

Appendix 6
Equality Impact Assessment

Equality Impact Assessment Form

[screentip-sectionA](#)

1. Document Control

1. Control Details

Title:	Nottingham City Centre Public Spaces Protection Order
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Strategic Budget EIA: Y/N	No
Exempt from publication Y/N	No

2. Document Amendment Record

Version	Author	Date	Approved
1.	Steve Stott	21.11.2018	

3. Contributors/Reviewers

Name	Position	Date

4. Glossary of Terms

Term	Description
Public Spaces Protection Order (PSPO)	An order made under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014

[screentip-sectionB](#)

2. Assessment

1. Brief description of proposal / policy / service being assessed

PSPOs were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and can be made by a local authority if they are satisfied, on reasonable grounds that

- a) Activities carried on in a public place have had a detrimental impact on the quality of life of those in the locality, or it is likely that activities will be carried on and they will have that effect and
- b) The effect/likely effect of the activities is/or is likely to be persistent/continuing in nature, is likely to be such as to make the activities unreasonable, and justifies the restrictions imposed.

Where the above test is met, a PSPO may prohibit specified things being done in a public place that is identified in the order, and/or require specified things to be done by persons carrying on specified activities in that area.

The Council is proposing to introduce a PSPO, in the form attached at Appendix 1, to address a range of behaviours in Nottingham city centre that are having, or are likely to have, a detrimental effect on the quality of life of those in the

locality. The proposed PSPO seeks to facilitate activities where possible, within defined parameters, such as a requirement for consent, and only seeks to prohibit activities where the potential for harm outweighs any benefit of those activities.

Breach of the provisions of a PSPO, without reasonable excuse, is an offence. The penalty for an offence is a fine of level 3 on the standard scale (current maximum £1,000) although the opportunity to pay a Fixed Penalty Notice (“FPN”), to discharge liability for any alleged offence without the need for court proceedings, may be offered. The amount of the FPN for breach of the proposed PSPO is £70 if paid within 14 days, reduced to £35 if paid within 10 days.

The proposed PSPO will effectively introduce a number of new offences in respect of which enforcement action may be taken by Authorised Officers, which include the Council’s Community Protection Officers, Police Officers and Police Community Support Officers.

[screentip-sectionC](#)

2. Information used to analyse the effects on equality:

Results of statutory consultation process undertaken in respect of the proposed PSPO between 23 August 2018 – 3 October 2018

Analysis of data collected by Framework HA Street Outreach Team regarding those rough sleeping on Nottingham’s streets

3. Impacts and Actions:

<u>screentip-sectionD</u>	Could particularly benefit X	May adversely impact X
People from different ethnic groups.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Men	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Women	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trans	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy/ Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Younger	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, <u>vulnerable children/ adults</u>).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Please underline the group(s) /issue more adversely affected or which benefits.</i>		

<u>screentip-sectionE</u>	<u>screentip-sectionF</u>
How different groups could be affected (Summary of impacts)	Details of actions to reduce negative or increase positive impact (or why action isn't possible)
<u>Summary</u> Benefits The proposed PSPO is designed to tackle behaviours that are occurring in Nottingham City Centre that evidence from a range of sources indicate are having a detrimental impact on the quality of life of those living in, working in or visiting the city centre.	<u>Actions</u> Whilst there is no current data set that would suggest enforcement action taken in respect of anti-social behaviour disproportionately affects any particular group, enforcement action taken under the proposed PSPO will be monitored in an

Surveys completed as part of the statutory consultation process undertaken in respect of the proposed PSPO show significant public support for the proposals contained within the proposed PSPO, from a wide demographic range.

The intention of the proposed PSPO is that it should benefit the whole community by ensuring that all those who are living in, working in or visiting the city centre can enjoy a safe, clean, vibrant and attractive public place.

Negative Impacts

Concerns have been raised throughout the statutory consultation, by a number of organisations and individuals, regarding the potential impact of the proposed PSPO on those vulnerable members of the community who are homeless or are rough sleeping.

Those expressing concerns feel that the proposed PSPO, as originally drafted, is purely punitive, is intended to target and/or criminalise those who are rough sleeping and makes no attempt to support those who are homeless or rough sleeping.

Those expressing concerns also fear that it would be impossible for those who are rough sleeping not to breach the clauses in the proposed PSPO regarding obstruction, unwittingly, by the very act of rough sleeping.

Concerns were also raised that clauses regarding the need for consent before the distribution of free matter would potentially criminalise simple acts of kindness/charitable giving between 2 human beings, such as the giving of a cup of coffee by a member of the public to a homeless person, which would also have a negative impact on those who are homeless or rough sleeping.

effort to identify any concerns that may arise in this respect

Actions

In response to the concerns raised in the consultation, amendments have been made to the proposed PSPO to introduce safeguards to ensure that those who are homeless do not unwittingly breach the terms of the PSPO with regards obstruction by the simple act of rough sleeping.

Article 4 of the proposed PSPO has been amended to ensure that prior to any enforcement action being taken against anyone for obstruction, officers will first ask the person causing the obstruction to cease the obstruction, explain to them the reason for the request and warn them of the consequences of failing to comply with the request.

In addition, a guidance document has also been produced, and will be published if the proposed PSPO comes into effect, that makes it clear that before enforcement action is taken for any breach of the proposed PSPO against any person who appears to an authorised officer to be homeless, an offer must be made to that person to refer them to the appropriate support services with a view to securing them accommodation.

The guidance document also makes it clear that enforcement action should not be taken under the provisions of the

<p>Data collected by Framework HA on a monthly basis indicates that at the time of the writing of this EIA, 88% of those rough sleeping are men and 12% women. Where nationality is known, 91% have UK nationality, with remaining 9% having EU or other nationality. Where age is known 87% are between the ages of 25-59, with 10% being between the ages of 16-25 and 3% being aged 60 or above</p>	<p>proposed PSPO regarding the distribution of free matter in respect of individual acts of kindness from one person to another, such as the provision of a cup of coffee or a sandwich.</p> <p>A copy of the proposed guidance document is attached at Appendix 2.</p> <p>Above actions should help ensure that enforcement action is not disproportionately taken against those who are rough sleeping. However, Framework HA monthly data will be analysed to recognise any changes to the demographics of those who are rough sleeping and identify any additional support that may be needed.</p>
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4. Outcome(s) of equality impact assessment:

<input checked="" type="checkbox"/>	No major change needed (other than those already made)	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

5. Arrangements for future monitoring of equality impact of this proposal / policy / service:

If the proposed PSPO is introduced, it will be reviewed twice yearly (or more frequently if the need arises). Reviews will seek to identify whether any enforcement action taken under the PSPO has disproportionately affect any particular element of the community and, if so, will seek to understand why this is the case and address any issues raised

6. Approved by (manager signature) and Date sent to equality team for publishing:

Approving Manager: Andrew Errington Director of Community Protection Contact details Email: andrew.errington@nottinghamshire.pnn.police.uk	Date sent for scrutiny: 22.11.2018 Send document or Link to: <u>equalityanddiversityteam@nottinghamcity.gov.uk</u>
SRO Approval:	Date of final approval: 29th November 2018 Adisa Djan

Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.