

# Equality Impact Assessment / Equality Analysis

(updated May 2020)

<b>Title of service or policy</b>	Public Place Protection Order to control street drinking (related to anti-social behaviour) in Bath and a designated area of Midsomer Norton
<b>Name of directorate and service</b>	Partnership and Corporate Services, Community Safety
<b>Name and role of officers completing the EIA</b>	Lores Savine, Community Safety Officer
<b>Date of assessment</b>	October 2020

Equality Impact Assessment (or 'Equality Analysis') is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The main aim is to identify any discriminatory or negative consequences for a particular group or sector of the community, and also to identify areas where equality can be better promoted. Equality impact Assessments (EIAs) can be carried out in relation to services provided to customers and residents as well as employment policies/strategies that relate to staffing matters.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis. **Not all sections will be relevant – so leave blank any that are not applicable.** It is intended that this is used as a working document throughout the process, and a final version will be published on the Council's website.

<b>1.</b>	<b>Identify the aims of the policy or service and how it is implemented.</b>	
	<b>Key questions</b>	<b>Answers / Notes</b>
<b>1.1</b>	<p>Briefly describe purpose of the service/policy e.g.</p> <ul style="list-style-type: none"> <li>● How the service/policy is delivered and by whom</li> <li>● If responsibility for its implementation is shared with other departments or organisations</li> <li>● Intended outcomes</li> </ul>	<p>The Anti-social Behaviour, Crime and Policing Act 2014 created a range of new powers to deal with antisocial behaviour including the Public Space protection Order (PSPO)</p> <p><b>Purpose of a PSPO</b></p> <ul style="list-style-type: none"> <li>● Designed to stop people committing anti-social behaviour in a public space.</li> <li>● Address behaviour having or likely to have a detrimental effect on quality of life</li> <li>● Behaviour that is persistent or continuing in nature</li> <li>● Unreasonable, or likely to be unreasonable.</li> </ul> <p><b>Application of the PSPO</b></p> <p>Under this legislation the Police or accredited person will be empowered to seize and dispose of alcohol which is in an open or closed container where the conditions above apply. Failure to comply with such a request made by a police officer is an arrestable offence punishable by a fine.</p>

<p><b>1.2</b></p>	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> <li>● Is it a new service/policy or review of an existing one?</li> <li>● Is it a national requirement?).</li> <li>● How much room for review is there?</li> </ul>	<ul style="list-style-type: none"> <li>● The previous PSPOs (the City of Bath and Midsomer Norton High Street area) have lapsed, the new order will employ the same terms and be applicable under the same circumstances</li> <li>● National legislation that local authorities may put in place</li> <li>● Review at any time during the 3-year life of the Order or at the end of the three-year term.</li> </ul> <p><b>Intended outcome</b> The main aim of the lapsed PSPOs was to reduce street drinking which local communities have raised as having a detrimental effect in their areas. The lapsed PSPO and its intended replacement do not constitute a ban on drinking alcohol in public but does allow a level of control where consuming alcohol is problematic.</p>
<p><b>1.3</b></p>	<p>Do the aims of this policy link to or conflict with any other policies of the Council?</p>	

## 2. Consideration of available data, research and information

Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service. Please consider the availability of the following as potential sources:

- **Demographic** data and other statistics, including census findings
- Recent **research** findings (local and national)
- Results from **consultation or engagement** you have undertaken
- Service user **monitoring data** (including ethnicity, sex, disability, religion/belief, sexual orientation and age)
- Information from **relevant groups** or agencies, for example trade unions and voluntary/community organisations
- Analysis of records of enquiries about your service, or **complaints** or **compliments** about them
- Recommendations of **external inspections** or audit reports

	<b>Key questions</b>	<b>Data, research and information that you can refer to</b>
<b>2.1</b>	What equalities training have staff received to enable them to understand the needs of our diverse community?	<p>Avon and Somerset Police Inclusion and Diversity Plan 2019-2024.</p> <ul style="list-style-type: none"> <li>• Stonewall Champion</li> <li>• Member of the National Equalities Standard</li> <li>• Disability Confident Employer</li> </ul>
<b>2.2</b>	What is the equalities profile of service users?	<p>Received wisdom is that people who engage in street drinking are most likely to be street homeless. It is true that people who live this way of life are more likely to engage in alcohol and or drug misuse. However, it does not follow that they will engage in antisocial behaviour when drinking. Also these individuals are most likely to already be engaged with support services.</p> <p>Often alcohol related ASB takes places at the end of the evening when people who have had a night out may get into conflict with others.</p> <p>The police have not gathered data on the equalities make up of the people who have been subject to the PSPO. The reason being is that the Police do not set out use the PSPO as formal measure or to enforce action against individuals. It has been used as a tool to persuade people who</p>

		<p>are using alcohol to fuel antisocial behaviour to give up or throw away the alcohol. The Police are able to a Police officer to confiscate alcohol from people who may or are behaving in an anti-social manner.</p> <p>A further persuasive measure is that they can indicate the potential sanctions where people fail to comply with a lawful request to dispose of alcohol when asked to do so by a Police officer.</p>
<b>2.4</b>	Are there any recent customer satisfaction surveys to refer to? What were the results? Are there any gaps? Or differences in experience/outcomes?	The following project has been funded by the VRU ' <i>Researching and identifying drivers of serious violence within our street-based lifestyle population</i> '. The research should be completed by the end of October, the early indications are that people living a street-based lifestyle were not disproportionately affected by the lapsed PSPO.
<b>2.5</b>	What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	
<b>2.6</b>	If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	A 12-week public consultation will be conducted, key partners, Police, DHI, CCG and our Refuge Provider will be consulted. The result of this consultation will influence the drafting of the Order.
<b>3. Assessment of impact: 'Equality analysis'</b>		
	<p>Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:</p> <ul style="list-style-type: none"> <li>● Meets any particular needs of equalities groups or could help promote equality in some way.</li> <li>● Could have a negative or adverse impact for any of the equalities groups</li> </ul>	
	<b>Examples of what the service has done to promote equality</b>	<b>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</b>

3.1	<b>Sex</b> – identify the impact/potential impact of the policy on women and men.		BN&ES Council does not expect enforcement officer's actions to be influenced by a person's sex; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
3.2	<b>Pregnancy and maternity</b>		B&NES Council does not expect enforcement officer's actions to be influenced by pregnancy or maternity; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
3.3	<b>Gender reassignment</b> – identify the impact/potential impact of the policy on transgender people		B&NES Council does not expect enforcement officer's actions to be influenced by gender reassignment; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
3.4	<b>Disability</b> - identify the impact/potential impact of the policy on disabled people (ensure consideration both physical, sensory and mental impairments and mental health)		<p>The Council does not expect enforcement officer's actions to be influenced by a disability; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.</p> <p>Signs are erected around the area designated by the PSPO to ensure that people entering the area are advised that they are in a PSPO designated area. Wording on the face of the signs is dictated by the terms of the legislation and largely composed by lawyers. The Police recognise the need for clarity when dealing with people who may be infringing the terms of the PSPO. In requesting that an individual give up or dispose of alcohol they are trained as with all legislation to ensure that individuals understand how they have fallen foul of the legislation.</p>

			It is recognised that there may be individuals who for a variety of reasons may not be able to read or fully understand the wording on the sign,
<b>3.5</b>	<b>Age</b> – identify the impact/potential impact of the policy on different age groups		<p>There is no specific age of individuals engaging in street drinking. Previous offenders have been noted to range from 18 to those in their 60s. A&amp;S Police have advised that a PSPO cannot be used against young people (under 18); the Police would utilise alternative powers in relation to underage drinking. The treatment and process of applying a PSPO is solely focused on the restricted activities</p> <p>The police are trained to be able to identify and assess situations they may encounter and to identify any present risk in order that they may ensure that they react appropriately in any situation. For example if a person is intoxicated and needs to be hospitalised they will call for an ambulance/</p>
		<b>Examples of what the service has done to promote equality</b>	<b>Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this</b>
<b>3.6</b>	<b>Race</b> – identify the impact/potential impact on across different ethnic groups		B&NES Council does not expect enforcement officer's actions to be influenced by race; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
<b>3.7</b>	<b>Sexual orientation</b> - identify the impact/potential impact of the policy on lesbian, gay, bisexual, heterosexual people		B&NES Council does not expect enforcement officer's actions to be influenced by a person's sexual orientation; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.

3.8	<b>Marriage and civil partnership</b> – does the policy/strategy treat married and civil partnered people equally?		B&NES Council does not expect enforcement officer's actions to be influenced by marital or partnership status ; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
3.9	<b>Religion/belief</b> – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.		B&NES Council does not expect enforcement officer's actions to be influenced by religion and belief; the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.
3.10	<b>Socio-economically disadvantaged*</b> – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances <b>(this is not a legal requirement, but is a local priority).</b>		It is acknowledged that the majority of individuals who engage in street drinking within B&NES are categorised as economically disadvantaged and often lead chaotic lifestyles. This does not mean that they are street homeless; most of the known offenders are securely housed whether with a social landlord or in private accommodation.
3.11	<b>Rural communities*</b> – identify the impact / potential impact on people living in rural communities		B&NES Council does not expect enforcement officer's actions to unduly impact on Communities in Midsomer Norton the treatment and process of applying a PSPO is solely focused on the restricted activities and will be the same for all.

There is no requirement within the public sector duty of the Equality Act to consider groups who may be disadvantaged due to socio economic status, or because of living in a rural area. However, these are significant issues within B&NES and have therefore been included here.

#### **4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan**



Please list actions that you plan to take as a result of this assessment/analysis. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when

## 5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team ([equality@bathnes.gov.uk](mailto:equality@bathnes.gov.uk)), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

**Signed off by:**

(Divisional Director or nominated senior officer)

**Date:**