

Equality Impact Assessment: Report and EIA Action Plan

Purpose

This is the narrative report that you will complete when you have captured your evidence and identified any negative impacts that require mitigation.

This is an important part of the process and should not be skipped over.

When reading the conclusion, decision makers need to be able to easily see:

- if there are any adverse impacts,
- what they are,
- who is affected
- what is going to be done about it.

Detail the positive impacts too. Decision makers should easily see the benefits of the proposed changes.

If there are no impacts one way or another you need to explain how you came to that conclusion, by summarising the assessment process.

Where there is insufficient information to make an informed decision the EIA process will need to be revisited.

Policy/Service under development/review:	Public Space Protection Order (PSPO) - Alcohol
Service Lead and Service Unit:	Julia Howlett/ Andrew Williams Communities
People involved in EIA process:	Julia Howlett, Andrew Williams, Lisa Bailey
Date EIA conversation started:	24/03/21

Background

The Anti-social Behaviour, Crime and Policing Act 2014 introduced Public Spaces Protection Orders (PSPOs) to tackle a wide range of anti-social behaviour issues. The Act gives councils the authority to draft and implement PSPOs in response to particular issues affecting the quality of life of those in their communities.

Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

The main aim of such an Order would be to provide officers with a tool which enables them to pro-actively tackle those consuming alcohol and acting in an anti-social manner in public open spaces. For many areas this can present a very visible form of behaviours which are of a significant concern to members of the public.

It should be noted that if a PSPO is granted it is not an alcohol ban and it does not make it an offence to drink alcohol in the area covered by the Order. However, it is an offence to fail to comply with a request from an authorised officer to cease drinking or surrender alcohol in the area covered by the Order, if the individual is or is likely to cause anti-social behaviour. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

Across the preceding Councils, prior to the formation of BCP Council, different approaches to tackling street-based anti-social behaviour by adults had been developed.

At the beginning of 2020 a review was undertaken to harmonise BCP Council's approach to dealing with street-based anti-social behaviour (ASB), in light of the Community Safety Accredited Scheme (CSAS) being extended across the BCP town centres.

CSAS officers work in partnership with a wide range of partner agencies and are seen as part of the Neighbourhood Policing Teams (NPT). They provide a uniformed presence on the streets and have limited powers accredited to them by the Chief Constable:

- The power to require name and address for those acting anti-socially
- The power to require name and address for those who are begging
- The power to remove alcohol from those under 18
- The power to confiscate alcohol from those acting anti-socially
- The power to require name and address for a qualifying offence

The CSAS Scheme is accredited to cover the whole of the BCP Council Area.

Alongside their enforcement powers, CSAS Officers take a balanced approach to engaging and dealing with individuals who are rough sleeping, or whose addiction issues are causing anti-social behaviour, to sign-post and make appropriate referrals to support agencies. They work closely with our services commissioned to tackle rough sleeping and substance misuse.

Different departments within the council receive complaints from members of the public regarding their experiences encountering individuals who have/are consuming alcohol and acting in an anti-social manner or the remnants of alcohol related litter.

Anecdotally front-line officers report many incidents where they have been subjected to abuse from those consuming alcohol and acting anti-socially.

There were a number of Designated Public Place Orders (DPPOs)/PSPOs across the preceding authorities and the Council proposes to consolidate the provisions in the previous Orders relating to the consumption of alcohol in public places to form one BCP PSPO.

A range of information has been collated and analysed, this has identified which areas meet the legal threshold for the introduction of a PSPO and a 28-day public consultation was held between 16 March 2021 and 13 April 2021.

Findings from the consultation identified the comments made by some participants:

- Respondents commented that the human rights of the general public need protecting and that they need to feel safe. All people should be treated the same and anti-social behaviour has nothing to do with human rights.
- Respondents felt that the proposal would have a positive impact on the local area and struck a good balance with regards to policing and enforcement.

- Respondents felt that it is important to deal with offences fairly and sensibly, and that support needs to be put in place for those who require it rather than criminalising anti-social behaviour.
- Respondents felt that the PSPO could discriminate against those who are homeless and those with addiction concerns. Respondents also felt that it could be used unfairly against young people. However, respondents also felt that it is important that the needs of the elderly, women and those with a disability are considered and that they are protected.

Describe why the change is proposed and what the expected outcomes will be and who it is designed to benefit.

What consultation and research have been undertaken? Use the information captured in the conversation screening tool and evidence forms to help.

Findings

How does your decision affect those of:

- **Different Ages**

The proposed order is to deal with alcohol related ASB caused by adults, but it will only impact on those who are or who are likely to act in an anti-social manner.

- **Current/Previous members of the Armed Forces**

There may be occasions where those encountered on the streets have an armed forces background. The first engagement with any individual is to ensure they are safe and advise them how they can access help and support.

A balanced approach is taken to support and enforcement, officers build a picture of the circumstances surrounding an individual to ensure any action taken is justified and proportionate.

- **Those with caring responsibilities**

No impact identified.

- **Those with physical disabilities**

No impact identified.

- **Those with mental disabilities**

A balanced approach is taken to support and enforcement, if officers identify possible health issues, including mental health, the necessary advice and support will be offered. If officers have concerns about any vulnerable individual appropriate safeguarding referrals are made.

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Date: 22/04/21

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- **Different ages**

The proposed order is to deal with alcohol related ASB caused by adults, but it will only impact on those consuming alcohol and who are/are likely to act in an anti-social manner.

- **Different sexes/genders**

Anecdotal information from front line officers identifies the majority of those who might be identified as being part of the street drinking community are male.

- **Those who identify as trans**

No impact identified.

- **Those who are pregnant/on maternity**

No impact identified.

- ***Those who are married/in a civil partnership***

No impact identified.

- ***People from different ethnic groups***

It has been identified that in some circumstances different cultural backgrounds can mean there are differing perceptions about the consumption of alcohol in a public place. This Order is not an alcohol ban and action will only be taken if an individual is acting in an anti-social manner.

- ***People with different religions or beliefs***

No impact identified.

- ***People with different sexual orientations***

No impact identified.

- ***People in different socio-economic groups***

No impact identified.

- ***People's human rights***

The proposed order is not an alcohol ban, and any enforcement of the order will be justified by the officer dealing with the matter. In all circumstances a proportionate response will be taken.

The consultation identified some members of the public feel their human rights are affected by those causing anti-social behaviour, therefore, the Order will provide a tool to help protect the community.

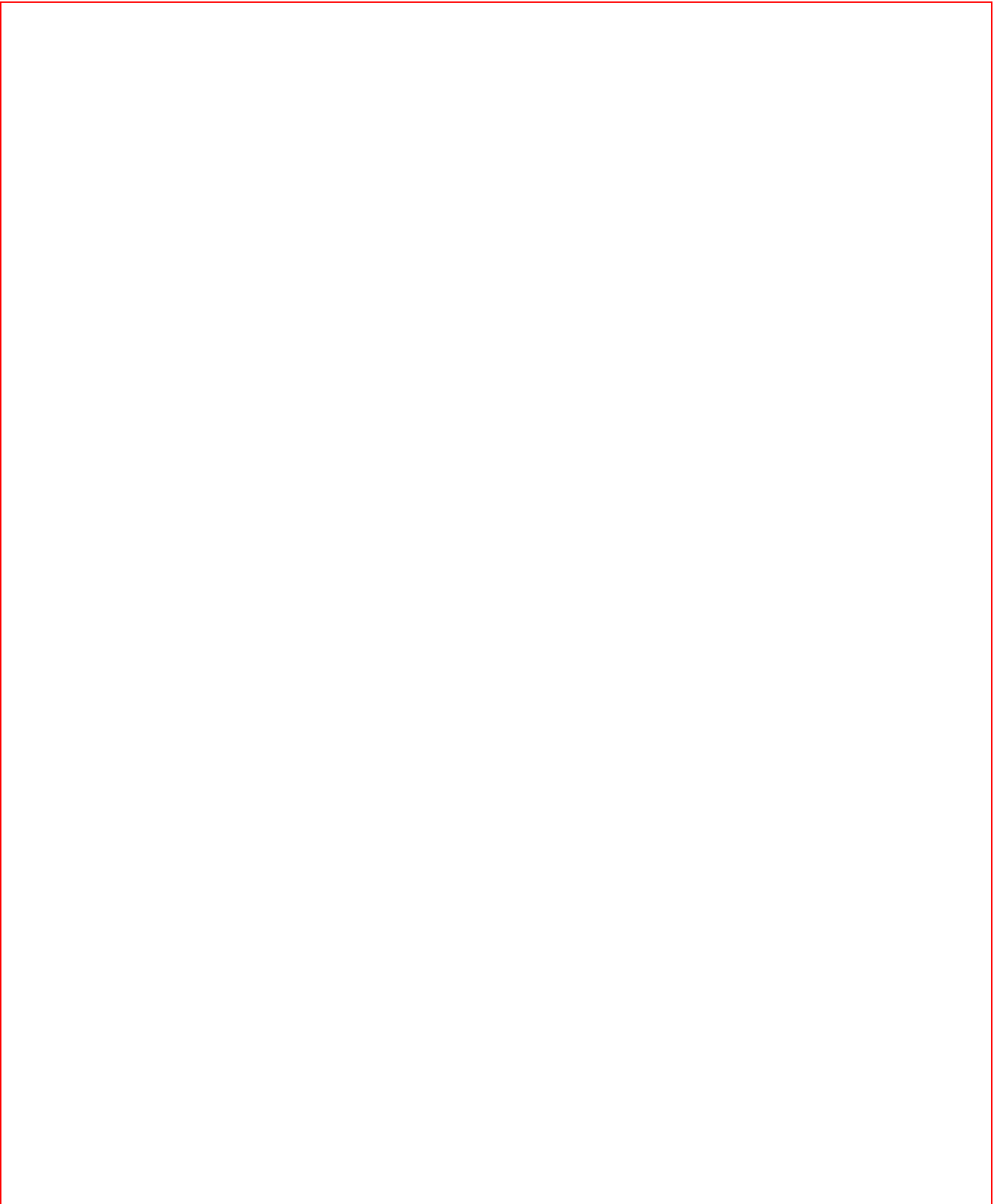
Conclusion

*You **must** summarise the conclusions and outcomes of this policy/service change? i.e. issues and resolutions and lift this paragraph into your covering report.*

Clearly and succinctly set out the issues. If there are negative issues, say how these are being addressed. If there are positive issues, set these out as well.

Are there any adverse risks that need to be considered?

Summary of Equality Implications: No specific concerns have been identified around the proposal for a BCP PSPO to tackle issues of anti-social behaviour related to the consumption of alcohol. A balanced approach is taken to enforcement and support, enforcement of the PSPOs will only take place if an individual is/or is likely to be causing anti-social behaviour (harassment, alarm or distress). There is a community of 'Street drinkers' in some area where the PSPO will cover, they will not be adversely affected unless they are behaving in manner to cause anti-social behaviour. In general, the street drinking community is a mix of some who may be rough sleeping at the time and those with accommodation but who are still street attached. Many will be dependent alcoholics, for whom removing their drinks may be a medical risk. Again a balanced approach is taken where drinkers will be signposted to support services to address their problematic drinking. Enforcement action regarding breaches of the PSPO will be monitored and should this identify trends or concerns that certain groups of people are being adversely affected work will be undertaken to understand why.



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Equality Impact Assessment Action Plan

Please complete this Action Plan for any negative or unknown impacts identified above. Use the table from the Capturing Evidence form to assist.

Issue identified	Action required to reduce impact	Timescale	Responsible officer
<i>e.g. the effect on disabled people is unknown</i>	<i>Undertake research and consultation</i>		
Current/Previous members of the Armed Forces	Officers identify at first contact any support requirements and sign post to relevant services.	Continual	Julia Howlett
Mental health/other health and welfare issues	Officers identify at first contact any support requirements and signpost to relevant services.	Continual	Julia Howlett
Street drinkers	Officers identify at first contact any support requirements and signpost to relevant services.	Continual	Julia Howlett

Date: 22/04/21

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