

Southend on Sea Borough Council - Equality Analysis

1. Background Information

1.1 Name of policy, service function or restructure requiring an Equality Analysis:

Southend Town Centre & Seafront Public Spaces Protection Order

1.2 Department: Corporate

1.3 Service Area: Public Protection & Legal

1.4 Date Equality Analysis undertaken: 22/10/2018
Reviewed 16/05/2019 and 13/06/19 following Consultation.

1.5 Names and roles of staff carrying out the Equality Analysis:

Name	Role	Service Area
Carl Robinson	Director Public Protection	Public Protection
John Williams	Director Legal & Democratic Services	Legal
Simon Ford	Group Manager Regulatory Services	Community Safety
Miranda Valenzuela	Waste Management & Contracts Officer	Waste & Environmental Care

1.6 What are the aims or purpose of the policy, service function or restructure that is subject to the EA?

The Anti-Social Behaviour, Crime and Policing Act 2014 enables local authorities to make a PSPO where they are satisfied 'on reasonable grounds' that two conditions are met. The first is 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, or
- (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—

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.

The aim therefore of Public Spaces Protection Orders (PSPOs) is to provide local authorities with the necessary powers to prohibit or restrict certain actions or require

specified actions in public spaces but only where the provisions prevent or reduce the identified 'detrimental effect'. introduce restrictions upon activity and behaviours deemed to be antisocial and occurring in "public spaces". A PSPO is designed to restrict and prohibit certain behaviours where evidential tests are satisfied and restrictions are set and implemented by the local authority in designated locations.

In line with the findings of recent test cases (Summers and Dulgheriu), Southend-on-Sea Borough Council has considered, via consultation, its local knowledge and expertise, the impact of behaviour on vulnerable people, and other protected characteristics that the development of this PSPO could affect (either positively or negatively).

The aims of the Southend Town Centre and Seafront PSPO is to address the concerns (behavioural and activity related) raised by consultees during the public consultation undertaken in February and March 2019. The PSPO will also provide a key enforcement tool for the Police and the council to deliver a long-term solution to persistent anti-social behaviour which is affecting the 'restricted area.' It also provides a structured opportunity to assist those undertaking offending behaviours, increasing opportunities for outreach and signposting to support services.

The PSPO will apply to all persons, and not 'persons in specified categories' (s59 6a of the Act), however, an equality analysis is required as the specified activities to be covered by the PSPO will be undertaken by individuals with protected characteristics, and the impact of the PSPO on these protected characteristics needs to be understood and reviewed. The PSPO will also impact on residents in, and visitors to, the restricted area so a review of the impact on their protected characteristics is also required.

1.7 What are the main activities relating to the policy, service function or restructure?

Under this PSPO the following activities will be prohibited within the restricted area:

- a) Sleeping in a public place, in a manner that has a detrimental impact on the quality of life of others in the locality. This includes but is not limited to causing obstruction to members of the public or local businesses.
- b) Erecting tents or other structures anywhere in the Restricted Area.
- c) Consuming alcohol or failing to surrender any containers (sealed or unsealed) which are reasonably believed to contain alcohol, in a public place, when an Authorised Officer has required such consumption to cease.
- d) Ingesting, inhaling, injecting, smoking or otherwise using drugs or substances reasonably believed to be psychoactive substances.
- e) Beg, begging or approaching any person for that purpose.
- f) Approach, stop or approach another person with the intention of asking that person:
 - (i) To enter into any arrangements which involve that other person making any future payment for the benefit of charitable or other purposes.
 - (ii) For any information to assist in that other person being contacted at another time with a view to making arrangements for that person to make payment for the benefit of charitable or other purposes.

There have been significant numbers of recorded incidents of antisocial behaviour in the restricted area, which is in contrast to other areas in the Borough. This suggests that there are specific challenges peculiar to these areas.

2. Evidence Base

2.1 Please list sources of information, data, results of consultation exercises that could or will inform the EA.

Source of information	Reason for using (e.g. likely impact on a particular group).
<p>Complaint and report data collated by Southend-on-Sea Borough Council’s Community Safety Team and the Police</p>	<p>Details the number/type/location of complaints & reports relating to specific behaviours demonstrating the breadth and persistent nature of the activities being undertaken in the restricted area.</p> <p>Where demographic data has been collected, it has been reviewed to inform this equality analysis.</p> <p>This data shows that 40% of complaints in the restricted area were regarding begging/vagrancy, 33% to rowdy/nuisance behaviour, 12% to substance dealing and 7% to street drinking – so these activities accounted for 92% of complaints.</p> <p>The highest proportion of recorded incidents are attributable to begging/vagrancy, anti-social behaviour and rough sleeping combined at 39% of the total, and individually the three areas account for the top 3 incidents (discounting ‘patrol’ and ‘other’). These account for the highest proportion of incidents</p> <p>57% of issues reported at Local Community Meetings relate to drug activity.</p>
<p>Information provided by local businesses via the Southend Business Improvement District (BID)</p>	<p>Provides information around the impact of the detrimental behaviours and activities on local businesses in the restricted area.</p>
<p>Member-led Enforcement Scrutiny Project</p>	<p>Provides background to some of the Community Safety challenges facing the borough and the town centre in particular.</p>
<p>Southend-on-Sea Borough PSPO Proposal Consultation responses</p>	<p>To obtain wider views as part of the consultation process for the proposed PSPO.</p> <p>Equalities data was collected as part of the consultation exercise and found that 58% of respondents were women, 38% were men and 4% preferred not to say.</p> <p>81% were 35 or over, with the 35-44 year olds with the highest number of respondents by age group.</p>

	<p>94% were white British or Irish, and 8.7% considered themselves to have a disability (with 82.6% not, and 8.7% preferring not to say).</p>
<p>Ministry of Justice</p> <p>'Offender Management Statistics - Prison Population remanded in custody by offence group, age group and sex 2018-2019' tables</p>	<p>Provides national data around prisoner demographics which can be used to estimate the demographic of those potentially undertaking the offending behaviours in the restricted area, and therefore which protected characteristics are likely to be affected by the PSPO, and how.</p> <p>These tables are published as part of the Offender Management Statistics Quarterly publication by the Ministry of Justice. This is available online at: https://www.gov.uk/government/collections/offender-management-statistics-quarterly</p> <p>Gender: The data show that at 31 March 2019, 94.2% of the prison population was male, and 5.8% was female.</p> <p>Age: The data show that 87.4% were adults and 12.6% were between 15 and 20 years old.</p> <p>Of the 15-20 year olds 98% were male and 2% female.</p>
<p>Commons Library Briefing – 23 July 2018</p> <p>'Prison Population Statistics 2018'</p> <p>Attached marked AP1</p>	<p>Provides national data around prisoner demographics for 2018 which can be used to estimate the potential demographic of those undertaking the offending behaviours in the restricted area, and therefore which protected characteristics are likely to be affected by the PSPO, and how.</p> <p>Age: This report shows that the 30% of the prison population is 30-39 in age, accounting for the highest proportion by age profile. This is followed by 18% of the prisoner population made up of 20-29 year olds and 40-49 year olds respectively.</p> <p>Nationality: It also showed that 89% of prisoners were British nationals, and 11% were foreign nationals (from 169 countries overall). It also outlines the top ten nationalities among foreign prisoners:</p>

TOP TEN NATIONALITIES AMONG FOREIGN PRISONERS

England and Wales, at 31 March 2018		
Nationality	Number	% of foreign national prisoners
Polish	802	9%
Irish	728	8%
Romanian	671	7%
Jamaican	495	5%
Lithuanian	402	4%
Pakistani	353	4%
Somalian	305	3%
Portuguese	276	3%
Nigerian	268	3%
Indian	262	3%
Other foreign nationals	4,756	51%
All foreign nationals	9,318	100%

Source: MoJ, *Offender Management Statistics Quarterly, March 2018, Table 1.7*

Ethnicity:

As at the end of March 2018, just over a quarter of the prison population was from a non-white ethnic group – this figure has stayed relatively constant since 2005.

Compared to the population as a whole, the non-white population is over-represented within the prison population. In the prison population, 26% identified as a non-white ethnicity, compared with 13% in the general population (p. 11).

Religion:

At the end of March 2018, just under half of the prison population was of a Christian faith (48%) – a decrease of just over 10 percentage points compared to June 2002. The proportion of Muslim prisoners has increased from 8% in 2002 to 15% in 2018 and is over-represented within the prison population (4% general population is Muslim, with 15% of the prison population). The proportion of prisoners with no religion in 2018 was 31%.

Ministry of Housing, Communities and Local Government (2018)

'Rough Sleeping Statistics Autumn 2018 England'

Attached marked AP2

Provides national data around rough sleeper demographics which can be used to estimate the demographic of those who may be sleeping rough in the restricted area, and therefore which protected characteristics are likely to be affected by the PSPO, and how.

Gender:

This report outlines that the local authority snap shot for autumn 2018 rough sleeping street counts showed that 84% of rough sleepers were male and 14% were female,

	<p>2% of people's gender was unknown.</p> <p>Nationality: It also observes that there has been an increase nationally in the number of non-UK (EU) nationals sleeping rough at 22% in 2018. The number of non-UK and non-EU nationals accounts for 2% of the rough sleeper population.</p> <p>Age: In autumn 2018, 80% of the rough sleeping population was aged 26 years or over, with 6% 25 years or under. 14% of people's age was unknown.</p>
<p>Homeless Link (2018) '2018 Rough Sleeping Statistics'</p> <p>Attached marked AP3</p>	<p>Provides nationality and gender demographics data around rough sleepers which can be used to estimate the nationality demographics of those who may be sleeping rough in the restricted area, and therefore which protected characteristics are likely to be affected by the PSPO, and how.</p> <p>Nationality: This report finds that in South East England, 75% of rough sleepers are UK nationals with 25% non-UK nationals or not known. This means that potentially a quarter of rough sleepers may have English as a second language, or not be aware of the support which is available to them.</p> <p>Gender: It also finds that 15% of rough sleepers in the South East are female with 85% male.</p>
<p>PANSI data 'People aged 18-64 predicted to have a drug or alcohol problem, by gender, projected to 2035 in Southend-on-Sea'</p> <p>Attached marked AP4</p>	<p>This data set show that 10,189 people in Southend are predicted to have a dependence on drugs or alcohol. Out of an estimated total population of 181800, this means that 6% have a dependence of some kind.</p> <p>Whether this proportion would be representative and therefore applicable to rough sleepers or individuals likely to undertake offending behaviours is not clear.</p>
<p>Analytical Support for Public Spaces Protection Order Application</p>	<p>This report provides statistical data regarding the proposed restricted area including:</p> <p>Deprivation: The majority of the neighbourhoods in the restricted area are classed as highly deprived (77%).</p>

2.2 Identify any gaps in the information and understanding of the impact of your policy, service function or restructure. Indicate in your action plan (section 5) whether you have identified ways of filling these gaps.

The consultation which was undertaken in 2019 sought feedback and opinions from a range of stakeholders including:

- Chief Officer of Police for Southend
- The Police Fire and Crime Commissioner
- Town Centre / Seafront Businesses
- Ward Councillors
- The Voluntary Sector
- Community Representatives
- Local Residents / those working nearby / Visitors to the area

The data sources outlined in 2.1. above have been sourced to provide national demographic data from which to draw some average conclusions where Southend specific data is unavailable. From national trends local statistics can be estimated to understand impacts more accurately.

However, there are gaps in the following data:

- Demographics of historical offenders in the restricted area
- Demographics of those living in, working in and visiting the restricted area

As the implementation of the PSPO is likely to have a larger impact on certain sections of the community - as our data sources have shown this would include males, people on a low income, rough sleepers and adults – the following analysis will take into account the likely impact of the PSPO on these groups and their associated protected characteristics.

3. Analysis

3.1 An analysis and interpretation of the impact of the policy, service function or restructure should be undertaken, with the impact for each of the groups with ‘protected characteristics’ and the source of that evidence also set out against those findings.

In addition, the Council has identified the need to assess the impact of a policy, service function or restructure on carers, looked after children (as part of the age characteristic) as well as the socioeconomic impact of different groups, such as employment classifications.

Initial assessment of a perceived impact of the policy, service function or restructure. The impact can be positive or negative (or in some circumstances both), none or unclear.

	Impact - Please tick
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	Yes			No	Unclear
	Positive	Negative	Neutral		
Age (including looked after children)	X				
Disability	X				
Gender reassignment	X				
Marriage and civil partnership				X	
Pregnancy and maternity	X				
Race	X				
Religion or belief	X				
Sex*	X*	X*			
Sexual orientation					Unclear
Carers				X	
Socio-economic	X				

Descriptions of the protected characteristics are available in the guidance or from: [EHRC - protected characteristics](#)

* The impact on sex depends on whether you are male or female, and whether you are a resident/visitor to the restricted area, or a rough sleeper/individual undertaking offending behaviours. Please see the discussion in 3.2

- 3.2 Where an impact has been identified above, outline what the impact of the policy, service function or restructure on members of the groups with protected characteristics below:

	Potential Impact
Age	<p>Residents in, and visitors to, restricted area</p> <p>Likely to have a positive impact on those who are most vulnerable in terms of age – the very young and the elderly, who can feel intimidated by certain behaviours such as begging and drinking will see a benefit as these activities diminish.</p> <p>Generally, all ages are likely to see a positive impact due to reduced exposure to certain behaviours.</p> <p>Individuals undertaking offending behaviour</p> <p>As those undertaking the offending behaviour will be issued with a fixed notice penalty it is possible that young offenders may be unable to absorb the financial impact, so it is important</p>

	<p>that the application of the PSPO takes into account this risk to young people.</p> <p>As the data in section 2.1 above has shown, 30-39 represent the highest numbers of the prison population, so extrapolating this back to the Southend context, it is likely that this age group will be the most affected by the implementation of the PSPO. However, as the process will include sign posting individuals to support, then the impact has been assessed as positive overall.</p>
<p>Disability</p>	<p>Residents in, and visitors to, restricted area</p> <p>Likely to have a positive impact as people with a disability may be disproportionately affected by certain activities and behaviours, so the introduction of the PSPO should result in an overall benefit as these activities diminish.</p> <p>Individuals undertaking offending behaviour</p> <p>Anecdotally, mental and physical health issues are increasingly linked to anti-social behaviour as they are often linked to drug and alcohol misuse.</p> <p>We also know anecdotally that a larger proportion of homeless are known to have disabilities (both physical and mental health related).</p> <p>The introduction of the PSPO will therefore impact on this group twofold:</p> <ul style="list-style-type: none"> (1) Accessibility to information – based on communication needs. Information about the requirements of the PSPO will need to be provided and delivered in a consistent and clear way, and in formats people with learning difficulties, hearing or sight impairment, for example, can understand. (2) Tailored needs. Enforcement officers will be trained in dealing with cases on an individual basis to ensure information about available support is provided based upon individual needs and a consistent but fair approach is adopted in order to try and address any issues. <p>Because enforcement officers will be sign posting individuals to appropriate services as the first resort (taking into account communication and mobility needs), with enforcement action as a second option, the impact overall on this group will be positive.</p>
<p>Gender reassignment</p>	<p>Given that the perception of the restricted area is that of being unsafe, those who have undergone gender reassignment may feel intimidated or unsafe in the area. It is likely that the implementation of the PSPO will have a positive impact on</p>

	those with this protected characteristic as the feeling of safety in the area increases.
Marriage and civil partnership	n/a
Pregnancy and maternity	n/a
Race	<p>Residents in, and visitors to, restricted area</p> <p>Likely to have a positive impact as anecdotally we are aware that Black, Asian and minority ethnic people are among the groups of individuals that feel intimidated or unsafe in the restricted area currently, it is likely that the implementation of the PSPO will have a positive impact on those with this protected characteristic</p> <p>Individuals undertaking offending behaviour Anecdotal evidence has shown that a number of homeless people may be those who have gone through the asylum process and have not been able to secure fixed accommodation. The data sources explored in section 2.1. also showed that the non-white demographic is over-represented in the prison population, making it possible that the BAME community will be disproportionately affected by the implementation of the PSPO.</p> <p>However, because enforcement officers will be sign posting individuals to appropriate services as the first resort, with enforcement action as a second option, the impact overall on this group will be positive as help and support is made available.</p>
Religion or belief	No impact
Sex*	<p>Residents in, and visitors to, restricted area</p> <p>Given that anecdotally we are aware that women are among the groups of individuals who feel intimidated or unsafe in the restricted area it is expected that the implementation of the PSPO will have a positive impact on this group.</p> <p>Individuals undertaking offending behaviour The data sources in section 2.1 indicate that the majority of individuals likely to undertake offending behaviour will be male. It is therefore likely to presume that this group will be disproportionately impacted by the implementation of the PSPO.</p> <p>However, because enforcement officers will be adopting a</p>

	<p>consistent and fair approach by sign posting individuals to appropriate services based on their needs as the first resort, with enforcement action as a second option, the impact overall on this group will be positive as help and support is made available.</p>
Sexual orientation	<p>Residents in, and visitors to, restricted area</p> <p>Anecdotal evidence suggests that LGBTQ+ people are one of the groups of individuals that feel intimidated or unsafe in the restricted area at the moment, so it is likely that the implementation of the PSPO will have a positive impact on this protected characteristic as offending activities in the area diminish.</p> <p>Individuals undertaking offending behaviour</p> <p>Although there is no data available to indicate what proportion of individuals undertaking offending behaviours may be LGBTQ+, because enforcement officers will be adopting a consistent and fair approach by sign posting individuals to appropriate services based on their needs as the first resort, with enforcement action as a second option, the impact overall on this group will be positive as help and support is made available.</p>
Carers	n/a
Socio-economic	<p>Residents in, and visitors to, restricted area</p> <p>Consideration needs to be given to how incidents which may occur in the restricted area can be reported. The use of MySouthend will ensure that all residents and visitors can access an online portal to report issues.</p> <p>Language</p> <p>Although 94.1% of residents in Southend-on-Sea have English as a main language in their household there are still areas where language and literacy are a barrier to understanding council services and what is available.</p> <p>The MySouthend portal improves accessibility for residents where English is not their main language as the online Google translate service will be available. Although this is a rudimentary translation tool, it will provide residents with instant translations. If residents still require further assistance they will be able to contact the Council directly to request this.</p> <p>The MySouthend portal collects equalities data when reports are made (if the individual completes the questions) so these</p>

can be reviewed as part of the ongoing monitoring and evaluation of the PSPO impact.

Businesses and traders have expressed their concerns via the Southend BID that customers avoid the town centre because of anti-social behaviour and the perception that it is unsafe. The implementation of the PSPO may therefore have a positive impact on the wider socio-economic fabric of the town centre as the offending behaviours and activities diminish, and customers are encouraged to use the space again.

Individuals undertaking offending behaviour

The restriction of the consumption of alcohol in the restricted area could affect those that are alcohol dependent. However, in some instances, the PSPO may help to ensure that people engage with the support that is available to them, having a positive impact on their health and wellbeing.

The PSPO fixed notice penalty may also put some individuals at risk of further deprivation (if they do not have the means to pay them as we have explored above, potentially affecting the younger demographic the most) – which may in itself lead to criminal behaviour in order to obtain the funds to pay off the penalty. However, because enforcement officers will be adopting a consistent and fair approach by sign posting individuals to appropriate services based on their needs as the first resort, with enforcement action as a second option, the impact overall on this group will be positive as help and support is made available.

Anecdotal evidence suggests that there is a high likelihood that those carrying out, and involved in, the offending behaviours will be socio-economically disadvantaged in some way. This demographic may therefore be disproportionately impacted by the PSPO. However, because enforcement officers will be adopting a consistent and fair approach by sign posting individuals to appropriate services based on their needs as the first resort, with enforcement action as a second option, the impact overall on this group will be positive as help and support is made available.

Language

Accompanying information signs in the restricted area will contain the legal wording of the Order – a legal requirement. However, this means that it is unlikely that they will be written in plain English. Consideration will therefore need to be given to how this information is made accessible to all individuals in the restricted area, with legal responsibilities clearly and consistently communicated.

4. Community Impact

4.1 You may also need to undertake an analysis of the potential direct or indirect impact on the wider community when introducing a new/revised policy, service function or restructure.

4.2 You can use the [Community Cohesion Impact Assessment](#) as a guide, outlining a summary of your findings below:

N/A

5. Equality Analysis Action Plan

5.1 Use the below table to set out what action will be taken to:

- Ensure a full analysis of the impact of the policy, service function or restructure is undertaken.
- Mitigate/address identified negative impacts or unlawful prohibited conduct.
- To promote improved equality of opportunity and to foster good relations.
- How the action plan will be monitored and at what intervals.

Planned action	Objective	Who	When	How will this be monitored (e.g. via team/service plans)
Consultation	To obtain wider views and comments on the proposed PSPO	Specified groups as per above	Nov/ Dec 2018	Consultation responses received, analysed and referred in the report
Research Demographics	To understand more about the victims / perpetrators of certain types of behaviour in Southend	Community Safety Partnership (CSP)	Start December 2018	CSP
Mental and physical health	To ensure that vulnerable individuals (rough sleepers etc) are assisted to enter into support services	Community Safety Partnership partners	Ongoing as part of any interaction	Take up of services recorded (HARP etc)
Equality monitoring of reports of ASB	To understand which groups are reporting issues and to monitor the impacts of the PSPO	Community Safety Partnership	Ongoing as part of recording of reports	Community Safety Team Manager / Insights Officer
Equality monitoring of individuals found in breach of PSPO	To monitor and evaluate the impacts of the PSPO on protected characteristics. To identify whether there are any groups that are disproportionately affected and implement strategies to mitigate this	Community Safety Partnership	To start when PSPO comes into force	Community Safety Team Manager / Insights Officer
Demographic	including reason for	Community	To start	Community Safety

info of those who breach PSPO	this and the outcome for each person (i.e. fine/Criminal Justice response).	Safety Partnership	when PSPO comes into force	Team Manager / Insights Officer
Ongoing review of Equality Analysis	To ensure all impacts are still relevant, and new ones are identified	Community Safety Partnership	To start when PSPO comes into force	Community Safety Team Manager / Insights Officer

Signed (lead officer):

Signed (Director):  Carl Robinson (Director of Public Protection)

Once signed, please send a copy of the completed EA (and, if applicable, CCIA) to the Departmental Equality Representative and Jodi Thompson jodithompson@southend.gov.uk