

MID SUSSEX DISTRICT COUNCIL

Equality Impact Assessment

Title of Policy/Service/Contract: Introduction of a Public Space Protection Order (PSPO) on Car Cruising

Division: Community Services, Policy and Performance

Lead Officer: Mandy Cunningham

Date Assessment completed: 23 July 2019

1. SCOPING

1.1 What are the aims of the policy, service/service change or contract?

In February 2019, approval was granted to expand the Council's enforcement powers within the Anti-Social Behaviour, Crime and Policing Act 2014 to address specific issues around anti-social behaviour through the use of PSPOs and Community Protection Notices.

The Council is proposing to introduce a PSPO to address car cruising in Burgess Hill which has been an ongoing problem within the Town's public spaces over the past couple of years. Breach of the PSPO will result in the first instance with a fixed penalty notice.

1.2 Who does the service/policy/contract affect? Who are the main customers (internal or external)?

The policy change will affect residents and visitors of Burgess Hill as well as internal staff at the Council and the local Police who will need to be trained and authorised to expand the use of Fixed Penalty Notices (FPN's) for this purpose. To ensure that all residents and businesses in the locality are aware of these changes, a public consultation will take place to decide whether to make a PSPO and if so, what it should include. The Council in partnership with the Police also plan to work with the car cruising community to explore other options for a legal car cruising event. The consultation will be publicised using social media via local community pages as well as more traditional methods to ensure that it reaches as many people as possible.

1.3 What equality information is available, including any evidence from engagement and analysis of use of services?

To date very few FPN's have been issued within current powers, therefore the data available is limited. Information from other authority areas is also limited, although indications are that the powers are unlikely to adversely affect any particular group.

Information relating to individuals committing car cruising offences may be collected by the Council and / or other agencies, such as the Police, with whom the Council

hold an information sharing protocol for this purpose. In addition, statutory partners will collectively use the case management system, ECINS.

1.4 What does this information tell us about the equality issues associated with the service and implications for the protected groups?

The use of powers will be a reactive tool to deal with complaints and issues around car cruising in public areas within Burgess Hill. It is the detriment of this behaviour that will trigger the use of a power rather than the behaviour itself and is designed to only be used when necessary and when all other interventions have been exhausted. Therefore, no particular groups will be targeted.

Each case will be considered on its own merit, and will involve engagement with statutory partners and relevant organisations. Therefore, the needs of individuals and the wider community can be taken into consideration during the relevant process.

In order for powers to be issued, one of the designated authorities must be satisfied on reasonable grounds that the conduct of the individuals involved is;

- having a detrimental effect on the quality of life of those in the locality;
- persistent or continuing in nature; and
- unreasonable

These 'tests' must be considered on a case by case basis.

1.5 Are contractors or partnerships used to deliver the service? Yes

If No go to section 2.

If yes, please refer to the guidance notes for completing impact assessments and complete the next three questions.

Identify the contractors/partnerships used to deliver the service.

Sussex Police

What is their contribution to equality in service delivery and the promotion of equality?

Sussex Police abide by strict equality and diversity policies and procedures which can be viewed on the Sussex Police website: <https://www.sussex.police.uk/police-forces/sussex-police/areas/au/about-us/governance-and-processes/equality-and-diversity/>

How are equality issues addressed through contractual arrangements and service level agreements?

Sussex Police have a Memorandum of Understanding with the Council which includes abiding by all policies and procedures as outlined.

2. Assessment of Impact; Analysis and Action Planning

Any gaps in information or provision, opportunities to promote equalities and good relations identified above need to be translated into SMART actions and recorded here. These actions need to be delivered and monitored through the service planning process.

Opportunity to promote equality, good relations and/or address barriers to service/differential impact	Current action taken to address these	Further actions required and timescales	Lead Officer	How will impact be measured
<p>The needs of different ethnic groups including white minorities, but also established white communities</p> <p>There may be differing language needs among some BME groups.</p>	<p>The guidance will outline the correct procedure for issuing notices. This includes taking what details can be obtained from an individual and asking them to attend the Council premises or other suitable location to discuss with the use of an interpreter before issuing the notice.</p>	<p>Monitor the impact of this to see if it adversely affects certain communities</p>	<p>Mandy Cunninghamham</p>	<p>Number of notices issued with language identified as a barrier</p>
<p>The needs of men and women. Including taking account of pregnancy and maternity.</p>				
<p>None identified</p>				
<p>The needs of disabled people</p>				
<p>There may be additional needs that make it difficult for an individual to respond to what is required.</p>	<p>Notices will be issued to individuals with additional needs however these will be taken into consideration at the time of the offence.</p> <p>Engagement with specific support services could also be included as a condition of a notice, as appropriate.</p>	<p>This will be regularly monitored</p>	<p>Mandy Cunninghamham</p>	<p>Number of notices issued where disability identified</p>
<p>The needs of people with a religion or belief</p>				
<p>None identified</p>				

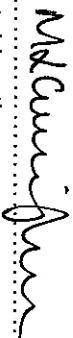
Opportunity to promote equality and/or barriers to service/differential impact	Current action taken to address these	Further actions required and timescales	Lead Officer	How will impact be measured
The needs of gay men, lesbians, bisexuals and heterosexual people				
None identified				
Issues from marriage and civil partnership				
None identified				
The needs of different age groups, for example older and younger people				
Fixed Penalty Notices can be issued to those aged from 10 years old.	Powers will, where appropriate, be used with parents / carers before any further sanction is taken against the child / young person. Educational campaigns around the new powers will target all ages through a range of media options to ensure that residents are aware of the changes. Youth Offending Service will always be consulted when dealing with a case involving someone under the age of 18 years.	To be monitored regularly with review as necessary	Mandy Cunningham	Number of notices issued to those under 18 years Number of notices issued to parents
The needs of transgender communities				
None identified				
The needs of people who are disadvantaged by socio-economic factors such as low incomes, skill or living in a deprived area				
None identified				

The needs of people who live in a rural area					
That use of powers and conditions of notices do not isolate them.	Ensure that any condition included within a notice is proportionate and facilitates access to work and education.	To be monitored regularly with review as necessary	Mandy Cunninghamham	Number of notices issued to those living in rural area	


3. Mid Sussex District Council Equality Impact Assessment Summary

Key Findings	Future Actions
<p>The Council currently has four Public Space Protection Orders in place for dog control offences only.</p> <p>The Council issues Fixed Penalty Notices (FPNs) for a range of environmental ASB.</p> <p>Approval was granted in February 2019 for the Council to extend the use of powers contained within ASBCP Act 2014.</p> <p>The Council is working with Sussex Police and other key partners to expand the use of powers to introduce a PSPD for car cruising in Burgess Hill.</p> <p>There is a lack of information about the characteristics of those to whom powers have been used as numbers are low and equalities information is not recorded.</p>	<p>Training will be provided to the additional officers who will be authorised to use the powers. The training will emphasise the importance of using the correct procedure, taking into account equality issues.</p> <p>Equalities data will be recorded to assess the impact of these changes</p>

4. Signing off this assessment and action plan

Signature 
 Person undertaking the assessment

Date 23/7/19

Signature 
 Head of Service

Date 10/10/19

Please send your completed impact assessment to Neal Barton for publication on the website.