

Equality Impact Assessment: Report and EIA Action Plan

Purpose

Policy/Service under development/review:	2024 Review of the Alcohol Public Space Protection Order (PSPO)
Service Lead and Service Unit:	Julia Howlett/Sophie Sajic Public Protection
People involved in EIA process:	Julia Howlett, Sophie Sajic
Date EIA conversation started:	18/12/23

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 issues having a detrimental effect on 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 Alcohol PSPO was implemented on 01 July 2021, however the legislation states that: 'at any point before expiry, the council can extend a Public Spaces Protection Order by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local police and any other community representatives they think appropriate before doing so'.

The main aim of the Order was to provide officers with a tool which enabled 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 the PSPO 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.

This document is an updated version of the Equality Impact Assessment which was carried out when the original order was implemented on the 1 July 2021.

PSPO Review 2024

A review of evidence was undertaken to determine if there was a need to vary, extend or discharge the PSPO.

Information from Dorset police data about alcohol related ASB and crime, statistics from the Community Safety Patrol Officers (CSAS) around confiscation of alcohol and incidents they have dealt with, and action taken by the Anti-social Behaviour Team. Along with anecdotal information from other internal departments such as our Parks and Open Spaces Team about some of the issues they deal with has been used to review the PSPO.

Following the review of the evidence it was apparent there were still incidents of alcohol-related anti-social behaviour in public places in the identified areas of the PSPO.

It is necessary to continue to tackle and prevent the behaviour from occurring or recurring and allow designated officers to continue to deal with those whose behaviour is having a detrimental impact on others.

Evidence identified the transient nature of some of those who commit alcohol related street ASB across the BCP area and demonstrates the need for the PSPO area to prevent displacement.

It was recommended, from the review of evidence, that a consultation was undertaken on the proposal to extend the BCP Alcohol PSPO, for a further 3 years to prevent the original behaviour from occurring or recurring.

There was no evidence to suggest the areas covered by the PSPO or the terms of the order needed to be changed.

A public Consultation ran from the 12 January 2024 and closed at midnight on 12 February 2024.

There were 221 responses to the consultation, below are some of the findings and comments:

- 221 people responded to the consultation survey
- Most respondents said they agree with the proposal to extend the Alcohol PSPO for a further 3 years
- Respondents considered families, women and children to be the most negatively affected by alcohol-related ASB
- Respondents said they have experienced multiple incidents of alcohol-related ASB including being shouted at, threatened, littering and drug taking

In particular comments relating to question 7:

- **Q7. Are there any positive or negative impacts of this proposal that you believe that BCP Council should take into account in relation to equalities or human rights? If so, are you able to provide any supporting information and suggest any ways in which the organisations could reduce or remove any potential negative impacts and increase any positive impacts?**

122 respondents answered this question. The key points to emerge from the comments were:

Age characteristic - Some respondents felt:

- PSPOs were used to harass young people who are not causing problems
- underage drinking should be tackled and large groups of youths who are drinking should be more closely monitored
- young children should not be exposed to ASB
- BCP Council may be exhibiting ageism by using survey techniques that favour older people

Disability characteristic - Some respondents felt:

- disabled people are more vulnerable to attacks by anyone including people who are drunk
- disabled people are threatened by drunks behaving aggressively if they have to go near them or to get past them
- Sex characteristic - Some respondents felt: Adult and younger women feel more intimidated by ASB and avoid certain problem areas
- Women are more vulnerable to domestic violence arising out of excessive drinking
- Men are more susceptible to drinking excessively and intimidating women
- Tackling alcohol-related ASB will make women and girls feel safer and will likely help all those who are potential victims of hate crimes or incidents

Sexual orientation characteristic - Some respondents felt:

- Homosexual/trans people are more vulnerable to attacks by people who are drunk
- Gay men are more vulnerable to domestic violence arising out of excessive drinking

General comments:

- Respondents felt it was important to consider the rights of the rest of society who have been impacted by those drinking in public and their ASB.
- Respondents felt it was vital for police to enforce the restrictions of the PSPO more effectively so that ASB is prevented fully. Currently, they feel the rules of the Order are ignored by those drinking and taking drugs in public leading to ASB which, in turn, violates their rights and their ability to live a free life in safety.
- Respondents felt the rights of non-drinkers should be taken into account.

Findings

• Different Ages

The PSPO is not an alcohol ban, its purpose is to give authorised officers the power to deal with those who are consuming alcohol in a public place, who are having a detrimental effect or likely to have a detrimental effect on those in the locality. Comments in the consultation relating to the PSPO being used to target young people who are not causing problems.

If an authorised officer is aware of someone under the age of 18 consuming alcohol they will confiscate it from them. Agencies have a duty to safeguard young people and protect them from harm. Young people consuming alcohol can lead to them participating in risky behaviour, cause harm to their health and contribute to other factors which can make that young person become extremely vulnerable.

• 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.

No concerns have been identified or raised since the introduction of the PSPO.

- **Those with caring responsibilities**

No impact identified or concerns have been identified or raised since the introduction of the PSPO.

- **Those with physical disabilities**

No impact identified or concerns have been identified or raised since the introduction of the PSPO.

- **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.

No concerns have been identified or raised since the introduction of the PSPO.

1 Prepared

by: Julia Howlett

Date: 22/04/21 updated 22/03/24

Equality Impact Assessment: Report and EIA Action Plan

- **Different ages**

The proposed order is to deal with alcohol related ASB caused by adults and young people, 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.

No concerns have been raised since the introduction of the PSPO.

Some comments in the review consultation referred to concerns for those who may be effected by people consuming alcohol and having a negative impact on those in the locality:

- Respondents considered families, women and children to be the most negatively affected by alcohol-related ASB

- **Those who identify as trans**

No impact identified. No concerns have been raised since the introduction of the PSPO.

Some comment in the consultation about those who may be affected by alcohol related ASB and referred to people thoughts about why the PSPO might be needed:

- Homosexual/trans people are more vulnerable to attacks by people who are drunk

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

No impact identified. No concerns have been raised since the introduction of the PSPO.

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

No impact identified. No concerns have been raised since the introduction of the PSPO.

- **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.

No concerns have been raised since the introduction of the PSPO.

- **People with different religions or beliefs**

No impact identified. No concerns have been raised since the introduction of the PSPO.

- **People with different sexual orientations**

No impact identified. No concerns have been raised since the introduction of the PSPO.

Some comment in the consultation about those who may be affected by alcohol related ASB and referred to people thoughts about why the PSPO might be needed:

- Homosexual/trans people are more vulnerable to attacks by people who are drunk.
- Gay men are more vulnerable to domestic violence arising out of excessive drinking.

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

Street-drinkers are generally classified as homeless by legislative definition and there is a larger impact on males as part of this group. Relevant support referral processes are in place to support engagement around addiction and teams that enforce the PSPO will take an engagement and education approach prior to enforcement. No concerns have been raised since the introduction of the PSPO.

- **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 original consultation when making the order 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.

Similar comments have been made in the review consultation:

- Respondents felt it was important to consider the rights of the rest of society who have been impacted by those drinking in public and their ASB.
- Respondents felt the rights of non-drinkers should be taken into account.

Conclusion

Summary of Equality Implications:

No specific concerns have been identified around the proposal to extend the 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 having a detrimental impact on those in the locality.

There is a community of 'Street drinkers' in some area where the PSPO covers, they will not be adversely affected unless they are behaving in manner which is anti-social or likely to become anti-social and therefore having a detrimental impact on others. 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.

Data shows some will be dependent alcoholics, for whom removing their drinks may be a medical risk. Again, a balanced approach is taken where drinkers will be encouraged to move to areas where their behaviour is not causing a nuisance and dealing with the concerns through engagement with enforcement as a secondary action to remove alcohol, if there is non-compliance. 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. The authorised officers who enforce the PSPO are generally aware of the support agencies involved with the street drinking community and will make relevant safeguarding and support referrals where required.

The review of the PSPO has identified that when authorised officers engage with those consuming alcohol, in the majority of cases alcohol is surrendered when asked and the individuals move location on request.

--



by: Julia Howlett
Date: 22/04/21

2 Prepared

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>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

3 Prepared by: Julia Howlett