

Appendix D

Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

Completed by: Jonathan Keen **Role:** Manager

Head of Service: Gareth Price **Date:** 11/06/2018

I confirm that the above Head of Service has agreed the content of this assessment

Yes

When you complete this FEIA, it is your responsibility to submit it to

impact.assessment@newport.gov.uk

1. Name and description of the policy / proposal being assessed. Outline the policy's purpose.

Review of the current City Centre Public Spaces Protection Order (PSPO) (Anti-Social Behaviour, Crime and Policing Act 2014) to ensure that the restrictions in the Order address the anti-social behaviour currently being experienced in Newport City Centre.

This review is supported by Gwent Police who feel that revised restrictions will improve their ability to deal with the anti-social behaviour being experienced by members of the public.

The Order provides enforcement officers with additional powers than those provided by existing legislation, as Fixed Penalty Notices can be issued for non-compliance with a PSPO restriction.

2. Outline how you have/ will involve stakeholders who will be affected by the policy/proposal

This review has been led by the Overview & Management Scrutiny Committee. At its meeting of 8 January 2018, the Scrutiny Committee considered the issues and agreed for public consultation to commence to seek views on experiences of the city centre, views on review the current restrictions, possible amendments to them and views on possible new measures to be included in a revised PSPO.

The consultation conducted is set out in the table below:

| Consultee | Medium |
|---|--|
| COUNCIL: | Email sent requesting views by use of the online consultation questionnaire |
| Streetscene | |
| Legal Services | |
| Planning/ Regeneration | |
| Environmental Health | |
| Licensing | |
| Trading Standards | |
| Community Safety- CCTV/Community Safety Wardens/Anti-Social Behaviour Liaison Officers | |
| One Newport Public Services Board | |
| Strategic Director -Place | |
| CM - Licensing & Regulation CM - Regeneration & Housing CM - Streetscene Chair of Licensing Committee Ward Cllrs/ All Cllrs Scrutiny | |
| Press team | |
| OTHER AGENCIES: | |
| Gwent Police- Licensing and city centre team, Police and Crime Commissioner | Email |
| South Wales Fire & Rescue Service | Email |
| Health Board | Email |
| BUSINESSES: | |
| Pubs and clubs | Attended Pub watch 7 February/Flier to all pubs/clubs |
| Business Improvement District Business Crime Reduction Group | Meeting with the BID Manager/ email & flier disseminated to all BID members |
| Taxi trade | Email to all Operators/Taxi reps |
| THE PUBLIC: | |
| Residents in the affected area | Press release/ Stow Hill Ward Cllrs. Attended Stow Hill Ward meeting 8 February |
| The public in general | Press release Twitter/ Facebook Web site (with a questionnaire allowing the public to tell us of the ASB they have been affected by and therefore what restrictions they would like to see in a PCPO). |
| Youth Council | 5 responses included in collated questionnaire results |

3. What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.

For the 8 January 2018 Scrutiny Committee meeting, the report contained details of compliance with the current PSPO restrictions including data from the Police and the Council's Community Safety Warden Service, along with observations on each restriction i.e. whether the specific anti-social behaviour was still a problem and issues with the wording of "aggressive" etc. begging measure. The report also highlighted other forms of anti-social behaviour that were now occurring in the city centre that could be reduced with restrictions in a revised Order.

The results of the public consultation have been summarised and included as Appendix C to the report to Council, of which this FEIA forms Appendix D.

At the meeting on 26 April 2018 the Scrutiny Committee also heard from Council officers (Regulatory Services, Youth Services, Housing Needs), Gwent Police (City Centre Inspector), Newport Business Improvement District and also from The Wallich Homeless Charity.





4. Equalities and Welsh language impact


| Protected characteristic | Impact: | | | Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation? |
|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--|
| | Positive | Negative | Neither | |
| Age | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>Positive: The proposed restrictions are designed to reduce ASB in the immediate area, which would promote community cohesion and increase footfall in the city centre.</p> <p>Reducing ASB in the area should also help to ensure that the area is a safer place for young people to interact, as well as ensure the environment is safer for all age groups.</p> <p>Negative: The proposals are designed to provide the Police with additional powers to disperse individuals and groups who are causing ASB, from the area. This is likely to impact on people in the 10 – 24 years and the 25 – 34 years census categories more than other age categories.</p> |
| Disability | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This |

| Protected characteristic | Impact: | | | Provide further details about the nature of the impact in the section below. Does it: <ol style="list-style-type: none"> Promote equal opportunity Promote community cohesion Help eliminate unlawful discrimination/ harassment/ victimisation? |
|---|-------------------------------------|-------------------------------------|--------------------------|--|
| | Positive | Negative | Neither | |
| | | | | should help to ensure that groups of all protected characteristics feel more confident in using the space. |
| Gender reassignment/ transgender | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space. |
| Marriage or civil partnership | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space. |
| Pregnancy or maternity | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space. |
| Race | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space. |
| Religion or Belief or non-belief | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space. |
| Sex/ Gender Identity | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Within the evidence provided by Gwent Police and the Council's Community Safety team, where the sex of the youths causing problems is mentioned, the sex is 'male' in the majority of incidents. Therefore the proposals would have an impact on male individuals. |

| Protected characteristic | Impact: | | | Provide further details about the nature of the impact in the section below. Does it: <ol style="list-style-type: none"> Promote equal opportunity Promote community cohesion Help eliminate unlawful discrimination/ harassment/ victimisation? |
|---------------------------|-------------------------------------|--------------------------|-------------------------------------|--|
| | Positive | Negative | Neither | |
| Sexual Orientation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The proposed restrictions are designed to reduce ASB in the city centre, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space. |
| Welsh Language | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The proposals will not have an impact on this issue. |

5 How has your proposal embedded and prioritised the sustainable development principle in its development?

| Sustainable Development Principle | Does your proposal demonstrate you have met this principle? Describe how. |
|--|---|
|  <p>Long Term</p> <p>Balancing short term need with long term needs</p> | <p>The maximum duration of a Public Spaces Protection Order is 3 years but it could be renewed if appropriate. The aim of the proposals is to reduce ASB in the area and it is hoped that this would have a long term benefit to the community.</p> |
|  <p>Collaboration</p> <p>Working together to deliver objectives</p> | <p>Only the Council can make a Public Spaces Protection Order, however it would provide the Police with additional/alternative powers with which to address ASB in the area. The Community Safety team will continue to work together with the Police and other agencies/partners to address ASB. The Police support the proposals.</p> |
|  <p>Involvement</p> <p>Involving those with an interest and seeking their views</p> | <p>The review of the City Centre Public Spaces Protection Order has been led by Scrutiny and the public consultation undertaken was designed to be wide-ranging</p> |
|  <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p> | <p>A Public Spaces Protection Order cannot address the roots causes of why some individuals cause ASB in this area, but partners within the Public Services Board work closely together to ensure that resources are used to address such causes where possible. The Wellbeing Plan has now been published and a series of Intervention Boards and other groups will shortly be set up to focus on the priorities in the plan and wider partnership work, including community safety.</p> |

| Sustainable Development Principle | Does your proposal demonstrate you have met this principle? Describe how. |
|---|--|
|  <p>Considering impact on all wellbeing goals together and on other bodies</p> | <p>The proposal is to put in place a revised Public Spaces Protection Order (PSPO) which has been designed to have a positive impact on the following Well-being goals:</p> <p>Well-being Goals</p> <ul style="list-style-type: none"> • A prosperous Wales – the PSPO would reduce ASB in the area. ASB can impact on the education of children and on the success of businesses. • A healthier Wales – the PSPO would reduce ASB which would help improve the mental well-being of those currently affected. • A Wales of cohesive communities – the PSPO would help to protect the local community and make it more viable and safe. <p>The information included above shows that there would be a positive impact on Newport City Council's Well-being Goals, as set out below:</p> <ul style="list-style-type: none"> • To improve skills, educational outcomes and employment opportunities • To promote economic growth and regeneration whilst protecting the environment • To enable people to be healthy, independent and resilient • To build cohesive and sustainable communities |

6 Will the proposal/policy have a disproportionate impact on a specific geographical area of Newport?

The proposal is designed to impact on the city centre – Stow Hill Electoral Ward – which is appropriate due to the specific nature of the area and the specific ASB being experienced.

7 How does the proposal/policy relate to the parameters of debate about Fairness identified by the Newport Fairness Commission

Parameter 1 deals with equal treatment whilst recognising difference. The proposal will primarily impact on specific groups and individuals who are acting in an anti-social and intimidating manner and they will intentionally be subject to the PSPO restrictions.

Parameter 2 deals with “mutual obligations between citizens and local government”. Local Government's responsibility is to help ensure the safety, security and wellbeing of citizens in their communities, the PSPO introduces conditions which will apply to citizens who act in a way that is detrimental to the safety and wellbeing of the wider community which restricts those citizen's rights in the specified area.

Parameter 3 deals with “interdependency and reciprocity within community relations”. Anti-social

and intimidating behaviour is known to affect the wellbeing of individuals but also affects the functioning and cohesiveness of communities e.g. in the use of local services, and participation in community life. The intention of the PSPO is to only restrict activities that are detrimental to participation in community life.

Parameter 4 deals with “transparency and accountability in decision making”. It is recognised that PSPO’s are by nature restrictive and must be balanced with proportionality, effective targeting and limitation. The consultation undertaken was conducted to ensure that the local community could express their views on the proposals and inform democratic decision making.

8 Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?

Should the revised PSPO restrictions be supported by Council, high quality publicity, provision of advice and proportionate enforcement will be key to mitigating any negative impacts.

9 Monitoring, evaluating and reviewing

The Overview Scrutiny & Management Committee have discussed the need to ensure the ongoing monitoring of the implementation of the PSPO within the city centre. The Committee agreed at its meeting on 26 April 2018 to include a review and monitoring of the implementation of the City Centre PSPO on the Scrutiny Work Programme 12 months after a revised Order is made.

10 Involvement

This FEIA will form part of the report to Full Council and will be published by the Council.

11 Summary of Impact (for inclusion in any report)

Equality Act 2010 AND Welsh Language

The proposed PSPO will have an impact on some protected characteristics but not to the extent that the proposals could be judged to be unreasonable.

There is no Welsh Language impact.

Wellbeing of Future Generations (Wales) Act 2015

The proposed PSPO will support a number of the Well-being goals set out in the Act.