

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

Proposal Title	Extension and variation of Alley Gate Public Spaces Protection Order (PSPO)
Date of Assessment	03/08/2023
Assessment Lead Officer Name	Laura Woodrow-Hirst
Directorate/Service	Neighbourhood Services
Details of the service, service change, decommissioning of the service, strategy, function or procedure.	<p>This EIA relates to the now completed consultation process and proposal to extend and where applicable vary, the alley gate PSPO. Which was due to be reviewed and extended in accordance with statutory guidance.</p> <p>PSPO's specify an area where activities are taking place that may negatively affect the local community's quality of life. PSPO's impose conditions or restrictions on people using that area, such as alcohol bans or putting up gates (since 2014 PSPO's have replaced Gating Orders). Breach of a PSPO may be a criminal offence punishable by fixed penalty notice or prosecution.</p> <p>PSPO's were introduced as part of the 2014 Anti-Social Behaviour Crime and Policing Act (ASBPCA). The Highways Act (Gating Orders) (England) Regulations 2006 came into operation on 1 April 2006 and allowed for the installation of gates on the highway to address anti-social behaviour (ASB), reduce the number of household burglaries and reduce other incidents of criminality. Since that time Cheshire East Council introduced a number of Gating Orders, mainly across areas of Crewe with the exception of one in Middlewich and a further one in Macclesfield.</p> <p>The ASBPCA came into force in October 2014 and introduced streamlined tools and powers to address ASB. By virtue of section 75 (2) within 3 years of the commencement of the Act (that is by 1st October 2017) all existing gating orders across Cheshire East automatically transitioned into PSPO's.</p>

The legislation stipulates Local Authorities must review any existing PSPO's within a three-year period. In 2020 are main gated areas were reviewed and extended. As this was during the Pandemic and subsequent lockdowns it was hard to undertake a thorough review of the orders so proposals to extend the main areas were made with a view to further reviewing all areas during the next review period during 2023. The review is due before October 2023 so the council are currently undergoing a period of consultation and will be taking our recommendations to our Environment and Communities Committee for a decision ahead of the expiration dates of the current PSPO.

In summary, the council intends to extend the current order, and also vary the order to add on and include all current gated areas in adopted and unadopted alleyways so as the order covers all.

Consultation process:

Before introducing, extending, varying or discharging a PSPO, there are requirements under the ASBCPA regarding consultation.

The Council is obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or community councils that are in the proposed area covered by the PSPO must be notified.

There are additional requirements under the ASBCPA regarding Orders that restrict public rights of way over a highway. Beyond this, and the broad requirements above, the Council can determine what an appropriate consultation process might entail.

Consideration has been given to the length of the consultation process to ensure all parties are given the opportunity to engage and whether consultation could affect people on the basis of 'protected characteristics'.

	<p>Consultations over our intentions will be primarily via our webpage, social media and local media releases, within information sent to all of our key stakeholders including Members, Ward, Parish and Town. Members of public will have 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>
<p>Who is Affected?</p>	<p>Members of public who are living next to or alongside the gated alleyways identified in the proposed schedule, members of public who may have, in the past (prior to 2010) used the alleyways to commute from one area to the other and also the below main stakeholders:</p> <p>Employees (in particular ANSA and the Library service who assist with the repair, maintenance and key supply in relation to the gated areas), all ward members whereby gates are within, Town and Parish Councils whereby gates are within, partners (MAAG partners).</p> <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>The gates over alleyways themselves do have potential to impact on those with a disability if they struggle to open or shut the gates due to a physical or visual disability for example. There are electric gates fitted in some of the areas due to this whereby the section of gated alleyway is a main exit and entrance and would have normally been accessible to the person/s with a disability.</p>
<p>Links and impact on other services, strategies, functions or procedures.</p>	<p>As these orders have been in place for several years under the relevant legislation at the time, it is not expected that the extension and variation of the current order to include all gates that are already in place</p>

	<p>will impact any differently on other services, functions or procedures as these will all remain the same as they have done since 2009/2010.</p> <p>The proposals supports 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> <p>A thriving and sustainable place - Priority: Reduce impact on the environment</p>
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<p>How does the service, service change, strategy, function or procedure help the Council meet the requirements of the Public Sector Equality Duty?</p>	<p>The objective is to provide an opportunity to enhance the quality of life for local residents for a further 3 year period and further support the local community in placing their safety as a priority. It is not anticipated that the continuation and varying of a gating PSPO will affect or unfairly disadvantage any particular group, however this will be reviewed through the consultation process. The continuation of a PSPO In these areas will allow existing conditions to merely be extended for a further 3 years.</p> <p>The consultation process was designed to allow those who are not happy with our intentions to make a representation to the Council around this. There were several methods in which an objection to our proposals can be made, via our website which can be translated as well, over the telephone, in writing or by requesting a hard copy of the consultation to post back to the team. Copies of our notice of intent have also been sent to all ward Cllrs who will be able to advise and further notify their constituents.</p> <p>No formal objection responses were received during the consultation period.</p>
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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>Information you used</p>	<p>Currently we are not looking to change any of the original order other than to vary the existing order to add all of the gated areas onto the list that have been gated since 2009/2010 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 and varied.</p> <p>The ASB Crime and Policing Act 2014 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 corporate and our service specific enforcement policies and the Councils PSPO internal procedure. 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>No formal objection responses were received during the consultation period, it is anticipated that this is due to the gates being in place for a number of years now, and that the councils’ proposals are that this is not to change. This is not unusual as there were no objections during the last consultation for the same during 2020.</p>

	There are clear reporting mechanisms for the gates already in place if there are issues or concerns with the gates. Those who are entitled to keys for the gates are also able to request, pay for and collect these as well. There has not been any information received in relation to matters concerning those with protected characteristics in relation to these gated areas and the proposals at this stage.
Gaps in your Information	No formal objections were received in relation to the councils proposal and there has been no additional feedback/information in relation to those living within the gated areas with protected characteristics.

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?
Details and dates of the consultation/s and/or engagement activities	<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 4th May 2023.</p> <p>Our legal team were consulted with in relation to the notice of extension and variation of the order and also the draft order and detailed schedule 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 26th July in relation to the alley gate PSPO. Legislative guidance stipulates that consultations should last no less than 4 weeks. We ran this consultation for 6 weeks, closing at 9am on the 6th September 2023. Members of public were invited to inform the council if they objected to the proposals around existing gated alleyways. Those living in the gated areas specifically were invited to read the proposals and inform the council if they objected to them. Ward members of those areas and the local town councils were also invited to share the information on their different platforms as well.</p>

	<p>All MAAG Partners, and key stakeholders were informed of the various methods of consultation which included PDF's copies of the councils "notice 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 feeding back an objection be requested.</p> <p>In addition to this a press article encouraging participation was released with all of 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>There were no formal responses received in relation to objections around the proposed extension and variation of the order. There was one email received highlighting concerns in general over gating access to sections of highways sent to the ASB Team mailbox rather than as a consultation response. However, this response did not include any reference to impacts upon those who share one or more protected characteristics.</p> <p>This will be responded to outside of the formal response as the concerns raised are in relation to legislative questions. We have also used the facts that previous public consultations in relation to this order and extension of have not received negative feedback so far. Our intentions were also circulated to our MAAG members and key stakeholders including separate emails to individual 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>Gaps in consultation and engagement feedback</p>	<p>Although no formal objections were received, some enquiries in general were made in relation to some members of public thinking that we were proposing to "gate" new stretches of public highway. Rather than just extend original orders. It may be in the future worth considering if there is any possible way of making it clearer that the consultation is just for existing alleyways. Event these enquiries were very low though and to our main ASB mailbox rather than our formal consultation response methods, some may have just read the proposal incorrectly and were responded to accordingly.</p>

4. Review of information, consultation feedback and equality analysis

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of information used to inform the proposal	What did people tell you? Summary of customer and/or staff feedback	What does this mean? Impacts identified from the information and feedback (actual and potential). These can be either positive, negative or have no impact.
Age	No anticipated negative impacts have been identified at this stage	No feedback received specifically in relation to age	The PSPO is not age specific and apply equally to all age groups.
Disability	No anticipated negative impacts have been identified at this stage. There are process in place to allow any member of public to contact us if they had any concerns in relation to their gated area. Where concerns were raised during implementation of the gates, adjustments were made accordingly for those who required additional access needs, whereby the gated area was their primary access.	No feedback was received specifically in relation to disability.	The Council would address any disability concerns and put additional support measures in place, as required through prevention, education and sign posting to other agencies where necessary. There are electric gates fitted in some of the areas where the section of gated alleyway is a main exit and entrance and would have normally been accessible to the person/s with a disability. Any request for this modification will be assessed when made.
Gender reassignment	No particular negative impacts have been identified at this stage.	No feedback was received in relation to gender reassignment	The PSPO is not gender specific and applies equally to both women and men

Pregnancy and maternity	No particular 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 specifically targets those who are pregnant/undertaking maternity leave.
Race/ethnicity	No particular negative impacts have been identified at this stage .	No feedback was received specifically in relation to race/ethnicity	Members of the public will be treated fairly and equally regardless of race
Religion or belief	No particular negative impacts have been identified at this stage.	No feedback was received specifically in relation to religion or belief	Members of the public will be treated fairly and equally regardless of their religious beliefs
Sex	No particular negative impacts have been identified at this stage.	No feedback was received specifically in relation to sex	Members of the public will be treated fairly and equally regardless of sex/gender
Sexual orientation	No particular negative impacts have been identified at this stage.	No feedback was received specifically in relation to sexual orientation	Members of the public will be treated fairly and equally regardless of their sexual orientation
Marriage and civil partnership	No particular negative impacts have been identified at this stage.	No feedback was 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

Mitigation	What can you do? Actions to mitigate any negative impacts or further enhance positive impacts
Please provide justification for the proposal if negative impacts have been identified? Are there any actions that could be undertaken to mitigate, reduce or remove negative impacts?	No negative impacts were received as a result of the consultation on the councils proposals to extend the current PSPO. There are mitigating factors that would allow these in a protected characteristic to make representations to the council if they felt that they were impacted negatively as a result of the current gated areas. Where this has been received in

<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>	<p>the past the council have assessed the requests and where required, made required adjustments (for instance installing electronically operated gates).</p> <p>The order could be further enhanced in the future if other requirements were considered within these gated areas, so for instance; legal requirements to keep the gates locked, so as to further ensure vulnerable members of the community are protected by better compliance in relation to the gates being locked, requirements in relation to not obstructing the alleyway blocking access, and requirements around the presentation and storage of domestic waste receptacles/wheeled bins. This would require lot more consultation and background work if the council were to consider criminalising these behaviours. Considerations around resource and ability to enforce such an enhanced order would also have to be taken into account.</p>
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6. Monitoring and Review -

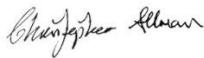
Monitoring and review	How will the impact of the service, service change, decommissioning of the service, strategy, function or procedure be monitored? How will actions to mitigate negative impacts be monitored? Date for review of the EIA
Details of monitoring activities	<p>The order will be monitored in line with our alley gate repairs reporting system and alley gate key requests. There are clear contact methods for those wishing to raise concerns about the alley gates from reporting faults, viewing any current orders in place or consultations that are live to requesting a key for an Alleygate.</p> <p>Repair costs and gate safety reviews will take place as required and information around these will be used to assess the continuation of the gates in each area as we move forward. This EIA will be reviewed in no more than 6 months following closure of the consultation on the 7th September 2023.</p>

Date and responsible officer for the review of the EIA	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. January 2024 – Laura Woodrow-Hirst
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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.

Name	Christopher Allman
Signature	
Date	18.09.23

8. Help and Support

For support and advice please contact EqualityandInclusion@cheshireeast.gov.uk