector equality duty found in s.149 of the Equality Act 2010	

PLEASE ANSWER THE FOLLOWING QUESTIONS:

In completing this impact assessment, you should where possible, refer to the main documentation related to this decision rather than trying to draft this assessment in isolation. Please also refer to the attached guidance.

STEP 1: DEFINING THE ISSUE

1. Summarise why you are having to make a new decision

The current Public Spaces Protection Orders (PSPOs) for Alcohol and Dog Control expire on 20 October 2020, and the Council is now considering whether to renew the PSPO, for a further three years until 20 October 2023.

The terms of the Dog Control Public Space Protection Order (PSPO) is outlined below.

- Dog fouling - which makes it an offence if dog owners do not remove their dog's faeces from land within Hackney that is open to the air and accessible to the public. People who are registered as blind, disabled, or otherwise rely on dogs will be exempt from this order.
- Dog exclusion - which enables the Council to stop dogs from entering certain areas including children's playgrounds, sports courts, multi-use games areas, marked pitches where games are in-play and dog-free areas in parks.
- Dogs on leads - which enables the Council to stop people from exercising dogs off-leads on roads, in car parks, churchyards, communal areas on estates and small public parks and gardens under half a hectare in size and Shepherdess Walk. This order excludes canal towpaths, as these areas are managed by the Canal & River Trust rather than the Council.
- Dogs on leads by direction - which would give officers the power to request that dogs be put on leads where they are not under the appropriate control of their owner, or where they are causing damage or acting aggressively.

The terms of the Alcohol Public Space Protection Order (PSPO) is outlined below.

- The PSPO can not make it a criminal offence to consume alcohol within a designated area. An offence is only committed if the individual refuses to comply with an authorised officer's request to stop drinking and or surrender the alcohol.

The focus of the PSPO is to moderate behaviour, which is considered to have achieved since its introduction and its continued maintenance. Following an initial sharp overall reduction of reported incidents, these now appear to have reduced further.

The breach of either PSPO is a criminal offence subject to, up to a level three fine on the prosecution (up to £1,000). A Fixed Penalty Notice can be issued for £100. Payment of the Fixed Penalty Notice discharges liability to conviction for the offence. The Police will work in partnership with the council to ensure the effective enforcement of the PSPO.

These PSPO will assist the council and the police to tackle anti-social behaviour; resulting in a reduction of individuals engaging in anti-social behaviour such as that arising from the consumption of alcohol and dog owners failing to exercise proper control of dogs in public places.

The Alcohol Public Space Protection Order will apply to all individuals committing anti-social behaviour within the designated area without discrimination.

Nothing in the Dog Control Public Spaces Protection Order shall apply to a person who –

- is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948;
- is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance;
- has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a Prescribed Charity and upon which he relies for assistance;
- A person who is training an assistance dog in an official capacity; or
- A dog used by the police or other agencies permitted by the Council for official purposes.

The Council is proposing that the PSPO lasts for three years, until 20 October 2023, at which point we would decide whether to renew it in consultation with residents.

The Council is committed to improving equality and making the borough a place for everyone. This means ensuring all actions taken by the Council contribute to equality. This report provides an EIA of the impact of the proposed PSPOs as set out in the Equality Act 2010.

The Equality Act 2010 updates and combines all previous discrimination legislation to reduce socio-economic inequalities by ensuring that certain groups with Protected Characteristics are supported and protected. Protected Characteristics are:

- Age
- Disability;
- Gender reassignment;
- Pregnancy and maternity;
- Race;

- Religion or belief;
- Sex;
- Sexual orientation; and
- Marriage and civil partnership (applicable only to the need to eliminate unlawful discrimination).

The Act also establishes the Public Sector Equality Duty, which Hackney, as a public body, is required to follow. The Duty requires that in the exercise of its functions, Hackney has due regard for the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a Protected Characteristic and those who do not; and
- Foster good relations between people who share a Protected Characteristic and those who do not.

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by persons who share a relevant Protected Characteristic;
- Taking steps to meet the needs of people who share a relevant Protected Characteristic that is different from the needs of people who do not share it; and
- Encouraging persons who share a Protected Characteristic to participate in public life or in any other activity in which their participation by such persons is disproportionately low.

2. Who are the main people that will be affected? Consider staff, residents, and other.

The proposed PSPOs will deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area that applies to everyone. It is designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.

Hackney takes a graduated approach to enforcement, but a small minority of offenders can cause disproportionate nuisance and expense, so in some cases, prosecution or the threat of prosecution will be necessary and aim of the PSPO is to promote a consistent, effective and fair approach to enforcement and to protect the environment for the benefit for the community and provide a safe place to live, work and visit.

The prominent people affected by the activities occurring across the borough are those people that have witnessed the behaviours described above; these include other members of the public and those that live nearby. Some people have been

deterred from using our public spaces because of the anti-social behaviour witnessed.

The prominent people affected by the PSPOs, which place restrictions on the activities occurring in our open spaces are all of the people engaging in the activities described above. It is hoped that it will result in a decrease or even a cessation of the nuisance, annoyance and disturbance that is occurring.

STEP 2: ANALYSING THE ISSUES

3. What information and consultation have you used to inform your decision making?

The Council will undertake a consultation to gauge support on the introduction of the proposed PSPOs, what else it could include and gain a better understanding of residents' experience of the behaviours to protect better and promote our open spaces.

In deciding how to deal with the problems in our open spaces, the Council has taken into account all of the complaints it has received. It has also taken into account information provided by the Metropolitan Police about the complaints that have been made to it.

Council Officers and the Police have an existing record of responding to concerns about dog control and alcohol-related ASB using existing powers. The purpose of introducing the PSPOs is to continue to empower officers with practical tools to take action and resolve anti-social behaviour at the earliest opportunity.

The visible street population appears to have increased in the last three years, but the behaviour of individuals has, during the first few years at least of the DPPO, been moderated by the use of this and other powers. It can also be applied to deal with the drinking of alcohol in Parks and green spaces associated with Anti-Social Behaviour. In the context of year on year overall reduction in all Anti-Social Behaviour (ASB) in this borough, in the first three years since the introduction of the PSPO, calls to the Police regarding anti-social street drinking have fallen year on year.

It is intended that the implementation of the PSPOs is to ensure that there would be a balance between proportionate enforcement and acceptable behaviour, with the provision that potentially vulnerable individuals would be referred or signposted for appropriate support.

The DPPO, now the Alcohol PSPO, has been in place for nearly ten years. In that time the number of complaints in respect of ASB from street drinkers has gone from a historical high of 609 in 2010 to 38 in 2019 (though an increase of twelve from 2018), and there have been no complaints received in respect of the operation of the order in the last year.

The Council continues to receive reports of dog fouling. One hundred fifty-three reports have been made so far this year. The most common complaint relating to dogs is fouling of the footpath and the associated public health risks. This is incredibly difficult to control if the owner does not have the dog on a lead. Any mental health considerations will be dealt with on a case by case basis.

The identification of any emerging or actual hotspots and the tasking of Police and Enforcement resources remains a standing agenda item of the monthly Partnership Tasking Group chaired by the Community Safety Partnership Manager. There is also more granular activity through the Anti-Social Behaviour Action Panels meetings, which address singular impacted issues at the individual level with specific agencies, particularly Housing.

Hackney Enforcement Officers are tasked weekly at the internal weekly tasking meeting co-ordinated by the Intelligence Hub, the purpose of which is to:

- Coordinate deployment of staff using an evidence-based approach to provide targeted action and patrols including planning for upcoming events, and seasonal peaks of activity that require action on a cyclical basis
- Highlight emerging patterns and trends and plan targeted early intervention and activities.
- Provide a staff briefing
- Enable a more joined-up and efficient use of Service provision in Hackney
- Provide a transparent and auditable decision-making process that will stand up to scrutiny and justify how / why decisions have been reached. Provide a full list of all action/tasking's completed and action taken to resolve issues.

Partnership Tasking takes place every month and is aligned more closely with the Police tasking process. The Intelligence Hub raises issues with the Police (as a by-product of the weekly tasking). Any requests to or from the Police for assistance will either be discussed at this meeting if a multi-agency problem-solving approach is better suited.

Equality Impacts

4. Identifying the impacts

We recognise the importance of sociable and cultural use of space balanced against the need to ensure inclusive, respectful use of space that doesn't cause nuisance or harm.

A PSPO is a tool, implemented under the Anti-Social Behaviour, Crime and Policing Act 2014 to ensure the law-abiding majority can use and enjoy public spaces safe and free from anti-social behaviour. The proposed PSPOs will be imposed to ensure that Hackney has an effective response to tackle ASB, allowing our open spaces to be used as intended. PSPOs are intended to be used to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area that applies to everyone. They are designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.

There is likely to be a positive impact across all equality groups by implementing the PSPO and balancing the needs of the broader community against those using the space and causing anti-social behaviour. The legitimate aims of the PSPOs are to ensure that people are free to use this public space free from anti-social behaviour. This would contribute to the health and well-being of citizens in an urban environment.

The Council has considered the potential impact of the injunction of those with protected characteristics as defined by section 4 of the Equality Act 2010. This impact is summarised in the table below:

Age	A person of a particular age or being within an age group
	The impact on all of the community including the elderly, young people and children has been taken into account in implementing the PSPOs not least the impact on young people who live in the borough who have felt increasingly excluded from being able to access and enjoy open spaces. For the avoidance of doubt, this does not just refer to young children whose parents have felt unable to allow them to play in open spaces due to the impact of urination, defecation and anti-social behaviour, but also older young people. Safety is a concern for all age groups; therefore, alcohol PSPO should have a positive impact across all ages. All ages will benefit from improved cleanliness. It can be assumed that young children who

	are more likely to be playing on the ground are most likely to benefit from the reduction of dog fouling.
Disability	A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities.
	<p>As set out above, the impact on all members of the community has been considered.</p> <p>It is recognised that this group may be less able than others to use alternative places due by reason of a potentially restricted ability to reach other public spaces.</p> <p>It is recognised that street drinking is likely to be higher amongst the homeless, and they are more likely to suffer from ill mental health. It is therefore vital that engagement with homeless persons or other persons promotes joint up working with support services. In ensuring that the Council achieves this approach, a Street Population Coordinator has commenced employment with Council, whose main role is to develop a borough wide strategic approach to addressing street population issues including anti-social behaviour, bringing partners from Hackney and surrounding boroughs coordinating with the wider work related to addressing rough sleeping, working with the Councils Rough Sleeper Coordinator.</p> <p>It is recognised that people with mobility problems or visual impairments may find it more challenging to comply with the Dog Control PSPOs; therefore, there are exemptions included in the order. The proposed PSPOs are believed to have a positive impact on this protected group.</p>
Gender reassignment	This is the process of transitioning from one sex to another. This includes person who consider themselves to be trans, transgender, transsexual.
	<p>Transgender people, including those who have gone through or are going through gender reassignment, experience high levels of hate crime and discrimination.</p> <p>Tackling street drinking and the associated antisocial behaviour may have a positive impact on this group.</p>
Marriage and civil partnership	<p>Marriage: a union between a man and a woman, or of the same sex, which is legally recognised in the UK as a marriage.</p> <p>Civil partnership: civil partners must be treated the same as married couples on a range of legal matters.</p>

	The proposed PSPOs are expected to have a neutral effect on this group.
Pregnancy and maternity	Pregnancy: being pregnant. Maternity: the period after giving birth linked to maternity leave in the employment context, In the non-work context protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding
	The proposed PSPOs are expected to have a neutral effect on this group.
Race	A group of people defined by their colour, nationality (including citizenship), ethnic origins or race
	As set out above, young people have told Hackney Young Futures Commission that the way some people behave in open spaces makes them feel unsafe and excluded. The proposed PSPOs will encourage more responsible use of our open space, especially the alcohol-fuelled antisocial behaviour. The proposals are believed to have a positive impact on those with this protected characteristic. There are no known equality issues in terms of dog control related to race and ethnicity.
Religion or belief	Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example Atheism)
	The proposed PSPOs are expected to have a neutral effect on this group.
Sex	Someone being a man or a woman
	The intentions of the PSPOs are to make residents feel safer by tackling anti-social behaviour and having a clean borough. This will apply to residents regardless of sex. There are no known equality issues in relation to dog control and sex.
Sexual orientation	A person's sexual attraction towards his or her own sex, the opposite sex or to both sexes
	The proposed PSPOs are expected to have a neutral effect on this group.

4 (a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

This action is intended to be used to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area that applies to everyone. They are designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.

There is likely to be a positive impact across all those with protected characteristics by implementing the PSPOs and balancing the needs of the broader community against those using the space and causing anti-social behaviour. The legitimate aims of the PSPOs are to ensure that people can use this public space free from anti-social behaviour. This would contribute to the health and well-being of citizens in an urban environment.

The council recognises that nothing in the Dog Control Public Spaces Protection Order shall apply to a person who –

- is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948;
- is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance;
- has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a Prescribed Charity and upon which he relies for assistance;
- A person who is training an assistance dog in an official capacity; or
- A dog used by the police or other agencies permitted by the Council for official purposes.

Therefore the above persons are and will be exempt from prosecution if found to be in breach of the outlined Dog control PSPO.

The Council recognises the street drinking is prominent amongst the street homeless population, and they often suffer from ill mental health. In 2019, the London Borough of Hackney commissioned the Street Outreach Response Team (SORT).

A key priority for the SORT was to launch a sustained and significant programme of outreach work with people who are rough sleeping, to encourage and support them to engage with the council in order to find alternatives to life on the street. The team, under the direction of a newly appointed Rough Sleeping Coordinator, has in the last six months accommodated rough sleepers, referring many of them onto services within the borough that are there to help with any underlying issues such as substance misuse.

The London Borough of Hackney, through SORT also offers a personal 'Navigator' service. This ensures our clients have a stable and consistent contact, someone they

can turn to for help when finding their way through to ancillary services and claiming the benefits that are available to them. Together and in partnership with our clients, we identify accommodation options that best suit the individual, this may include supported accommodation or private rented sector. The Hackney Street Users Outreach Meeting (HSUOM) plans and coordinates treatment and support interventions and enforcement actions concerning individual street users, including clients with multiple needs.

Therefore, the proposed PSPOs would prevent the area from being misused and provide immediate relief to the residents, improving their safety and quality of life and deter those who are participating and organising gatherings which are causing severe nuisance and antisocial behaviour, increasing the fear of crime and perception of safety within the community.

4 (b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?

The proposed PSPOs set out a range of powers available to the Council and how these will be legally applied. Its use will be determined by the behaviour occurring and is not directed at any protected group.

The impact on those with protected characteristics has been considered above.

In terms of the rights protected by the Human Rights Act 1988, the possible right that might be engaged is Article 11 (the freedom of assembly and association). The injunction places restrictions on how people can use our open spaces, not their ability to use it or gather there. As such, the PSPOs do not interfere with Article 11 rights. However, even if Article 11 were engaged, the interference would be justified as being prescribed by law and in pursuance of a legitimate aim (namely in the interests of public safety, the protection of public health, the prevention of crime and disorder, and the protection of the rights and freedoms of others). The PSPOs are proportionate and necessary.

The operation of the PSPOs will be kept under review. The advice, warnings and enforcement of the PSPOS will be logged in the pocket notebooks of Officers and on Council and Police databases.

The authorised Officers who will enforce the PSPOs will continue to consider the needs of the individuals and their circumstances to make an informed and balanced decision as to the appropriateness of action to take. Officers will continue to receive training on equality and diversity.

Performance of the proposed PSPOs will be reported to the Corporate Committee annually to ensure there is a balance between proportionate enforcement and acceptable behaviour in the borough.

STEP 3: REACHING YOUR DECISION

5. Describe the recommended decision

The introduction of the PSPOs will impact on the lives of people who live, work and visit Hackney. 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. This action is proportionate and necessary.

STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS

6. Equality and Cohesion Action Planning

Please list specific actions which set out how you will address equality and cohesion issues identified by this assessment. For example,

- Steps/ actions you will take to enhance positive impacts identified in section 4 (a)
- Steps/ actions you will take to mitigate against the adverse impacts identified in section 4 (b)
- Steps/ actions you will take to improve information and evidence about a specific client group, e.g. at a service level and/or at a Council level by informing the policy team (equalityanddiveristy@hackney.gov.uk).

All actions should have been identified already and should be included in any action plan connected to the supporting documentation, such as the delegated powers report, saving template or business case.

I can confirm that the Council has had due regard to the public sector equality duty found in s.149 of the Equality Act 2010. It is believed that the proposed PSPOs will have a positive impact on the ability of people to use public space safely and without fear of nuisance, annoyance or other anti-social behaviour.

Any abuse of discretion when enforcing the proposed PSPOs will be dealt with swiftly using internal procedures which could include additional training or management action.

Anyone who is issued Fixed Penalty Notices given for breach of the proposed PSPOs may make representation or lodge a corporate complaint which would be investigated and responded to by a Senior Manager.

It is important to note that there are no formal grounds of appeal against a Fixed Penalty Notice (FPN). It is an invitation for an individual to discharge their liability to prosecution. In essence, this means that whilst this is not an admission of an individual's guilt, it is an agreement that the individuals accept that an offence has been committed and that by paying the sum of money specified, no further action will be taken by, or on behalf of the Council. This method of dealing with offences not only saves time involved for everyone in prosecuting cases at court, but the cost associated with an FPN is likely to be substantially lower than any fine imposed by the courts.

No	Objective	Actions	Outcomes highlighting how these will be monitored	Timescales / Milestones	Lead Officer
1					
2					
3					
4					
5					

Remember

- Assistant Directors are responsible for ensuring agreed Equality Impact Assessments are published.
- Equality Impact Assessments are public documents: remember to use at least 12 point Arial font and plain English.
- Make sure that no individuals (staff or residents) can be identified from the data