



# SOUTH KESTEVEN DISTRICT COUNCIL

## Equality Impact (Initial Analysis)

## Review of Public Space Protection Orders

|                                       |  |  |
|---------------------------------------|--|--|
| <b>Service Area:</b><br>Environmental | <b>Lead officer:</b><br>Anne-Marie Coulthard | <b>Date of Meeting</b><br><br>25/06/20 |
|                                       | <b>Assessors:</b>                            |  |
|                                       | <b>Neutral Assessor:</b><br>Carol Drury      |  |

**1. Name and description of policy/service/function/strategy**

The council must review the Public Space Protection Orders (PSPOs) in place in the district every 3 years to determine whether or not they should be renewed. This review is now due. The current PSPOs are as follows:

- 1) Fouling of Land Order (district wide). This makes it an offence to fail to pick up dog faeces if a dog, which an individual is in charge of, defecates.
- 2) Dogs on Leads Order (district wide). An authorised officer can request an individual in charge of a dog to put (and keep) the dog on a lead, if such restraint is considered reasonably necessary.
- 3) Dog exclusion Order (selected areas). This excludes dogs from enclosed children’s play areas in specified locations.
- 4) Alcohol Control Zone (selected areas). This makes it an offence for a person to continue to drink alcohol in a designated place after being asked not to do so by a police officer or other designated person. The police also have the power to require the surrender of opened alcohol containers. The PSPO does not prohibit responsible drinking in public spaces, only problematic drinking causing a nuisance to others.

A request has also been received from Market Deeping Town Council to consider a new PSPO which would require dogs to be kept on leads in an enclosed area of the cemetery (The Spinney) where ashes are scattered.

**Is this a new or existing policy? Existing**

**2. Complete the table below, considering whether the proposed policy/service/function/strategy could have any potential positive, or negative impacts on groups from any of the protected characteristics (or diversity strands) listed, using demographic data, user surveys, local consultations evaluation forms, comments and complaints etc.**

| Equality Group | Does this policy/service/function/strategy have a positive or negative impact on any of the equality groups?<br><br>Please state which for each group | Please describe why the impact is positive or negative.<br>If you consider this policy etc is not relevant to a specific characteristic please explain why          |
|----------------|---|---|
| Age            | Neutral   | The application of powers and tools available to the district council under a PSPO are utilised in an equitable manner. Any use of these powers will be as a direct |

|                   |         |  |
|-------------------|---------|--|
|                   |         | <p>result of an anti-social act perpetrated by an individual or a dog for which they have responsibility. Age therefore is not a relevant protected characteristic in relation to the implementation of powers offered through the use of a PSPO unless the offender can offer mitigating circumstances that relate directly to this protected characteristic.</p>   |
| <b>Disability</b> | Neutral | <p>The provisions of the PSPOs relating to the control of dogs do not apply to any person who is registered blind in accordance with section 29 of The National Assistance Act 1948, to any person who is deaf and in charge of a dog trained by Hearing Dogs for Deaf People or to any person suffering a disability and in charge of a dog trained to assist with his/her mobility, manual dexterity, physical coordination or ability to lift and carry everyday objects and the said dog has been trained by a prescribed charity.</p> |
| <b>Race</b>       | Neutral | <p>The application of powers and tools available to the district council under a PSPO are utilised in an equitable manner. Any use of these powers will be as a direct result of an anti-social act perpetrated by an individual or a dog for which they have responsibility. Race therefore is not a relevant protected characteristic in relation to the implementation of powers offered through the use of a PSPO unless the offender can offer mitigating circumstances that relate directly to this protected characteristic.</p>    |

|                            |         |   |
|----------------------------|---------|---|
| <b>Gender Reassignment</b> | Neutral | The application of powers and tools available to the district council under a PSPO are utilised in an equitable manner. Any use of these powers will be as a direct result of an anti-social act perpetrated by an individual or a dog for which they have responsibility. Gender Reassignment therefore is not a relevant protected characteristic in relation to the implementation of powers offered through the use of a PSPO unless the offender can offer mitigating circumstances that relate directly to this protected characteristic. |
| <b>Religion or Belief</b>  | Neutral | The application of powers and tools available to the district council under a PSPO are utilised in an equitable manner. Any use of these powers will be as a direct result of an anti-social act perpetrated by an individual or a dog for which they have responsibility. Religion or Belief therefore is not a relevant protected characteristic in relation to the implementation of powers offered through the use of a PSPO unless the offender can offer mitigating circumstances that relate directly to this protected characteristic.  |
| <b>Sex</b>                 | Neutral | The application of powers and tools available to the district council under a PSPO are utilised in an equitable manner. Any use of these powers will be as a direct result of an anti-social act perpetrated by an individual or a dog for which they have responsibility. Sex therefore is not a relevant protected characteristic in relation to the  |

|                                       |         |   |
|---------------------------------------|---------|---|
|                                       |         | implementation of powers offered through the use of a PSPO unless the offender can offer mitigating circumstances that relate directly to this protected characteristic.  |
| <b>Sexual Orientation</b>             | Neutral | The application of powers and tools available to the district council under a PSPO are utilised in an equitable manner. Any use of these powers will be as a direct result of an anti-social act perpetrated by an individual or a dog for which they have responsibility. Sexual Orientation therefore is not a relevant protected characteristic in relation to the implementation of powers offered through the use of a PSPO unless the offender can offer mitigating circumstances that relate directly to this protected characteristic.      |
| <b>Pregnancy and Maternity</b>        | Neutral | The application of powers and tools available to the district council under a PSPO are utilised in an equitable manner. Any use of these powers will be as a direct result of an anti-social act perpetrated by an individual or a dog for which they have responsibility. Pregnancy and Maternity therefore is not a relevant protected characteristic in relation to the implementation of powers offered through the use of a PSPO unless the offender can offer mitigating circumstances that relate directly to this protected characteristic. |
| <b>Marriage and Civil Partnership</b> | Neutral | The application of powers and tools available to the district council under a PSPO are utilised in an equitable manner. Any use of these powers will be as a direct   |

|  |                 |   |
|--|-----------------|---|
|  |                 | <p>result of an anti-social act perpetrated by an individual or a dog for which they have responsibility. Marriage and Civil Partnership therefore is not a relevant protected characteristic in relation to the implementation of powers offered through the use of a PSPO unless the offender can offer mitigating circumstances that relate directly to this protected characteristic.</p> |
| <b>Carers</b>  | Neutral         | <p>The application of powers and tools available to the district council under a PSPO are utilised in an equitable manner. Any use of these powers will be as a direct result of an anti-social act perpetrated by an individual or a dog for which they have responsibility.</p>   |
| <p><b>Other Groups (e.g. those from deprived (IMD*) communities; those from rural communities, those with an offending past)</b></p> <p>*(IMD = Indices of multiple deprivation)</p> | None identified |   |
| <b>General comments</b>  |                 |   |

3. **What equality data/information did you use to inform the outcomes of the proposed policy/service/function/strategy? (Note any relevant consultation who took part and key findings)**

The review of the Orders includes a public consultation. The initial assessment will be reviewed following consideration of any responses.

**If there are any gaps in the consultation/monitoring data, how will this be addressed?**

Any gaps in the consultation following consideration of the responses will be considered.

Update – 14 September 2020

The consultation attracted almost 200 responses from a range of age groups. 59%% of respondents were female, 38% male with the remainder preferring not to say. 13% said that they had a disability.

There was broad support for renewing the existing Orders, and nearly three quarters of respondents supported the introduction of the new Order.

4. **Outcomes of analysis and recommendations (please note you will be required to provide evidence to support the recommendations made): Please check one of the options.**

|   |  |                                     |
|---|--|-------------------------------------|
| a)  | No major change needed: equality analysis has not identified any potential for discrimination or for negative impact and all opportunities to promote equality have been taken | <input checked="" type="checkbox"/> |
| <b><i>If you have checked option a) you can now send this form to the Lead Officer and your Neutral Assessor for sign off</i></b> |  |                                     |
| b)  | Adjust the proposal to remove barriers identified by equality analysis or to better promote equality.  | <input type="checkbox"/>            |
| <b><i>If you have checked option b) you will need to answer questions b.1 and b.2</i></b>   |  |                                     |
| c)  | Adverse impact but continue  | <input type="checkbox"/>            |
| <b><i>If you have checked option c) you will need to answer questions c.1</i></b>   |  |                                     |
| d)  | Stop and remove the policy/function/service/strategy as equality analysis has shown actual or potential unlawful   | <input type="checkbox"/>            |

**b.1 In brief, what changes are you planning to make to your proposed policy/service/function/strategy to minimise or eliminate the negative equality impacts?**

**b.2 Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.**

***If you have checked option b) you will need to complete a Stage 2 equality analysis***

**c.1 Please provide an explanation in the box below that clearly sets out your justification for continuing with the proposed policy/function/service/strategy.**

***If you have checked option c) you will need to complete a Stage 2 equality analysis. You should consider in stage 2 whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.***

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**Signed (Lead Officer):**  
*(Name and title)*

**Anne-Marie Coulthard**  
*Head of Environmental*

**Date completed:**

**25/06/20**

**Signed (Neutral Assessor):**  
*(Name and title)*

**Carol Drury**  
Community Engagement and Policy Development Officer

**Date signed off:**

**26/06/20**