

Equality Impact Assessment

Title of Policy/Service/Contract: Expansion of Use of Powers contained within the Antisocial Behaviour, Crime & Policing Act 2014

Division: Community Services, Policy & Performance

Lead Officer: Kate Wilson

Date Assessment completed: 4 January 2019

1. SCOPING

1.1 What are the aims of the policy, service / service change or contract?

The Council proposes an extension to the existing powers within the Anti-social Behaviour, Crime & Policing Act to issue Public Space Protection Orders (PSPOs), Community Protection Notices (CPNs), Criminal Behaviour Order (CBOs) and Injunctions for specific offences.

In a report to Cabinet in October 2014, MSDC acknowledged a full range of powers available to local authorities under the new powers contained within the ASBCP. The powers set out in the new legislation placed a greater emphasis on the use of Fixed Penalty Notices (FPN's) to enforce and change behaviour. Specifically, the Act introduced Community Protection Notices and Public Space Protection Orders (PSPO's), where a breach could result in a Fixed Penalty Notice. In that same report Cabinet approved an expansion of use of powers contained within the Clean Neighbourhoods and Environment Act 2005, specifically to expand the use of Fixed Penalty Notices.

In addition, further to Council approval on 27 September 2017, the Council updated its dog control measures on 17 October 2017, introducing four Public Space Protection Orders (PSPO) under legislation contained in the ASBCP Act, to replace the existing 'Dog Control Order' legislation. This was agreed for an initial period of 3 years, with the intention of reviewing after that period (October 2020).

Since the adoption of these powers, other ASB issues have arisen in the District such as car cruising/anti-social vehicle use, anti-social and nuisance behaviour in public places by children & young people and other environmental ASB.

1.2 Who does the service/policy/ contract effect? Who are the main customers (internal or external?)

The policy change will affect residents of Mid Sussex as well as internal staff who will need to be trained and authorised to expand the use of powers. To ensure that all residents are aware of the changes to policy and inclusion of additional offences a media campaign is planned. This will include the use of social media as well as more traditional methods to ensure that residents are aware of the changes before they become enforceable.

The policy change will also impact on statutory partners such as Sussex Police, Youth Offending Service, Schools etc and they will be informed through formal communication methods prior to implementation.

1.3 What equality information is available, including any evidence from engagement and analysis of use of services?

To date very few FPN's have been issued within current powers, therefore the data available is limited. Information from other authority areas is also limited, although indications are that the powers are unlikely to adversely affect any particular group.

Information relating to individuals and businesses committing anti-social behaviour may be collected by the Council and / or other agencies, such as the Police, with whom the Council hold an information sharing protocol for this purpose. In addition, statutory partners will collectively use the case management system, ECINS.

1.4 What does this information tell us about the equality issues associated with the service and implications for the protected groups?

The use of powers will be a reactive tool to deal with complaints and issues around anti-social behaviour. It is the detriment of a specific behaviour that will trigger the use of a power rather than the behaviour itself. It is designed to only be used when necessary and when all other interventions have been exhausted. Therefore, no particular groups will be targeted.

Each case will be considered on its own merit, and because each case will involve engagement with statutory partners and relevant organisations, the needs of each individual and wider family / community can be taken into consideration during the relevant process.

Whilst proposals will seek to address ASB issues involving children and young people, as stated above, this will be reflected by the detriment of a behaviour rather than because the behaviour was carried out by a child or young person. In addition, powers can be used with parents / carers of the child where it is deemed they are failing to act in addressing the behaviour.

In order for powers to be issued, one of the designated authorities must be satisfied on reasonable grounds that the conduct of the individual or organisation is;

- having a detrimental effect on the quality of life of those in the locality;
- persistent or continuing in nature; and
- unreasonable

These 'tests' must be considered on a case by case basis.

1.5 Are contractors or partnerships used to deliver the service? YES

- ***Identify the contractors/partnerships used to deliver the service***

Sussex Police, Registered Social Landlords

2. Assessment of Impact; Analysis and Action Planning

Any gaps in information or provision, opportunities to promote equalities and good relations identified above need to be translated into SMART actions and recorded here. These actions need to be delivered and monitored through the service planning process.

Opportunity to promote equality, good relations and/or address barriers to service/differential impact	Current action taken to address these	Further actions required and timescales	Lead Officer	How will impact be measured
The needs of different ethnic groups including white minorities, but also established white communities				
There may be differing language needs among some BME groups.	The policy outlines the correct procedure for issuing notices. This includes taking what details can be obtained from an individual and asking them to attend the Council premises or other suitable location to discuss with the use of an interpreter before issuing the notice.	Monitor the impact of the new policy to see if this does adversely affect certain communities	Kate Wilson	Number of notices issued with language identified as a barrier
The needs of men and women. Including taking account of pregnancy and maternity.				
None identified				
The needs of disabled people				
There may be additional needs that make it difficult for an individual to respond to what is required.	Notices will be issued to individuals with additional needs however these will be taken into consideration at the time of the offence. Engagement with specific support services could also be included as a condition of a notice, as appropriate.	This will be regularly monitored	Kate Wilson	Number of notices issued where disability identified
The needs of people with a religion or belief				
None identified				

APPENDIX 3

Opportunity to promote equality and/or barriers to service/differential impact	Current action taken to address these	Further actions required and timescales	Lead Officer	How will impact be measured
The needs of gay men, lesbians, bisexuals and heterosexual people				
None identified				
Issues from marriage and civil partnership				
None identified				
The needs of different age groups, for example older and younger people				
<p>Fixed Penalty Notices can be issued to those aged between 10 and 18 years.</p> <p>CPNs can be issued to those aged 16 years plus and to the parent / carer of someone engaging in ASB under the age of 16 yrs.</p> <p>Injunctions can be issued to those aged between 10 - 16 yrs.</p> <p>It could be that particular groups ie. Older people complain about younger people disproportionately.</p>	<p>Powers will, where appropriate, be used with parents / carers before any further sanction is taken against the child / young person.</p> <p>Educational campaigns around the new powers will target all ages through a range of media options to ensure that residents are aware of the changes.</p> <p>Youth Offending Service will always be consulted when dealing with a case involving someone under the age of 18 years.</p>	<p>To be monitored regularly with review as necessary</p>	<p>Kate Wilson</p>	<p>Number of notices issued to those under 18 years</p> <p>Number of notices issued to parents</p>
The needs of transgender communities				
None identified				
The needs of people who are disadvantaged by socio-economic factors such as low incomes, skill or living in a deprived area				
None identified				
The needs of people who live in a rural area				

That use of powers and conditions of notices do not isolate them.	Ensure that any condition included within a notice is proportionate and facilitates access to work and education	To be monitored regularly with review as necessary	Kate Wilson	Number of notices issued to those living in rural area
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3. Mid Sussex District Council Equality Impact Assessment Summary

Key Findings	Future Actions
<p>The Council currently has four Public Space Protection Orders in place for dog control offences only.</p> <p>The Council issues Fixed Penalty Notices (FPNs) for a range of environmental ASB.</p> <p>The Council is to extend the use of powers contained within ASBCP Act 2014</p> <p>The Council is planning to work with Sussex Police and other key partners to expand the use of powers</p> <p>There is a lack of information about the characteristic of those to whom powers have been used as numbers are low and equalities information is not recorded.</p>	<p>Training will be provided to the additional officers who will be authorised to use the powers. The training will emphasise the importance of using the correct procedure, taking into account equality issues.</p> <p>Equalities data will be recorded to assess the impact of these changes</p>

4. Signing off this assessment and action plan

Signature
 Person undertaking the assessment

Date

Signature
 Head of Service

Date