

# EQUALITY IMPACT ASSESSMENT

**TITLE: PSPO Consultation Gating Orders**

## APPENDIX E

### VERSION CONTROL

Date	Version	Author	Description of Changes
21/04/2020	1	Richard Christopherson	
22/04/2020	1	Kathryn Bradley	Minor changes to progress document further
28/04/2020	1	Phil Christian	Suggested data to support areas of the document

# EQUALITY IMPACT ASSESSMENT



EQUALITY IMPACT ASSESSMENT

**CHESHIRE EAST COUNCIL - EQUALITY IMPACT ASSESSMENT**

Stage 1 Description: Fact finding (about your policy / service /

Department	Adult Social Care		Lead officer responsible for assessment		Richard Christopherson	
Service	Community Safety		Other members of team undertaking assessment		Richard Christopherson	
Date	21 <sup>st</sup> April 2020		Version 1			
Type of document (mark as appropriate)	Strategy	Plan	Function	Policy	Procedure	Service
Is this a new/ existing/ revision of an existing document (please mark as appropriate)	<u>New</u>		Existing		Revision	
<p>Title and subject of the impact assessment (include a brief description of the aims, outcomes , operational issues as appropriate and how it fits in with the wider aims of the organisation)</p> <p>Please attach a copy of the strategy/ plan/ function/ policy/ procedure/ service</p>	<p><b>Public Space Protection Orders (PSPO) alley gate consultation.</b></p> <p><u>Background</u></p> <p>This EIA relates to the consultation process in respect of alley gate Public Space Protection Orders which are to be reviewed in accordance with statutory requirements.</p> <p>Public Spaces Protection Orders (PSPOs) specify an area where activities are taking place that may negatively affect the local community's quality of life. PSPOs impose conditions or restrictions on people using that area, such as alcohol bans or putting up gates (since 2014 PSPOs have replaced Alley Gating Orders). Breach of a PSPO may be a criminal offence punishable by fixed penalty notice or prosecution.</p> <p>Public Space Protection Orders (PSPO's) were introduced as part of the 2014 Anti Social Behaviour Act. 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 has introduced a number of Gating Orders mainly across areas of Crewe with the exception of one in Middlewich and a further Order Macclesfield.</p> <p>The Anti-Social behaviour, Police and Crime Act came into force in October 2014 and introduced streamlined tools</p>					

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and powers to address ASB. By virtue of section 75 (2) within 3 years of the commencement of the Act (that is by 1<sup>st</sup> October 2017) all existing gating orders across Cheshire East automatically transitioned into Public Space Protection Orders (PSPOs).

The legislation stipulates Local Authorities must review any existing PSPOs within a three year period and therefore Gating Orders in Cheshire East which became PSPOs following the 2014 Act now require review before October 2020.

Extending the current PSPO's for areas where former alley gating orders were introduced between 2008 and 2010 will contribute to the Council's strategic outcomes of protecting and enhancing 'quality of place' in the Borough, ensuring Cheshire East is a green and sustainable place.

Cheshire East Council has in place a robust PSPO policy and before making a PSPO the Council must consult with the Police and community representatives underlining the importance of local consultation, accountability and transparency in decision making.

### Consultation process

Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act 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 Act 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'. Having regard to evidence gathered for the preparation of PSPO's, the number of national insurance registrations for adult overseas nationals entering the UK between 2010 to 2019 was amongst the highest in the Borough for the majority of the

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	<p>areas included in the consultation. The same applies in terms of the percentage of pupils with English as an additional language – it is significantly higher than the Borough average. The EIA therefore highlights the need to consider race as a protected characteristic through the consultation process.</p> <p>The EIA will be subject to review once consultation has been undertaken.</p>
<p><b>Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)</b></p>	<p>Consultation will take place with local residents, ward councillors, and Town Council representatives. Consultation is a statutory requirement of the 2014 Anti-Social Behaviour Act along with notification to the Police and Crime Commissioners office.</p>
<p><b>What consultation method(s) did you use?</b></p>	<p>Consultation methods will be carefully considered following discussions with the Council's business intelligence department.</p> <p>Supporting text relating to the consultation will be made available on the Cheshire East Website to extend access to information to mitigate the risk of exclusion.</p> <p>It is highly likely those being consulted will require the opportunity for materials to be provided in a format to avoid any discrimination on the grounds of race and in addition, age or disability which are all "protected characteristics".</p>

### Stage 2 Initial Screening

<p><b>Who is affected and what evidence have you considered to arrive at this analysis? (This may or may not include the stakeholders listed above)</b></p>	<p>Those residing in areas at addresses included in the original gating orders introduced by the Council between 2008 and 2010. Ward Councillors and Town Council representatives.</p> <p>The Cheshire East Website holds records providing copies on the original gating orders including details of the specific locations of the alley gates and those properties included in each of the schemes.</p> <p>The number of incidents recorded by the Police have reduced since the implementation of the alley gate programme.</p>
<p><b>Who is intended to benefit and how?</b></p>	<p>The beneficiaries of this proposal will be the local residents as they will continue to enjoy a quality of life resulting from the additional security afforded to them with the extension of the orders. Regard will be given to any representations received raising objections or concerns within the affected areas.</p>

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<b>Could there be a different impact or outcome for some groups?</b>	Not Expected							
<b>Does it include making decisions based on individual characteristics, needs or circumstances?</b>	Not Expected							
<b>Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)</b>	<p>No, it is not anticipated that the continuation of a 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 should take into account those individuals residing in areas where PSPO's are currently in operation and are aware of what is being proposed.</p> <p>The consultation is to ensure those who are categorised as having 'protected characteristics' of age, race and disability are all able to access and understand the information.</p>							
<b>Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?</b>	<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 is placing their safety as a priority.</p> <p>The ward with the highest percentage of residents aged 3 or more whose main language was not English and could not speak it well or at all was Crewe Central (5.3%). This ward was also ranked highest for residents born outside the UK and for percentage of residents belonging to a Black or Minority Ethnic group.</p>							
<b>Is there an actual or potential negative impact on these specific characteristics? (Please tick)</b>								
Age	<b>Y</b>	N	Marriage & civil partnership	Y	<b>N</b>	Religion & belief	<b>Y</b>	N
Disability	<b>Y</b>	N	Pregnancy & maternity	Y	<b>N</b>	Sex	Y	<b>N</b>
Gender reassignment	Y	<b>N</b>	Race	<b>Y</b>	N	Sexual orientation	Y	<b>N</b>
<b>What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts</b>							<b>Consultation/ involvement</b>	

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The Portfolio Holder Decision Paper supports the process for PSPO consultation			<b>carried out</b>	
			<b>Yes</b>	<b>No</b>
<b>Age</b>	There may be impact at a 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.		<b>Yes</b>	
<b>Disability</b>	There may be an impact at the consultation stage. People with disabilities may need assistance in accessing information.		<b>Yes</b>	
<b>Gender reassignment</b>	No particular negative impacts have been identified at this stage. However a public consultation is to be undertaken which may raise issues which have not been identified.			<b>No</b>
<b>Marriage &amp; civil partnership</b>	No particular negative impacts have been identified at this stage. However a public consultation is to be undertaken which may raise issues which have not been identified.			<b>No</b>
<b>Pregnancy &amp; maternity</b>	No particular negative impacts have been identified at this stage. However a public consultation is to be undertaken which may raise issues which have not been identified.			<b>No</b>
<b>Race</b>	There may be an impact at the consultation stage. People from different backgrounds may require access to information in languages other than English in order for them to be able to participate in the consultation.		<b>Yes</b>	
<b>Religion &amp; belief</b>	There may be an impact at the consultation stage. People from different backgrounds may require access to information in languages other than English in order for them to be able to participate in the consultation. In particular information relating to the consultation exercise will be extended to a mosque located within a residential area in which consultation is taking place.		<b>Yes</b>	
<b>Sex</b>	No particular negative impacts have been identified at this stage. However a public consultation is to be undertaken which may raise issues which have not been identified.			<b>No</b>
<b>Sexual orientation</b>	No particular negative impacts have been identified at this stage. However a public consultation is to be undertaken which may raise issues which have not been identified.			<b>No</b>
<b>Proceed to full impact assessment? (Please tick)</b>	<b>Yes</b>	<b>No</b>	<b>Date 21<sup>st</sup> April 2020</b>	
<b>Lead officer sign off</b>		<b>Date</b>		

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Head of service sign off		Date	
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If yes, please proceed to Stage 3. If no, please publish the initial screening as part of the suite of documents relating to this issue



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### Stage 3 Identifying impacts and evidence

This section identifies if there are impacts on equality, diversity and cohesion, what evidence there is to support the conclusion and what further action is needed

Protected characteristics	<p>Is the policy (function etc....) likely to have an adverse impact on any of the groups?</p> <p>Please include evidence (qualitative &amp; quantitative) and consultations</p> <p>List what negative impacts were recorded in Stage 1 (Initial Assessment).</p>	<p>Are there any positive impacts of the policy (function etc....) on any of the groups?</p> <p>Please include evidence (qualitative &amp; quantitative) and consultations</p> <p>List what positive impacts were recorded in Stage 1 (Initial Assessment).</p>	<p>Please rate the impact taking into account any measures already in place to reduce the impacts identified</p> <p><b>High:</b> Significant potential impact; history of complaints; no mitigating measures in place; need for consultation</p> <p><b>Medium:</b> Some potential impact; some mitigating measures in place, lack of evidence to show effectiveness of measures</p> <p><b>Low:</b> Little/no identified impacts; heavily legislation-led; limited public facing aspect</p>	<p>Further action (only an outline needs to be included here. A full action plan can be included at Section 4)</p> <p>Once you have assessed the impact of a policy/service, it is important to identify options and alternatives to reduce or eliminate any negative impact. Options considered could be adapting the policy or service, changing the way in which it is implemented or introducing balancing measures to reduce any negative impact. When considering each option you should think about how it will reduce any negative impact, how it might impact on other groups and how it might impact on relationships between groups and overall issues around community cohesion. You should clearly demonstrate how you have considered various options and the impact of these. You must have a detailed rationale behind decisions and a justification for those alternatives that have not been accepted.</p>
Age				
Disability				
Gender reassignment				
Marriage & civil partnership				
Pregnancy and				

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<b>maternity</b>				
<b>Race</b>				
<b>Religion &amp; belief</b>				
<b>Sex</b>				
<b>Sexual orientation</b>				
<p><b>Is this change due to be carried out wholly or partly by other providers? If yes, please indicate how you have ensured that the partner organisation complies with equality legislation (e.g. tendering, awards process, contract, monitoring and performance measures)</b></p>				

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### Stage 4 Review and Conclusion

<b>Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed</b>			
<b>Specific actions to be taken to reduce, justify or remove any adverse impacts</b>	<b>How will this be monitored?</b>	<b>Officer responsible</b>	<b>Target date</b>
<b>Please provide details and link to full action plan for actions</b>			
<b>When will this assessment be reviewed?</b>			
<b>Are there any additional assessments that need to be undertaken in relation to this assessment?</b>			
<b>Lead officer sign off</b>		<b>Date</b>	
<b>Head of service sign off</b>		<b>Date</b>	

Please publish this completed EIA form on the relevant section of the Cheshire East website