

## Equality Analysis (EIA) Resident/Service User

<b>1. Details of function, policy, procedure or service:</b>	
<b>Title of what is being assessed:</b> The authorisation and implementation of a Borough wide Public Spaces Protection Order for 11 conditions – see Appendix 1 of this assessment	
<b>Is it a new or revised function, policy, procedure or service?</b> This is a new order being introduced and will be relevant to all wards.	
<b>Department and Section:</b> The Assurance Group and Partners (mainly MPS) but this PSPO will have impact upon our Green Spaces and Estate management of public spaces.	
<b>Date assessment completed:</b> 18/11/2022	
<b>2. Names and roles of people completing this assessment:</b>	
<b>Lead officer</b>	Matt Leng, Community Safety Manager
<b>Other groups</b>	N/A
<b>3. Employee Profile of the Project</b>	<p><b>Will the proposal affect employees? No</b></p> <p><b>If no, please explain why.</b> The power will affect the community</p> <p><b>If yes, please seek assistance from HR to complete the employee EIA.</b></p>

<b>4. How are the following equality strands affected?</b> <i>Please detail the effect on each equality strand, and any mitigating action you have taken / required. Please include any relevant data. If you do not have relevant data please explain why / plans to capture data</i>			
Equality Strand	Affected?	Explain how affected	Indicate what action has been taken / or is planned to mitigate impact?
<b>1. Age</b>	Yes	May impact a varying range of ages of residents and general public	<p>Prior PSPOs in Barnet have demonstrated that the use of this power has not had any detrimental impact on any age group where it has been exercised (PSPOs of 2018-2021).</p> <p>It is proposed that if this PSPO is implemented an annual EQIA assessment will be undertaken to assess if there has been any variance to this assessment.</p> <p style="color: red;">Following the public</p>

			<p>consultation for this PSPO (15<sup>th</sup> August -24<sup>th</sup> October 2022) no additional issues have been identified for this strand.</p> <p>It is noted that the prior PSPOs for street drinking affected men and women of adult age and no specific ethnicity was identified as being affected (adversely or otherwise). It is also noted that those persons in some areas were of Eastern European origin which is not in itself a protected characteristic but is relevant to acknowledging cultural difference and tolerance to street drinking.</p>
<b>2. Disability</b>	Yes	Offences may be committed by persons without capacity	<p>Prior PSPOs in Barnet have demonstrated that the use of this power has not had any detrimental impact on any age group where it has been exercised (PSPOs of 2018-2021).</p> <p>It is proposed that if this PSPO is implemented an annual EQIA assessment will be undertaken to assess if there has been any variance to this assessment.</p> <p>Following the public consultation for this PSPO (15<sup>th</sup> August -24<sup>th</sup> October 2022) no additional issues have been identified for this strand.</p>
<b>3. Gender reassignment</b>	No	N/A	<p>N/A</p> <p>Following the public consultation for this PSPO (15<sup>th</sup> August -24<sup>th</sup> October 2022) no additional issues have been identified for this strand.</p>
<b>4. Pregnancy and</b>	No	N/A	N/A

maternity			Following the public consultation for this PSPO (15 <sup>th</sup> August -24 <sup>th</sup> October 2022) no additional issues have been identified for this strand.
5. Race / Ethnicity	Yes	May impact service users who do not speak English as a first language.	<p>Visual aids (signage) for each condition will be in plain sight across the borough.</p> <p>Prior PSPOs in Barnet have demonstrated that the use of this power has not had any detrimental impact on any age group where it has been exercised (PSPOs of 2018-2021).</p> <p>It is proposed that if this PSPO is implemented an annual EQIA assessment will be undertaken to assess if there has been any variance to this assessment.</p> <p>Following the public consultation for this PSPO (15<sup>th</sup> August -24<sup>th</sup> October 2022) no additional issues have been identified for this strand.</p> <p>It is noted that the prior PSPOs for street drinking affected adults (mainly men) of Eastern European origin which is not in itself a protected characteristic but is relevant to acknowledging cultural difference and tolerance to street drinking.</p>
6. Religion or belief	No	N/A	<p>N/A</p> <p>Following the public consultation for this PSPO (15<sup>th</sup> August -24<sup>th</sup> October 2022) no additional issues have been identified for this strand.</p>
7. Gender / sex	No	N/A	<p>N/A</p> <p>Following the public</p>

			<p>consultation for this PSPO (15<sup>th</sup> August -24<sup>th</sup> October 2022) no additional issues have been identified for this strand.</p> <p>It is noted that the prior PSPOs for street drinking affected men and women of adult age and no specific ethnicity was identified as being affected (adversely or otherwise).</p>
<b>8. Sexual orientation</b>	No	N/A	<p>N/A</p> <p>Following the public consultation for this PSPO (15<sup>th</sup> August -24<sup>th</sup> October 2022) no additional issues have been identified for this strand.</p>
<b>9. Marital Status</b>	No	N/A	<p>N/A</p> <p>Following the public consultation for this PSPO (15<sup>th</sup> August -24<sup>th</sup> October 2022) no additional issues have been identified for this strand.</p>
<b>10. Other key groups?</b>	Yes		<p>Prior PSPOs in Barnet have demonstrated that the use of this power has not had any detrimental impact on any age group where it has been exercised (PSPOs of 2018-2021).</p> <p>Following the public consultation for this PSPO (15<sup>th</sup> August -24<sup>th</sup> October 2022) feedback from the London Gypsy and Traveller Association invited the Council to reconsider the no camping condition as such issues would be adequately met by way of existing legislative provision under S61 and S77/78 of the Public Order Act therefore this this condition risked inadvertently impacting upon the Traveller</p>

People with mental health issues	Yes	Offences may be committed by persons without capacity	community. This proposed condition has been withdrawn following this feedback.  It is proposed that if this PSPO is implemented an annual EQIA assessment will be undertaken to assess if there has been any variance to this assessment.
Unemployed people	Yes	Offences may be committed by persons without the means to pay fines.	The PSPO is to be managed using the FPN process. FPNs issued and not paid may be used to support the application for court orders versus pursuance of non-payment of fines.
Young people not in employment education or training	Yes	Offences may be committed by persons without the means to pay fines.	Although the PSPO power can be exercised on persons aged 16 or over, those aged 16-18 will be made subject to the referrals to MASH.

**5. Please outline what data sources, measures and methods could be designed to monitor the impact of the new policy or service, the achievement of intended outcomes and the identification of any unintended or adverse impact?**

*Include how frequently monitoring could be conducted and who will be made aware of the analysis and outcomes*

The council currently have in place various service specific enforcement policies and procedures for the respective delivery units who have a duty of care regarding enforcement.

The Corporate Enforcement and Prosecution Policy will ensure there is a consistent approach to enforcement and prosecution by the council and any other organisation delivering regulatory/enforcement services on behalf of the council, therefore ensuring Council compliance with the Cabinet Office Enforcement Concordat and the Statutory Code for Regulators introduced in 2014.

The Corporate Enforcement and Prosecution Policy is embedded into all services areas one

way of measuring the impact will be the collation and assessment of the tools and powers used broken down by demographic and assessing against the assessment strands identified.

Data recording of those persons dealt with by way of this power will be recorded on police and council case management IT systems but in the most part the use of this powers will be recorded on ECINS – the council's and partnership IT ASB platform.

The officers of the Council's Community Safety Team and Neighbourhood Policing Team will agree the programme of operational deployment of Partnership officers to affect a consistent and sustained enforcement of the PSPO.

This borough wide PSPO will also be subject to an annual review and this will form part of the Annual Community Safety Team report submitted to the CLLC and shall be reviewed and approved by the authorising Director, the Executive Director of Assurance as part of the for Environment as part of the annual review process of the PSPOs.

This introduction of this PSPO is necessary to reduce unlawful activity and keep open spaces accessible and safe for all the residents of Barnet. The Council considers the action is justified but will review the findings and the EIA on a case-by-case basis when any negative impact on particular protected characteristics is identified.

All learning from this power will inform adjustment to practice and use of this PSPO power for best practice and ensuring the updated EIA reflects the due regard legally required.

6. Initial Assessment of Overall Impact		
Positive Impact	Negative Impact or Impact Not Known <sup>1</sup>	No Impact
	√ (Impact not yet known)	
7. Scale of Impact		
Positive impact √ Following the public consultation for this PSPO (15 <sup>th</sup> August - 24 <sup>th</sup> October 2022) feedback from the public it is anticipated that the impact of this PSPO will be positive. The proposed PSPO	Negative Impact or Impact Not Known √ (Scale of impact not yet known)	

<sup>1</sup> 'Impact Not Known' – tick this box if there is no up-to-date data or information to show the effects or outcomes of the function, policy, procedure or service on all of the equality strands.

<p>received 550 responses.</p> <p>72% of respondents Strongly Agreed and 15% Tended to Agree with the council's proposed borough wide PSPO</p> <p><b>87% were in favour of this PSPO being introduced.</b></p>		
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8. Outcome			
No change to decision	Adjustment needed to decision	Continue with decision ( <i>despite adverse impact / missed opportunity</i> )	If significant negative impact - Stop / rethink
	√		<p>Following the public consultation for this PSPO (15<sup>th</sup> August - 24<sup>th</sup> October 2022) feedback from the London Gypsy and Traveller Association invited the Council to reconsider the no camping condition as such issues would be adequately met by way of existing legislative provision under S61 and S77/78 of the Public Order Act therefore this this condition risked inadvertently impacting upon the Traveller community.</p> <p>This proposed condition has been withdrawn following this feedback.</p>

9. Please give a full explanation for how the initial assessment and outcome was decided.
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As referred to in section 5 above, the actual impact on service users is not yet known because the detail of how the PSPO will affect the community and visitors to the borough is not known.

However, there are eight service user groups with protected characteristics that have been identified as having the potential to be impacted by the Corporate Enforcement and Prosecution Policy as noted in section 4 above.

These groups are:

- All ages above 10 years old
- People whose first language is not English
- People who do not speak English as a first language (or at all)
- People with mental health issues
- Unemployed people
- Young people not in employment education or training

These groups have been noted because they are potentially affected by the imposition of this power (PSPO).

However, it is not yet known if these groups will definitely be affected and, if so, to what extent.

#### Borough Data

The link below is to demographic data held by the council, by borough and by ward, which can be used to identify who the protected groups might be and where they might be located. This data is not only useful for conducting an EIA but can also be used as a tool for effective demand management; whereby services can be targeted to those who need them most:

<https://employeeportal.lbbarnet.local/home/departments-and-services/central-services/Barnet-Facts-and-Figures.html>