

Equality Impact Assessment

[Guidance](#) on how to complete this form is available on StaffNet. Click on the links below to find specific guidance and examples for each section. Further supporting information is also available in the appendices at the end of the guidance.

This form is to be completed in stages to ensure the production of a robust assessment. The completion process is detailed on StaffNet.

Please contact [Tim Greaves](#) if you need this form in a different format.

1. [What are you assessing?](#)

Consulting and making Public Space Protection Orders (PSPOs) to restrict consumption of alcohol in named places.

Powers to create PSPOs came into force under the ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014. PSPO are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

This enables the Vale of Glamorgan Council to update the old Designated Public Place Orders (DPPOs) made under CRIMINAL JUSTICE AND POLICE ACT 2001. The old Orders were implemented in 2006 and 2009 and will cease to exist on the 20th October 2017 and therefore require updating.

In making the orders officers will need to consult with consultees listed in the legislation and guidance and whoever the authority considers necessary and any order will need to be evidence based. |

2. [Who is responsible?](#)

Name	Jane Symons	Job Titles	Neighbourhood Services, Technical Officer
Team	Neighbourhood Services, Team 2	Directorate	Environment and Housing

3. [When is the assessment being carried out?](#)

Date of start of assessment	06-07-17
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4. Describe the proposal?

What is the purpose of the proposal?

PSPOs are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. In this case the purpose is to control Anti-social behaviour associated with consumption of alcohol in designated places. The restrictions in these areas are currently in place under preceding legislation (Criminal Justice and Police Act 2001).

The authority is currently consulting with statutory consultees as named within the legislation and guidance.

A review of the consultation and data provided by the South Wales Police (Police) and Safer Vale will form the basis of a report to be taken to Full Council in September 2017. There will need to be evidence to support the need to create any PSPO's.

In creating a PSPO the Local Authority will need to ensure that there is sufficient evidence to support the test as stated in the legislation and guidance. The test is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed. |

Why do you need to put it in place?

|To Prevent Anti-social Behaviour from consumption of alcohol in restricted areas. |

Do we need to commit significant resources to it (such as money or staff time)?

|Additional resource has been identified and allocated to SRS to follow the legal process to make these orders including consultation, reporting to Full Council and the erection of legal notices for each area that may be made into PSPO's.

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There are currently restrictions in place under the Criminal Justice and Police Act 2001. These are enforced by the Police and it is anticipated that this arrangement will continue to be enforced by the Police under the new PSPO's, however Vale of Glamorgan Council (the Council) could decide to authorise officers under this legislation. This is more likely to happen should the order(s) be varied to include ASB associated with dog control, dog fouling and littering and other ASB. The current proposal only covers control of consumption of alcohol in specified areas. |

What are the intended outcomes of the proposal

Having consulted with internal and external agencies as well as local residents and businesses the intention is to make new orders. This will give authorised officers the enforcement tools to deal with alcohol related ASB in specified restricted areas. |

Who does the proposal affect?

The project will mainly affect; local residents, businesses and visitors who visit, live or play within a restricted area, which is covered by a PSPO. Anyone who breaches the conditions of a PSPO will be subject to either a fixed penalty notice and/or prosecution. |

Will the proposal affect how other organisations work?

No. However a PSPO cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol. There are also limitations where either Part 5 of the Licensing Act 2003 or section 115E of the Highways Act 1980 applies. This is because the licensing system already includes safeguards against premises becoming centres for anti-social behaviour. It would create confusion and duplication if PSPOs were introduced here. Residential properties are not included within the proposed PSPO's.

PSPOs will enable authorised Police Officers and Local Authority Officers to enforce restrictions set out within a restricted area. This will be in relation to the control of the consumption of alcohol within public places. However, the greatest burden of enforcement will fall upon the Police as did the existing arrangements. |

Will the proposal affect how you deliver services?

No – not for the control of consumption of alcohol in public places, as these currently exist. However, these will cease to exist come the 20th October 2017 unless PSPOs are implemented.

Should there be a variation of these proposed PSPOs at a later date in relation to other ASB issues other than the consumption of alcohol, this may then affect how services are delivered. This is because different services areas and different issues of ASB would be dealt with within separate departments within the Council. However, this would be subject to a new EIA and would be assessed at that point in time. |

Will the proposal impact on other policies or practices?

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The project will support interested agencies in addressing ASB in the locality. The new tools under the Act replace a number of previous measures and were brought in as part of a government commitment to put victims at the centre of approaches to tackle ASB.

Can you change the proposal so that it further promotes equality of opportunity and fosters good relations?

ASB can blight the lives of people in their local communities, with those affected often feeling powerless to act. Councils have a key role to play in helping make local areas safe places to live, visit and work. The PSPO is a tool in which can tackle this behaviour and help prevent its reoccurrence.

How will you achieve the proposed changes?

The Council plan to formally consult internal and external interested parties, as per the legislation and guidance and with the findings that have been gathered a report will be prepared for Full Council. Should it be demonstrated that there is sufficient evidence to pass the test (as mentioned in section 2 above) then a recommendation will be made to Full Council. If the order is approved by Full Council then the Council will make arrangements to place signs on the restricted areas and this will also be published on the Council's website.

Who will deliver the proposal?

Shared Regulatory Services are undertaking this discrete piece of work on behalf of the Director of Environment & Housing Services. This will be achieved through consultation which will form the report. If Full Council approve of the proposed order then signage will be erected within each restricted area across the Vale of Glamorgan. Authorised officers such as the Police and the Local Authority will then be able to enforce the conditions imposed by a PSPO. A PSPO will remain in place for a period of three years unless amended, revoked or extended.

How will you know whether you have achieved the proposal's purpose?

A PSPO will remain in place for a maximum period of 3 years unless amended, revoked or extended as stated in the legislation. A PSPO will then need reviewing every 3 years to determine if it is essential and reducing ASB. This will be achieved by reviewing data and statistics in relation to ASB which will be provided by the Police and other relevant departments.

5. [What evidence are you using?](#)

Engagement (with internal and external stakeholders)

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External

Engagement was carried out with a range of external stakeholders. Face to face meetings were arranged with the Police, Community Safety, British Transport Police and Anti-Social Behaviour Officers. This was carried out in order to discuss alcohol related ASB issues that were occurring across the Vale of Glamorgan. The stakeholders chosen were the most appropriate, as they hold the statistical data and deal with issues relating to ASB.

Officers are aware of the problematic areas as they deal with these areas on a regular basis. It was essential that these stakeholders were engaged with as they will be enforcing the Orders. It was also crucial to get their opinions as they have enforced Orders such as these under previous legislation.

Internal

Internal stakeholders were consulted in relation to the proposed PSPOs. The Legal Department, Democratic Services, Community Safety Officers, Licensing Department, Highways and Engineering and Visible Services were all consulted on this matter. Engagement with these stakeholders took place in the format of face to face meetings, emails, telephone calls and group meetings. These stakeholders were identified as the most appropriate in relation to PSPOs.

Consultation (with internal and external stakeholders)

Consultation took place over a 6 week period, 05th July 2017 – 21st August 2017. Stakeholders were invited to respond by email, in writing, by completing an online survey or by telephoning the Council to share their views. This was carried out to give everyone including members of the public the opportunity to express their concerns/views and to be involved in the proposed Orders.

A variety of options to respond were given to consultees in order for them to express their opinions and to give everyone a fair and equal opportunity to do so. The consultation time scales were deemed sufficient, given the circumstances of the proposal and due to the fact that these Orders still exist under the old legislation and just need renewing under the new Act. It also gave us the opportunity to review the current orders to determine if they are essential and need replacing and gave those the opportunity to express other concerns in relation to ASB within other areas.

Notices of the proposed Orders were published in all of the proposed restricted areas across the Vale of Glamorgan, giving members of the public or any interested parties the opportunity to get involved and express their views and to make comments. The proposed notice was also published on the Vale of Glamorgan website which also included relevant information such as maps and a link to the online survey. This was also advertised through the Council's social media.

The website enabled stakeholders to search via their postcode in order for them to determine which areas being proposed were close to where they live, work or play. The notice was also published in the Gem Newspaper for one week, which is delivered to every household across the Vale of Glamorgan.

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The following stakeholders were consulted to share their views; Councillors, Town & Community Councils, Church of Wales, Newydd Housing, Chief of South Wales Police and Crime Commissioner, South Wales Police, British Transport Police, Arriva Trains Wales, Network Rail, Natural Resources Wales, Vale Youth Service, Youth Offending Service, Vale Housing, Tenant Liaison Officers, Tourism and Events, Every Operational Manager within the Vale Council and Public Health Wales. This was completed in compliance with the legislation and associated guidance.

In total, there were 117 responses to the consultation, 103 via the online survey and 14 email responses.

National data and research

PSPOs have been implemented across a numerous of Local Authorities in both England and Wales. Local Authorities such as: Carmarthenshire, Newport, Wrexham, Pembrokeshire and many more have implemented these orders to reduce ASB within their Authority.

The current Orders (DPPOs) which cease to exist October this year were widely used and have seen to have been effective in reducing ASB across Wales and England.

A study was carried out by HMIC (Her Majesty's Inspectorate of Constabulary) in relation to ASB and the impacts it has on local communities. The study highlighted that the most frequent type of calls made to the Police are in relation to youths/teenagers/groups/gangs loitering this was also associated with alcohol, this was closely followed by street drinking, drunkenness, vandalism, rowdy and inconsiderate behaviour. It was seen that each one that is mentioned between 16% and 28% were related to alcohol, drugs and boredom.

They also looked at those who report incidents how their lives were affected by ASB. On a scale of one (meaning no effect) to ten (meaning total effect) the mean figure was 4.81. This demonstrates that ASB affects the everyday lives of people within the locality. It especially affects those who live within an area of high ASB but it also effects those who work, play and frequently visit these areas. It is seen that if areas are known for ASB that people avoid these areas due to fear.

The study showed that (47%) avoided certain areas due to ASB and (45%) would not go out at night within certain areas due to high volumes of ASB relating to alcohol and youths etc. congregating.

Local data and research

Through consultation with the Police, the Council had requested ASB data relating to alcohol across the proposed restricted areas to be covered under PSPOs. This was requested to comply with the justification element set out within the Act.

The data was requested to determine if the current Orders have been effective in reducing ASB and if there is a need for PSPOs. The Force Intelligence and Organised

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Crime Unit, within South Wales Police have produced a report for the last financial year.

The below table shows alcohol related ASB reported in the last financial year for all proposed areas across the Vale of Glamorgan;

Location	Alcohol Related ASB
Broad Street, Barry	7
Chickenwood Park, Barry	0
Pencoedtre Park, Barry	2
Romilly Park, Barry	0
Victoria Park, Barry	1
Bassett Park, Barry	0
Battsfield, Barry	0
Gladstone Park, Barry	0
Thompson Street Estate, Barry	11
Gibbonsdown Estate, Barry	44
The Knap, Barry	3
Little Mill Park and Hatch Quarry, Barry	0
Barry Island Area, Barry	21
Parade Gardens, Barry	0
Twt Park, Cowbridge	0
Lorna Hughes Park, Llantwit Major	0
Poundfield Shopping Area, Llantwit M	2
The Square, Llantwit Major	3
Windmill Playing Fields, Llantwit Major	0
Llantwit Major Train Station	0
Alexandra, Penarth	0
The Kymin, Penarth	2
Milburn Park, Penarth	0
Rhose Train Station	0
Rhose Community Centre	0
Cogan Recreation Ground, Penarth	0

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The Police have also produced witness statements to inform the Council that a PSPO is required across areas of the Vale. The areas that were identified as being problematic in relation to ASB across the Vale are;

- Cogan Recreation Ground, Penarth
- Rhoose Community Centre
- Rhoose Train Station
- Milburn Park, Penarth
- Alexandra, Penarth
- Llantwit Major Train Station
- Windmill Playing Fields, Llantwit Major
- Lorna Hughes Park, Llantwit Major
- Twt Park, Cowbridge
- Parade Gardens, Barry
- Little Mill Park and Hatch Quarry, Barry
- Gladstone Park, Barry
- Battsfield, Barry
- Bassett Park, Barry
- Romilly Park, Barry
- Chickenwood Park, Barry

Although it is seen as there are no incidents reported to the Police in relation to alcohol related ASB within these areas as seen in the table above. This may be as result of the current DPPOs being in place and can be seen to be reducing alcohol related ASB within these areas.

From the consultation that was carried out over a 6 week period it was seen that the vast majority of those who responded (a total of 116) were in favour of updating the current orders into a PSPO.

Evidence suggests that other tools, such as campaigns and community engagement have not been effective in preventing alcohol related ASB.

An annual report that was carried out in 2012 by the Director of Public Health for Cardiff and the Vale University Health Board demonstrated that alcohol is one of their most serious public health challenges. The report also demonstrates the association between alcohol and high levels of crime and disorder.

6. [How robust is the evidence?](#)

Does it show what the impact will be (positive and negative)?

The impact identified from the collection of evidence and data is positive. The evidence demonstrates the need for a PSPO and stakeholders have highlighted that having one in

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place would be beneficial and it will give the Police the powers to tackle alcohol related ASB. As a result this should reduce the detrimental impact that ASB currently has on those who work, live or frequently visit the proposed areas across the Vale of Glamorgan. The majority of all relevant stakeholders that were consulted and expressed their views to the Council both internal and external were in favour of a PSPO and stated the Orders should be implemented.

What are the gaps?

The gaps that were highlighted in gathering the data were in relation to the reporting and statistical data from the Police. It was found that the data given to the Council was not a true representative of the scale of the problem in relation to alcohol related ASB. This was due to the way in which alcohol related data was recorded.

It was evident through engagement with relevant stakeholders such as the Police and Community Safety that when incidents are reported to them it is not always reported as alcohol related and are reported as ASB e.g. violent crime, vandalism and intimidation etc. It also became evident that the Police and other departments who deal with alcohol related ASB within the current restricted areas covered by a DPPO only reported and logged incidents where they had issued a Fixed Penalty Notice (FPN). Police Officers including PCSO were not logging incidents where they had moved people on who were causing a disturbance or where their alcohol had been confiscated.

However, the online survey and the support that was received through stakeholders in relation to the proposed PSPO highlighted that there is a problem within these areas in relation to ASB as majority of those were in favour. Therefore, this demonstrates the need for a PSPO and highlights that it will in fact have a positive effect on those living, working and visiting the proposed restricted areas.

What will you do about this?

During discussions were made with the Police and Community Safety in relation to the reporting of alcohol related ASB issues, it was discussed that a more sufficient way of recording incidents of ASB that were associated with alcohol would be introduced. Police Officers have produced witness statements to highlight the problematic areas that they frequently have to visit because of alcohol related ASB.

Discussions were had about the reporting of confiscating alcohol within a restricted area. This will then allow for a true representative of the problem and to allow the Council to determine if these Orders are beneficial and effective in reducing ASB.

What monitoring data will you collect?

The data collected will be alcohol related ASB data. It will be collected in the format of statistics such as:

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- Complaints of alcohol related ASB
- Incidents of alcohol related ASB
- Any FPN issues within restricted areas
- Any action taken e.g. moving on of people who the Police has deemed to be a nuisance, or are causing distress, confiscating of alcohol.

How often will you analyse and report on this?

The data collected will be analysed quarterly and on a year by year basis. The data will then be compared to previous years, to determine if there is a decrease in alcohol related ASB within restricted areas across the Vale of Glamorgan.

Where will you publish monitoring data and reports?

The data collected will be held by the Police. As it stands, ASB data is available to the public through crime statistics. An officer of the Council will then gather the quarterly data for each restricted area when the proposed orders are due to be renewed (3years). This is to determine if they are essential and are reducing alcohol related ASB within the restricted areas.

7. [Impact](#)

Is there an impact?

There are no impacts on protected groups.

If there is no impact, what is the justification for thinking this? Provide evidence.

In light of the evidence collected and the result of the public consultation, there is no evidence to suggest that there the below protected characteristics will be implicated. A PSPO can be used to restrict the consumption of alcohol in a public space where the legal test has been met. However, as with the DPPOs which it replaces, there are a number of limitations on using the power for this end. It is not an offence to drink alcohol in a controlled drinking zone. However, it is an offence to fail to comply with a request to cease drinking or surrender alcohol in a controlled drinking zone. This is also liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

If there is likely to be an impact, what is it?

Age – None

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Disability - None

Gender reassignment, including gender identity – None

Marriage and civil partnership (discrimination only) - None

Pregnancy and Maternity - None

Race - None

Religion and belief - None

Sex - None

Sexual orientation - None

Welsh language - To control this impact we have ensured that the consultation letter, survey, website, Notice and newspaper advert were all translated bilingually into Welsh and English languages. Future Orders and publication will be translated bilingually and signs will be created in compliance with the Welsh Language Act 1993.

Human rights - Articles 10 and 11 of the Human Rights Act 1998, regarding the freedom of expression and freedom of assembly have been considered and no issues have been identified.

How do you know?

Explain this for each of the relevant protected characteristics as identified above.

The Welsh language aspect has been controlled throughout the project by ensuring publications are translated into Welsh. As above, the Human Rights Act has been considered.

What can be done to promote a positive impact?

Explain this for each of the relevant protected characteristics as identified above.

As above, the intention is to translate future publications into the Welsh language for people who would like to use the language.

What can be done to lessen the risk of a negative impact?

Explain this for each of the relevant protected characteristics as identified above.

N/A

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Is there a need for more favourable treatment to achieve equal outcomes? (Disability only)
N/A
Will the impact be positive, negative or neutral? Explain this for each of the relevant protected characteristics as identified above.
Neutral

8. Monitoring ongoing impact

Date you will monitor progress
Quarterly (every 3 months) reporting will take place. A review of alcohol related ASB data will be carried out.
Measures that you will monitor
Levels of alcohol related ASB within restricted areas.
Date you will review implemented proposal and its impact
A final review of the data will be in June 2020, in compliance with the Act. The Act states that a PSPO will be reviewed every 3 years to ensure they are effective in reducing alcohol related ASB.

9. Further action as a result of this equality impact assessment

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Possible Outcomes	Say which applies
No major change	The Equality Impact Assessment revealed that there are no adverse impacts on protected groups as defined under the Equality Act.
Adjust the policy	No adverse effects
Continue the policy	No adverse effects
Stop and remove the policy	No adverse effects

10. [Outcomes and Actions](#)

Recommend actions to senior management team
The report revealed that there are no adverse affects.
Outcome following formal consideration of proposal by senior management team
The report revealed that there are no adverse affects.

11. [Important Note](#)

Where you have identified impacts, you must detail this in your Cabinet report when seeking approval for your proposal.
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12. [Authorisation](#)

Approved by (name)	Will Lane
Job Title (senior manager)	Operational Manager
Date of approval	

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Date of review	
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13. Publication

You must send a copy of your approved assessment to [Tim Greaves](#), Equality Co-ordinator, to publish on the equality pages of the Vale of Glamorgan website. Please detail any additional publication undertaken.

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