

SSA EQUALITY IMPACT AND NEEDS ANALYSIS

Directorate	Environment
Service Area	Parks, Highways, Community Safety
Service/policy/function being assessed	Public Spaces Protection Orders
Which borough(s) does the service/policy apply to	Richmond
Staff involved	David Allister, Yvonne Kelleher, Steve Marshall
Date approved by Policy and Review Manager	

SUMMARY

Please summarise the key findings of the EINA.

- The Council would like to renew the 2017 Public Spaces Protection Orders (PSPO) to help the police and Council tackle anti-social behaviour on public land.
- The PSPOs effectively replaced and updated existing measures including Dog Control Orders, Designated Public Place Orders and Park Byelaws. 32 provisions are proposed.
- The pool of authorised enforcement officers includes both police and Council officers and so are better able to support each other in dealing with offences.
- The benefit of the PSPOs are that they allow more proactive and effective enforcement against anti-social behaviour in public places through fixed penalty notices. Prior to 2017, apart from Dog Control Orders, Fixed Penalty Notices (FPNs) could not be given for low-level anti-social behaviour and prosecution powers were very rarely used - thus the deterrent was weak.
- An educational approach is always be used first, to give details to offenders why a behaviour is prohibited or required and an opportunity to correct it where possible. Since 2017, over 700 warnings have been given and only 44 FPNs.
- The outcome sought is that the law-abiding majority can use and enjoy public spaces without fear of anti-social behaviour. This is likely to have a greater positive impact on disabled people, ethnic groups, women, young people and older people.
- Public consultation is planned; respondents are invited to raise concerns about impacts on any groups with protected characteristics. The EINA will be updated to reflect the consultation prior to finalising and approving the PSPO renewal; text in blue will be revised.

1. Background

Briefly describe the service/policy or function:

The Council would like to renew the 2017 Public Spaces Protection Orders (PSPO) to help the police and Council tackle anti-social behaviour on public land. A PSPO is a measure, created by the Anti-Social Behaviour, Crime and Policing Act 2014, that replaces some existing legislation that the Council uses and introduces wider discretionary powers to deal with any particular nuisance or problem that is detrimental to the local community’s quality of life. They seek to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The Orders can be enforced by fixed penalty notices or prosecution, by police or Council officers.

The proposal to introduce Public Spaces Protection Orders originally arose from twin needs:

- (a) From October 2017, new legislation meant PSPOs automatically replaced the Council’s existing Dog Control Orders and Designated Public Place Orders. Dog Control Orders provided rules about dog fouling, where dogs can be walked and how many. Designated Public Place Orders gave police officers discretionary powers to require a person to stop drinking or confiscate alcohol. The Council therefore reviewed its policies and the areas where they applied before the old legislation expired.
- (b) The Council’s Parks and Commons byelaws are based on an old model and do not cover how these spaces are used in the 21st century. Currently, byelaw offences must be prosecuted through the courts but in practice this is very rarely used and thus is a weak deterrent to anti-social behaviour. PSPOs permit the updating of the rules which govern public places and the use of Fixed Penalty Notices.

Many of the behaviours that are required or prohibited under the PSPO were in force previously, some have been amended or expanded in terms of the area where they apply. The enforcement approach, which prioritises education over enforcement, will remain the same as at present. The PSPO will enable the Police and Council to both engage with offenders on all issues, whereas at present, each’s role is limited in some respect, e.g. police officers cannot enforce the current Park Byelaws.

2. Analysis of need and impact

- As there is no data on general usage of the parks, census and ONS data has been used and the most recent Park Customer User Satisfaction (PCUS) survey from 2019. The 2017 PSPO consultation data has been included for now and will be replaced with the updated data from the 2020 renewal consultation.

Protected group	Findings				
Age	The PCUS and consultation data show some similarities in the ages of people using or concerned with parks compared to the census.				
	Age group	ONS (2019)	Census (2011)	PCUS (2019)	PSPO consult (2017)

	75+	7.1%	6.5%	6.8%	2.3%
	65-74	8.7%	7%	15.8%	13.6%
	55-64	11.6%	10.8%	20.3%	20.2%
	45-54	15.9%	14.1%	21.8%	26.4%
	35-44	16.6%	17.8%	24.2%	23.1%
	25-34	11.1%	15.3%	7.3%	8.3%
	15-24*	9.1%	9.8%	1.5% (20-24)*	1.5% (18-24)*
	under 14*	19.9%	18.6%	2.4% (under 20)*	0.1% (under 18)*
	<p>* Different age categorisation under ages of 18 between surveys shown in brackets</p> <p>These figures show that those aged 75 and over and 25-34 are under-represented in relation to parks.</p> <p>Notwithstanding the minor differences in age categorisation, those aged under 24 are also under-represented in relation to parks.</p> <p>Those aged 35-44, 45-54, 55-64 and 65-74 are over-represented in relation to parks.</p> <p>Small caveats to consider are that the PCUS face-to-face surveys took place primarily during school hours; greater inclusion of after-school and weekend hours would likely lead to an increase in the representation of those aged under 15 and 16-24.</p> <p>A small number of 2017 consultation respondents indicated they thought proposals to restrict cycling and similar devices within play/sports areas and drones could have a negative impact on children.</p>				
Disability	<p>PCUS (4.9%) and consultation (4.9%) show an over-representation of people with a disability – the borough census figure is 2%. In the PCUS survey, 6.3% respondents considered they had children with a disability.</p>				
Gender (sex)	<p>PCUS and consultation data for gender show similarity with respectively 62% and 64% respondents being female, and 36% and 33% male. This contrasts with borough census figures of 51.3% female and 48.7% male. In the PCUS survey 3% preferred not to say.</p> <p>A caveat to consider is that the PCUS face-to-face surveys took place primarily during school hours; greater inclusion of after-school and weekend hours may potentially lead to an increase in the representation of males.</p>				
Gender reassignment	<p>The 2011 census did not collect this data. The 2017 consultation contained options for free text comments. No</p>				

	<p>feedback was received which indicated that the proposals would impact more on transgender residents.</p>
Marriage and civil partnership	<p>47.3% of people in the borough are married and 0.44% in registered same-sex civil partnerships. The consultation contained options for free text comments. No feedback was received which indicated that the proposals would impact more on residents who are married or in a civil partnership.</p>
Pregnancy and maternity	<p>The consultation contained options for free text comments. No feedback was received which indicated that the proposals would impact more on pregnant residents or those on maternity leave.</p>
Race/ethnicity	<p>The data suggests that people of Asian minority ethnic communities may be under-represented in terms of parks. Against a census figure of 7% of population, PCUS and the consultation recorded only 3.4% of respondents identifying themselves as Asian or Asian British.</p> <p>Other BAME groups see slight under-representation in the 2017 PSPO consultation. People identifying themselves as black made up 1% of census returns and 1.2% of PCUS but only 0.6% of PSPO consultation respondees. People identifying themselves as of mixed ethnic groups made up 4% of the population in the census, against 2.2% of PCUS and 2.6% of consultation respondents. Other ethnic groups made up 2% of the population in the census, against 2.2% of PCUS and 0.6% of consultation respondents.</p>
Religion and belief, including non belief	<p>In 2011, just over half of residents identified themselves to be of Christian faith (55%). This was above the London average and below the national average. Relatively small minorities of residents in the borough identify as Muslim (3.3%), Hindu (1.6%), Sikh (0.85%), Buddhist (0.84%) or Jewish (0.75%), whilst 28.5% of the population of the borough reported that they hold no religious belief.</p> <p>No user feedback has identified an impact.</p>
Sexual orientation	<p>In 2018 according to the ONS the population of London had the largest percentage who identified themselves as lesbian, gay or bisexual (LGB) at 2.8%. Other higher figures such as 10% are sometimes quoted however an exact figure is difficult to source due to the sensitivity of the subject area and the variety of definitions used. There is no local population data available in relation to sexual identity, however the Richmond LGBT Forum have previously indicated that the LGB&T community makes up c.10% of the population in London and probably more than that in Richmond.</p>

	<p>The 2017 consultation contained options for free text comments.</p> <p>During the PSPO consultation period, two users emailed to suggest they felt that provision 11A (which became Anti-social Behaviour Article A18) was plainly intended to have a disproportionate impact on gay or bisexual men and that not including sexual orientation in the 'About you' section of the survey would prevent a proper equality impact assessment being carried out in relation to the proposal.</p>
Across groups i.e older LGBT service users or bme young men	There is no service data to determine any findings across groups. No user feedback has identified an impact.

Data gaps.

Data gap(s)	How will this be addressed?
The PCUS survey demographics may under-represent after-school and weekend use of parks.	During the next survey, including periods after 5pm and on weekend should be considered (although this may have other impacts on comparing park-related data collected during the survey).
Data on sexual orientation in relation to park use	In 2017 it was recognised that an opportunity to collect this data was missed through the consultation. The 2020 survey will include an option for people to indicate their sexual orientation in order to ensure a proportionate approach is taken.
Impact of the proposed amendments	The impact of the proposals will be monitored in order to evaluate if there are any unintended negative impacts as a result.

3. Impact

Protected group	Positive	Negative
Age	Reducing anti-social and irresponsible behaviour and fear for personal safety may encourage children, young people and older people to make greater use of parks and public places.	It could be argued that young people are more likely to be visiting public places for active recreation, late at night, creating noise, drinking alcohol, camping and lighting fires. Therefore if implemented the impact of the PSPO to restrict these activities could have a negative impact on young people.

		<p>There is potential for the provision against going to the toilet in public places could have a greater impact on children and older people.</p> <p>30 consultation respondents in 2017 indicated they thought proposals to restrict cycling and similar devices within play/sports areas could have a negative impact on children learning to use these devices or to use them in safety.</p> <p>9 consultation respondents in 2017 said they thought the prohibition of drones would negatively affect children using small seVICES or would be okay with children using small devices.</p> <p>In order to mitigate the potential negative impacts identified above the following mitigating actions have been identified:</p> <p>Officers will use their discretion over the circumstances involved in any incident, especially in the initial period of implementation, making reasonable adjustments for age.</p> <p>A discussive, educational approach will always be taken first and a warning given before any enforcement action.</p> <p>There will be publicity about the launch of PSPOs and both temporary and permanent signage used to explain the changes.</p>
<p>Disability</p>	<p>Reducing anti-social and irresponsible behaviour and fear for personal safety may encourage people with a disability to make greater use of parks and public places.</p>	<p>The proposal if implementated could have a negative impact on some disabled people, for example those with learning difficulties or sensory impairments, who may not understand what is required when visiting a public place; they may be more likely to have enforcement action taken against them.</p> <p>In order to mitigate the potential negative impacts identified above the following mitigating actions have been identified:</p> <ul style="list-style-type: none"> • Officers will use their discretion over the circumstances involved in any

		<p>incident, especially in the initial period of implementation, making reasonable adjustments for disabled park users.</p> <ul style="list-style-type: none"> • A discussive, educational approach will always be taken first and a warning given before any enforcement action. • There will be publicity about the launch of PSPOs and both temporary and permanent signage used to explain the changes.
Gender (sex)	Reducing anti-social and irresponsible behaviour and fear for personal safety may encourage women to make greater use of parks and public places.	The proposal is unlikely to have a negative impact in terms of gender.
Gender reassignment	The increased presence in parks to implement the PSPO in the short-term may have the indirect beneficial impact of reducing or deterring hate crime and harassment incidents towards transgender people.	The proposal is unlikely to have a negative impact on transgender people and no specific issues were raised during the consultation.
Marriage and civil partnership	The impact of the proposal is neutral on the issue of marriage and civil partnerships.	The impact of the proposal is neutral on the issue of marriage and civil partnerships.
Pregnancy and maternity	The impact of the proposal is neutral on the issue of pregnancy and maternity.	The impact of the proposal is neutral on the issue of pregnancy and maternity.
Race/ethnicity	Reducing anti-social and irresponsible behaviour and fear for personal safety, and the indirect effects of an increased presence in parks to implement the PSPO, may encourage people from BME communities to make greater use of parks and public places.	<p>The proposal if implemented could have a negative impact for those with limited English who may not understand what is required when visiting a public place; they may be more likely to have enforcement action taken against them. In order to mitigate the potential negative impacts identified above the following mitigating actions have been identified:</p> <ul style="list-style-type: none"> • Officers will use their discretion over the circumstances involved in any incident, especially in the initial period of implementation, making reasonable adjustments for lack of language. • A discussive, educational approach will always be taken first and a

		<p>warning given before any enforcement action.</p> <ul style="list-style-type: none"> • There will be publicity about the launch of PSPOs and both temporary and permanent signage used to explain the changes, using symbols where possible.
<p>Religion and belief, including non belief</p>	<p>The impact of the proposal is neutral on the issue of religion or belief.</p>	<p>The impact of the proposal is neutral on the issue of religion or belief.</p>
<p>Sexual orientation</p>	<p>The increased presence in parks to implement the PSPO in the short-term may have the indirect beneficial impact of reducing or deterring hate crime and harassment incidents towards people on the basis of their sexual orientation.</p>	<p>An issue was identified in 2017 that could lead to a negative impact on people on the basis of their sexual orientation.</p> <p>Proposal 11A, which became Anti-social Behaviour Article A18, was a new provision giving the ability for officers to penalise a person engaging in lewd or sexually explicit behaviour that is likely to cause harassment, alarm or distress to other people. Rather than stopping public sex completely, this proposal is aimed at preventing acts taking place in very public areas where they are observed by others including vulnerable people and children. The Council receives regular complaints about this in relation to the Thames towpath through Ham Lands. In the 2017 public consultation, 87% agreed with the proposal. 4% agreed pending some changes, although few stated what changes they would wish to see. 4% disagreed. 5% had no opinion.</p> <p>The Article applies to all persons and all couples of any gender or sexual orientation. It covers acts that are already illegal and would be dealt with by the police.</p> <p>During the 2017 consultation, two residents raised the issue that the proposal could affect gay and bisexual men, or men who have sex with men, in a disproportionately negative way. Whilst the proposal would be applied in an even manner as outlined above, the</p>

		<p>following steps were taken to mitigate this potential negative impact:</p> <ul style="list-style-type: none"> • There was publicity about the launch of PSPOs and both temporary and permanent signage used to explain the changes. • Parkguard officers undergo Equality and Diversity training before deployment. • A considered, educational approach is always be taken first and a warning given before any enforcement action. • Enforcement approach, tolerance levels and use of discretion reviewed on an ongoing basis.
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4. Actions

Action	Lead Officer	Deadline
Contact LGBT organisations to discuss concerns and training needs.	Parks Service Manager	August 2020
Continue to require all authorised officers to undergo equalities training.	Parks Service Manager	Ongoing
Discuss enforcement approach, tolerance levels and use of discretion with authorised officers and police.	Parks Service Manager	Ongoing
Police and Council to engage with LGBT organisations to discuss problems in specific locations and implementation of order.	Parks Service Manager / Police	October 2020
Undertake publicity and ensure signage in place to make residents fully aware of the changes.	Parks Service Manager	October 2020
Consider how equalities monitoring of people spoken to related to PSPOs can be undertaken to identify if in practice a particular equality community is being disproportionately affected.	Parks Service Manager	October 2020

5. Consultation. (optional section– as appropriate)

Where a significant change is proposed to a service or where a new policy/service/service specification is being developed it is best practice to consult on the draft findings of an ENIA in order to identify if any impact or need has been missed.

A public consultation on the original proposals was undertaken for 26 days between 17th March and 12th April 2017. This was undertaken via an online survey asking for agreement, agreement with changes, disagreement or no opinion on each individual proposal. Over sixty Friends and community groups were notified of the consultation.

The 2020 renewal consultation is being run in a similar way for a longer period of time. The consultation findings will be used to update the EINA with up-to-date figures in section 2 and any new impacts identified.