



CABINET REPORT

Report Title	PROPOSED MAKING OF A PUBLIC SPACES PROTECTION ORDER – ALLEYWAY BETWEEN DUNSTER STREET AND ST MICHAELS ROAD.
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	20th January 2021
Key Decision:	No
Within Policy:	Yes
Policy Document:	No
Directorate:	Community Safety and Engagement Cllr Anna King
Accountable Cabinet Member:	Castle
Ward(s)	

1. Purpose

- 1.1. To decide whether to make a Public Spaces Protection Order (“PSPO”) under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) in order to restrict public access to an alleyway linking Dunster Street and St Michaels Road and which is part of the public highway.

2. Recommendations

It is recommended that Cabinet:

- 2.1. Resolves to make a PSPO which restricts public access to the alleyway linking Dunster Street and St Michaels Road (“the PSPO”), as shown on the plan attached to the draft PSPO at **Appendix 1** and which is part of the public highway, for a period of three years, in accordance with section 59 of the Act.
- 2.2. Resolves to authorise the Chief Executive to install and maintain gates at each end of the alleyway linking Dunster Street and St Michaels Road in order to

restrict public access to that highway, in accordance with section 64 (7) and (8) of the Act, and to obtain planning permission for that installation.

- 2.3. Resolves to authorise the Chief Executive to authorise persons and Northamptonshire Police Constables to enforce the PSPO and issue Fixed Penalty Notices (“FPNs”) of £100 for any breaches of it, in accordance with section 68 (1) of the Act.
- 2.4. Authorises the Borough Secretary to complete all of the statutory processes required to make the Order as set out in section 72 of the Act and regulation 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of PSPOs) Regulations 2014.

Issues and Choices

3. Report Background

- 3.1. PSPOs are designed to stop all individuals, or a specific group of persons, committing anti-social behaviour (“ASB”) 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 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, Police Constables and other designated officers i.e. under the Community Safety Accreditation Scheme.
- 3.6. PSPO’s replaced existing provisions such as stopping up orders to gate areas of the highway.

- 3.7. Before making the order the local authority must have notified potentially affected people of the proposed PSPO, informed those persons of how they can see a copy of the proposed order, notified them of how long they have to make representation and must then have considered any representations made. There is no requirement to comply with the representations when deciding whether to make a PSPO, but they must be taken into account when making that decision
- 3.8. On 9 September 2020, Cabinet authorised the undertaking of the necessary statutory consultation, publicity and notification processes required by section 72 of the Act with regard to the proposal to make a PSPO in order to restrict access to the alleyway linking Dunster Street and St Michael's Road. This process has been completed and the representations made in response to the proposal can be found at **Appendix 2**.

Outcome of Consultation, Publicity and Notification

- 3.9. 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
 - Members of the public
 - Local press and media channels
 - Paper copies of the consultation were also made available on request and put through the doors of those in the immediate vicinity.
- 3.10. The survey sought views from members of the public on the levels and frequency of ASB witnessed in the Dunster Street/St Michael's Street alleyway, views on the acceptability of the alternative route if the alleyway were to be gated and access restricted and also asked for other comments and ideas for dealing with ASB issues. The responses to this survey can be found at **Appendix 2** and the comments submitted further to the survey can be found at **Appendix 3**.
- 3.11. In summary, of the 71 responses to the on-line survey, 83% of the respondents indicated that they were in favour of gating the alleyway for 24 hours a day and 7 days a week. 42% of respondents indicated that they had experienced or witnessed ASB taking place in the alleyway on a regular basis. 29% of respondents indicated that they had experienced or witnessed ASB in the alleyway on an occasional basis.

- 3.12. In addition, the statutory organisations required to be notified and consulted about the proposal to make a PSPO by section 72 of the Act submitted responses. These can be found at **Appendix 4**.
- 3.13. The front door providing sole access to 87 St Michaels Road is located within the alleyway itself and residents of this address will be provided with keys to the gate. The design of the gate takes this into consideration, including provision of a letterbox and adequate signage to indicate the location of the property.
- 3.14. There are also 4 adjoining residential properties with rear gates leading into the alley who will have access to St Michaels Road from the alley via the gate using a thumb turn lock. Should these residents want a key to the gate they will need to make a request to Northamptonshire Highways.
- 3.15. There will also be ongoing monitoring of the alleyway by the Neighbourhood Warden team in order to ensure acceptable levels of cleanliness.

4. Choices (Options)

- 4.1. Cabinet can decide to do nothing. However, this is not recommended because Officers believe that it would not meet the needs of the wider community or address the ASB and criminal activities being committed in the alleyway on a regular basis., as indicated by the responses to the on-line survey in **Appendices 2 and 3** and the responses from the statutory organisations at **Appendix 4**, both of which are broadly in support of the making of the proposed PSPO.
- 4.2. Cabinet can decide to make a PSPO restricting public access to the alleyway linking Dunster Street and St Michaels Road as shown on the plan attached to the draft PSPO at **Appendix 1**, for a period of three years, in accordance with section 59 of the Act. Officers believe that this will remove the alleyway as a site of ASB and criminal behaviour and meet the needs of the wider community.
- 4.3. Cabinet can also decide whether to delegate the authority to install the necessary gates required to restrict access to the alleyway, to apply for planning permission to install the same and enforcement of the PSPO in general to the Chief Executive. They can also decide whether to authorise the Borough Secretary to comply with all the statutory processes required by section 72 of the Act in order to make the Order.

5. Implications (including financial implications)

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. Section of that Act also imposes a statutory duty on local authorities 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'.

- 5.3. Should the PSPO be made, the Planning department have advised Officers that they will have to apply for planning permission in order to install gates at each end of the alleyway in question, as required by the Town and Country Planning (General Permitted Development) (England) Order 2015.

Resources and Risk

- 5.4. A PSPO can be enforced by both Police Constables and officers authorised by the Council. Northants Police have previously agreed that the Council will process any FPNs issued for breach of any PSPO, regardless of whether a Constable issues them or not.
- 5.5. If Cabinet decides to make the PSPO, the approach with regard to processing FPNs issued for any breaches of it will be agreed with Northants Police by Officers before it comes into force, but it is expected they will agree to take the same approach with regard to processing FPNs as with all other Council PSPOs currently in force.
- 5.6. There is a financial implication for obtaining planning permission for the gates required to be installed at each end of the alley as well as the construction and installation of the gates themselves and their ongoing maintenance.
- 5.7. The initial cost of constructing the gates and their installation will be covered from the Office of the Northants Police, Fire and Crime Commissioner as part of the Safer Streets project, which is funded by the Home Office. The cost of applying for planning permission will be covered by the Community Safety team budget. The estimated total cost for the project is £6,000. Any ongoing maintenance costs will be covered by the PSPO FPN pot. This is because the Act dictates that any income generated by payment of FPNs issued for breach of a PSPO must only be directed back into management of the PSPO process. Should there be no income generated to the pot, three years' worth of ongoing maintenance costs will be funded from the Safer Streets, Home Office Fund.

6. Legal

- 6.1. PSPOs can remain in force for a maximum of 3 years and then can be renewed if the statutory tests are met. Any PSPO made by the Council prior to 31st March 2021 will remain in force for the duration of its term as part of interim arrangements that are likely to be approved by Central Government.
- 6.2. 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.

- 6.3. According to section 64 (4) of the Act , A PSPO may not restrict the public right of way over a highway for the occupiers of any residential premises adjoining or adjacent to that highway. Section 64 (5) of the Act also states that a PSPO may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.
- 6.4. The making 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.
- 6.5. When making 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.

7. Equality and Health

- 7.1. Incidents of ASB will continue to be dealt with in line with the Council's equalities framework. An Equality Impact Assessment has been carried out by Officers and the written assessment can be found at **Appendix 5**.
- 7.2. Officers believe that the proposed PSPO will have a significant community impact in that it is likely to prevent and limit ASB and criminal activity in Dunster Street and St Michael's Road, improving the quality of life for those people living and working in the area.

8. Consultees (Internal and External)

- 8.1. The following internal and external consultees were notified of the proposed PSPO and invited to comment upon it;
- 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
- Conservation Department, NBC

9. How the Proposals deliver Priority Outcomes

- 9.1. One of the Council's corporate priorities is to "invest in safer, cleaner neighbourhoods" and this PSPO has the potential to contribute towards that priority.

10. Other Implications

- 10.1. None.

11. Background Papers

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

12. Appendices

- Appendix 1 Draft PSPO and Map
- Appendix 2 Consultation results
- Appendix 3 Comments from consultation
- Appendix 4 Responses from statutory consultees
- Appendix 5 Equality Impact Assessment

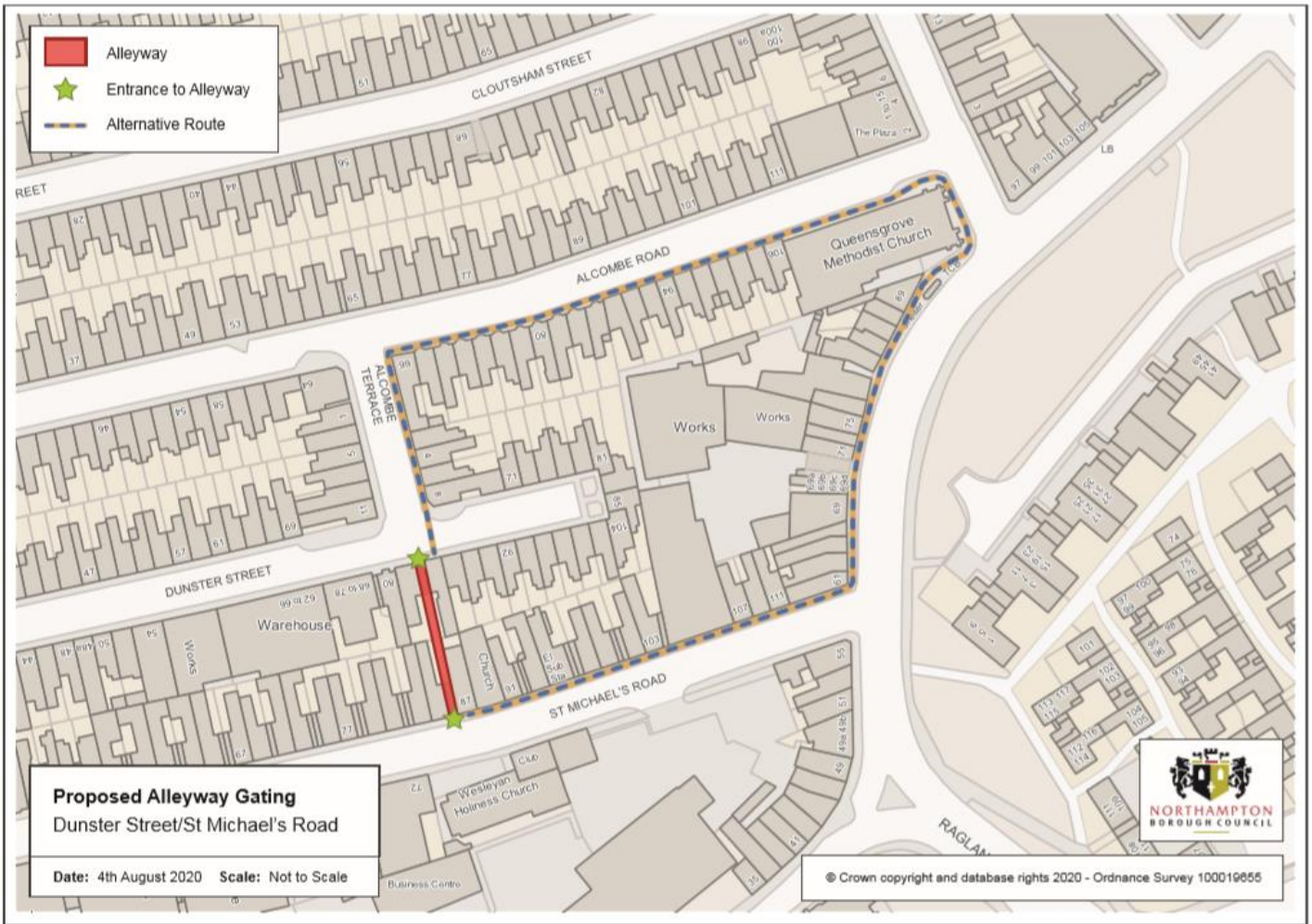
**George Candler
Chief Executive**

APPENDIX 1 - Draft Order and Map (Final wording of the Order will be subject to the approval of the Borough Secretary).

NORTHAMPTON BOROUGH COUNCIL (DUNSTER STREET ALLEYWAY)
PUBLIC SPACES PROTECTION ORDER 2021

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:-

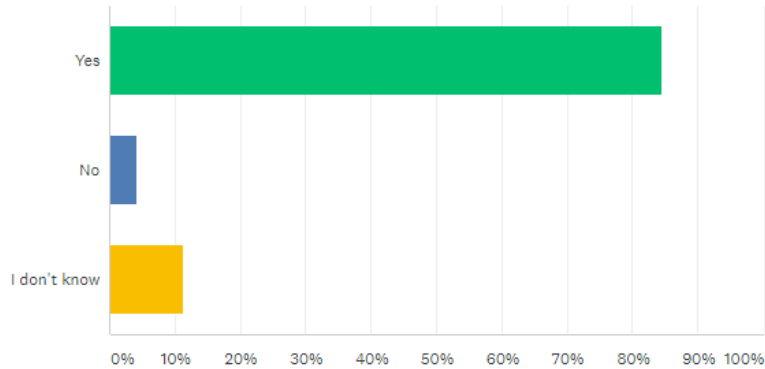
1. This Order shall come into operation on (...) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
2. This Order relates to the highway between Dunster Street and St Michael's Road as shown in the attached plan ('the Restricted Area').
3. The effect of this Order is to restrict the public right of way over the Restricted Area for 24 hours a day and 7 days per week.
4. The alternative route for pedestrians will be along Alcombe Road.
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 Order is made.



APPENDIX 2 - Consultation Results

Do you think anti-social behaviour is an issue in the area of Dunster Street Alley? (alleyway between Dunster Street and St Michael's Road, see map)

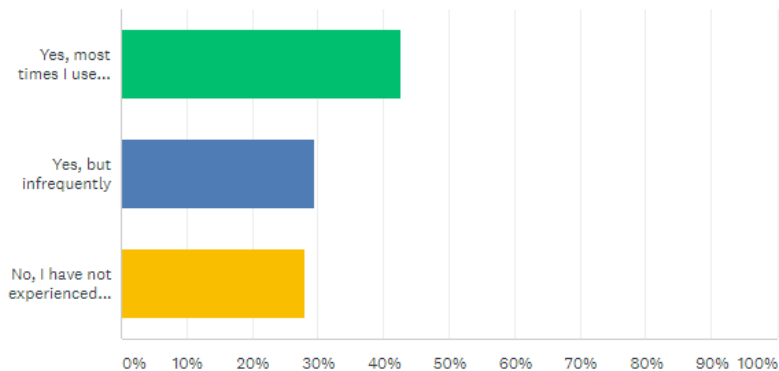
Answered: 71 Skipped: 0



ANSWER CHOICES	RESPONSES
▼ Yes	84.51% 60
▼ No	4.23% 3
▼ I don't know	11.27% 8
TOTAL	71

Have you experienced any anti-social behaviour in Dunster Street alley?

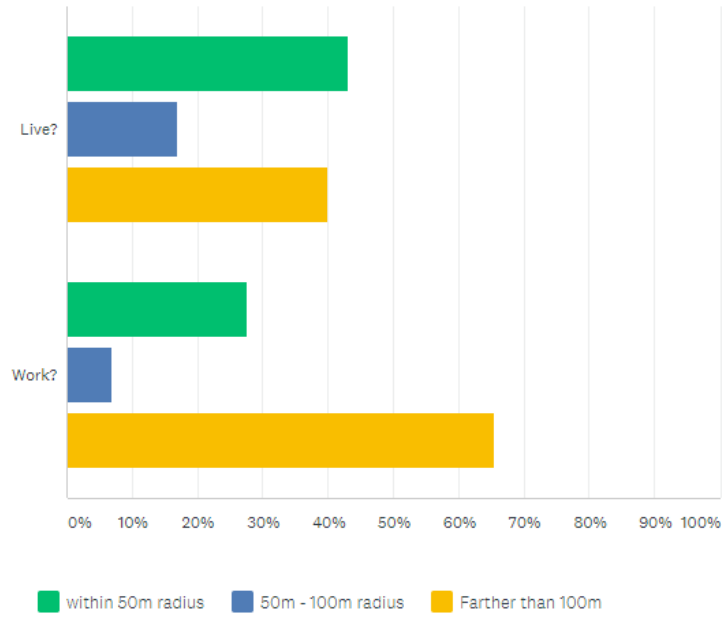
Answered: 68 Skipped: 3



ANSWER CHOICES	RESPONSES
▼ Yes, most times I use Dunster Street alley	42.65% 29
▼ Yes, but infrequently	29.41% 20
▼ No, I have not experienced anti-social behaviour in Dunster Street alley	27.94% 19
TOTAL	68

How close to Dunster Street alley do you ...

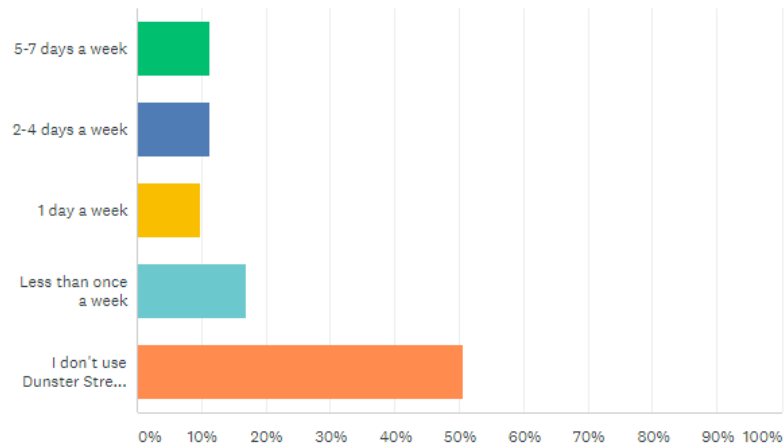
Answered: 70 Skipped: 1



	WITHIN 50M RADIUS	50M - 100M RADIUS	FARTHER THAN 100M	TOTAL	WEIGHTED AVERAGE
Live?	43.08% 28	16.92% 11	40.00% 26	65	2.97
Work?	27.59% 16	6.90% 4	65.52% 38	58	3.38

How often do you use Dunster Street alley?

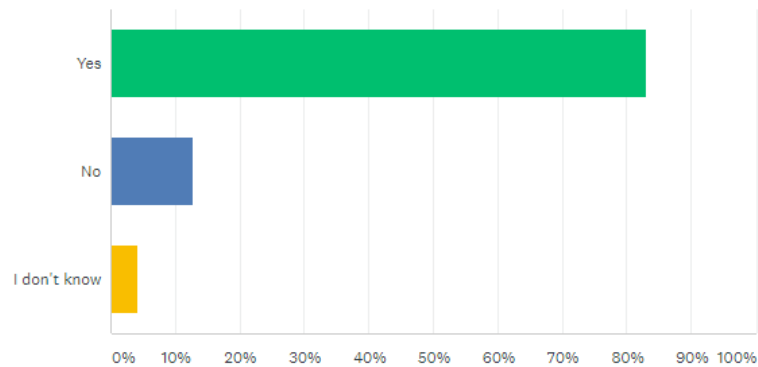
Answered: 71 Skipped: 0



ANSWER CHOICES	RESPONSES
5-7 days a week	11.27% 8
2-4 days a week	11.27% 8
1 day a week	9.86% 7
Less than once a week	16.90% 12
I don't use Dunster Street alley	50.70% 36
TOTAL	71

Do you support the closure of Dunster Street alley for 24 hours a day, 7 days a week?

Answered: 71 Skipped: 0

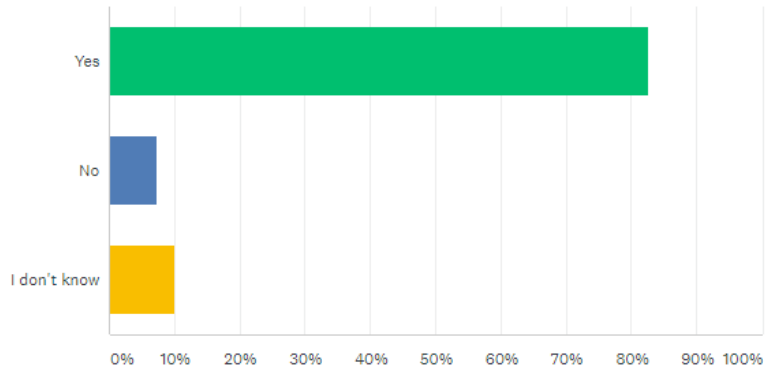


ANSWER CHOICES	RESPONSES
Yes	83.10% 59
No	12.68% 9
I don't know	4.23% 3
TOTAL	71

[Comments \(12\)](#)

Do you agree Alcombe Road is an acceptable alternative route to Dunster Street alley? (see map)

Answered: 69 Skipped: 2



ANSWER CHOICES	RESPONSES
Yes	82.61% 57
No	7.25% 5
I don't know	10.14% 7
TOTAL	69

APPENDIX 3 – Comments from Consultation

Comments regarding anti-social behaviour experienced

- my home is directly next to the alley. I experience anti social behaviour from the alley on a daily basis. This ranges from drug dealing, drug abuse, antisocial drinking, public urination and defecation, this is one of the most unhygienic and foulest facts about the alleyway. The stench emanating from the alley often will waft through our windows, preventing us sometimes from being able to have the windows open. Many arguments seem to arise (unfortunately not always in languages I understand) which can prevent me from being able to work and distract me. The alleyway is also a hotspot for flytipping and general waste disposal, often the cans of the drinkers are left along with miscellaneous rubbish bags, mattresses, fridges, almost anything people have no use for. People can somehow seem to withstand the stench and have gatherings for hours, drinking, smoking crack and shouting at each other. Two of our rooms are directly above the alley so it is very easy to hear what is happening. On one occasion somebody drove a motorbike through the alley in the early hours of the day, waking others and myself up. There has also been occasions where people in the alley will bang on the wall which is connected to our home. None of my fellow housemates or myself feel safe living so close to the alley and we try our bests to avoid it, even though it should be a convenience. I already take alternative routes so I am fully behind getting the alleyway gated. I truly believe it will put a stop or at the very least a huge dent in criminal activity and antisocial behaviour. The lives of the local residents will improve, perhaps ours most, being in such close proximity and experiencing the alley 24/7. I am extremely excited as I am writing this to you because it feels like finally action is being taken for the better of the community.
- Drug users, rubbish, people using as a toilet (1&2) drug drop off points, gathering place for the homeless and drug users, fly tipping. Used needles and drug packets. All of this usually occurs at some point very day.
- I've seen people injecting in there at all times of the day, sleeping in there, going to the toilet in there both urinating and emptying their bowels. Numerous people going in there to deal or collect drugs. The constant smell of urine is disgusting.
- live next to the alley, have found human feces on multiple occasions. There is constant urination in the alley way. People are hanging out there dealing and using, also overhead multiple conversations relating to sex work transactions. constant arguments any altercations happening that have woken me up. constant fly tipping, mattresses, broken glass, needles too!
- Witnessed drug dealing, prostitution, drinking, loud arguments, drug taking, loud conversations, human poo, dog poo, people constantly urinating (can't open windows due to the smell most days), fly tipping, rough sleeping, drug paraphernalia (used needles, glass pipes etc.), heard physical altercations. These all happen any time and day (24/7)
- Drug dealers ,street drinkers, and drug users, it gets used as a toilet people also use it to get away from the police rubbish being dumped in it
- Urination, people gathering, lots and lots of rubbish and smells awful. I live 2 doors away and have a problem with flies in the garden which I believe is due to the state of the alley.

Comments suggesting alternatives

- Monitor how often crimes occurs. The Borough should come up with an active plan to reduce the crime rate.
- The alleyway could be improved by redoing the tarmac, add cameras to help prevent unacceptable behaviour?!
- Community policing. CCTV
- As above gating seems like a final result and yet no action as far as I'm aware of has been taken in the past 10 years to tackle this. I would prefer to see the tiles which are loose and slippery when wet replaced, I would like to see the street lamp replaced to keep the area bright. And I would like to see planters similar to those done by the community group with success.

Additional Comments

- Drug users will just congregate in other areas of Dunster Street I.e Dostiyo Doorstep, under scaffolding at Hawkins factory and sadly police presence is bot enough to deter so this just shits the problem to other areas of Dunster Street and does not solve the issue
- I strongly believe that gating this alleyway will improve the area for residents.
- There are bigger problems in this area then the alleyway. Adding inconvenience the local residents who use it correctly makes no sense - if the antic social behaviour is that bad why do i never see police presence?, why has this taken so long to happen if it's so bad - i live right next to the alleyway and it really isn't as bad as everyone who likes to think they live in an 'upmarket' part of town has made out in my opinion. If it is gated, keys for immediate residents should be provided...3 or 4 doors either way perhaps?
- Please gate it off - it attracts drug users and drug dealers. It's horrible.
- Glad to see the potential. I've lived on St Michaels Road almost 20 years and I've never known it this bad. Those poor occupants adjacent must be suffering.
- There are some homeless people that are sometimes sleeping rough in the alley. Before gating it off, I think it is required that these homeless people are helped and pointed in the right direction for accommodation.
- It is long overdue and we shall be very grateful to the Council for taking this action.
- This should not be the first resort. People presence should be used as a deterrent if safe and if unsafe a police presence should be initiated.
- Please close / gate off the alleway, it has caused no end of issues and my kids feel unsafe
- It would improve my daily life as I live next to the alley way- with some of the house going over the alleyway- so I am constantly affected by the anti social behaviour in the alleyway and cannot open the windows due to the smell & often have my sleep disturbed by the noises. I believe gating the alleyway will improve the general area as it would deter all antisocial behaviour as mentioned above- there are a lot of families in the area with young children. I believe it is important that the gate covers the whole

of the archway as there is the risk if there is a gap between the archway at the top of the gate it is still vulnerable to people potentially jumping over the gate to either break into the houses that have entrances that lead onto the alleyway or to carry out some of the antisocial behaviour mentioned above

- People who live adjacent to Dunster Street have reported ASB issues over many years but previously the legislation was not in place to close the alley. I fully support this proposal based on historical reporting and an ongoing problem.

APPENDIX 4 – Responses from Statutory Consultees

Northamptonshire County Council Highways:

I can confirm that Northamptonshire County Council, as Highway Authority have no objection to the temporary gating of Dunster Street.

As this process does not legally remove the highway rights from this route, it will need to be reviewed towards the end of the current Order period.

Northamptonshire Fire & Rescue Service

It is known that alleyways and cut through passages present the opportunity for antisocial behaviour but they can also impact fire safety. They can present a risk to those in the neighbouring properties and also the fire crews attending incidents. There is an increased risk of an accumulation of household waste which presents the risk of arson and can be an obstruction to fire crews attending an incident.

Throughout the discussions in this process a Fire Protection Officer has been present and has visited the site to consider the impact and ramifications of gating the alleyway. Our position is that the closure of this alleyway would be positive as it would reduce the risk to fire safety and it is supported by Northamptonshire Fire and Rescue Service.

Northamptonshire Police

I am the Central Sector Neighbourhood Police Sergeant and currently hold responsibility for the Town Centre and St Crispin ward. I have been privy to meetings held with partner agencies and incidents reported to police about issues in the area which involves the alley way between Dunster Street and St Michael's Road. The issues addressed relate to drug use and dealing, urination/defecation in the alleyway and the area also being used for rough sleeping and sex work.

The decision to install gates in connection with this alleyway will have a significant impact on the community for the better. It will support the residential community allowing them to live without the constant fear of intimidation by those using the alleyway for illegal activity. I am hopeful that anti-social behaviour reports will fall and it will have an impact criminality. The decision to install gates is fully supported by the Neighbourhood Policing Team for the area.

APPENDIX 5 – Equality Impact Assessment

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. 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.

1 Name of policy/activity/project/practice	Public Places Protection Order – Dunster Street Alley
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2. Screening undertaken (please complete as appropriate)	
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 Environmental Services Manager, NBC Environmental Health & Licensing Manager, NBC Northants Police Cabinet Member for Community Safety, NBC Highways, Northamptonshire County Council

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 between Dunster Street and St Michaels Road, a hotspot for anti-social behaviour for many years.
- Gating Dunster Street alley 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, drug taking/dealing, sexual and violent offences, removal of tags from stolen goods away from the public eye.
- 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 between Dunster Street and St Michael's Road. 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)

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 and residents adjacent to Jeyes Jetty
- 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
- Northamptonshire Fire & Rescue

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.	There is no evidence that the 'Order' will impact on any specific person based on their dis/ability.
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	The consultation process	The 'Order' has been

	will provide the opportunity to capture their views.	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.

