

APPENDIX 2

London Borough of Hackney Equality Impact Assessment Form

The Equality Impact Assessment Form is a public document which the Council uses to demonstrate that it has complied with Equality Duty when making and implementing decisions which affect the way the Council works.

The form collates and summarises information which has been used to inform the planning and decision-making process.

Title of this Equality Impact Assessment: Alcohol Public Spaces Protection Order

Purpose of this Equality Impact Assessment:

Assess the impact of seeking an injunction to place restrictions on behaviour on London Fields

Officer Responsible: *(to be completed by the report author)*

Name: Steven Davison	Ext: 5750
Directorate: Neighbourhoods and Housing	Department/Division: Enforcement and Business Regulation

Assistant Director: Aled Richards

Date: 26/2/2021

Comment: I am satisfied that the Council has had due regard to the public sector equality duty found in s.149 of the Equality Act 2010

PLEASE ANSWER THE FOLLOWING QUESTIONS:

In completing this impact assessment, you should, where possible, refer to the main documentation related to this decision rather than trying to draft this assessment in isolation. Please also refer to the attached guidance.

STEP 1: DEFINING THE ISSUE

1. Summarise why you are having to make a new decision

The Public Spaces Protection Order (PSPO) for Alcohol (which was a transitioned order having originally been a Designated Public Places Order - DPPO) expired on 20th October 2020, and the Council is considering whether to implement a PSPO, for a further three years until 2023.

The Council's intention is to give consideration to implementing a borough wide alcohol PSPO with a distinct clause that will prohibit the consumption of alcohol in London Fields.

The terms of the proposed Alcohol Public Space Protection Order (PSPO) are outlined below.

- The borough wide PSPO will create an offence if an individual refuses to comply with an authorised officer's request to stop drinking and or surrender their alcohol.
- The proposed PSPO includes a clause that consuming anything which a Police Officer or Authorised Person reasonably believes to be alcohol or failing to comply with a request made by a Police Officer or Authorised Person to surrender anything which is reasonably believed to be alcohol will constitute a breach of the order.
- A prohibition on drinking in London Fields

In the Summer of 2020, when lockdown was beginning to ease and the day before 'Super Saturday', when the pubs were to re-open, the Council obtained an injunction under s.222 of the Local Government Act 1972. This emergency injunction included (amongst other prohibitions) a 6 days blanket ban on alcohol in London Fields Park, and included a power of arrest attached to some of the clauses.

At the return hearing the following week, the court continued the rest of the order but did not continue the blanket ban on alcohol at the time, as it was considered too draconian a measure. The order expired in October 2020 and was not pursued by the Council to extend further. This injunction was contested in court by members of the public, who attended the hearing and provided submissions to the judge as to why an injunction in the terms that we sought should not be granted.

Given that the Council obtained an injunction previously, and on listening to the court's view on a blanket ban on alcohol, an injunction is unlikely to be an appropriate measure (currently) to deal with the issues in London Fields. Part of the reason for this is that it is something that is appropriate for the short to medium term - not necessarily the long term.

The focus of the proposed PSPO is to continue to moderate behaviour, which the DPPO (which transitioned to a PSPO), is considered to have achieved since its introduction and its continued maintenance. Following an initial sharp overall reduction of reported incidents, these now appear to have reduced further.

The breach of the proposed PSPO will be a criminal offence subject to, up to a level three fine on the prosecution (up to £1,000). A Fixed Penalty Notice can be issued for £100. Payment of the fixed Penalty Notice discharges liability to conviction for the offence. The Police will work in partnership with the council to ensure the effective enforcement of the PSPO.

The proposed PSPO will assist the Council and the police to tackle anti-social behaviour; resulting in a reduction of individuals engaging in anti-social behaviour such as that arising from the consumption of alcohol.

The Alcohol Public Space Protection Order will apply to all individuals committing anti-social behaviour within the designated area without discrimination.

As mentioned above, the proposed borough-wide Alcohol PSPO expired in October 2020. As also mentioned above, in July 2020, The High Court declined the Council's application, exercising its powers under section 222 Local Government Act 1972, to extend an outright ban on alcohol at London Fields. The Council is proposing that the PSPO lasts for three years, until 2023, at which point we would decide whether to renew it in consultation with residents.

The Council is committed to improving equality and making the borough a place for everyone. This means ensuring all actions taken by the Council contribute to equality. This report provides an EIA of the impact of the proposed PSPO as set out in the Equality Act 2010.

The Equality Act 2010 updates and combines all previous discrimination legislation to reduce socio-economic inequalities by ensuring that certain groups with Protected Characteristics are supported and protected. Protected Characteristics are:

- Age
- Disability;
- Gender reassignment;
- Pregnancy and maternity;
- Race;
- Religion or belief;
- Sex;
- Sexual orientation; and
- Marriage and civil partnership (applicable only to the need to eliminate unlawful discrimination).

The Act also establishes the Public Sector Equality Duty, which Hackney, as a public body, is required to follow. The Duty requires that in the exercise of its functions, Hackney has due regard for the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

- Advance equality of opportunity between people who share a Protected Characteristic and those who do not; and
- Foster good relations between people who share a Protected Characteristic and those who do not.

Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by persons who share a relevant Protected Characteristic;
- Taking steps to meet the needs of people who share a relevant Protected Characteristic that is different from the needs of people who do not share it; and
- Encouraging persons who share a Protected Characteristic to participate in public life or in any other activity in which their participation by such persons is disproportionately low.

2. Who are the main people that will be affected? Consider staff, residents, and others.

The proposed PSPO will deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area that apply to everyone. It is designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.

Hackney takes a graduated approach to enforcement, but a small minority of offenders can cause disproportionate nuisance and expense, so in some cases, prosecution or the threat of prosecution will be necessary and aim of the proposed PSPO is to promote a consistent, effective and fair approach to enforcement and to protect the environment for the benefit for the community and provide a safe place to live, work and visit.

The people most affected by the activities occurring across the borough are those people that have witnessed the behaviours described above; these include other members of the public and those that live nearby. Some people have been deterred from using our public spaces because of the anti-social behaviour witnessed.

The people most affected by the PSPO, which places restrictions on the activities occurring in our open spaces, are all of the people engaging in the activities described above. It is hoped that it will result in a decrease or even a cessation of the nuisance, annoyance and disturbance that is occurring.

STEP 2: ANALYSING THE ISSUES

3. What information and consultation have you used to inform your decision making?

The Council will undertake a consultation to gauge support on the introduction of the proposed PSPO to consider what else it could include and gain a better understanding of residents' experience of the behaviours in order to protect better and promote our open spaces.

The visible street population appears to have increased in the last three years, but the behaviour of individuals has, during the first few years at least of the DPPO, been moderated by the use of this and other powers. It can also be applied to deal with the drinking of alcohol in Parks and green spaces associated with Anti-Social Behaviour. In the context of year on year overall reduction in all Anti-Social Behaviour (ASB) in this borough, in the first three years since the introduction of the PSPO, calls to the Police regarding anti-social street drinking have fallen year on year.

The DPPO, which transitioned into the previous Alcohol PSPO, was in place for nearly ten years. In that time the number of complaints in respect of ASB from street drinkers has gone from a historical high of 609 in 2010 to 38 in 2019 (though an increase of twelve from 2018), and there have been no complaints received in respect of the operation of the order in the last year.

The identification of any emerging or actual hotspots and the tasking of Police and Enforcement resources remains a standing agenda item of the monthly Partnership Tasking Group chaired by the Community Safety Partnership Manager. There is also more granular activity through the Anti-Social Behaviour Action Panels meetings, which address singular impacted issues at the individual level with specific agencies, particularly Housing.

Hackney Enforcement Officers are tasked weekly at the internal weekly taking meeting co-ordinated by the Intelligence Hub, the purpose of which is to:

- Coordinate deployment of staff using an evidence-based approach to provide targeted action and patrols including planning for upcoming events, and seasonal peaks of activity that require action on a cyclical basis
- Highlight emerging patterns and trends and plan targeted early intervention and activities.
- Provide a staff briefing
- Enable a more joined-up and efficient use of Service provision in Hackney
- Provide a transparent and auditable decision-making process that will stand up to scrutiny and justify how / why decisions have been reached. Provide a full list of all action/tasking's completed and action taken to resolve issues.

Partnership Tasking takes place every month and is aligned more closely with the Police tasking process. The Intelligence Hub raises issues with the Police (as a by-product of the weekly tasking). Any requests to or from the Police for assistance will either be discussed at this meeting if a multi-agency problem-solving approach is better suited.

An engagement exercise (the 'London Fields Conversation') was carried out from 29 September to 14 November 2020. The focus of the hyper-local engagement exercise was:

- Understanding the ASB issues that local residents and businesses in the London Fields area faced in Spring / Summer 2020, and how it impacted on them; and
- Crowdsourcing ideas and suggestions from local people on potential solutions to the ASB issues they had been facing.

The Council's interactive [online engagement platform Commonplace](#) was used to gather insight from local residents and interested stakeholders. Those without online access were given the opportunity to provide their feedback offline through paper versions of the information provided online. The engagement also included:

- **13,450 leaflets** signposting the community conversation was sent to residents and businesses within a 500 metres radius of the Park;
- **Next Door**, a neighbourhood hub which enables hyper local engagement was used to encourage local London fields residents to take part;
- Signposted the conversation via Council social media channels and relevant e-newsletters, including through targeted, area-based social media ads;
- Engagement with local TRAs and Resident Associations encouraging them to signpost it through their channels; and
- Ward councillors to cascade the information through their surgeries and networks.

Respondents were asked to indicate how concerned they were about ASB in and around London Fields. The majority of responses received were negative (very concerned/concerned about ASB), with an overall of 68% across the platform being of a negative sentiment.

When asked to tell us more about how the ASB they have experienced has affected them and how they use the Park, the top 4 themes were:

- "Urination/Defecation in park areas and surrounding streets/estate grounds" (47 mentions);

- “Drinking/Drunkenness” (44 mentions);
- “Drugs - dealing and use of drugs” (35 mentions); and
- “Littering” (33 mentions).

When asked to give any suggestions on the measures the Council should adopt to deal with the instances of ASB in London Fields and the surrounding area, the top 3 themes were:

- “More Police/community officer patrols in and around the Park” (50 mentions);
- “Alcohol + drinking - bans/restrictions/limit licences/less noise after closing - help to reduce the amount of street drinking” (30 mentions); and
- “Open toilets/extra facilities/24/7 access to avoid urination and defecation in and around the Park land” (23 mentions).

For further information, refer to the [detailed consultation & engagement report](#).

Equality Impacts

4. Identifying the impacts

We recognise the importance of sociable and cultural use of space balanced against the need to ensure inclusive, respectful use of space that doesn’t cause nuisance or harm.

A PSPO is a tool, implemented under the Anti-Social Behaviour, Crime and Policing Act 2014 to ensure the law-abiding majority can use and enjoy public spaces safe and free from anti-social behaviour. The proposed PSPO will be imposed to ensure that Hackney has an effective response to tackle ASB, allowing our open spaces to be used as intended. PSPOs are intended to be used to deal with a particular nuisance or problem in an area that is detrimental to the local community’s quality of life by imposing conditions on the use of that area that applies to everyone. They are designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.

There is likely to be a positive impact across all protected groups by implementing the proposed PSPO and balancing the needs of the broader community against those using the space and causing anti-social behaviour. The legitimate aims of the proposed PSPO are to ensure that people are free to use this public space free from anti-social behaviour. This would contribute to the health and well-being of citizens in an urban environment.

The Council has considered the potential impact of the injunction of those with protected characteristics as defined by section 4 of the Equality Act 2010. This impact is summarised in the table below:

Age	A person of a particular age or being within an age group
	The impact on all of the community including the elderly, young people and children has been taken into account in implementing the proposed PSPO not least the impact on young people who live in the borough who have felt increasingly excluded from being able to access and enjoy open spaces. For the avoidance of doubt, this does not just refer to young children whose parents have felt unable to allow them to play in open spaces due to the impact of urination, defecation and anti-social behaviour, but also older young people. Safety is a concern for all age groups; therefore, the proposed PSPO should have a positive impact across all ages. All ages will benefit from improved cleanliness.

	<p>Young people have told Hackney Young Futures Commission that the way some people behave in open spaces makes them feel unsafe and excluded.</p> <p>The proposed PSPO will encourage more responsible use of our open space, especially the alcohol-fuelled antisocial behaviour. The proposals are believed to have a positive impact on those with this protected characteristic.</p>
Disability	A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities.
	<p>As set out above, the impact on all members of the community has been considered.</p> <p>It is recognised that this group may be less able than others to use alternative places due to a potentially restricted ability to reach other public spaces.</p> <p>It is recognised that street drinking is likely to be higher amongst the homeless, and they are more likely to suffer from ill mental health. It is therefore vital that engagement with homeless persons or other persons promotes joint up working with support services. In ensuring that the Council achieves this approach, a Street Population Coordinator has commenced employment with Council, whose main role is to develop a borough wide strategic approach to addressing street population issues including anti-social behaviour, bringing partners from Hackney and surrounding boroughs coordinating with the wider work related to addressing rough sleeping, working with the Councils Rough Sleeper Coordinator.</p>
Gender reassignment	This is the process of transitioning from one sex to another. This includes person who consider themselves to be trans, transgender, transsexual.
	<p>Transgender people, including those who have gone through or are going through gender reassignment, experience high levels of hate crime and discrimination. Tackling street drinking and the associated antisocial behaviour may have a positive impact on this group.</p>
Marriage and civil partnership	Marriage: a union between a man and a woman, or of the same sex, which is legally recognised in the UK as a marriage. Civil partnership: civil partners must be treated the same as married couples on a range of legal matters.
	<p>The proposed PSPO is expected to have a neutral effect on this group.</p>
Pregnancy and maternity	Pregnancy: being pregnant. Maternity: the period after giving birth linked to maternity leave in the employment context, In the non-work context protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding
	<p>The proposed PSPO is expected to have a neutral effect on this group.</p>
Race	A group of people defined by their colour, nationality (including citizenship), ethnic origins or race

	The proposed PSPO is expected to have a neutral effect on this group.
Religion or belief	Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example Atheism)
	The proposed PSPO is expected to have a neutral effect on this group.
Sex	Someone being a man or a woman
	The intention of the proposed PSPO is to make residents feel safer by tackling anti-social behaviour and having a clean borough. This will apply to residents regardless of sex.
Sexual orientation	A person's sexual attraction towards his or her own sex, the opposite sex or to both sexes
	The proposed PSPO are expected to have a neutral effect on this group.

4 (a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

This action is intended to be used to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area that applies to everyone. They are designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.

There is likely to be a positive impact across all those with protected characteristics by implementing the proposed PSPO and balancing the needs of the broader community against those using the space and causing anti-social behaviour. The legitimate aims of the proposed PSPO is to ensure that people can use this public space free from anti-social behaviour. This would contribute to the health and well-being of citizens in an urban environment.

The Council recognises that street drinking is prominent amongst the street homeless population, and they often suffer from ill mental health. In 2019, the London Borough of Hackney commissioned the Street Outreach Response Team (SORT).

A key priority for the SORT was to launch a sustained and significant programme of outreach work with people who are rough sleeping, to encourage and support them to engage with the council in order to find alternatives to life on the street. The team, under the direction of a newly appointed Rough Sleeping Coordinator, has in the last six months accommodated rough sleepers, referring many of them onto services within the borough that are there to help with any underlying issues such as substance misuse.

The London Borough of Hackney, through SORT also offers a personal 'Navigator' service. This ensures our clients have a stable and consistent contact, someone they can turn to for help when finding their way through to ancillary services and claiming the benefits that are available to them. Together and in partnership with our clients, we identify accommodation options that best suit the individual, this may include supported accommodation or private rented sector. The Hackney Street Users Outreach Meeting (HSUOM) plans and coordinates treatment and support interventions and enforcement actions concerning individual street users, including clients with multiple needs.

Therefore, the proposed PSPO would prevent the area from being misused and provide immediate relief to the residents, improving their safety and quality of life and deter those who are

participating and organising gatherings which are causing severe nuisance and antisocial behaviour, increasing the fear of crime and perception of safety within the community.

4 (b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?

The proposed PSPO set out a range of powers available to the Council and how these will be legally applied. Its use will be determined by the behaviour occurring and is not directed at any protected group.

The impact on those with protected characteristics has been considered above.

In terms of the rights protected by the Human Rights Act 1988, the 2014 Act requires the Council to have *particular* regard to Article 10 (freedom of expressions) and Article 11 (freedom of assembly/association). The possible right that might be engaged is Article 11. The proposed Borough wide restrictions, as well as the prohibition on drinking in London Fields, place restrictions on *how* people can use our open spaces, not their ability to use them or gather there. As such, the PSPO does not interfere with Article 11 rights to assemble and/or associate with others. However, even if Article 11 were interfered with, the interference would be justified as being prescribed by law and in pursuance of a legitimate aim (namely in the interests of public safety, the protection of public health, the prevention of crime and disorder, and the protection of the rights and freedoms of others). The terms of the proposed PSPO are proportionate and necessary.

The operation of the proposed PSPO will be kept under review. The advice, warnings and enforcement of the proposed PSPO will be logged in the pocket notebooks of Officers and on Council and Police databases.

The authorised Officers who will enforce the proposed PSPO will continue to consider the needs of the individuals and their circumstances to make an informed and balanced decision as to the appropriateness of action to take. Officers will continue to receive training on equality and diversity.

Performance of the proposed PSPO will be reported to the Corporate Committee annually to ensure there is a balance between proportionate enforcement and acceptable behaviour in the borough.

STEP 3: REACHING YOUR DECISION

5. Describe the recommended decision

The introduction of the proposed PSPO will impact on the lives of people who live, work and visit Hackney. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the order is designed to address. This action is proportionate and necessary.

STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS

6. Equality and Cohesion Action Planning

Please list specific actions which set out how you will address equality and cohesion issues identified by this assessment. For example,

- Steps/ actions you will take to enhance positive impacts identified in section 4 (a)
- Steps/ actions you will take to mitigate against the adverse impacts identified in section 4 (b)

- Steps/ actions you will take to improve information and evidence about a specific client group, e.g. at a service level and/or at a Council level by informing the policy team (equalityanddiveristy@hackney.gov.uk).

All actions should have been identified already and should be included in any action plan connected to the supporting documentation, such as the delegated powers report, saving template or business case.

I can confirm that the Council has had due regard to the public sector equality duty found in s.149 of the Equality Act 2010. It is believed that the proposed PSPO will have a positive impact on the ability of people to use public space safely and without fear of nuisance, annoyance or other anti-social behaviour.

Any abuse of discretion when enforcing the proposed PSPO will be dealt with swiftly using internal procedures which could include additional training or management action.

Anyone who is issued Fixed Penalty Notices given for breach of the proposed PSPO may make representation or lodge a corporate complaint which would be investigated and responded to by a Senior Manager.

It is important to note that there are no formal grounds of appeal against a Fixed Penalty Notice (FPN). It is an invitation for an individual to discharge their liability to prosecution. In essence, this means that whilst this is not an admission of an individual's guilt, it is an agreement that the individuals accept that an offence has been committed and that by paying the sum of money specified, no further action will be taken by, or on behalf of the Council. This method of dealing with offences not only saves time involved for everyone in prosecuting cases at court, but the cost associated with an FPN is likely to be substantially lower than any fine imposed by the courts.