

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title	
Title: Public Space Protection Order Proposals September 2020	
Directorate: Regeneration and Environment	Service area: Community Safety
Lead person: Sam Barstow	Contact number: 07748143370
Is this a:	
<input type="checkbox"/> Strategy / Policy	<input type="checkbox"/> Service / Function
	<input checked="" type="checkbox"/> Other
If other, please specify: Legal Order	

2. Please provide a brief description of what you are screening
<p>Public Space Protection Orders (PSPOs) are a legal provision which allow Council's to impose restrictions or requirements on individual's behaviour, in specific areas, to tackle anti-social behaviour. PSPOs last for a maximum of three years and at which time must be reviewed and if still required, a further order being made.</p>

There are two orders being proposed, the first covers the whole of the Rotherham Borough area and would make it an offence to fail to clean up after your dog.

The second order covers the Town Centre and Clifton Park areas and contains the following conditions:

- a) Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
- b) Making unsolicited approaches, in the open air, for the purposes of face-to-face fundraising and marketing of commercial products, carried out by organisations without prior written permission from the Council.
- c) Failing to keep a dog on a leash and under control (otherwise than within the designated area within Clifton Park, where dogs may be off leads but must remain under control, see attached maps)
- d) Littering
- e) Urinating or defecating in a public place, other than within designated public toilets.
- f) Spitting saliva or any other product from the mouth
- g) Consuming alcohol other than on licensed premises or at a licensed event

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		X
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	X	
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>	X	

Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>	X	
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>		X
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		X
If you have answered no to all the questions above, please explain the reason		

If you have answered **no** to all the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

Both proposals will be subject to a full public consultation and the demographics of respondents will be monitored. Throughout the consultation contact will be made specifically with a range of individuals including relevant ward members and the Chair and vice chair of the Independent Hate Crime Scrutiny Panel.

The proposals themselves are developed in a way that seeks to protect all individuals from certain behaviours known to have an impact on the quality of life of people in the areas affected. Victims of anti-social behaviour are often indiscriminate but at times behaviour can amount to hate incidents or crimes, this is particularly relevant when

examining the town centre proposals which seeks to control behaviour such as spitting and foul and abusive language, behaviours often used in committing hate related crimes or incidents. The PSPO should not replace any thorough investigation relating to any crimes but does provide supplementary powers to challenge behaviours early and reinforce positive standards.

• **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The conditions proposed do not target any groups with protected characteristics but may support the prevention of any such groups becoming victims of anti-social behaviour.

These types of order are used in areas where behaviours or the likely occurrence of such behaviour is likely to impact on the quality of life of others. Enforcement of the orders is consistent across all groups other than young people and it is therefore critical that the order and conditions, if imposed, are understood by all. This means that communication of any order if made will be key and must be done in such a way as to reach all communities.

• **Actions**

- Ensure full public consultation
- Ensure consultation is promoted where possible
- Monitor and review equalities information
- Consider equalities within any communications plan for the order if made.

Date to scope and plan your Equality Analysis:	17/08/20
Date to complete your Equality Analysis:	31/08/20
Lead person for your Equality Analysis (Include name and job title):	Sam Barstow Head of Community Safety and Regulatory Services

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Steve Parry	Community Safety Officer – Protecting Vulnerable Adults	
Tom Smith	Assistant Director Community Safety and Street Scene	

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	17/08/20
Report title and date	Public Space Protection Orders September 2020
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Report date – Cabinet September 2020
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	17/08/20

PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
Equality Analysis title: Public Space Protection Orders (PSPO) September 2020	
Date of Equality Analysis (EA): 31st August 2020	
Directorate: Regeneration and Environment	Service area: Community Safety
Lead Manager: Sam Barstow	Contact number: 07748143370
Is this a:	
<input type="checkbox"/> Strategy / Policy	<input checked="" type="checkbox"/> Service / Function
	<input checked="" type="checkbox"/> Other
If other, please specify	

Legal Order

2. Names of those involved in the Equality Analysis (Should include minimum of three people) - see page 7 of Equality Screening and Analysis Guidance

Name	Organisation	Role (eg service user, managers, service specialist)
Steve Parry	RMBC	Community Safety Officer – Protecting Vulnerable Adults
Sam Barstow	RMBC	Head of Service
Steve Ealing	RMBC	Policy Officer

3. What is already known? - see page 10 of Equality Screening and Analysis Guidance

Aim/Scope (who the Policy/Service affects and intended outcomes if known)

The policy affects all members of the public using any of the areas defined, particularly for people who live within the defined areas or who use them regularly. As a result, the proposals have been subject to a full public consultation. In the town centre and Clifton Park areas, residents and businesses within the affected areas have been written to directly.

In relation to dog fouling specifically, clearly those using assistance dogs, particularly with a visual impairment could be adversely impacted. This is accounted for within legislation and will be a specific exemption within the PSPO.

It is further recognised that individuals with learning difficulties or mental health issues may find it difficult to comply with conditions relating to behaviour that causes or may causes harassment alarm or distress.

What equality information is available? (Include any engagement undertaken)

In terms of survey respondents, the following provides a breakdown of demographics:

Sexual orientation	
Bisexual	6
Gay/Lesbian	7
Heterosexual	302
Prefer not to say	47
Other	2

Fig 9 – sexual orientation

Gender	
Male	140
Female	199
Prefer not to say	26

Trans?	
Yes	1
No	364
Prefer not to say	30

Fig 10 – gender breakdown

Ethnicity	
White british	318
White other	0
Black	0
Pakistani	2
Mixed heritage	4
Other	6
Prefer not to say	32

Figure 11 - Ethnicity breakdown

Religion	
Christian	159
Muslim	2
Hindu	0
Sikh	0
Atheist	37
Agnostic	27
Atheist	0
Buddhist	2
No religion or belief	72
Prefer not to say	61
Other	5

Figure 12 – Religious breakdown

Age	
24 & Under	0
25 - 34	20
35 - 44	57
45 - 54	62
55 - 64	89

65 - 74	90
75+	19
Prefer not to say	29

Figure 13 – Age breakdown

Contact has also been made with organisation such as Sense, Speakup and Age UK. Representative groups have also been contacted such as the Hate Crime Scrutiny Group who represent all protected characteristics. No substantive written responses have been received but a number of online surveys were completed by organisations. The following comment made direct reference to disabilities within the online survey response *“People with hidden disabilities can cause people alarm, distress, nuisance or annoyance. It is there disability. The current order makes them anxious about going out incase they get into trouble. The current order means people with hidden disabilities cannot go to town or clifton park.”*

Are there any gaps in the information that you are aware of?

Whilst there are limited numbers of individuals with protected characteristics stating so within the survey response it is not thought that significant gaps in knowledge exist as a result of these orders being in place for a number of years.

What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

In relation to dog fouling, those with a visual impairment are clearly exempted within the PSPO and will not face enforcement action.

The recommendation is to make the PSPOs on the same terms as have existed for the past three years. During this time no adverse impacts in relation to equalities have been identified.

In order to guide enforcement, operational guidance is in place for all officers and has been tested repeatedly over previous years.

Individual uses of the powers will be monitored and particular regard will be given to any protected group that appears to be adversely affected, particularly where this relates to a communication barrier.

Engagement undertaken with customers. (date and group(s) consulted and key findings)

Full public consultation delivered between the 3rd and 31st August 2020.

Additional direct contact with the following:

- South Yorkshire Police – District Commander
- Police Crime Commissioner – Dr Alan Billings

	<ul style="list-style-type: none"> • South Yorkshire Fire and Rescue • Communities and Communities of Interest (Dog Walker Group, Business Groups) • Voluntary and Community Sector Organisations • Groups representing protected characteristics and especially visually impaired for conditions related to dogs <ul style="list-style-type: none"> ○ Hate Crime Scrutiny Group (who represent all protected characteristics) ○ Age UK ○ Sense ○ Speakup ○ Clifton Partnership ○ Further organisation were also contacted and the above is not exhaustive • All Ward Councillors • RMBC departments: <ul style="list-style-type: none"> ○ Early Help – Kirsty Woodhead ○ Youth Offending Service – Emma Ellis ○ Community Protection – Craig Cornwall, Richard Bramall, Chris Stone ○ Housing – Paul Walsh ○ Homelessness Team – Jill Jones/Kim Firth ○ Neighbourhoods –Martin Hughes ○ Greenspaces – Andy Lee ○ Highways – Colin Knight ○ Rotherham Youth Cabinet • Transport <ul style="list-style-type: none"> ○ Travel South Yorkshire – Rotherham Interchange ○ National Rail – Rotherham Railway Station • Schools and Colleges <ul style="list-style-type: none"> ○ Rotherham College • Community Organisations <ul style="list-style-type: none"> ○ REMA – Emma Sharp ○ Friends of Clifton Park Community Group • Businesses <ul style="list-style-type: none"> ○ Rotherham Voice (all town centre businesses) – Simeon Leach ○ Barnsley and Rotherham Chamber of Commerce – Simeon Leach ○ Rotherham Markets – Dean Thurlow • Parish and Town Councils <ul style="list-style-type: none"> ○ Anston Parish Council ○ Aston cum Aughton Parish Council ○ Bramley Parish Council ○ Brampton Bierlow Parish Council
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	<ul style="list-style-type: none"> ○ Brinsworth Parish Council ○ Catcliffe Parish Council ○ Dalton Parish Council ○ Dinnington St. John's Town Council ○ Firbeck Parish Council ○ Gildingwells Parish Council ○ Harthill with Woodall Parish ○ Hellaby Parish Council ○ Hooton Levitt Parish Council ○ Hooton Roberts Parish Council ○ Laughton en le Morthen Parish Council ○ Letwell Parish Council ○ Maltby Town Council ○ Orgreave Parish Council ○ Ravenfield Parish Council ○ Thorpe Salvin Parish Council ○ Thrybergh Parish Council ○ Thurcroft Parish Council ○ Todwick Parish Council ○ Treeton Parish Council ○ Ulley Parish Council ○ Wales Parish Council ○ Waverley Community Council ○ Wentworth Parish Council ○ Whiston Parish Council ○ Wickersley Parish Council ○ Woodsetts Parish Council
<p>Engagement undertaken with staff (date and group(s) consulted and key findings)</p>	<p>Consultation promoted internally.</p>

4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

How does the Policy/Service meet the needs of different communities and groups? (Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

The order seeks to protect all those visiting, living or working within the defined areas from the behaviour outline below:

Borough Wide – Failing to clean up after your Dog

Town Centre and Clifton Park –
Acting in a way that causes or may cause harassment, alarm or distress
Approaching people for marketing or fund-raising purposes, without a license
Dropping litter
Keeping dogs on a lead (other than in the designated dog exercise areas in Clifton Park)
Urinating or defecating in public
Spitting
Drinking alcohol (when not within the boundaries of a licenced premise)

Risks have been identified above in relation to people who are visually impaired or suffer mental health issues or learning difficulties.

In relation to visual impairment, individuals will be specifically exempt within the terms of the order, excluding them from any adverse impact.

Issues relating to mental health are addressed within existing officer guidance.

Does your Policy/Service present any problems or barriers to communities or Groups?

In relation to the town centre and Clifton park order, the range of conditions will need to be carefully communicated to ensure awareness, this is particularly relevant where a language barrier may exist.

Does the Service/Policy provide any positive impact/s including improvements or remove barriers?

The policy seeks to provide protection to all groups from anti-social behaviour.

What affect will the Policy/Service have on community relations? (may also need to consider activity which may be perceived as benefiting one group at the expense of another)

Through full public consultation and the design of the order intended to tackle negative, anti-social behaviour it is believed the order will have an overall positive affect on community relations.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: PSPO Proposals September 2020
Directorate and service area: Regeneration and Environment, Community Safety and Street Scene
Lead Manager: Sam Barstow
Summary of findings:
<p>Broadly the order is designed to support positive community relations by making clear behaviour that is unacceptable and providing the authorities the powers to enforce.</p> <p>In relation to the town centre, as the order is unique, effective communications must be established in the event the order is made to ensure all communities are informed, particularly those protected by the race/ethnicity characteristic.</p>

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Development of a communication plan to support implementation of the order	RE	1st October 2020

***A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups**

6. Governance, ownership and approval

Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.

Name	Job title	Date
Sam Barstow	Head of Service	31 st August 2020
Tom Smith	Assistant Director	31 st August 2020

7. Publishing

The Equality Analysis will act as evidence that due regard to equality and diversity has been given.

If this Equality Analysis relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date Equality Analysis completed	31 st August 2020
Report title and date	PSPO Proposals September 2020
Date report sent for publication	31 st August 2020

Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	Draft – 17 th August 2020 Final - 31 st August 2020
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