

EQUALITY IMPACT ASSESSMENT FORM

APPENDIX F

Equality impact assessment is a requirement for all strategies, plans, functions, policies, procedures and services under the Equalities Act 2010. We are also required to publish assessments so that we can demonstrate how we have considered the impact of proposals.

Section 1: Description

Department	Community Safety Delivery		Lead officer responsible for assessment		Laura Woodrow-Hirst	
Service	Partnerships & Communities		Other members of team undertaking assessment		Richard Christopherson/Sandra Murphy	
Date	05/05/2020		Version		V1	
Type of document (mark as appropriate)	Strategy	Plan	Function	Policy	Procedure	Service
Is this a new/existing/revision of an existing document (mark as appropriate)	New		Existing		Revision	
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) Please attach a copy of the strategy/plan/function/policy/procedure/service	<p>Public Space Protection Order – Dog Fouling and Dog Control across Cheshire East Borough - a consistent approach – consultation around intent to extend this order.</p> <p>A Public Space Protection Order (PSPO) covering the whole of Cheshire East Borough Council was implemented on 1st November 2017 by the authority to allow a consistent and manageable approach going to tackle irresponsible and anti social dog ownership.</p> <p>The order lasts for 3 years and, unless extended, will expire at midnight on 31st October 2020.</p> <p>The council intends to give notice for the purposes of reducing anti-social behaviour proposes to extend the Borough wide Dog Fouling and Dog Control Public Space Protection Order (the 'PSPO') using its powers under Section 60(2) Anti-Social Behaviour, Crime and Policing Act 2014 (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 extension. At this stage the council is seeking to extend the order in its entirety with no amendments or changes. However; the council are aware that there may be some parks, and open spaces within the borough that might also benefit from more enhanced conditions (such as, number of dogs per owner, dogs on lead at all time zones etc.).</p> <p>The council are satisfied that due to restrictions we find ourselves in during this pandemic period it would not be appropriate to consult on or introduce any new prohibitions other than those currently in place as our ability to consult, engage, education and enforce at this time is very restricted.</p> <p>Once our main order is extended we will continue to liaise with representatives from these areas to discuss in more detail any extra requirements. If the council is satisfied we have evidence to pursue extra requirements within specific parks and open areas then we will seek to vary the order accordingly making sure full consultation takes place as per its duties under section 61 and 72(3) of the Act.</p> <p>Consultation over our intentions will be 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. Members of public will have the option to request paper copies of our consultation should they require them.</p>
<p>Who are the main stakeholders? (eg general public, employees, Councillors, partners, specific audiences)</p>	<p>General public, employees (in particular Community Enforcement Officers), all ward and members, partners (MAAG partners), public and private land owners 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 town parks, town council and parish council land etc.)</p>

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Section 2: Initial screening

Who is affected? (This may or may not include the stakeholders listed above)	Members of the public (in particular dog owners), and all of the above stakeholders.
Who is intended to benefit and how?	Members of the public through a consistent, continued approach to dog foul and dog control. Park and open space owners/voluntary groups land is associated with. Enforcement teams, enabling existing powers to remain in place so as the approach to responsible dog ownership can continue.
Could there be a different impact or outcome for some groups?	Bigger impact on those who have dogs (either residents or those that travel into CE). The impact will not differ to that of the original order, as we are only planning to consult over extending the order that has already been in place since 1 st November 2017. Consultation needs to take place well before 31 st October 2020, which means that there is a high likelihood of the launch of the consultation (which has to run for a minimum of 4 weeks) taking place during some form of lockdown measures due to the Covid 19 pandemic. If the consultation does not take place the order will be lost. This means that the council will be heavily reliant on social media advertisements for the consultation, more so than normal. This may mean that some members of the community that are currently unable or not leaving their houses as a result of the pandemic may not be aware of the consultation taking place. We will be mitigating as best we can these issues by making sure that we place, where possible some notices on our main parks and open areas via our rangers and town park managers. Parish and Local members will have notifications for our plans sent to them via email as part of our consultation launch of which they will be notified that they can inform their constituents as they see fit in addition to the measures that the council will be taking themselves (e.g printing off the notice and placing in any areas that they would like to themselves as well).
Does it include making decisions based on individual characteristics, needs or circumstances?	The need is to protect the environment and health and reduce the amount of dog foul in the community and also allow authorised enforcement officers to continue to have a power to request that a dog is put and placed on a lead if they have witnessed that the owner does not appear to be in control of their dog. There are certain sets of circumstances within the order whereby individual characteristics of an individual is exempt to enforcement under this order (those registered as blind, those dogs that are operating as working dogs etc.). In these circumstances an assessment will be made by the officer at the time the offence is witnessed, or in some circumstances the individual may be asked to provide evidence to prove that they fall within the exempt category.

	<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.). Due to the issues highlighted earlier in this document (title of assessment) the council will not be consulting on bespoke variations for areas until we are able to properly engage with these areas, which can be done at any point if the order is agreed to continue for another 3 years. Some may argue that an extension of our basic order does not meet their needs.</p>
<p>Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)</p>	<p>No, the order in its current format allows dog owners to exercise their dogs on or off a lead as long as they are in control of their dog. It does not favour any particular group as it also allows officers to take enforcement action on those that don't. The council also has a legal duty to have an ability to undertake enforcement action on those dog owners that fail to clear up after their dog has fouled.</p>
<p>Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?</p>	<p>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 on 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)</p> <p><u>Details of exemptions are as follows:</u></p> <p>Exemptions for Disabled People</p> <p>9. The dog fouling provisions in this Order do not apply to a person who:</p> <p>(a) is registered as partially sighted or blind, in a register compiled under section 29 of the National Assistance Act 1948; or</p> <p>(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</p> <p>(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</p> <p>(d) has some other disability, such that he cannot reasonably be expected to remove the faeces.</p> <p>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.</p> <p>Exemption for Working Dogs</p>

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			<p>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.</p>								
<p>Is there an actual or potential negative impact on these specific characteristics? (Please tick)</p>											
Age	Y	N	Marriage & civil partnership	Y	N	Religion & belief	Y	N	Carers	Y	N
Disability	Y/N		Pregnancy & maternity	Y	N	Sex	Y	N	Socio-economic status	Y	N
Gender reassignment	Y	N	Race	Y	N	Sexual orientation	Y	N			
<p>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</p>										<p>Consultation/involvement carried out</p>	
<p>The Portfolio Holder Decision Paper supports the process for PSPO consultation</p>										Yes	No
Age	<p>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. Contact information will be provided for anyone that would like to complete the consultation survey over the phone or request a paper copy to be sent out.</p>										N
Disability	<p>There may be an impact at the consultation stage. People with disabilities may need assistance in accessing information. As above, the survey will be supplied in a number of formats. In relation to the order itself, 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</p>										N

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	<p>this order.</p>		
Gender reassignment	<p>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.</p>		N
Marriage & civil partnership	<p>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.</p>		N
Pregnancy & maternity	<p>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.</p>		N
Race	<p>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. The consultation will be advertised on our website, of which can be translated in a number of different languages via google translate. There is a specific link to this on our website.</p>		N
Religion & belief	<p>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.</p>		N
Sex	<p>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.</p>		N
Sexual orientation	<p>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.</p>		N
<p>Proceed to full impact assessment? (Please tick)</p>			
	Yes	No	Date 05/05/2020

If yes, please proceed to Section 3. If no, please publish the initial screening as part of the suite of documents relating to this issue

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Section 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	Is the policy (function etc....) likely to have an adverse impact on any of the groups? Please include evidence (qualitative & quantitative) and consultations	Are there any positive impacts of the policy (function etc....) on any of the groups? Please include evidence (qualitative & quantitative) and consultations	Please rate the impact taking into account any measures already in place to reduce the impacts identified High: Significant potential impact; history of complaints; no mitigating measures in place; need for consultation Medium: Some potential impact; some mitigating measures in place, lack of evidence to show effectiveness of measures Low: Little/no identified impacts; heavily legislation-led; limited public facing aspect	Further action (only an outline needs to be included here. A full action plan can be included at Section 4)
Age	No	No	Low	
Disability	No	Y/N	Low	There are clauses within the order itself that protect some members of the public that are registered as disabled from enforcement action.

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Gender reassignment	No	No	Low	
Marriage & civil partnership	No	No	Low	
Pregnancy and maternity	No	No	Low	
Race	No	No	Low	
Religion & belief	No	No	Low	
Sex	No	No	Low	
Sexual orientation	No	No	Low	
Is this project due to be carried out wholly or partly by contractors? 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)				

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Yes, partly – LA support services Ltd (Kingdom). The tendering process was evaluated and considered equality legislation. The current contract in place also contains equality statements signed by both parties. Weekly operational meetings are held at Team Leader level and equality is considered throughout the length of the contract. Police officers, PCSO's and our in house community enforcement officers also have powers to enforce against the order.

Section 4: Review and conclusion

Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed

There is no specific impact identified for protected characteristics as dog ownership can be across all residents and visitors. All residents are affected by the issues outlined and it is not specific. The main group targeted will be irresponsible dog owners and in particular we will be protecting the environment and public health.

Specific actions to be taken to reduce, justify or remove any adverse impacts	How will this be monitored?	Officer responsible	Target date
Please provide details and link to full action plan for actions			
When will this assessment be reviewed?	If the order is extended from the 1 st November 2020 then full review will take place before 31 st October 2023, or if any variation of the order is applied for in the meantime.		
Are there any additional assessments that need to be undertaken in relation to this	No		

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assessment?			
Lead officer signoff		Date	
Head of service signoff		Date	

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