

APPENDIX 10 – Equalities and Impact Assessment

Durham County Council Equality Impact Assessment

The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Completion of this template allows us to provide a written record of our equality analysis and demonstrate due regard. It must be used as part of decision making processes with relevance to equality.

Please contact equalities@durham.gov.uk for any necessary support.

Section One: Description and Screening

Service/Team or Section	Community Protection, Safer Places, Neighbourhoods and Climate change
Lead Officer name and job title	Owen Cleugh Safer Places Manager
Subject of the impact assessment	Public Space Protection Order to control Begging Urinating or defecating The use of intoxicating substances
Report date (Cabinet/CMT/Mgt team etc)	NCC MT 30 7 24 CMT 21 8 24 Cabinet 18 9 24
MTFP Reference (if relevant)	
EIA Start Date	February 2024, reviewed July 2024
EIA Review Date	July 2025

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice which is the subject of this impact assessment.

The Antisocial Behaviour, Crime and Policing Act 2014 was introduced in October 2014 which, amongst other things, brought in a range of powers that included Public Space Protection Orders (PSPO). The PSPO replaced dog control orders, designated public place order (DPPO) and gating orders, and create area-based restrictions on quality-of-life issues with the penalty for not complying being a Fixed Penalty Notice (FPN) or ultimately prosecution

With the legislation came a requirement to review the existing controls including the Dog Control Orders and Designated Public Space Protection Orders before October 2017 (3years). A public spaces protection order is made by a Local Authority if satisfied on reasonable grounds that two conditions are met. Firstly, that

- a. activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; and
- b. it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities is, or is likely to be of a persistent or continuing nature, such as to make the activities unreasonable, and therefore justifies the restrictions imposed by the notice.

Any person who fails to comply without reasonable excuse commits a criminal offence but in practice the sanctions for breaches of the order are dealt with by fixed penalty notice which can be issued by "authorised officers" of the local authority, or any person authorised by Durham Constabulary

A PSPO needs to be advertised and adopted in accordance with regulations, but challenge is restricted to High Court review and such review must be applied for within 6 weeks of the Order. Before a PSPO can be introduced it must be subject to consultation.

Considerations for a new PSPO in Durham City to control behaviours have been put forward. These activities are begging, urinating, or defecating and the use of intoxicating substances. There is a concern that these behaviours are contributing to anti-social behaviour and is detrimental to the quality of life for those in the locality.

It is believed that the lure of obtaining money from begging is a draw for people to frequent the city. Once they are in the city they then engage in other forms of anti-social and criminal behaviour which a new PSPO would seek to control and manage.

In order to consider whether the introduction of a PSPO for begging in Durham City is the necessary decision, a public consultation is proposed which could lead to the controls being introduced.

Who are the main people impacted and/or stakeholders? (e.g. general public, staff, members, specific clients/service users, community representatives):

- Service users
- Elected members of the Council including members
- Durham Constabulary
- Local businesses and their representatives (trade associations)
- Residents and their representative bodies
- Local transport providers
- Disability Groups including Durham County Council Disability Partnership
- Charities
- Homelessness services
- Emergency services
- Visitors to the City

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics¹?

No overall impacts have been identified across the equality strands

Protected Characteristic	Negative Impact Indicate: Yes, No or Unsure	Positive Impact Indicate: Yes, No or Unsure
Age	No	Yes
Disability	No	Yes
Gender reassignment	No	Yes
Marriage and civil partnership (only in relation to 'eliminate discrimination')	No	No
Pregnancy and maternity	No	Yes
Race	No	Yes
Religion or Belief	No	Yes
Sex	No	Yes
Sexual orientation	No	Yes

¹ <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

Please provide **brief** details of any potential to cause discrimination or negative impact. Record full details and any mitigating actions in section 2 of this assessment.

By introducing a PSPO for begging it may be seen that the Council, and the Police who could enforce the restrictions, are seen as limiting a form of income for the most vulnerable members of our communities and penalising them for their situation. It is true that some groups need to access toilets more frequently including pregnant women, older people and people with certain disabilities. Durham County Council publicises the availability of public conveniences on its website.

Please provide **brief** details of positive impact. How will this policy/proposal promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

The overall aims of a PSPO is to improve behaviours of some people and to provide a more welcoming, cleaner and safer environment for the residents, businesses and visitors to an area which is positive to members of the general public.

On 13 March 2024, Cabinet agree to proceed with a public consultation to gain the views of public and stakeholders and gather evidence on activities and behaviours to determine the need for a PSPO. Inclusive consultation methods will be utilised to achieve a broad representation of views with analysis of feedback used to update sections 2 and 3 of this impact assessment. This will help us to understand impacts in relation to the protected characteristics.

Evidence

What evidence do you have to support your data analysis and any findings?

Please **outline** any data you have and/or proposed sources (e.g. service user or census data, research findings). Highlight any data gaps and say whether or not you propose to carry out consultation. Record your detailed analysis, in relation to the impacted protected characteristics, in section 2 of this assessment.

The existing PSPO has been effective in tackling alcohol related crime and anti-social behaviour in the City. For a new PSPO to be introduced there must be a period of consultation prior to it being introduced. There has been strong anecdotal

evidence to suggest that the behaviours being considered is a serious problem and the controls of a PSPO have been supported by Durham Constabulary and some businesses. The purpose of the consultation is to gather the views and in particular evidence to see if a PSPO is warranted.

Consultation 10.05.24 to 21.06.24


The consultation was designed to be as inclusive as possible and the questionnaire was available online and also targeted at key stakeholders and diverse groups. This included; the council homelessness team – we altered the webpage text to add more info about the homelessness support services available in the city, and the homelessness team also agreed to share the consultation with various homeless charities. Other groups included Shelter, Rough Sleeper Action Group, Sanctuary 21, Changing Lives at St Nicholas Church, St Margaret’s Centre and Waddington Street Centre

The consultation was also sent to board members of County Durham Partnership, Safe Durham Partnership, Better Together Forum and Churches Together. In terms of specific equality groups we also sent it to Age UK and Disability Partnership to respond / promote to their audiences.

Screening Summary

On the basis of the information provided in this equality impact screening (section 1), are you proceeding to a full impact assessment (sections 2&3 of this template)?	Please confirm (Yes/No)
	Yes

Sign Off

Lead officer sign off: 	Date: February 2024
Equality representative sign off (where required): M C Gallagher, EDI Team leader	Date: February 2024

If carrying out a full assessment please proceed to sections two and three.

If not proceeding to full assessment, please ensure your screening record is **attached to any relevant decision-making records or reports**, retain a copy for update where necessary, and forward a copy to equalities@durham.gov.uk

If you are unsure of assessing impact please contact the corporate equalities team for further advice: equalities@durham.gov.uk

Section Two: Data analysis and assessment of impact

Please provide details of impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups and advancement of equality, as well as the negatives e.g. barriers or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions, including any necessary mitigating actions to ensure fair treatment.

Protected Characteristic: Age																													
What is the actual or potential impact in relation to age?	Record of evidence which supports and/or explains your conclusions on impact.	What further action or mitigation is required?																											
<p>A PSPO can provide a swift and effective tool to tackle persistent and ongoing matters that are affecting the lives of residents, businesses, and visitors.</p> <p>Should a PSPO be introduced, negative behaviours should be evidenced and a PSPO should be considered part of a suite of measures, including support and education, as generally it is not possible to resolve the matters by enforcement alone.</p> <p>Older people may be more likely to need access to public conveniences and the</p>	<p>Consultation questionnaire respondent's age:</p> <table border="1"> <thead> <tr> <th>Age</th> <th>No</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Under 18</td> <td>1</td> <td>0.4</td> </tr> <tr> <td>18-24</td> <td>4</td> <td>1.6</td> </tr> <tr> <td>25-34</td> <td>19</td> <td>7.6</td> </tr> <tr> <td>35-44</td> <td>42</td> <td>16.8</td> </tr> <tr> <td>45-54</td> <td>54</td> <td>21.6</td> </tr> <tr> <td>55-64</td> <td>61</td> <td>24.4</td> </tr> <tr> <td>65-74</td> <td>50</td> <td>20</td> </tr> <tr> <td>75+</td> <td>19</td> <td>7.6</td> </tr> </tbody> </table> <p>Consultation questionnaire – Support or oppose the introduction of a PSPO to prohibit use of intoxicating substances in Durham City?</p> <p>73.5% strongly support 15.5% support</p>	Age	No	%	Under 18	1	0.4	18-24	4	1.6	25-34	19	7.6	35-44	42	16.8	45-54	54	21.6	55-64	61	24.4	65-74	50	20	75+	19	7.6	<p>Should a PSPO be introduced, it is considered necessary for agencies to continue to work together to problem solve and co-ordinate responses to tackle issues as they arise. A PSPO will not be solution to all issues in the city but will be an additional “tool in the box” to control behaviours and improve the lives of residents and visitors to the city.</p>
Age	No	%																											
Under 18	1	0.4																											
18-24	4	1.6																											
25-34	19	7.6																											
35-44	42	16.8																											
45-54	54	21.6																											
55-64	61	24.4																											
65-74	50	20																											
75+	19	7.6																											

council website provides information on facilities.	7.1% neither support or oppose 1% oppose 2.9% strongly oppose	
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Protected Characteristic: Disability		
What is the actual or potential impact in relation to disability?	Record of evidence which supports and/or explains your conclusions on impact.	What further action or mitigation is required?
<p>As above for age.</p> <p>Some disabled people may be more likely to need access to public conveniences and the council website provides information on facilities.</p> <p>There are several accessible toilets and changing places facilities available across the city for people with disabilities, including Freemans Quay leisure centre and Durham bus station.</p>	<p>Consultation questionnaire respondent's disability status:</p> <p>Considered disabled (40) 16%</p> <p>Not disabled (210) 84%</p>	As above for age.

Protected Characteristic: Gender reassignment		
What is the actual or potential impact in relation to gender reassignment?	Record of evidence which supports and/or explains your conclusions on impact.	What further action or mitigation is required?
As above for age.	No available data for transgender.	As above for age.

Protected Characteristic: Marriage and civil partnership (only in relation to 'eliminate discrimination')		
What is the actual or potential impact in relation to	Record of evidence which supports and/or explains your conclusions on impact.	What further action or mitigation is required?

marriage and civil partnership?		
N/A		

Protected Characteristic: Pregnancy and maternity

What is the actual or potential impact in relation to pregnancy and maternity?	Record of evidence which supports and/or explains your conclusions on impact.	What further action or mitigation is required?
As above for age and disability.	No available data for pregnancy and maternity.	As above for age.

Protected Characteristic: Race

What is the actual or potential impact in relation to race?	Record of evidence which supports and/or explains your conclusions on impact.	What further action or mitigation is required?
As above for age.	Consultation questionnaire respondent's ethnicity: Black, Asian and Minority Ethnic (BAME) (20) 8% White British (230) 92%	As above for age.

Protected Characteristic: Religion or belief

What is the actual or potential impact in relation to religion or belief?	Record of evidence which supports and/or explains your conclusions on impact.	What further action or mitigation is required?
As above for age.	Consultation questionnaire respondent's religion or belief: Christian (121) 49.6% None (108) 44.3% Other religion or belief (15) 6.1%	As above for age.

Protected Characteristic: Sex

What is the actual or potential impact in relation to sex?	Record of evidence which supports and/or explains your conclusions on impact.	What further action or mitigation is required?
As above for age.	Consultation questionnaire respondent's gender: Female (131) 52% Male (118) 46.8% Prefer to self describe (3) 1.2%	As above for age.

Protected Characteristic: Sexual orientation		
What is the actual or potential impact in relation to sexual orientation?	Record of evidence which supports and/or explains your conclusions on impact.	What further action or mitigation is required?
As above for age.	Consultation questionnaire respondent's sexual orientation: Heterosexual (218) 90.5% Gay or lesbian (12) 5% Bisexual (8) 3.3% Other (3) 1.2%	As above for age.

Section Three: Conclusion and Review

Summary

Please provide a brief summary of your findings; a summary of any positive and/or negative impacts across the protected characteristics, links to the involvement of different groups and/or public consultation, mitigations and conclusions made.

The consultation was designed to be inclusive and shared with a range of stakeholders and responses were received across the protected groups as evidenced as part of the equality monitoring feedback. 89% of respondents either strongly agree or agreed with the introduction of a PSPO. There is a recognition that some groups need to access toilets more frequently including pregnant women, older people and people with certain disabilities. Durham County Council publicises the availability of public conveniences on its website.

Will this promote positive relationships between different communities? If so how?

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Action Plan


Action	Responsibility	Timescales for implementation	In which plan will the action appear?
Multi-agency planning and working should it be agreed to introduce a PSPO	Safer Places team but also including Warden service, Housing Solutions and Police		

Review and connected assessments

Are there any additional or connected equality impact assessments that need to be undertaken? (If yes, provide details)	No
When will this assessment be reviewed? Please also insert this date at the front of the template	July 2025

Sign Off

Lead officer sign off:	Date: 29.07.24
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Equality representative sign off (where required): M C Gallagher, EDI Team Leader	Date: 29.07.24

Please ensure:

- **The findings of this EIA are carefully considered and used to inform any related decisions and policy development**
- **A summary of findings is included within the body of any relevant reports or decision-making records**
- **The EIA is attached to reports or relevant decision-making records and the report Implications Appendix 1 is noted that an EIA has been undertaken**

Please retain a copy for review and update where necessary, and forward a copy to equalities@durham.gov.uk