

## Equality Impact Assessment (EIA)

### Engagement and our equality duty

Whilst [the Gunning Principles](#) set out the rules for consulting ‘everyone’, additional requirements are in place to avoid discrimination and inequality.

Cheshire East Council is required to comply with the Equality Act 2010 and the Public Sector Equality Duty. The Equality Act 2010 simplified previous anti-discrimination laws with a single piece of legislation. Within the Act, the Public Sector Equality Duty (Section 149) has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, by consciously thinking about equality when making decisions (such as in developing policy, delivering services and commissioning from others)
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, by removing disadvantages, meeting their specific needs, and encouraging their participation in public life
- foster good relations between people who share a protected characteristic and people who do not

The Equality Duty helps public bodies to deliver their overall objectives for public services, and as such should be approached as a positive opportunity to support good decision-making.

It encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people’s needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people’s opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve providing a service in a way which is appropriate for people who share a protected characteristic, such as providing computer training to all people to help them access information and services.

The Equality Act identifies nine 'protected characteristics' and makes it a legal requirement to make sure that people with these characteristics are protected from discrimination:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

### **Applying the equality duty to engagement**

If you are developing a new policy, strategy or programme you may need to carry out an Equality Impact Assessment. You may be able to ascertain the impact of your proposal on different characteristics through desk-based research and learning from similar programmes, but you also need to carry out some primary research and engagement. People with protected characteristics are often described as 'hard to reach' but you will find everyone can be reached – you just need to tailor your approach, so it is accessible for them.

Contacting the [Equality and Diversity mailbox](#) will help you to understand how you can gain insight as to the impacts of your proposals and will ensure that you help the Council to comply with the Equality Act 2010 and the Public Sector Equality Duty.

## Section 1 – Details of the service, service change, decommissioning of the service, strategy, function or procedure

<b>Proposal Title</b>	Consultation around Extension of Dog Fouling/Dog Control Public Spaces Protection Orders Borough Wide and area specific Carrs Park, Wilmslow
<b>Date of Assessment</b>	July 2023
<b>Assessment Lead Officer Name</b>	Laura Woodrow-Hirst
<b>Directorate/Service</b>	Neighbourhood Services
<b>Details of the service, service change, decommissioning of the service, strategy, function or procedure.</b>	<p>In 2017 Cheshire East Council Consulted with members of public and key stakeholders in relation to its intentions to introduce a borough wide Public Spaces Protection Order (PSPO) to address Dog Fouling and Dog Control. The consultation in regard to our intentions was well received and positive and as a result a PSPO was implemented under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 on the 1<sup>st</sup> November 2017.</p> <p>At the same time a former Dog Control Order automatically converted into a PSPO as per transitional provisions stipulated in section 75 of the same Act.</p> <p>PSPO's can only be in force for a maximum of 3 years before they need to be reviewed and consulted in respect of a further extension, variation of discontinuance.</p> <p>In 2020 the council consulted on the proposed extension of the Borough wide Dog fouling and dog control PSPO and of fully converting the Carrs Park Wilmslow to a PSPO (including all paperwork) as per transitional provisions. Again, the consultation indicated positive support of, or intentions and the orders were made and extended accordingly.</p> <p>As a further 3-year anniversary approaches, the Council again are consulting with members of public and key stakeholder in relation to our intentions to extend both PSPO's under sec 60(2) of the act and of all other enabling powers.</p>

	<p>Section 60(2) of the Act gives the Council a discretionary power to extend the PSPO if, in addition to having regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention, it is satisfied on reasonable grounds that an extension is necessary in order to prevent after that time, the occurrence or recurrence of, or an increase in the frequency or seriousness of, the activities identified in paragraphs (a) to (d) of the Introduction to the Order.</p> <p>In accordance with its duty under Section 72(3) of the Act, the council will be seeking views of the Public on the proposed extensions. At this stage the Council is intending to extend the PSPO's in their entirety with no amendments or changes.</p> <p>The Council is however aware that some members of public would like to see more enhanced restrictions on some areas of the borough (for example, no dogs in gated children's play areas, and dogs on lead always in cemeteries). As part of our consultation, we are also asking members of public to feed back their opinions on potential enhancements on the orders should we find ourselves in a position to look into enhancements/variations of the order further.</p> <p>A Consultation on our intention was primarily via our webpage, social media and local media releases, with information sent to all of our key stakeholders including Members, Ward, Parish and Town.</p> <p>Members of public and other stakeholders had the option to request a paper copy of our draft orders and consultation should they require them, or to complete the consultation over the phone with a member of the Anti-Social Behaviour Team.</p> <p>Copies of PDF "notice to extend" with links to our consultation and webpages for further information have been sent to key stakeholders and all Members so as where practicable and should they choose to, they can share electronically or print off and display in communal areas.</p>
<b>Who is Affected?</b>	Members of the public (in particular dog owners), along with other stakeholders:

	<p>Employees (in particular Community Enforcement Officers), all ward members, Town and Parish Councils, partners (MAAG partners), public and private landowners whereby public have access to the land and would normally use the area to exercise their dogs within this land (such as national trust, council parks and greenspaces, town and parish council parks etc)</p> <p>Those benefitting from the orders should they be extended will in the main include:</p> <ul style="list-style-type: none"> <li>- Members of public through a consistent, continued approach to dog foul and dog control.</li> <li>- Park and open space owners/voluntary groups the land is associated with.</li> <li>- Enforcement Teams, enabling existing powers to remain in place so as the approach to responsible dog ownership can continue.</li> </ul> <p>For those not adhering to the orders, Breach of any of the prohibitions is a criminal offence and would be dealt with either by means of a Fixed Penalty Notice of £100 in line with the fine levels for a breach of a PSPO in Cheshire East or on summary conviction, a fine not exceeding level 3 on the standard scale, namely £1000.</p> <p>There are specific exemptions that apply to certain groups in relation to the requirements of this particular order which can be found in detail further below in this EIA and also within the order itself.</p>
<p><b>Links and impact on other services, strategies, functions or procedures.</b></p>	<p>As these orders have been in place for a number of years not, it is no expected that the extension of them in the current, original form will impact any differently on other services, functions or procedures as these will all remain the same.</p> <p>The proposals support the following in relation to the corporate plan:</p> <p>An open and enabling organisation - Priority: Support a sustainable financial future for the council, through service development, improvement and transformation.</p> <p>A council which empowers and cares about people - Priority: Work together with our residents and our partners to support people and communities to be strong and resilient.</p>

	A thriving and sustainable place - Priority: Reduce impact on the environment.
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**How does the service, service change, strategy, function or procedure help the Council meet the requirements of the [Public Sector Equality Duty](#)?**

There are particular exemptions within the order that cover some members of the community that fall within protective factors within the Equality Act 2010. There is no history of unequal outcomes or particular targeting of any groups in relation to age, race, disability or gender. Where it is obvious to an enforcing officer that an exemption applies, enforcement action will not take place. In some circumstances an individual may be asked to provide evidence of an exemption for review by a manager before enforcement action is withdrawn (EG medical certification)

Details of exemptions are as follows:

#### Exemptions for Disabled People

9. The dog fouling provisions in this Order do not apply to a person who:

(a) is registered as partially sighted or blind, in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is registered as “sight-impaired”, “severely sight-impaired” or as “having sight and hearing impairments which, in combination, have a significant effect on their day to day lives”, in a register compiled under section 18 of the Social Services and Well-being (Wales) Act 2014; or

(c) has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, such that he cannot reasonably be expected to remove the faeces; or

(d) has some other disability, such that he cannot reasonably be expected to remove the faeces.

10. For the purposes of this Order, a “disability” means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and a “disabled person” means a person who has such a disability.

#### Exemption for Working Dogs

11. Nothing in this Order shall apply to the normal activities of a working dog, whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of Her Majesty’s armed forces; farm dogs that are being used to herd or drive animals; dogs that are being lawfully used for the capture or destruction of vermin and dogs that are being lawfully used for the purposes of hunting.

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## Section 2- Information – What do you know?

What do you know?	What information (qualitative and quantitative) and/or research have you used to commission/change/decommission the service, strategy, function, or procedure?
<p><b>Information you used</b></p>	<p>Information used to consider an extension of this order has primarily been from requests for patrols in line with responsible dog ownership and dog foul clearance requests/requests for signage, along with Members Enquiry Service requests for patrols etc. These however have not specifically identified any particular groups (complainants/alleged perpetrators) relevant to the protective characteristics covered in the Equality Act 2010.</p> <p>Currently the Council is not looking to change any of the original orders and are satisfied that the legislation used still applies and we are undertaking the relevant consultations and reviews of the orders to allow them to be extended.</p> <p><b>The ASB Crime and Policing Act 2014</b> has as always guided us in relation to the legal process for these reviews of the orders and what is required. In addition to this we are also guided by the councils <b>corporate and our service specific enforcement policies</b> and the <b>Councils PSPO internal procedure</b>. The results of the public consultation with also guide and inform on the decision-making process in relation to whether the proposals around these orders are to be approved.</p>
<p><b>Gaps in your Information</b></p>	<p>The PSPO does not aim to target any groups of people and as such any stakeholders with protected characteristics are not either positively or negatively impacted as a result. There are exemptions in place to ensure some individuals with specific protected characteristics will not be required to comply with parts of the order. In particular those who are registered disable and are either partially sighted or blind.</p> <p>Some parks and areas within our borough would like to see more enhanced prohibitions on this order, (such as dogs on leads at all times, number of dogs per owners etc.). At this stage the council will not be consulting on bespoke variations for these areas, which can be done at any point if the order are agreed to continue for another 3 years. Some may argue that an extension of our basic borough wide order does not meet their needs, however we are unaware of what impact this would have and whether this would include further assessments of the impact more enhanced restrictions may have in relation to those groups with protected characteristics. This research would take place when/if further requirements are considered in the future and not relevant at this stage.</p>



### 3. What did people tell you?

What did people tell you	What consultation and engagement activities have you already undertaken and what did people tell you? Is there any feedback from other local and/or external regional/national consultations that could be included in your assessment?
<p><b>Details and dates of the consultation/s and/or engagement activities</b></p>	<p>Ahead of public consultation the councils PSPO procedure was followed. Our intentions were discussed at our Multi-Agency Action Group (MAAG) in May 2023, of which those in attendance agreed to process to draft extensions and public consultation approval process. The Council’s intentions were also circulated to all MAAG partners that were unable to attend May’s meeting via minutes of the meeting held 4<sup>th</sup> May 2023.</p> <p>The Council sought legal advice internally in relation to the notice of extension of the orders and the draft orders themselves that would be shared during public consultation. Permission to consult was granted as per the Council’s PSPO procedures.</p> <p>A consultation was launched on the 26<sup>th</sup> July in relation to Carrs and Borough Wide Dog related PSPO’s. Legislative guidance stipulates that consultations should last no less than 4 weeks. We ran this consultation for 6 weeks, closing at 9am on the 6<sup>th</sup> September 2023. Members of public were invited to complete an online consultation in relation to their views about our intentions to extend the order and also (in relation to our Borough wide order) inform us as to whether in the future they might like to see further enhancements borough wide.</p> <p>All MAAG Partners, and key stakeholders were informed of the various methods of consultation which included PDF’s copies of the councils “notices of intent” which could be circulated to residents/members of public/businesses etc as those in receipt of saw fit. Included on the notice of intent was a QR code and written web link to an online version of the consultation, and also an email address and phone number should alternate methods of completing the online survey be requested.</p> <p>In addition to this a press article encouraging participation was released with all the methods of getting in touch highlighted, and paper copies of the notices of intent were displayed in relevant libraries, and leisure centres.</p>

	<p>Our intentions were also circulated to our MAAG members and key stakeholders including ward members and town councils whereby there were gated areas with their geographical areas ahead of the launch of the public consultation and no negative feedback was received on our intentions to pursue an extension and variation of the order.</p> <p>A summary of the feedback from both the Borough Wide and Carrs PSPO's is attached.</p>  <p>Appendix C - PSPO Consultation responses</p> <p>The main points of note were that there were <b>62 responses</b> in total and in general most were in favour of an extension of both PSPO's.</p> <p>Feedback from the Police and Crime Commissioners office and also the Dogs Trust was also received, none of which highlighted any concerns with the Council's intentions, the Dogs Trust did however advise against too many restrictions in relation to dogs and their owners in public spaces. No data was received that highlighted specific impacts the proposals may have on those that share one or more of the protected characteristics. In relation to enforcement as highlighted throughout this document there are exemptions in place.</p>
<p><b>Gaps in consultation and engagement feedback</b></p>	<p>As no changes to the orders were proposed and multiple ways of members of public responding to us about their views, no significant gaps were identified. Park and Countryside Rangers, external partners (such as the national trust) and national relevant agents (such as the Dogs Trust) were consulted. PDF copies of our intentions were circulated to managers who look after our parks and open spaces for them to display in areas as they saw fit as well. Previous consultations in relation to PSPO evidence that were orders are new/being significantly changed, the level of consultation tends to be higher as members of public have more to say on these proposals. When consulting on already existing orders, the numbers have over the last two periods of consultation been low.</p>

#### 4. Review of information, consultation feedback and equality analysis

<b>Protected characteristics groups from the <a href="#">Equality Act 2010</a></b>	<b>What do you know?</b> Summary of information used to inform the proposal	<b>What did people tell you?</b> Summary of customer and/or staff feedback	<b>What does this mean?</b> Impacts identified from the information and feedback (actual and potential). These can be either positive, negative or have no impact.
<b>Age</b>	There may be impact at consultation stage. Older people may need access to non-digital forms of information in order for them to be able to participate in the consultation process.	No relevant feedback received specifically in relation to age.	Information has been sent for press release, and PDF documents have been sent to our main reception areas (including libraries and leisure centres) to be printed off and displayed with contact numbers, building address and email contact to allow to request paper copies of complete over the phone.
<b>Disability</b>	The proposed order refers to exemptions in relation to certain disabilities and the order not applying. However, some may have to provide evidence to prove that the exemption applies.	No relevant feedback received specifically in relation to disability	There are certain exemptions (mentioned earlier in this assessment) in relation to disability and working dogs which means individuals registered as disabled under certain categories will be exempt from prosecution under this order.
<b>Gender reassignment</b>	No negative impacts have been identified at this stage.	No relevant feedback received specifically in relation to gender reassignment	The PSPO's are not gender specific and apply equally to both women and men.
<b>Pregnancy and maternity</b>	No negative impacts have been identified at this stage.	No relevant feedback received specifically in relation to pregnancy and maternity	None of the conditions of the PSPO's specifically target those who are pregnant/undertaking maternity leave.

<b>Race/ethnicity</b>	No anticipated impact.	No relevant feedback received specifically in relation to race/ethnicity	Members of the public will be treated fairly and equally regardless of race.
<b>Religion or belief</b>	No anticipated impact.	No relevant feedback received specifically in relation to religion or belief	Members of the public will be treated fairly and equally regardless of their religious beliefs
<b>Sex</b>	No negative impacts have been identified at this stage.	No relevant feedback received specifically in relation to sex	Members of the public will be treated fairly and equally regardless of sex/gender
<b>Sexual orientation</b>	No particular negative impacts have been identified at this stage.	No relevant feedback received specifically in relation to sexual orientation	Members of the public will be treated fairly and equally regardless of their sexual orientation
<b>Marriage and civil partnership</b>	No particular negative impacts have been identified at this stage.	No relevant feedback received specifically in relation to marriage and civil partnership	Members of the public will be treated fairly and equally regardless of their Marriage/civil partnership status.

## 5. Justification, Mitigation and Actions

<b>Mitigation</b>	<b>What can you do?</b>
<p>Please provide justification for the proposal if negative impacts have been identified?</p> <p>Are there any actions that could be undertaken to mitigate, reduce or remove negative impacts?</p>	<p>Actions to mitigate any negative impacts or further enhance positive impacts</p> <p>There are exemptions within the current orders (of which we propose to extend with no amendments) in relation to disability and working dogs which means individuals registered as disabled under certain categories will be exempt from prosecution under the orders.</p>

<p>Have all available options been explored? Please include details of alternative options and why they couldn't be considered?</p> <p>Please include details of how positive impacts could be further enhanced, if possible?</p>	
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6. Monitoring and Review -

<b>Monitoring and review</b>	<b>How will the impact of the service, service change, decommissioning of the service, strategy, function or procedure be monitored? How will actions to mitigate negative impacts be monitored? Date for review of the EIA</b>
<b>Details of monitoring activities</b>	<p>The order will be monitored via regular reporting on enforcement actions that have taken place in relation to those not adhering to the requirements. The enforcement actions taken will be monitored by the relevant team leaders to ensure that policy and procedure is being followed in relation to the actions that are being taken (officer compliance).</p> <p>Requests for patrols will also be reported on our case management system to measure impacts of those patrols against reports of dog fouling etc.</p>
<b>Date and responsible officer for the review of the EIA</b>	<p>Please include the date, responsible officer and department. It is recommended that the EIA be reviewed approximately 6 months after it has been signed off.</p> <p><b>January 2024 – Laura Woodrow-Hirst</b></p>

## 7. Sign Off

When you have completed your EIA, it should be sent to the [Equality, Diversity and Inclusion Mailbox](#) for review. If your EIA is approved, it must then be signed off by a senior manager within your Department (Head of Service or above).

Once the EIA has been signed off, please forward a copy to the Equality, Diversity and Inclusion Officer to be published on the website. For Transparency, we are committed to publishing all Equality Impact Assessments relating to public engagement.

<b>Name</b>	<b>Christopher Allman</b>
<b>Signature</b>	
<b>Date</b>	18.09.23

## 8. Help and Support

For support and advice please contact [EqualityandInclusion@cheshireeast.gov.uk](mailto:EqualityandInclusion@cheshireeast.gov.uk)