



<b>Report Title</b>	<b>PROPOSED RENEWAL OF A PUBLIC SPACES PROTECTION ORDER – MARBLE ARCH</b>
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## **CABINET REPORT**

**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	16 <sup>th</sup> December 2020
<b>Key Decision:</b>	No
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	No
<b>Directorate:</b>	Community Safety & Engagement
<b>Accountable Cabinet Member:</b>	Cllr Anna King
<b>Ward(s)</b>	Castle

### **1. Purpose**

- 1.1. To decide whether to renew the existing Public Spaces Protection Order (“PSPO”), made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 in 2017, to restrict public access by way of gates to the public highway known as Marble Arch, which links Barrack Road to Ash Street.

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### **2. Recommendations**

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It is recommended that Cabinet:

- 2.1. Resolves to renew the existing PSPO which authorises the gating of the public highway known as Marble Arch for a further period of three years.
- 2.2. Authorises the Borough Secretary to complete all of the statutory processes as required by the Act in order to renew the existing PSPO.

### **3. Issues and Report Background**

- 3.1. PSPOs are designed to stop all individuals, or a specific group of persons, committing anti-social behaviour in a public space. The criteria that must be satisfied when considering whether to make a PSPO is whether a particular activity or activities has or is likely to have a detrimental effect on the quality of life of those in the locality and that the activity is, or is likely to be, persistent or continuing in nature. The activity must also be “unreasonable” and any restriction must be justified.
- 3.2. PSPO’s provide Councils with a flexible power to implement local restrictions to address a range of anti-social behaviour issues in public places in order to prevent future problems and provide protection for victims of such behaviour.
- 3.3. It is important that PSPO’s are used proportionately and that they are not seen to be targeting behaviour of the children/young people where there is a lack of tolerance and understanding by local people.
- 3.4. A PSPO can be made for a maximum of three years. The legislation provides for an Order to be renewed at the end of that period, but only for a further period of up to three years. However, Orders can be renewed more than once. Local Authorities can increase or reduce the restricted area of an existing Order, amend or remove a prohibition or requirement, or add a new prohibition or requirement. They can also discharge an Order.
- 3.5. Enforcement may be shared between the Council and the Police. Breach of a PSPO is a criminal offence which can result in the issuing of a Fixed penalty Notice (“FPN”) or a prosecution resulting in a fine of up to £1,000 upon

conviction. Enforcement can be undertaken by Council Officers, any person authorised by a Local Authority for the purpose of issuing FPNs for breaches of a PSPO and Police Officers.

3.6. The Council engaged in a 12 week online public consultation via an open access online survey using 'Survey Monkey'. This was promoted through;

- Council's social media sites
- Councillors for the Ward
- Adjacent businesses & residents
- Community Safety Partnership
- Council Officers
- Northamptonshire Office of Police & Crime Commissioner
- Northamptonshire Police
- Northamptonshire County Council
- Community Forums
- Members of the public
- Local press and media channels
- Posters on site, on the existing gates
- Northampton Town Centre BID

3.7. Paper copies of the consultation were also made available on request and put through the doors of those living in the immediate vicinity of Marble Arch and business based nearby.

3.8. The consultation sought views on the levels and frequency of anti-social behaviour witnessed in Marble Arch, views on the acceptability of alternative routes and also asked for other comments and ideas for dealing with any anti-social behaviour issues. Full results of the consultation are available to view at **Appendix 3**.

3.9. The responses to the public consultation support the renewal of the Marble Arch PSPO in order to continue to prevent anti-social behaviour taking place,

with 48% in favour of restricting public access to the highway for 24 hours a day, 7 days a week, as opposed to 40% against and 12% with no opinion.

- 3.10. Perception of anti-social behaviour in the area is evenly split with 40% believing it is an issue, 40% believing it isn't an issue and 12% having no opinion. Only 24% of respondents have experienced anti-social behaviour in the area. 60% of respondents agreed the nearby alternative route of Temple Bar to access Ash Street from Barrack Road was acceptable, 40% did not think it was acceptable and 12% had no opinion. However, it is important to remember that public access to Marble Arch has been restricted by way of PSPO for the past three years, so fewer businesses and residents living in the area may have experienced incidents of anti-social behaviour in the highway during that time.

#### **4. Choices (Options)**

- 4.1. Cabinet can decide to do nothing. However, this is **not recommended** because Officers consider that this would potentially fail to meet the needs of the wider community or address the anti-social behaviour issues and criminal activities that were experienced by local residents on a regular basis prior to the making of the current PSPO in 2017. In addition, once the current Order expires, the gates would have to be removed. If the anticipated anti-social behaviour and criminal activities resumed, further cost would be incurred in reinstalling gates if the decision not to renew the PSPO was ultimately revisited.
- 4.2. Cabinet can decide to renew the exiting PSPO for a further period of three years in order to continue to restrict public access to Marble Arch for the purposes of preventing anti-social behaviour and criminal activities taking place in that location, as broadly supported by the public consultation.

#### **Implications (including financial implications)**

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#### **5. Policy**

- 5.1. The approach supports the multi-agency Countywide Anti-Social Behaviour Policy that Northampton Borough Council is signed up to.
- 5.2. The Crime and Disorder Act 1998 places a statutory duty on all local authorities to work in partnership with statutory, non-statutory, community and voluntary agencies to develop and implement strategies and policies for tackling crime and disorder.
- 5.3. Under Section 17 of the Crime and Disorder Act 1998, Northampton Borough Council has a statutory duty to ‘exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent crime and disorder’.
- 5.4. One of the Council’s stated corporate priorities is to “invest in safer, cleaner neighbourhoods”. A renewal of the existing PSPO should continue to positively contribute towards this priority.

## **6. Resources and Risk**

- 6.1. A PSPO can be enforced by both the Police and Council. The Council currently processes any £100 Fixed Penalty Notices (“FPN’s”) issued, regardless of which agency issues them. Any income generated by payment of FPNs issued for a breach of the PSPO must be directed back into management of the PSPO enforcement process.
- 6.2. There are no financial implications if the Order is renewed as the gates are already in position due to the existing PSPO. However, if the Order is allowed to expire, the gates will have to be removed under the terms of the current agreement with Northamptonshire County Council acting as the Highway Authority.

## **7. Legal**

7.1. PSPOs can remain in force for a maximum of 3 years and then can be renewed if the statutory tests are met. Any PSPO ultimately made or renewed by the Council will remain in force after 31<sup>st</sup> March 2021 as part of interim arrangements that are likely to be approved by Government.

7.2. A PSPO can be made by a Local Authority under section 59 of the Act if satisfied on reasonable grounds that two conditions are met. These are that;

(i) 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,

(ii) It is likely that activities **will** be carried on in a public place within that area and that they will have such an effect and

that the effect of the activities **is, or is likely to be**, of a persistent or continuing nature such as to make the activities unreasonable and therefore justifies the restrictions imposed by the notice.

7.3. The renewal of a PSPO can be challenged in the High Court by any person directly affected within 6 weeks of the making of the Order. A challenge can be made on the basis that the Council did not have the power to make the order, that the particular prohibitions or requirements are unnecessary or that the order is defective.

7.4. When renewing a PSPO the Council must have particular regard to the rights of freedom of expression and freedom of assembly as set out in the European Convention on Human Rights, although this is not a requirement that must be satisfied when considering whether to consult about a proposal to make a PSPO.

## **8. Equality and Health**

8.1. Incidents of anti-social behaviour will continue to be dealt with in line with the Council's equalities framework. Officers consider that renewing the existing

PSPO will have a significant community impact in preventing and limiting anti-social behaviour in Marble Arch, improving the quality of life for those people living and working in the area.

8.2. An Equality Impact Assessment has been carried out and this can be found at **Appendix 4**.

## **9. Consultees (Internal and External)**

9.1. The following were either consulted or notified about the proposal to renew the existing PSPO, in addition to the public consultation that took place.

- Director of Customers & Communities, NBC
- Environmental Health & Licensing Manager, NBC
- Community Safety Partnership Manager
- Northants Police
- Cabinet Member for Community Safety, NBC
- Highways Authority
- Northants Fire Service
- East Midlands Ambulance Service
- Planning Department, NBC

## **10. Other Implications**

10.1. Two businesses adjoin Marble Arch and, although they support the renewal of the restriction of public access of the highway for the purposes of preventing anti-social behaviour and criminal activity, they require access to Marble Arch.

10.2. For the past three years, an agreement has been in place between these businesses and the Council so that they have access to the highway by means of a key to the gates, on the basis that they ensure the gates are kept locked at all times other than when accessing Marble Arch for specific purposes and that the area is kept clean and tidy. The businesses are aware

that if they do not abide by the terms of the agreement, rights of access may be revoked and FPNs may be issued for breach of the PSPO.

10.3. Marble Arch will continue to be monitored on an ongoing basis by the Neighbourhood Warden to ensure acceptable levels of cleanliness if the PSPO is renewed.

## **11. Background Papers**

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- Anti-Social Behaviour, Crime and Policing Act 2014: Reform of Anti-Social Behaviour Powers Statutory Guidance for Frontline Professionals.

## **12. APPENDICES**

Appendix 1 – Current Order

Appendix 2 – Results of consultation

Appendix 3 – Comments from consultation

Appendix 4 – Officer comments

Appendix 5 – Equality Impact Assessment

**George Candler  
Chief Executive**



## **APPENDIX 1 – Current Order**

### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

### **NORTHAMPTON BOROUGH COUNCIL (Marble Arch) PUBLIC SPACES**

### **PROTECTION ORDER**

Northampton Borough Council in exercise of its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime & Policing Act 2014 ('the Act') hereby makes the following Order:-

1. This Order shall come into operation on 8<sup>th</sup> January 2018 and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
  
2. This Order relates to Marble Arch, which runs from Ash Street to Barrack Road as shown in the attached plan ('the Restricted Area').
  
3. The effect of this Order is to restrict the public right of way over the Restricted Area 24 hours, 7 days a week.
  
4. The alternative route for pedestrians will be along Temple Bar.
  
5. Responsibility for the maintenance of the gates will lie with Northampton Borough Council, The Guildhall, St Giles Square, Northampton, NN1 1DE.
  
6. Police, Fire and Ambulance emergency services, statutory undertakers with equipment situated under, over, along or in the highway, council officers and other persons authorised by the Council, including the business premises adjacent to the highway, shall be exempt from the provisions of this Order.
  
7. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour, specifically street drinking, drug taking and fly tipping in the restricted area. The Council makes the Order because the anti-social behaviour has had a detrimental effect on the quality of life of

those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable and justifies the restrictions imposed by the Order.

8. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on this this Order is made.

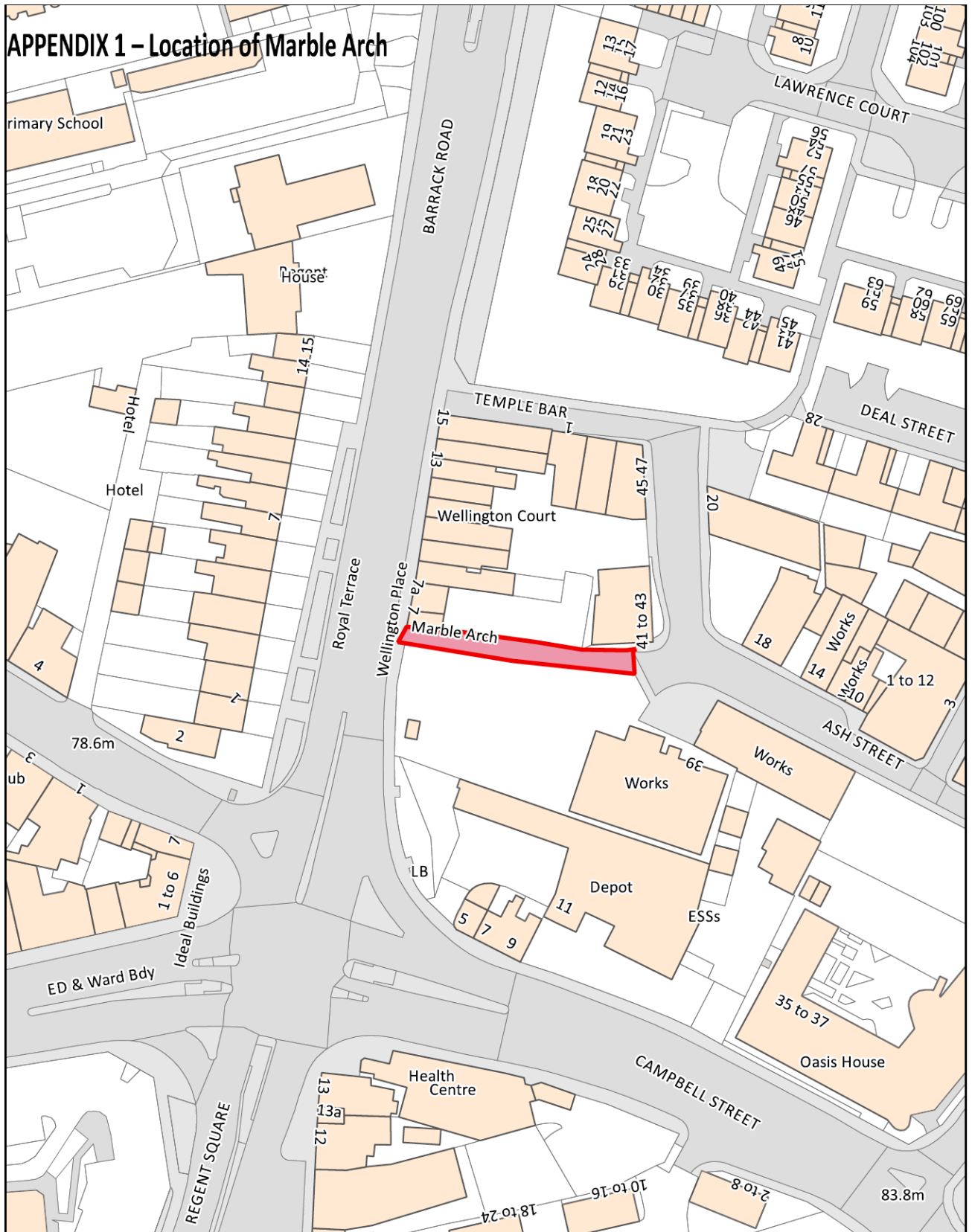
Signed:  .....

Borough Secretary

Northampton Borough Council

Dated: 8<sup>th</sup> January 2018

# APPENDIX 1 – Location of Marble Arch



Title: **Marble Arch, Northampton**

© Crown copyright and database rights 2017 Ordnance Survey licence no. 10019655

Date: 06-03-2017

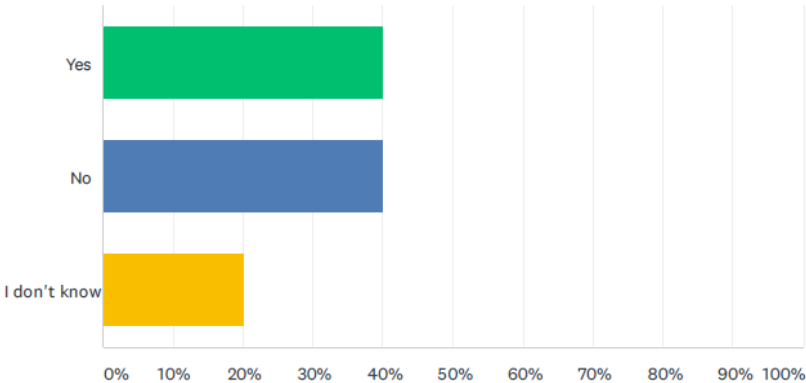
Scale: 1:1,000 @A4

Drawn by: -----

**APPENDIX 2 – Results of Consultation**

Q1 Do you think anti-social behaviour is an issue in the area of Marble Arch?

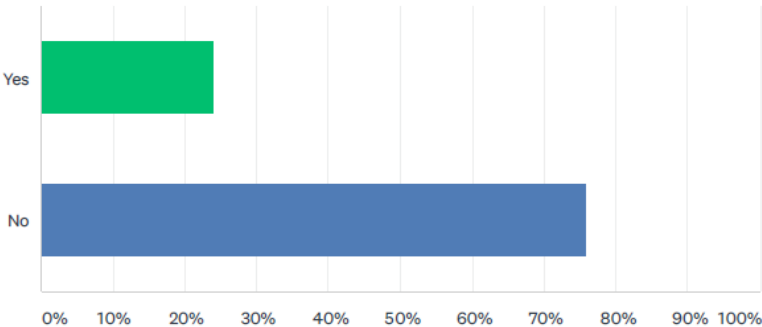
Answered: 25 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	40.00% 10
No	40.00% 10
I don't know	20.00% 5
Total Respondents: 25	

Q2 Have you experienced any anti-social behaviour in this area?

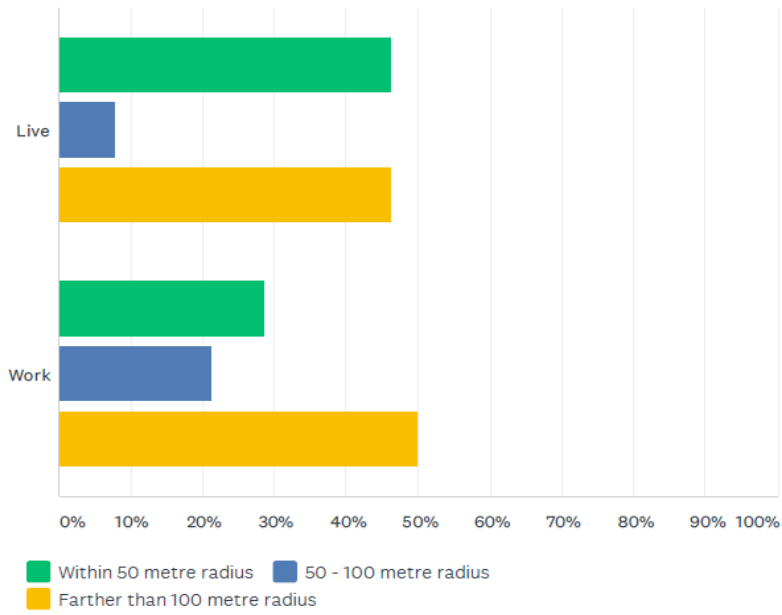
Answered: 25 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	24.00% 6
No	76.00% 19
Total Respondents: 25	

### Q3 How close to Marble Arch do you....

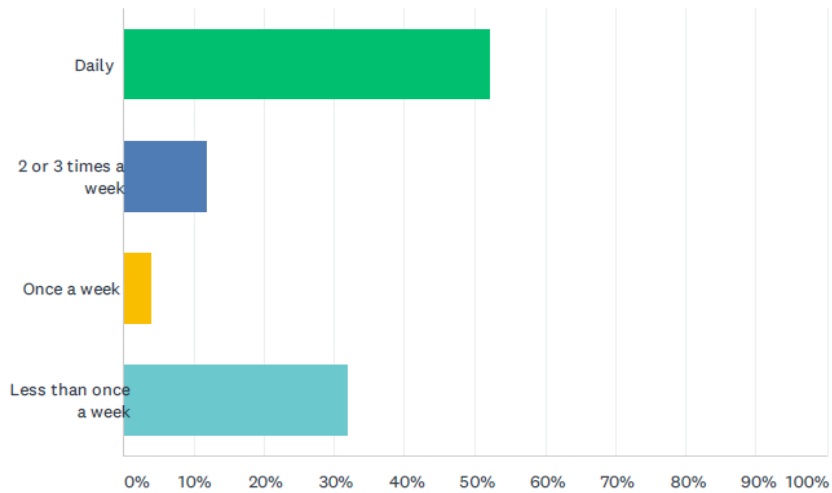
Answered: 25 Skipped: 0



	WITHIN 50 METRE RADIUS	50 - 100 METRE RADIUS	FARTHER THAN 100 METRE RADIUS	TOTAL
Live	46.15% 6	7.69% 1	46.15% 6	13
Work	28.57% 4	21.43% 3	50.00% 7	14

### Q4 How often do you pass through the area of Marble Arch?

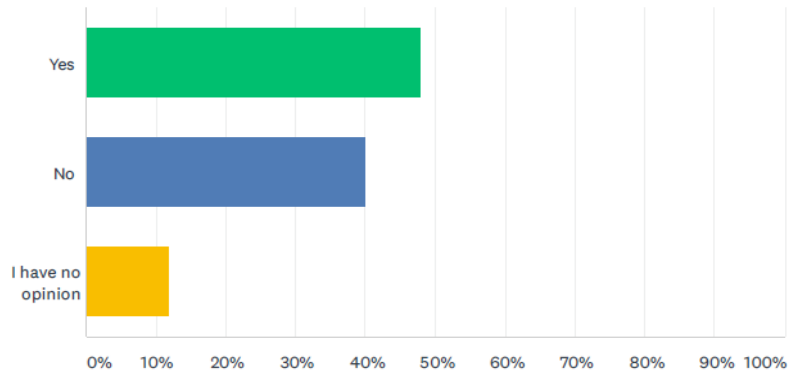
Answered: 25 Skipped: 0



ANSWER CHOICES	RESPONSES	
Daily	52.00%	13
2 or 3 times a week	12.00%	3
Once a week	4.00%	1
Less than once a week	32.00%	8
TOTAL		25

### Q5 Do you support the continued closure of Marble Arch for 24 hours a day, 7 days a week?

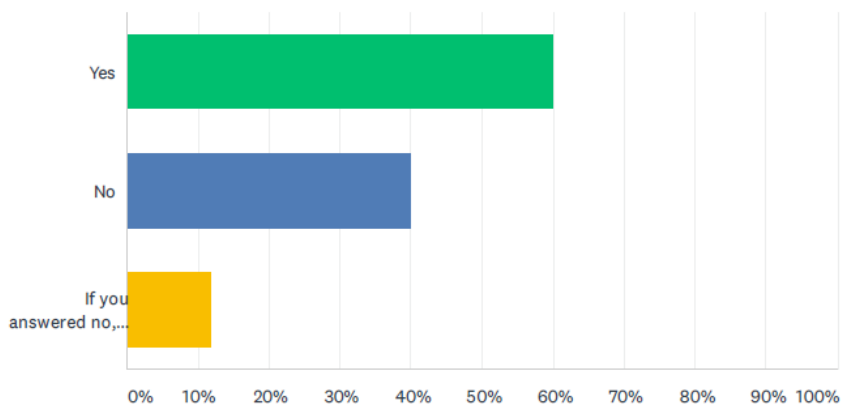
Answered: 25 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	48.00% 12
No	40.00% 10
I have no opinion	12.00% 3
Total Respondents: 25	

### Q6 Do you agree Temple Bar is an acceptable route to Marble Arch?

Answered: 25 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	60.00% 15
No	40.00% 10
If you answered no, please explain why	12.00% 3
Total Respondents: 25	

## APPENDIX 3 – Comments from Consultation

Specifically regarding Temple Bar as the alternative route:-

- Both routes should be open to public and restriction provides longer route around the block
- Overcrowding
- It's a rough area

General comments:-

- Maybe think about redeploying the 'Fag Police' to that area so they can stop and fine actual fly-tippers dropping off unwanted mattresses, furniture and rubbish - rather than fining unsuspecting smokers for dropping one cigarette butt. Give them an on the spot warning yes, however cigarette butts on the streets of Northampton are not even close to being the main problem in Northampton. Pure moneymaking operation that only benefits either the council or an outside company running it. Little to no benefit to the people of Northampton. Failing that, just put up CCTV camera's with big warning signs then actually monitor and prosecute the culprits. I live just off of the Wellingborough Road and have done for over 10 years. The rampant flytipping that now goes on is the worst it's ever been - Why? Because no-one is out there policing and monitoring it daily. If you have the funds, a 6 month intensive crackdown on all flytipping with big local media presence and marketing campaign focusing on the fines, punishment, and also learning to look after where you live would have a long-lasting effect in my opinion - really drive it home as the main message for the town. Enough people care but there is no deterrent to constant fly tipping at present due to the lack of CCTV in problem areas, good strong messaging around the problem, and heavy fines carried out to the main perpetrators. If not, it will just continue. A clean town will be a happier and more self respecting town. I'm born and bred in Northampton with a marketing, production and brand management background. Also with a passion to grow local, civic pride. Give me a shot at a campaign with a small budget and resources to push out the relevant marketing and message. It's not about the money for me and i've got all the contacts I need. As a local guy I just want to see positive change and growth. Appreciate it all comes down to budget but feel free to contact me, even if it's just for a talk - [info@localresearch.co.uk](mailto:info@localresearch.co.uk)
- It will have a positive effect on the local community and residents who live in close proximity who have endured years of asb.
- The gates should be removed and marble arch back open as the other end is always open not sure who has the keys to the gate but its open from the other end all the time however public need to walk around the block to get to the other side
- If anyone it's the night shelter needs to be re located! You are wasting your time and money, its not going to work just by blocking the roads?
- I work at the shop along Wellington place. Marble arch should be open to the public as it was before. Since it is easier for the public to have a short cut to ash street.
- I work at second hands goods shops and to get to Ash street I need to walk all the way around through temple bar. As where as before I could walk through marble arch. The gates are an inconvenience and need to be removed.

- I have lived at Wellington place for several years and always park my car on ash Street. For the past 3 years I have had to walk around the block to get to my car. Previously I had no issues as I was able to walk straight through marble arch which was a lot more convenient. I support the gates to be removed.
- I am writing to inform the council that as a resident directly adjacent to marble arch i am in support of this being removed as the anti social behaviour which has been reported couple years ago was due to the homeless shelter being placed at the top of ash street we havent had the issues before.
- Remove gates and allow public to use the marble arch as an alternate route to temple bar. Council used tax payer money to allow the shop to have their own private gated alleyway where they line up cars and do as they please. The gates are open all night and afternoon. Don't see the difference apart from the chivitos shop taking advantage of the public space council given to them.



## **APPENDIX 4 – Officer Comments**

### **Environmental Health Manager, Northampton Borough Council**

In relation to retaining the PSPO for Marble Arch, I can confirm that the presence of the PSPO has meant that previous issues with fly tipping and accumulations of waste have been prevented. I would therefore strongly support the retention of the PSPO.

### **Neighbourhood Sergeant, Northamptonshire Police**

I am a Sgt on the Central Neighbourhood Policing team here in Northampton and have specific responsibility for all areas within Castle Ward which include Semilong, Spring Boroughs and the Mounts. I attend meetings with partner agencies and locals and discuss concerns with a view of resolving the highlighted issues that would potentially affect the stability of the area. I have had this responsibility for the last eight years and in that time I feel the adopted multi agency approach of dealing with issues has gone a long way in maintaining the stability within the area and reducing the frequency and regularity of Anti-social behaviour reports.

The decision to install gates on the Marble Arch alleyway/cut through was a decision which has had a significant impact on the locals allowing them to have a degree of normality in their everyday lives. This has allowed them to go about their normal lives without feeling intimidated or threatened which can be evidenced by businesses in close proximity.

The installation of the gates has also resulted in a reduction in ASB reports and criminality and has prevented large groups from congregating which in turn has resulted in a reduction of discarded needles being recovered and reports of people seen defecating and urinating.

I have been extremely happy with the overall impact on criminality and ASB the installation of the gates has had and would oppose any decision to alter or remove them from their current location.

## APPENDIX 5

### Equality Impact Assessment

#### Part 1: Screening

When reviewing, planning or providing services Northampton Borough Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its services and public life. “**Equality Impact Assessments**” (EIAs) prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A helpful guide to equalities law is available at: [www.northampton.gov.uk/equality](http://www.northampton.gov.uk/equality). A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

<b>1 Name of policy/activity/project/practice</b>	Public Places Protection Order – Marble Arch
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<b>2. Screening undertaken (please complete as appropriate)</b>	
Director of Service	George Candler
Lead Officer for developing the policy/activity/practice	Vicki Rockall
Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)	Legal Services Finance, LGSS Environmental Health & Licensing Manager, NBC

	Environmental Services Manager, NBC Northants Police Cabinet Member for Community Safety, NBC Highways, KIER WSP
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**3. Brief description of policy/activity/project/practice: including its main purpose, aims, objectives and projected outcomes, and how these fit in with the wider aims of the organisation.**

- A Public Spaces Protection Order (PSPO) allows a local authority to introduce a series of measures into a defined locality.
- The proposed PSPO will allow gating of the highway known as Marble Arch, a hotspot for anti-social behaviour and criminal activities for many years.
- Gating Marble Arch will make it more difficult for offenders to evade the police.
- This is a legal order that can last for up to three years and it will prohibit a number of anti-social behaviour activities in the area including street drinking and fly-tipping.
- If an element of this order is breached, the outcome could be that the individual is issued with a fixed penalty notice for £100 or fined up to a maximum of £1000 if at court.

**4 Relevance to Equality and Diversity Duties**

A Public Spaces Protection Order is designed to stop all individuals or a specific group of persons committing anti-social behaviour in a public space. This Order allows gating of a highway known as Marble Arch. This highway is currently for pedestrian through access only.

If you have indicated there is a negative impact on any group, is that impact:

No – all individuals/sections of the community will be dealt with in the same manner. Incidents of ASB will continue to be dealt with in line with our equalities framework

**Legal?**

N/A

**Please explain:**

## **5 Evidence Base for Screening**

### **Equality Human Rights Commission**

<http://www.equalityhumanrights.com/resources/case-studies-of-how-organisations-are-using-the-duties/case-studies-equality-impact-assessments/>

Section 72 of the Anti-Social Behaviour and Policing Act 2014 requires the Cabinet as decision maker to pay particular regard to rights of freedom of expression and freedom of assembly set out in articles 10 (the right to freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights in considering the making any such order. The making of the said order is considered to be proportionate and will fulfil a legitimate aim of curbing anti-social behaviour in public places for the benefit of the law abiding majority and hence will not infringe article 11 ECHR.

## **6 Requirements of the equality duties:**

(remember there's a note to remind you what they are at the end of this form and more detailed information at [www.northampton.gov.uk/equality](http://www.northampton.gov.uk/equality))

Will there be/has there been consultation with all interested parties?

A 12 week online public consultation via an open access online survey using 'Survey Monkey' Councils social media accounts was carried out.

- Businesses adjacent to Marble Arch
- Councillors
- Businesses
- Community Safety Partnership
- Council Officers
- Northamptonshire Office of Police & Crime Commissioner
- Northamptonshire Police
- Northamptonshire County Council
- Community Forums
- Residents Panel
- Members of the public
- Local press and media channels
- Town Centre BID
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**Are proposed actions necessary and proportionate to the desired outcomes?**

**Yes/No** Public Spaces Protection Order is designed to stop all individuals or a specific group of persons committing anti-social behaviour in a public space

**Where appropriate, will there be scope for prompt, independent reviews and appeals against decisions arising from the proposed policy/practice/activity?**

**Yes/No** The implementation of the PSPO can be challenged by any interested person within 6 weeks of the making of the Order, the challenge is made at the High Court. Anyone who is directly affected by the making of the PSPO can challenge the order

**Does the proposed policy/practice/activity have the ability to be tailored to fit different individual circumstances?**

**Yes/No** Public Spaces Protection Orders provide the opportunity to address specific problems in specific areas and create an ‘Order’ to enable appropriate and proportionate action to be taken.

Where appropriate, can the policy/practice/activity exceed the minimum legal equality and human rights requirements, rather than merely complying with them?

The making of the said order is considered to be proportionate and will fulfil a legitimate aim of curbing anti-social behaviour in public places for the benefit of the law abiding majority and hence will not infringe article 11 ECHR.

**From the evidence you have and strategic thinking, what are the key risks** (the harm or ‘adverse impacts’) **and opportunities** (benefits and opportunities to promote equality) this policy/practice/activity might present?

	Risks (Negative)	Opportunities (Positive)
Race		There is no evidence that the ‘Order’ will impact on any specific person based on their race
Disability	Mental Health issues and physical disability will be taken into account by officers.  The restriction on the	The ‘Order’ may well have the opposite effect and encourage those that are drug/alcohol dependant to engage with the support

	consumption of alcohol could also affect those that are alcohol dependant. The proposed 'Order' will not bring in any new powers in this area and will simply replace the existing Designated Public Spaces Protection Order.	that is available and this in turn will deliver health benefits.
Gender or Gender Identity/Gender Assignment		There is no evidence that the 'Order' will impact on any specific person based on their gender
Pregnancy and Maternity (including breastfeeding)		There is no evidence that the 'Order' will impact on any specific person based on pregnancy or maternity. If required pregnant women will be referred into safeguarding mechanisms
Sexual Orientation		There is no evidence that the 'Order' will impact on any specific person based on their sexual orientation
Age (including children, youth, midlife and older people)		Young people will be referred into safeguarding mechanisms. In some cases parent/guardian of under 16's will be spoken to
Religion, Faith and Belief		There is no evidence that the 'Order' will impact on any specific person based on their beliefs or religion

Human Rights	Some people may feel the consultation process will provide the opportunity to capture their views.	The 'Order' has been proposed due to the volume of incidents that are occurring that are having a significant impact on the peoples quality of life. The introduction of this 'Order' will have a positive impact on residents, businesses, and visitors to the town.
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## 7 Proportionality

All cases will be treated on an individual basis, and any decisions reached will be within existing legislative guidelines. Use of the PSPO powers and advice given will be recorded in pocket note books and on ECIN's data base. The information will be analysed to determine whether the implementation of the powers has had a disproportionate effect upon the equality factors.

Enforcement action will always be seen as a last resort. Through the multi-agency groups and individual case management, support and intervention will continue to be offered.

## 8 Decision

Set out the rationale for deciding whether or not to proceed to full impact assessment

Full Equality Impact Assessment is not required as all sections of the community are treated the same. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the order is designed to address



**Date of Decision:**

**We judge that a full impact assessment is not necessary since there are no identified groups affected by these changes.**

## **1. Equality Duties to be taken into account in this screening include:**

### **Prohibited Conduct under The Equality Act 2010 including:**

*Direct discrimination (including by association and perception e.g. carers); Indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.*

### **Public Sector Duties (Section 149) of the Equality Act 2010 for NBC and services provided on its behalf: (due to be effective from 4 April 2011)**

*NBC and services providing public functions must in providing services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.*

### **Rights apply to people in terms of their "Protected Characteristics":**

*Age; Gender; Gender Assignment; Sexual Orientation; Disability; Race; Religion and Belief; Pregnancy; Maternity. But Marriage and Civil Partnership do not apply to the public sector duties.*

### **Duty to "advance equality of opportunity":**

*The need, when reviewing, planning or providing services/policies/practices to assess the impacts of services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our services and public life.*

***Equality Impact Assessments** remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. NBC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. NBC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.*

### **Duty to 'foster good relations between people'**

*This means having due regard to the need to **tackle prejudice** (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding**.*

***Lawful Exceptions to general rules:** can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).*

## **2. National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:**

*3. to improve how services identify and meet needs of adults with autism and their families.*

## **4. Human Rights include:**

5. *Rights under the European Convention include not to be subjected to degrading **treatment**; **right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education**; **right to hold free elections by secret ballot**. The European Convention is given effect in UK law by the Human Rights Act 1998.*