

Equality Impact Assessment: Report and EIA Action Plan

Purpose

What is being reviewed?	Consideration for a Coastal and Open Spaces Public Spaces Protection Order (PSPO) following seasonal challenges and public consultation
Service Lead and Service Unit:	Sophie Sajic, Head of Safer Communities
People involved in EIA process:	Julia Howlett, ASB manager Johanne McNamara, Senior Litigation Lawyer Kelly Ansell, Director of Housing and Communities Nananka Randle, Interim Head of Safer Communities Cat McMillan, Head of Community Engagement & Community Safety
Date/s EIA started and reviewed:	November 2022 – July 2023

What are we proposing?

It is proposed to introduce two PSPOs which are aimed at reducing antisocial behaviour on our coastal areas and open spaces which adversely impact on the enjoyment and use of the areas by others in the locality. This will include playing loud music, acting in a manner which is antisocial and lighting fires and BBQ's.

A PSPO allows a council to restrict specified activities within a public area to tackle a wide range of anti-social behaviour issues. They are intended to deal with activities which have had a detrimental effect on the quality of life of those in the locality and which are persistent or continuing so as to make those activities unreasonable and therefore justify the restrictions imposed. They are intended to help ensure that the majority of people can enjoy public spaces, safe from anti-social behaviour (ASB). If made a PSPO can only remain in place a maximum of 3 years with a view to varying or extending the same.

Why are we proposing these PSPO' s?

Our open spaces and coastal areas are special places enjoyed by residents and visitors. During the summer months, a number of negative behaviours presented by some individuals have impacted on our environment and the enjoyment of our beaches and open spaces by our visitors and residents. These behaviours have required significant additional resource to manage.

Our Seasonal Response Programme addressed issues as they emerged by increasing staff within key core services such as Community Safety Accreditation Service (CSAS) Officers, security, seafront and cleansing services, and targeting known hot spot areas with proactive security and staff presence.

However, without a PSPO in place it is difficult to deal with some of the anti-social behaviours that are regularly witnessed given the restricted enforcement options relating to current bylaws. The restriction of the current legislation offers limited prevention and impacts the Council's ability to deal with the issues in real time. The Council currently cannot issue a fixed penalty for someone breaking a bylaw and as a result the Council can only address the behaviour by going through a lengthy and costly court process.

A PSPO can be enforced by the issue of a Fixed Penalty Notice and if not paid then a prosecution through the Courts.

Following a review of the Seasonal Response challenges during 2022, a recommendation was made to BCP Council's Cabinet for the consideration of Public Spaces Protection Orders (PSPOs), to ban or restrict certain behaviours at identified locations.

The PSPOs would be enforced by authorised officers who will receive additional training to enable them to enforce the PSPOs and issue Fixed Penalty Notices (FPN).

We are proposing two separate PSPOs which would cover different geographical areas and different behaviours.

These are:

- **Open spaces PSPO** – there are twenty sites including heathland, parks and recreational areas this proposal addresses open fires including BBQs
- **Coastal PSPO** – this covers all beaches areas from Hamworthy to Highcliffe and addresses loud music, antisocial behaviour, open fires and BBQs

The council must have evidence of activities which have had a detrimental effect on the quality of life of those in the locality and which are persistent or continuing so as to make those activities unreasonable and therefore justify the restrictions imposed to be able to introduce a PSPO.

A thorough evidence analyst and review has been undertaken and We believe we have enough evidence to introduce two PSPOs in our coastal areas and some of our open spaces.

Open fires and barbeques in open spaces

During our increasingly hot dry summer months even the most carefully set fire can quickly get out of control and cause widespread damage. The ecological damage to nature and wildlife is also immeasurable. The damage caused can prevent the use of an entire open space area for months. Dorset and Wiltshire Fire and Rescue Service were approached on this proposal and welcome any actions which would reduce the risks of wildfires during high-risk times of the year. Due to the significant amount of fires in open spaces, including 25 in one location which is proposed in the PSPO, BCP are constructing a multi-agency wildfire plan which works in support of the PSPO.



Loud music in our coastal spaces

Last summer the Council had complaints from residents and visitors about some people playing loud music on the beach. Most of the incidents were by groups of people and were associated with other anti-social behaviours which leave other beach users feeling intimidated. These incidents mainly occurred in the afternoons or evenings and whilst most were resolved informally in some cases officers reported the music resumed once they walked away. Without firmer resolution powers these incidents continued to adversely impact the enjoyment of other beach users and residents who live near the beach.

Anti-social behaviour in coastal areas

There is evidence of some incidents of anti-social behaviour in the BCP coastal areas last year which impacted on other visitors to the beach. The type of behaviour which would be banned under the PSPO proposal includes but is not limited to swearing in an aggressive manner, acting in an aggressive or intimidating manner towards others and urination and defecation in public areas.



Barbeques (BBQs) in coastal areas

The Council recognise that the beaches and coastal areas are enjoyed by lots of people who responsibly have barbeques every day. However, there is evidence of some incidents of people burying hot coals or irresponsibly discarding of disposable barbeques, which have caused injuries to beach users and damage to seafront bins.

We do not want to completely stop people from having barbeques on our beaches and coastal areas, but we need to ensure that we limit the damage and impact this activity has on beach users and services such as Dorset and Wiltshire Fire and Rescue Service and BCP seafront

rangers during peak visitor times. The proposal is to ban barbeques between 7am-6pm. After 6pm the risk of injury is reduced because there are less people on the beach, and the seafront officers can manage overseeing the safe use of barbeques and the responsible disposal of coals or disposable barbeques.



Open fires in coastal areas

Many of the open fire incidents seen last year were later in the evening. The proposed PSPO would ban open fires on the beach at all times. The

impact on the safety of beach users, including those that use the area next day when embers can still be hot, is the key focus for this prohibition. There are 3 first aid incidents of this nature in the last year as well as a number of fire service attendances. It also causes damage to the beach itself.



Summary of the evidence of complaints and incidents.

Incident reports	Number of incidents/complaints
Open spaces and heathland	
Incidents of campfires in open space (Ranger reports)	44 incidents (2022)
Dorset And Wiltshire Fire and Rescue attendance at wildfires in BCP area	120 incidents (2022)

Incidents of damage caused by BBQs and disposal	73 incidents (2022)
Coastal areas	
Incidents of anti-social behaviour	123 incidents (May - August 2022)
Fire incidents	205 fire incidents (2022)
Dorset And Wiltshire Fire and Rescue attendance at seafront fires in BCP area	32 incidents (2022)
Damage to seafront bins due to disposal of hot coals	20 incidents (2022)

A public consultation was launched on 23 January 2023 and ran until 23:59 on 19 February 2023. There is no statutory period set for this consultation and 4 weeks was deemed appropriate. A third PSPO regarding highways was also consulted on but is not being considered at this time. Further behaviours around camping were also considered but are not being progressed and therefore are not included in this report.

A consultation document provided information about the proposals and the rationale for consideration. Detailed maps, including interactive maps online, were provided so consultees were able to clearly see the areas the proposed PSPOs would cover. The online interactive map included a search facility and option to drop a pin to indicate where the consultee felt such an Order may be beneficial outside of the proposed locations.

Copies of the draft Orders were provided as part of the consultation.

A consultation response questionnaire sought residents, visitors, businesses and other stakeholders' views about each of the three proposed PSPO areas and each proposed prohibition. Respondents were also able to provide comments via free text questions. A full list of equality questions was asked in the consultation to allow full consideration of how the proposals affect different groups of people.

All of the consultation material was hosted on our digital engagement hub, with hard copies available in libraries and seafront offices and visitor centres. The consultation document included an email address for people to email if they required a different format or language version of the consultation material or support with completing the consultation.

A press release was issued and both local and regional media reported on the consultation. The consultation was also promoted through the Council's social media channels, Council's e-newsletter and to those registered with the digital engagement platform.

Signage was displayed in all areas to be included within the proposed PSPOs providing information and a QR code for the online consultation.

Seafront services engaged with the four beach hut associations: Friars Cliff, Mudeford, Bournemouth and Poole, and asked them to share the consultation with their members.

Direct links to the online consultation documents were issued directly to the statutory consultees; Dorset Police and Crime Commissioner and Dorset Police, as well as Elected Members and key stakeholders including Dorset and Wiltshire Fire Service, Town and Parish Councils, Beach Huts Associations, Gypsy and Traveller Advocacy Service and local businesses.

Land owners were also consulted with.

A communications plan including social media messaging was delivered during the course of the consultation.

Consultation feedback results

In total 1564 responses were received. Most respondents were residents (68%) and a quarter were visitors (24%.)

The consultation was hosted on BCP Council's engagement platform. There were 5,200 visits to the pages.

Visitors engaged with the content on the main consultation page as follows:

- There were 1.4k document downloads and the top document downloads include:
- 1,149 downloads of the consultation document
- 118 downloads of Appendix 1 Draft PSPO orders
- 52 downloads of the Highways and car parks map
- 89 contributors dropped 113 pins on the engagement map

The respondent breakdown is as follows:

Group	Breakdown	No. of respondents	Percentage
Age	Under 16	1	<1%
	16 - 24 years	21	1%
	25 - 34 years	132	9%
	35 - 44 years	202	13%
	45 - 54 years	304	20%
	55 - 64 years	379	25%
	65 - 74 years	295	19%
	75 - 84 years	91	6%
	85+ years	6	<1%
	Prefer not to say	98	6%
Gender	Female	696	45%
	Male	655	43%
	Prefer not to say	179	12%
Sexual orientation	Straight / Heterosexual	1051	70%
	Gay / Lesbian / Bisexual / other	115	8%
	Prefer not to say	328	22%
Disability	Has a disability (limited a little / limited a lot)	267	18%
	No disability	1034	68%
	Prefer not to say	221	15%
Ethnic group	White British	1200	80%
	All minority ethnic	75	5%
	Prefer not to say	233	15%
Religion	No religion	660	44%
	Christian	497	33%
	All other religions	64	4%
	Prefer not to say	274	18%
UK Armed Forces	Not previously served in UK Armed Forces	1196	79%
	Previously served in UK Armed Forces	100	6%
	Prefer not to say	220	15%

There were higher numbers of respondents aged 35 and above than from the younger age groups. This is reflected throughout the responses which generally demonstrated higher support for the proposals by those aged 35 and above than those below the age of 35.

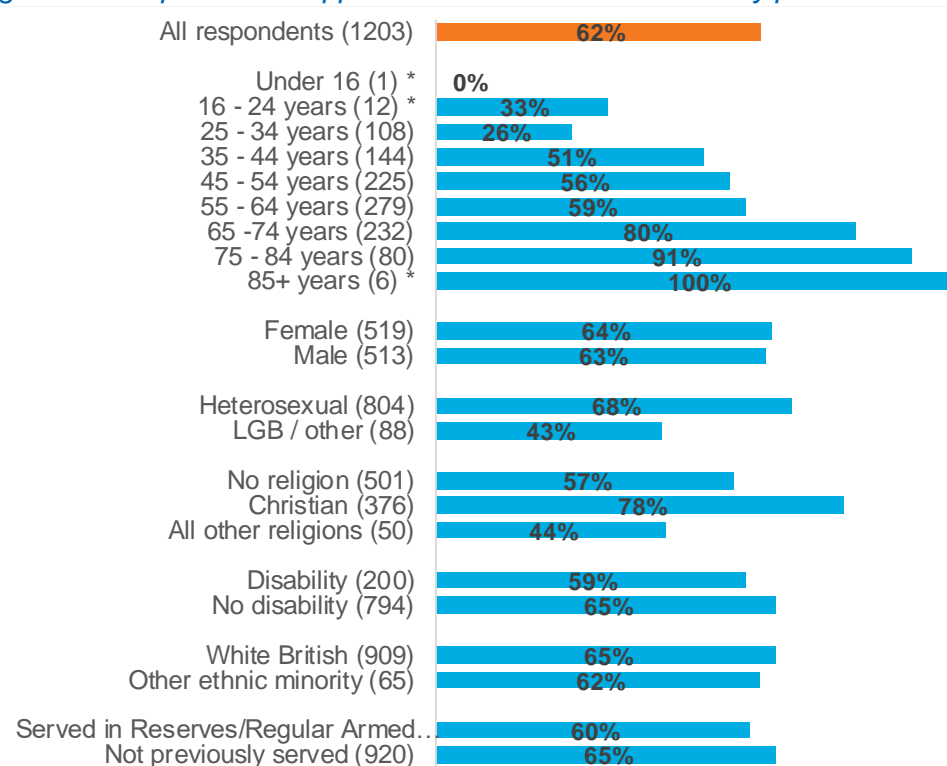
There is a balanced response rate between genders.

There was a higher response from those identified as Christians and those who are heterosexual. This is likely to be due to the age profile of respondents.

General Response breakdown per proposed PSPO

Coastal Areas

Figure 1 – Proportion of support for a coastal areas PSPO by personal characteristic group



Overall, 62 % of respondents supported this proposal. There was no real difference between genders with support at around 63%.

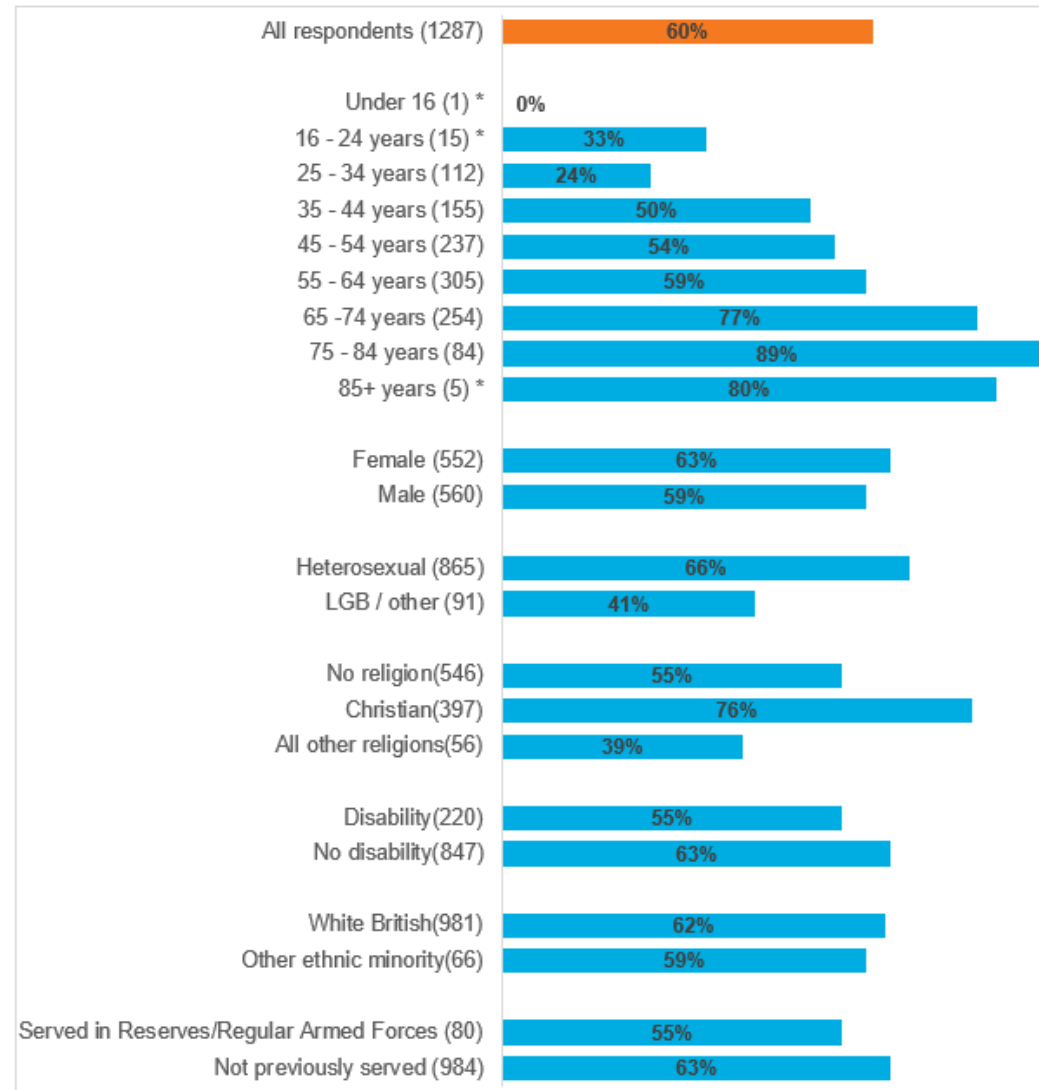
The age profile shows greatest support in those aged 45 at 56% rising to 100% in those aged over 85. There was significantly less support in those ages below 25 at just 26% in support. This may be due to the perception that the behaviours are targeted at behaviours that are anecdotally more likely to be undertaken by young people.

Respondents who are heterosexual are significantly more likely to support a PSPO in coastal areas (68%) compared to those who are lesbian, gay, bisexual or other sexual orientation (43%.) This is likely to be associated with age as respondents from the LGB community are more commonly from the younger age groups. Looking at the data further we can see that those respondents from the LGB community who are under the age of 34 are more likely to not support the principle of introducing a PSPO in coastal areas, whereas those over the age of 35 are more likely to support it.

Christians are significantly likely to support the proposal at 78% with others from no religion not supporting the proposals at 57%.

Open Spaces

Figure 3 – Support for an open spaces PSPO by personal characteristic group



Base: As labelled

Overall, 60 % of respondents supported this proposal. There was no real difference between genders with support at around 61%.

The age profile shows greatest support in those aged 45 – 54 54% rising to 89% in those aged over 75 -85. There was significantly less support from those aged 25-34 with just 24% in support.

Respondents who are heterosexual are significantly more likely to support a PSPO in coastal areas (66%) compared to those who are lesbian, gay, bisexual or other sexual orientation (41%). This is likely to be associated with age as respondents from the LGB community are more commonly from the younger age groups. Looking at the data further we can see that those respondents from the LGB community who are under the age of 44 are more likely to not support the principle of introducing a PSPO in open spaces, whereas those over the age of 45 are more likely to support it.

Christians are significantly likely to support the proposal at 76% with others from no religions not supporting the proposals at 61%.

Each proposed prohibition was considered.

Proposed prohibition: Playing loud music to include amplified or acoustic instruments or singing at levels which has a detrimental impact on others within the designated area covered by the PSPO. (Coastal PSPO)

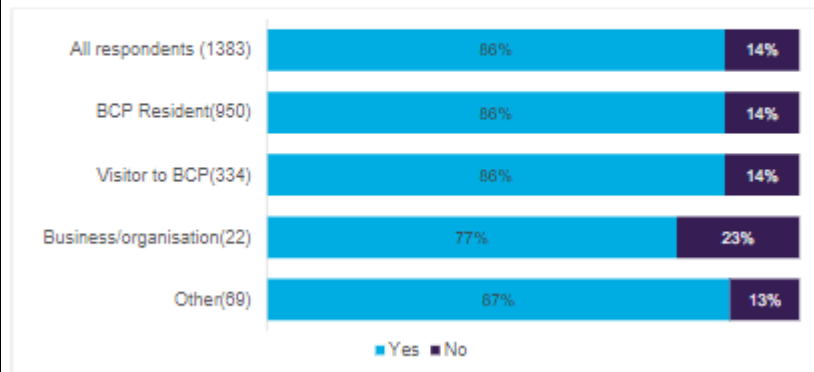
Although the evidence does not identify significant numbers, the disruption caused by inconsiderate music or noise has wider impacts on residents, beach users or those in beach huts. Evidence also shows the impact on wider anti-social behaviours from this activity. The majority of incidents were resolved informally.

However, in some cases officers reported the music resumed once they walked away and without firmer resolution powers these incidents continued to adversely impact those in the vicinity and disturbed sleeping and enjoyment of the beach areas. Some incidents occurred in locations away from the seafront in car parks where vehicles were being used for overnight sleeping.

The purpose of the PSPO is to tackle activities which have a detrimental impact on others in the area so making those activities unreasonable. The Authorised Officers tasked with upholding the PSPO will receive training to ensure the use of powers is restricted to necessary actions only, and this will exclude taking action on any organised events or protests which may result in loud music or the use of loudspeakers.

Playing loud music which has a detrimental impact on others

Figure 21 – Support/non-support for a ban on playing loud music which has a detrimental impact on others by respondent type



Generally, the restriction and targeting of this behaviour when it adversely impacts on others is supported by over 75% of all respondents.

The ages of respondents do indicate that the proposal may impact on younger people more than older respondents. Most respondents in all age groups support the proposal with the exception of those aged 16-24 where 56% do not support it.

It is not the aim or purpose of the prohibition to stop the playing of any music it will only target those instances where the activity is deemed unreasonable to the Authorised Officers following complaints from those in the locality.

There were 8 comments which centred around the level of music played which impacted on others and that loud music and sound travels. It is proposed to include this condition within a PSPO, however, the proposed clause will be “*must turn music down when asked to by an authorised officer.*” Singing will be removed from the condition due to the subjective nature and limitations on it being an intrusive behaviour.

Loud music may be used for religious celebrations or protests and therefore in these instances, engagement and education will be the primary action, with requests to reduce volume where it is significantly intrusive to those in the locality. Evidence does not show that there will be a disproportionate impact on those protesting or expressing religious belief.

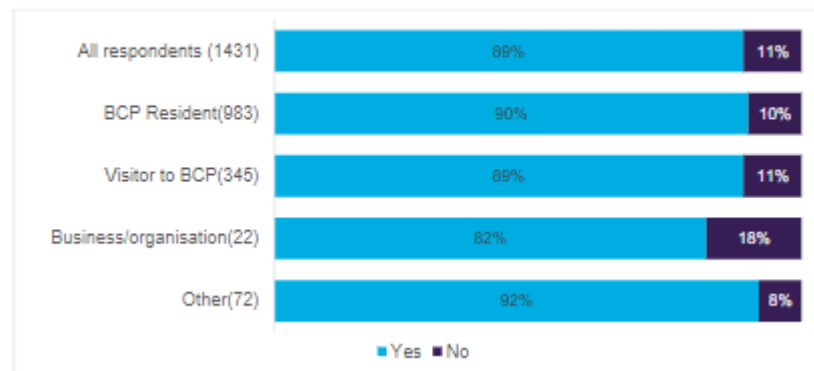
Proposed prohibition; To act in a manner which has a detrimental impact on others in the locality which includes but is not limited to, swearing, spitting, and causing intimidation either by an individual or a group. (Coastal PSPO)

A large number of incidents relate to groups of people who had been drinking alcohol and the resulting fights or arguments. Whilst not all these behaviours relate to consumption of alcohol, it is important to note that there is already a PSPO in place within parts of BCP to address issues with alcohol consumption and related ASB. However, the associated behaviours can manifest in a broad area and inclusion within this PSPO will address the wider impacts and will support enforcement where drivers are not related to the consumption of alcohol.

Larger groups of people tend to be perceived as intimidating and if displaying aggressive or antisocial behaviour, reports show these impact on the enjoyment of the beach areas for others, particularly families with young children and those with beach huts who cannot move away.

This proposed prohibition also gives officers the opportunity to request those not ceasing antisocial behaviour to leave the area without relying on Police attendance and use of their powers.

Figure 23 – Support/non-support for a ban on acting in an anti-social manner which has a detrimental impact on others by respondent type



Generally, the restriction and targeting of this behaviour when it adversely impacts on others is supported by over 85% of all respondents.

This proposal was largely supported by all age groups with 55% of those aged 16-24 in support and 100% of those aged 75 and over in support.

The age of respondents does indicate that the proposal may impact on younger people, however there is a majority of support within all age groups for this proposal.

It is not the intention of the PSPO to prevent any social gatherings or stop people coming the beach or open spaces, however, it is intended that where individual's actions are adversely impacting on those in the area which mean complaints are being generated to Authorised Officers, then engagement will take place.

ASB is subjective and as such officers will need to be trained to ensure that they obtain the full facts and witness the alleged behaviours before any action is taken.

The proposed prohibitions in line with the consultation response are:

- must not act in an aggressive or intimidating manner or encourage others to do so, towards other people, including but not limited to swearing in an aggressive manner
- must not urinate or defecate anywhere other than public toilets

The condition around urination and defecation may impact those with medical conditions, however, this would be considered a reasonable excuse and support will be offered. This may also affect young children, a group who would not be subject to enforcement and would be considered a reasonable excuse.

Proposed prohibition; In open spaces a person or persons are prohibited from the following activities: the lighting of fires; lighting any barbecues; or using any article/object which causes a naked flame, and which poses a risk of fire. (Open space PSPO)

The following proposed prohibitions address the lighting of fires and BBQs in order to address risks relating to fire and injury.

There are two options proposed as the locations require different approaches. Our open spaces represent a high risk of wildfires that can cover large areas, whereas our coastal areas are more at risk from smaller contained fires. It is acknowledged that there may be strong public opinion in relation to these proposals and this will be a key factor in considering any final proposed PSPO following consultation feedback.

Figure 6 – Support/non-support for a ban on lighting any open fires by respondent type

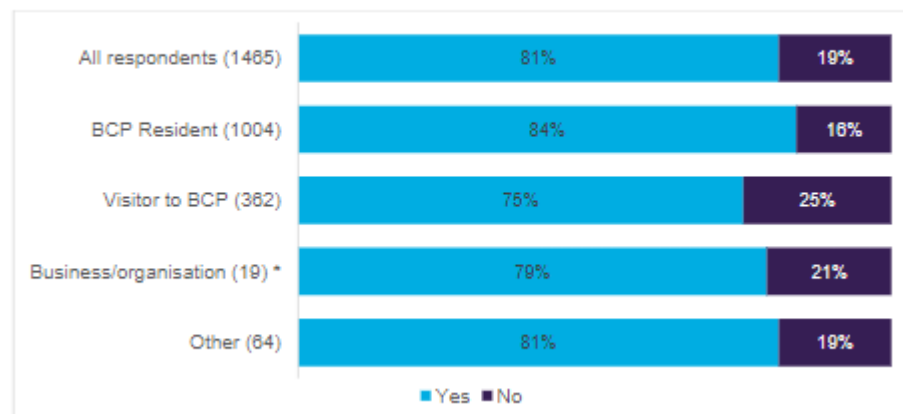
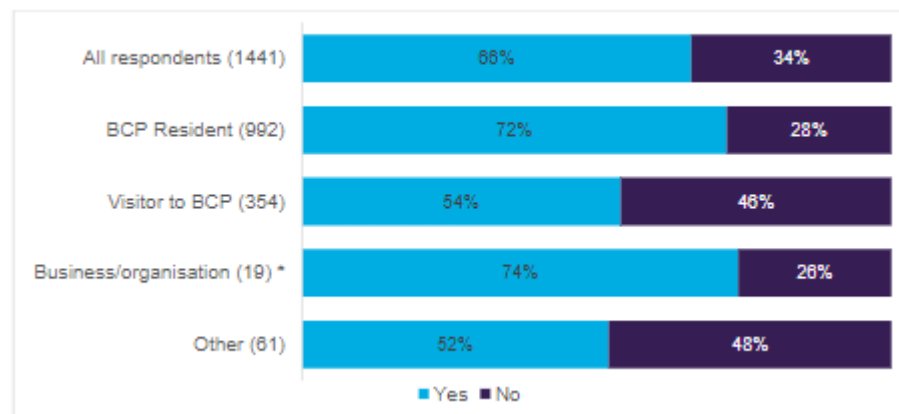


Figure 8 – Support/non-support for a ban on lighting any barbeques



Residents support this ban more than visitors; this still means that over half of visitors (54%) support the ban and so do residents (72%) and business (74%.)

The ban on open fires was widely supported by both visitors and residents. 40 respondents commented on the risks of open fires to wildlife and habitats. Although support for the ban of BBQs was lower there was still over 2/3 of respondents in support of both proposed bans.

BCP open spaces are valuable assets for all to enjoy, and during our increasingly hot dry summer months even the most carefully set fire can quickly get out of control and cause widespread damage, and impact adversely on local residents and visitors. The damage caused can prevent the use of entire open areas for months. The ecological damage to flora and fauna is also immeasurable.

Dorset and Wiltshire Fire and Rescue Service were approached and strongly support this proposal and welcome any actions which will reduce the risks of fires during high-risk times of the year.

Ranger reports evidence discarded cigarettes found smouldering, risks from camping stoves used in high-risk areas. This supports the proposed prohibitions to include items that can cause a naked flame and poses a risk of fire.

There is a possibility that the prohibition of fires will impact on those that are homeless, to include veterans, however, where this is the case the stance will be education, engagement and support by relevant agencies. Due to the nature of fire risk, people will still be asked to extinguish the fire, however, wider consideration and support will be offered, especially in winter months.

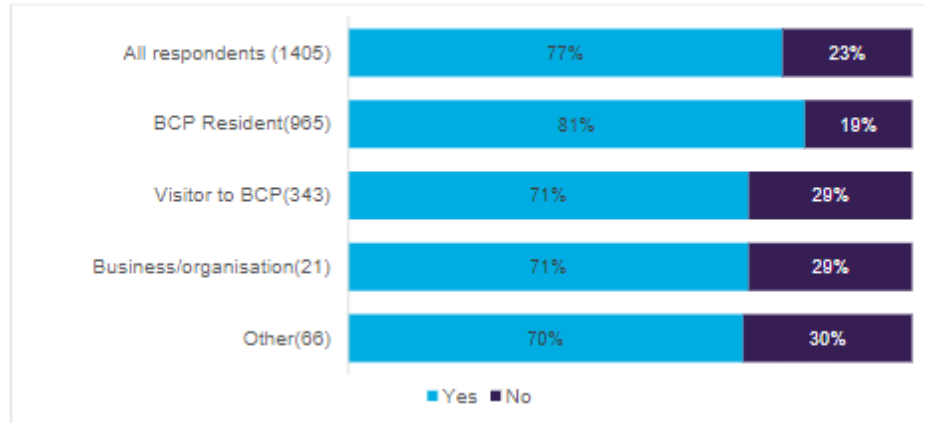
Proposed prohibition; On beaches and coastal areas a person or persons are prohibited from having open fires between the hours of 21:00 – 07:00. In addition, there shall be no BBQ on the beach or coastal area before 18:00. (Coastal PSPO)

Generally, the irresponsible disposal of BBQ's and hot coals has caused fires in and around waste receptacles on the seafront. This puts pressure on the emergency services as well as adversely impacting on visitors and residents in the vicinity.

The persistent issues throughout the summer months demonstrates a need to address this behaviour. It is recognised that many visitors and residents have BBQ's on the beach without incident, it is the disposal of the embers or throwing away of hot disposable BBQ's that causes fires and injuries.

One option explored was the provision of bins specifically for the proper disposal of BBQ coals/disposable BBQ's. Seafront services advise that this was a provision historically, but these bins suffered damage (weather and hot coal related) over the years and are not a viable option due to the nature of current waste removal contracts.

Figure 27 – Support/non-support for a ban on lighting any open fires by respondent type



Do you think a ban on lighting barbeques between 7am-6pm should be included within the coastal area PSPO?

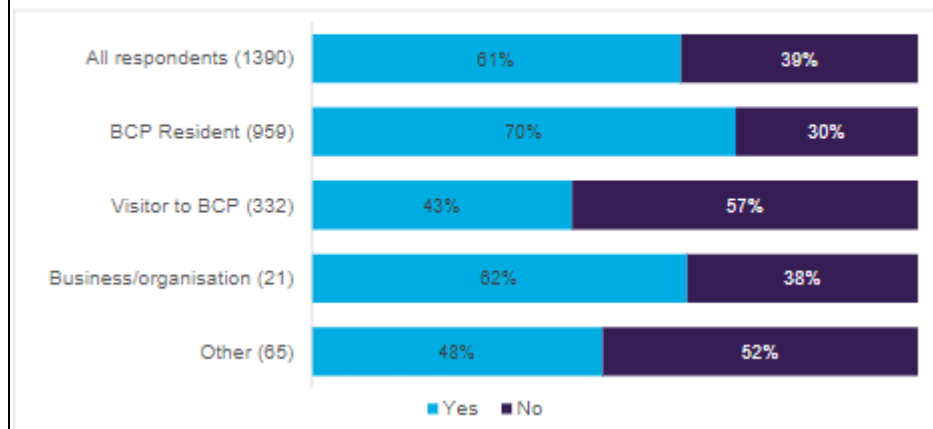


Figure 31 – Do you think the ban should be in place at a different time of day?



Generally, the proposal to ban open fires was supported by 77% of respondents. There was a high level of support across all respondent type with the exception of those aged under 34 who were less likely to support this proposal.

The restriction of BBQs has support of 61% of all respondents there was less support amongst visitors (43%) compared to residents (43%) of visitors. Those aged 34 or under were also less likely to support this ban. Across all respondents (35%) supported a complete ban on BBQ at any time whilst over a quarter (29%) are happy with the proposal.

Out of 225 comments 83 respondents said there should be no ban at all, whereas 123 respondents supported restrictions or a ban with conditions, many of which related to the type of BBQ (electric only) and restrictions around the hottest part of the day, increasing the ban from 6pm to later as there can still be families at 7pm or 8 pm.

The majority of comments made about this PSPO were related to open fires and BBQs (575.) In addition to the 42 comments about Mudeford Spit, relating to the inclusion within the PSPO, there were 44 respondents who commented that beach hut users should be exempt on open fires and BBQ, especially on Mudeford Spit, as this is a residential beach and beach hut residents rely on this as the only form of cooking. It is proposed to allow gas BBQs and electric stoves in this area only.

It is recognised that some residents do not have access to gardens and as such benefit from the ability to use the beach location for BBQ's, limiting the permitted times BBQ are permitted on the beaches may impact disproportionately to those without gardens. Residents who are more likely to live in homes without gardens are more likely to be in younger residents who are more likely to live in flats or still at home with parents etc.

In mitigation there are electric hotplate BBQ's available on the seafronts in key locations and the restriction does allow BBQs at quiet periods after 6pm.

Seafront services report that during high visitor periods, primarily during the day before 6pm, the sheer number of people on the beaches means it is not possible to effectively 'manage' BBQ usage and it is during these periods that the risks of injury are increased. Later, after 6pm when numbers have reduced, BBQ's can be permitted and allows seafront staff to target resources as necessary. When visitor numbers have reduced and there is greater spacing between visitors the seafront services can manage the responsible use of BBQ's.

Larger, non-contained, fires on the beach leave debris and waste in the vicinity associated with the later night party activities and fires on the beach during the summer months. The evidence shows the main issues with fires are between the hours of 9pm and 2am when people have been drinking alcohol and are less responsible in the disposal of coals.

There is a possibility that the prohibition of fires will impact on those that are homeless, to include veterans, however, where this is the case the stance will be education, engagement and support by relevant agencies. Due to the nature of fire risk, people will still be asked to extinguish the fire, however, wider consideration and support will be offered, especially in winter months.

Antisocial Behaviour

Anti-Social Behaviour (ASB) is a confusing term which has been variously applied to a wide spectrum of activity, from serious criminal violence and persistent ongoing intimidation and harassment at one end of the spectrum, to subjective feelings of unease caused by relatively minor and perhaps occasional environmental disturbances, such as litter, at the other.

Due to its very nature ASB cannot be prevented and tackled by just one agency. It needs a joined up, partnership approach, which may require assistance from residents, the Council, Police, housing providers, public health, support services and third sector/voluntary organisations.

ASB may be committed by individuals or groups and may affect individuals, neighbours or whole communities. As per national guidelines, incidents of ASB are categorised as Personal, Nuisance or Environmental.

Personal is designed to identify ASB incidents that the caller, call-handler or anyone else perceives as either deliberately targeted at an individual or group or having an impact on an individual or group rather than the community at large. It includes incidents that cause concern, stress, disquiet and/or irritation through to incidents which have a serious adverse impact on people's quality of life.

Nuisance captures those incidents where an act, condition, thing or person causes trouble, annoyance, inconvenience, offence or suffering to the local community in general rather than to individual victims. It includes incidents where behaviour goes beyond the conventional bounds of acceptability and interferes with public interests including health, safety and quality of life.

Environmental deals with the interface between people and places. It includes incidents where individuals and groups have an impact on their surroundings including natural, built and social environments. This category is about encouraging reasonable behaviour whilst managing and protecting the various environments so that people can enjoy their own private spaces as well as shared or public spaces.

It is recognised that the impact of ASB on victims can be extremely harmful. This can be made worse should the victim have any vulnerabilities, as this can have a significant impact on their health, wellbeing and resilience to deal with issue.

Recent studies, completed on behalf of crime and disorder partnerships in Surrey and Hampshire, have suggested that young people gather in groups at night because it makes them feel more secure. Conversely, such gatherings are perceived by some communities and sectors of the community as being intimidatory and a significant element of ASB.

The perception of behaviours is important to note. Particularly given the age profile of respondents to the public consultation. Generally, for all behaviours those aged 35 and above were more likely to support the proposed PSPOs than those aged below 35.

Studies by Cambridge University identified the interpretations of anti-social behaviour (ASB) found a significant gap between the views of different age groups - with older people more likely than younger people to interpret public behaviour as anti-social, particularly when associated with young people.

More than 80% of adults thought swearing in a public place was ASB, compared with less than 43% of young people, and more than 60% of adults listed cycling or skateboarding on the street, compared with less than 8% of young people.

40% of adults saw young people hanging around as ASB compared with 9% of teenagers.

[\(Generation blame: how age affects our views of anti-social behaviour | University of Cambridge\)](#)

Some studies suggest that teenagers and younger people are more likely to be victims and perpetrators of Hate Crime and other anti-social behaviour.

The PSPO may provide positive and negative impacts on younger and older people, if they are involved in ASB there will be consequences to their behaviour. Adults may be issued a FPN and young people will be referred to the escalation process: Community Consequence Scheme.

There will be positive impacts for victims of ASB, regardless of age. They will witness action being taken to deter the behaviour.

Who could be impacted by the proposed PSPO's?

Through the consultation responses we can see that residents over the age of 35 are more in favour of the proposals compared to those under the age of 35. This could be due to the younger age groups are more likely to live in tenure with limited outside space (e.g. flats, or still at home with parents) and are more likely to want to use open spaces and coastal areas to socialise with friends which may involve, playing music, having bar b ques etc.

Public Sector Equality Duty

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them.

Protected Characteristics are defined in S4 of the Equality Act 2010 as

- age
- gender reassignment
- being married or in a civil partnership
- [being pregnant](#) or on maternity leave
- [disability](#)
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex

- sexual orientation

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by persons who share a relevant Protected Characteristic in this document we have identified possible disadvantages which may be suffered as a result of the proposed PSPOs and we have identified mitigation measures to address this as outlined within this and form3;
- 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 where we have identified needs such as rough sleepers and gypsy and travellers we will provide signposting to support services and include exemptions within the orders to ensure there is not impact perceived or real.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

The Authorised Officers who will be responsible for any action, including enforcement under the PSPOs, will be given instructions about safeguards, signposting to support services and they will liaise with the wider Anti-social Behaviour Team who undertake multi-agency interventions which may be a more suitable route to use to address behaviours.

Recommended amendments as a result of consultation feedback/EIA process

In response to feedback received, the age of respondents is thought to be responsible for the difference in support for the proposals not only by age but this could also account for the religious and sexuality differences as well, older respondents being more likely to be Christian and identify as heterosexual whereas younger demographic are more likely to identify as LGBTQ and not state a religion.

Concerns were raised around the issue of enforcement, this will be undertaken by front line staff who are already working on the seafront, parks, open spaces and highways. These Authorised Officers already have a level of experience with interacting with residents and visitors to the areas covered by the proposed PSPOs and in the majority of cases they will work informally to undertake engagement, and education to address the behaviours. The PSPO will provide these Officers with stronger powers to deal with the minority of cases who will not move on or change their behaviour.

The effectiveness of the proposed PSPOs will be subject to scrutiny and monitoring. It is proposed that oversight of the issuing of any FPN and subsequent prosecution action if needed will be reported to the Partnership Co-ordinating Group (PCG) who are a multi-agency operational group reporting to the Community Safety Partnership. The PCG will request a quarterly report to monitor actions undertaken by the services delivering

actions under the proposed PSPOs, to review patterns and outcomes which may show if groups with similar protected characteristics are being impacted by any PSPO actions. This information will be collated and used when the PSPOs are reviewed after 3 years or to support any variations which may be needed.

Breach of a PSPO without a reasonable excuse is an offence, however it can be argued that by including a reasonable excuse within the prohibited activity will allow Authorised Officers to consider legitimate reasons why someone is possibly behaving in a certain way, which may give them reasonable excuse such as to celebrate a religious festival or holiday.

Findings

How does your decision affect those of:

Different Ages

- **Negative impact** – there are perceptions that groups of young people are engaged in ASB and this perception can lead to complaints.
 - More young people will likely be impacted by the behaviours being targeted by the PSPO as they are more likely to play music and gather socially as well as having open fires on the beaches.
 - Young adults are more likely to live in homes without access to a garden of their own so are probably more likely to use the beach for barbeques and gatherings with friends.
 - Children may be affected by the condition around urination and defecation
 - **Mitigation** - A clear enforcement protocol with thresholds for engagement and action in issuing FPN will ensure unfair targeting of young people does not occur.
 - Children would not be subject to enforcement action around urination and defecation
 - There is no mitigation to address this however as long as the individuals are not behaving in an antisocial manner and music is played at levels that do not give rise to complaints then social gatherings can continue without any adverse impacts. The issue of fires cannot be mitigated as the adverse effects outweigh the desire to party around an open fire.
 - The proposal allows for BBQs on the beach after 6pm and the BCP Council supplied barbeques available at key locations are free to use at any time.
 - The focus of the PSPO is compliance and education, with enforcement as a last resort.
-
- **Positive impact** – on children/young people - there have been reported incidents of children being burnt by buried hot coals/disposable BBQ's. By limiting the times that BBQ's can take place on the beach to quieter periods, the risks of such injuries will be reduced, and seafront staff will be better able to monitor and tackle careless disposals.

- Older people tend to reside or rent beach huts and as such cannot move away for incidents of ASB or loud music, by addressing these behaviours older people should feel safer on the coastal and beach areas.

Current/Previous members of the Armed Forces

- **Negative** – there could be an impact due to the prohibition around fires for those that are homeless
- **Mitigation** - The local services provided by Housing Options and St Mungos provides support services for all homeless individuals and the provision of an exemption within the PSPO. Training for Authorised Officers will ensure that anyone who is street homeless is not subject to any adverse impact, and rather they will be provided with information about support services and engagement with outreach officers. This work will continue, especially where breaches of fire based prohibitions are seen and there is reasonable grounds to suspect the person is homeless.
- Education and support will always be offered in the first instance. Due to the risk attached to wild fires, the fire would require extinguishing, however, additional consideration will be given to area, risk and time of year to ensure the person is not placed at risk

Those with caring responsibilities

- No negative or positive impact identified impact

Those with physical disabilities

- No negative or positive impact identified impact

Those with mental disabilities

- **Negative impact** – Potential impact on understanding of the breaches
- **Mitigation** - the officers will undertake an education before enforcement approach, signage will be clear and pictorial to support prohibitions.

Different genders

- **Negative impact** – those that are street homeless tend to be male, and they may be disproportionately impacted by the prohibition of fires if they are homeless, including beaches and open spaces.
- **Mitigation** - It is not intended to use the PSPO powers to tackle street homelessness. Authorised officers will work alongside our core CSAS officers, rangers and charitable organisations such as St Mungo's to provide advice and signposting to support services.

Those who identify as trans

- No negative or positive impact identified

Those who are pregnant/on maternity

- No negative or positive impact identified

Those who are married/in a civil partnership

- No negative or positive impact identified

People from different ethnic groups

- No negative or positive impact identified

People with different religions or beliefs

- **Negative impact** – the proposed prohibition on playing loud music may impact on people celebrating religious festivals during the summer months. Authorised Officers may not always be aware of why music is being played.
- **Mitigation** – Authorised Officers will be provided with training and guidelines which will ensure that formal action resulting in the issuing of a FPN/prosecution is the last resort and initially they will engage with individuals and determine if there is a 'reasonable excuse' for the behaviour being exhibited and this will be taken into account. The proposed PSPOs which include the reduction of volume of loud music when requested, will be considered alongside religious expression. Reasonable excuse may include the celebration of religious festivals.

Travellers

- No negative or positive impact identified

People with different sexual orientations

- No negative or positive impact identified

People in different socio-economic groups

- **Negative Outcome** – those who live in flats or HMOs may not have access to gardens or other open spaces and they therefore rely on the beaches and open areas.
- **Mitigation** – There are free to use electric powered hot plates at key locations on the seafront which permit anyone to cook food at any time. BBQ's are permitted in coastal areas after 1800. There is no such provision in other open spaces, however, there are alternatives to

cooking such as picnics or taking precooked foods such as takeaway. The negative environmental aspects of fires and BBQs in these areas outweighs the desire to have BBQs in these areas.

People's human rights

- Article 8 gives right to a private life. This private life includes open areas for people who are homeless. The prohibitions will manage behaviours in this open area, however, are targeted around activities that are detrimental and due to this unreasonable. Engagement, support and education will always be the route taken when working with people who are homeless, therefore protecting this right. The balance must be taken between Article 8 for people and the wider right to peaceful enjoyment of the wider public. The risk and impact of the prohibited behaviours is so significant that the prohibitions should be put in place. This will also reduce the risk of ASB or the effect of fires for those that are homeless.

Conclusion

Summary of Equality Implications

The purpose of the PSPO's is to address the minority of persons who behave in manner that has a detrimental impact on our residents, visitors and environment, at very busy times of the year, when Council and partner resources are already busy. Overall, the proposals will have a positive impact to support seasonal responses in our seafronts, parks, open spaces and highways.

Breach of a PSPO without a reasonable excuse is an offence, a reasonable excuse clause is proposed to be added within the prohibited activity which will allow Authorised Officers to consider legitimate reasons why someone is possibly behaving in a certain way, such as to celebrate a religious festival or holiday or where medical conditions impact on ability to adhere.

Possible socio-economic impacts for those who live in accommodation without access to an outside space, can still access the open spaces and beaches for picnics and alternative hot plate provision at key locations, will still enable family gatherings with hot food provision. There is not prohibition regarding access the space.

Front line staff who already work within the areas of the proposed PSPOs will be able to utilise stronger powers in the minority of cases where active engagement and education have failed to address poor behaviour, and either those responsible are failing to move on or are continuing to act in a manner that is having a detrimental impacting on others. The culture around enforcement of the PSPO will centre around education, and encouragement to comply with acceptable standards of behaviour.

Before any formal action is taken the evidence will be assessed and action will be taken in line with the enforcement protocol. Monitoring and assessment of actions will be overseen by the PCG, who will review on a quarterly basis the outcomes of PSPO actions and identify any trends in who is being impacted and why.

Equality Impact Assessment: Report and EIA Action Plan

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>Target those that are street homeless</i>	<i>Ensure engagement is undertaken when addressing open fires to establish if someone is homeless.</i>	<i>Ongoing business as usual</i>	<i>Anthony Rogers</i>