

## Hockley PSPO

### Equality Impact Assessment

10/12/2015

#### Adrian Newbold, Community Protection Enforcement Officer.

When considering a PSPO the Local Authority must have particular regard to the rights of Freedom of Expression and Freedom of Assembly set out in articles 10 and 11 of the Human Rights Convention. The whole purpose of the proposed Order is to prevent those that are causing the evidenced nuisance and alarm from continuing. Those going about their business in a peaceful and lawful manner would not be affected by the prohibitions or the Order itself.

Article 10 states that everyone has the right to freedom of expression. There would be no intended infringement of this right for any member of the public identified or witnessed as consuming or being in possession of alcohol if they are consuming such within an authorised and licensed premise. Any behaviour exhibited within a licensed premise would be dealt with by the appropriate legislation.

Expression of any individual within the confines of the law will not cause any infringement of either Article 10 or the proposed PSPO.

Article 11 states that everyone has the right to freedom of peaceful assembly and freedom of association with others. The proposed PSPO would cause no infringement of this right on anyone being within a group in the restricted area, or ordered to disperse if going about their lawful business and who are not exhibiting signs of, or are a cause of anti social behaviour.

8.3 of the proposed PSPO states: - An Authorised Officer may not give a direction under this Article which:-

- 8.3.1 prevents the person to whom it is given having access to a place where the person lives.
- 8.3.2 prevents the person to whom it is given attending a place which the person is----(a) required to attend for the purpose of the person's employment, or a contract of services to which the person is a party  
(b) required to attend by an obligation imposed by or under an enactment or by the order of a court or tribunal, or
- 8.3.3 prevents any person from engaging in conduct that is lawful under section 220 of the Trade Union and labour Relations (Consolidation) Act 1992 (peaceful picketing), or taking part in a public procession of the kind mentioned in subsection (1) of section 11 of the Public Order Act 1986 in respect of which

- (a) Written notice has been given in accordance with that section, or
- (b) Written notice is not required to be given as provided by subsections (1) and (2) of that section.

Anyone ordered to disperse within the proposed PSPO would only be done so after receiving a verbal warning from an Authorised Person, and who fails to adhere to this warning, who continues to exhibit or cause the identified anti social behaviour.

Only those identified as forming part of a 'prohibited group' who fail to desist in their behaviour warned of will be ordered to disperse.

The proposed PSPO may be regarded as treating 'street drinkers' or certain individuals dependent on alcohol unfavourably. I respectfully suggest the proposed Order is justified as it is a proportionate means of achieving a legitimate aim. The aim is to get those identified as a cause of anti social behaviour, or who are engaging in street drinking to desist. The action is proportionate as the Order granted would simply compel any individual as identified above, to stop behaving in a manner that causes alarm, harassment and distress to those within the proposed draft Order's designated area. In other words, it merely compels individuals to behave as any good citizen might. In this way all parties remain able to go about their business without detrimental effect to anyone.

Authorised persons (Accredited & Uniformed Officers) involved in the enforcement of the proposed PSPO will use discretion and treat every person of concern individually, respectfully and deliver the powers within the order appropriately, taking into consideration the needs and requirements of each individual on his or her own merits.

Referrals to various support agencies, be it either homeless service providers such as Framework, Housing Aid or the Gateway Service do and will continue to be made, along with similar to those identified as in need of drug and alcohol support or advice.

Monthly multi agency meetings are held where repeat offenders and identified vulnerable individuals are discussed and referred to the appropriate agencies. Those identified as a concern to the proposed PSPO will also be referred and discussed within this forum.

Consideration has to be given to the many businesses, visitors and residents of the designated area who are affected by the evidenced behaviour. How they are affected is presented within the PSPO's proposal. Support is without doubt favourable from those parties consulted with, who include service providers for homeless and drug and alcohol dependent vulnerable persons.

The equality of all concerned has been considered within this proposal.

