

**Template for Impact Assessment Level 1: Initial screening assessment**

<b>Subject of assessment:</b>	Public Space Protection Order (PSPO)			
<b>Coverage:</b>	TS1			
<b>This is a decision relating to:</b>	<input type="checkbox"/> <b>Strategy</b>	<input type="checkbox"/> <b>Policy</b>	<input type="checkbox"/> <b>Service</b>	<input type="checkbox"/> <b>Function</b>
	<input checked="" type="checkbox"/> <b>Process/procedure</b>	<input type="checkbox"/> <b>Programme</b>	<input type="checkbox"/> <b>Project</b>	<input type="checkbox"/> <b>Review</b>
	<input type="checkbox"/> <b>Organisational change</b>	<input type="checkbox"/> <b>Other (please state)</b>		
<b>It is a:</b>	<b>New approach:</b>	<input type="checkbox"/>	<b>Revision of an existing approach:</b>	<input checked="" type="checkbox"/>
<b>It is driven by:</b>	<b>Legislation:</b>	<input checked="" type="checkbox"/>	<b>Local or corporate requirements:</b>	<input type="checkbox"/>

<p><b>Description:</b></p>	<p>The newly elected Mayor has requested the introduction of a PSPO within the TS1 area of Middlesbrough following concerns from town centre businesses and local residents regarding anti-social behaviour, environmental crime, street drinking and begging.</p> <p>A PSPO is a power contained within the Anti-Social Behavior, Crime and Policing Act 2014. Orders can be introduced in a specific public area by the Local Authority to target a range of different anti-social behavior issues. PSPOs are intended to deal with a particular nuisance or problem in an area that negatively affects the local community's quality of life by imposing restrictions on certain types of behavior for example; consumption of alcohol in the street, drug misuse, anti-social behaviour, begging, graffiti and vandalism.</p> <p>PSPOs can only be introduced by a Local Authority after necessary consultation, legal notification and adequate publicity. A PSPO can last a maximum of three years, although it can be extended or varied during the course of its life.</p> <p>The behaviour that the Council is looking to restrict across the area has been identified as having, or is likely to have a detrimental effect on those in the locality, is (or is likely to be) of a persistent or continuing nature and is (or is likely to be) considered to be unreasonable. It is anticipated that the introduction of a PSPO will control the behaviour of visitors to the town centre and surrounding areas. The areas in question will have rules that are clear to all, and a legal redress to maintain the areas in a manner consistent with their intended use.</p> <p>PSPOs can be enforced by Police Officers, Police Community Support Officer's or any Officer designated by the Local Authority for example; Street Wardens and Neighbourhood Safety Officers. If you breach a PSPO, you could receive the following penalties:</p> <ul style="list-style-type: none"> <li>• A £100 fine on the spot, known as a Fixed Penalty Notice.</li> <li>• A fine of up to £1,000 if the charge goes to court.</li> </ul> <p>Key stakeholders are local residents and businesses who currently reside within the TS1 area (see attached boundary map).</p>
<p><b>Live date:</b></p>	<p>The initial pre-consultation period closes on Monday 24<sup>th</sup> June 2019. After this date we will review all of the feedback and the statutory consultation on the proposed PSPO order will commence 15<sup>th</sup> July 2019, ending on 23<sup>rd</sup> August.</p> <p>An Executive decision will be required to implement the order, followed by implementation September 2019.</p>
<p><b>Lifespan:</b></p>	<p>The Order will remain in force for 3 years. Prior to this the Local Authority will have to determine whether to extend it for a further three years.</p>
<p><b>Date of next review:</b></p>	<p>September 2022, or prior to this in the event of an exigency or a change in the law.</p>

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<b>Human Rights</b> Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*	☒	☐	☐	When a PSPO is granted, varied or discharged, the Authority must have regard to articles 10 (Freedom of Expression) and 11 (Freedom of Assembly and Association) of the Convention contained in Schedule 1 to the Human Rights Act 1998. The proposals seek to protect the existing environment within the TS1 area namely the town centre and Newport/Central wards, and those who wish to visit the areas without suffering harassment, alarm or distress. It is not considered that the proposals will impact negatively on individual Human Rights as identified in UK legislation because due regard will be given to this right as part of any relevant decision to enact a PSPO in this area. Training will be given to officers will be empowered to enforce the PSPO to ensure they understand the rights to assembly and association and how they interact with the PSPO.
<b>Equality</b> Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*	☒	☐	☐	<p>The Council has a duty to consider the impact of the proposed decision on relevant protected characteristics to ensure it has due regard to the public sector equality duty. The duty means the Council must have due regard when taking decisions to the need to:</p> <ul style="list-style-type: none"> <li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <p>Consideration of this duty has shaped the proposals. The proposal will not result in an adverse differential impact on groups or individuals because they hold one or more protected characteristics. The proposal includes specific commitments to ensure that where needs differ because of protected characteristics, which appropriate adjustments will be made to the application of the order. For example, behaviour perceived as threatening and abusive may be a result of Mental Health issues, training will be provided to all staff issuing notices to ensure that those with Mental Health issues are not penalised for their disability and are instead given appropriate support. Similarly some community groups traditionally meet in public locations to catch up. The Order will be applied in such a way that these types of gatherings are not unfairly targeted by provisions which are aimed at tackling gangs.</p> <p>While not a protected characteristic in itself, specific consideration has been given to the impact that fines may have on the poorest in society and consideration of this will be reflected in the application of orders. For example, a range of services to assist the homeless exist in Middlesbrough and homeless people will be directed to these services in the first instance. The council also has additional powers under the Vagrancy Act and Anti-Social Behaviour orders to deal with begging and the most appropriate measure will be used, with a focus on assistance in the first instance, rather than enforcement.</p> <p>Evidence used to inform this assessment includes feedback from the public consultation, demographic data and learning from working in the Newport area. Written submissions to the consultation were also assessed for the EIA.</p>
<b>Community cohesion</b> Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*	☒	☐	☐	<p>The proposal includes specific commitments in respect of supporting social cohesion in Middlesbrough. It allows access to all on an equal basis and seeks to protect users from those who wish to cause harassment, alarm or distress.</p> <p>As a result there are no concerns that the proposed plan could have an adverse impact on community cohesion. Evidence used to inform this assessment includes feedback from the public consultation, demographic data and learning from working in the Newport area. Written submissions to the consultation were also assessed for the EIA.</p>

\* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

Screening questions	Response	Evidence
<p><b>Next steps:</b></p> <ul style="list-style-type: none"> <li>➤ If the answer to all of the above screening questions is No then the process is completed.</li> <li>➤ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed.</li> </ul>		

<b>Assessment completed by:</b>	Adam Allen	<b>Head of Service:</b>	Not applicable
<b>Date:</b>	30/9/2019	<b>Date:</b>	