

# Equality Analysis



Please refer to the guidance for carrying out Equality Analysis (available on the intranet).  
Text in blue is intended to provide guidance – you can delete this from your final version.

What are the proposals being assessed?	<a href="#">Merton Public Space Protection Order</a>
Which Department/ Division has the responsibility for this?	<a href="#">Environment and Regeneration – Public Protection (Safer Merton)</a>

## Stage 1: Overview

Name and job title of lead officer	Kiran Vagarwal ( Head of Safer Merton) and Kelly Marshall (Safer Merton Strategic Development Lead)
1. What are the aims, objectives and desired outcomes of your proposal? (Also explain proposals e.g. reduction/removal of service, deletion of posts, changing criteria etc)	<p>We are proposing a new Public Space Protection Order (PSPO) for the borough. PSPO's are a tool set out in the Anti-Social Behaviour (ASB), Crime and Policing Act 2014. A PSPO is a local authority tool that is designed to prohibit certain activities or can require that people do certain things when engaging in certain activities within a defined public area. PSPO's should focus on an identified problem behaviour rather than targeting specific individuals or properties. A breach of a PSPO is an offence.</p> <p>In 2017 Merton's borough wide Controlled Drinking Zone transitioned into a borough wide PSPO due to a change in legislation. This current PSPO is due to expire in October 2020. Our proposal is to establish a new PSPO, specifically to tackle street drinking and the associated ASB, but for a smaller geographical area to run concurrently from when the current PSPO expires. Street drinking and the associated ASB can have a significant impact upon the quality of life for those who experience it, we therefore need to ensure that the appropriate tools are in place to proactively address the community impact. There will be one prohibition set as part of the order, which will give authorised officers the power to take and dispose of alcohol if they feel an individual is acting or is likely to act in an anti-social manner. If the individual does not comply, an FPN can be issued.</p> <p>As mentioned, we would like the proposed PSPO to cover a smaller geographical area, as by reducing the geographical area covered by the order we aim to tackle the area in greatest need, and ensure that the order is proportionate, based on evidence collected from across the partnership. The areas of the borough not included as part of the PSPO will still be supported through other ASB tools as and when required and there is always the option to implement PSPO's in other areas, should the evidence be available. The wards that will be affected by the order are predominantly Cricket Green, Figges Marsh, Graveney, Lavender Fields and Ravensbury. Proportionality is key as the Local Authority may be challenged under Judicial Review.</p>

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<p>2. How does this contribute to the council's corporate priorities?</p>	<p>The purpose of the PSPO is to help tackle the alcohol related ASB in the Mitcham and Morden area and to help improve the quality of life for those who live, work and visit the area with the aim of having a positive impact on the levels of crime and ASB in this locality. This therefore contributes to the Council's corporate priorities of ensuring that the borough is a safe place to live, work and visit.</p> <p>Our intention is to use the tool to address street drinking and associated Anti-Social Behaviour which we have been told by residents, has a detrimental impact upon their quality of life. If the PSPO is agreed, we will work closely with our partners and monitor the impact closely.</p>
<p>3. Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc.</p>	<p>As mentioned, the PSPO will provide the Local Authority the powers to address certain behaviours on the borough. The prohibition set out in our draft order is that those with delegated authority will be able to ask people to stop drinking within the boundary if they are or it is deemed likely to cause anti-social behaviour. If this request is not adhered to, the officer can confiscate the alcohol and a fixed penalty notice may be issued. The PSPO is designed in such a way so as to address the behaviour of those causing anti-social behaviour as a result of alcohol and not prohibit people from drinking responsibly in the area.</p> <p>The PSPO will therefore impact upon anyone who lives, works or visits the area, but we believe in a positive way. The PSPO may impact upon those who have a more problematic relationship with alcohol – but only when their behaviour begins to impact upon others. We are therefore working with WDP drug and alcohol service who are commissioned by Merton Public Health to ensure that support and access to treatment is available and offered to those who need it. People who consistently breach the order, will also be considered by the borough's Community MARAC, a multi-agency group set up to work in partnership to address persistent perpetrators of ASB.</p> <p>Internally and externally, there will be some impact in terms of capacity upon the teams who will need to enforce the order. It is envisaged at this stage that, that will be Kingdom, Safer Merton ASB Officers and the Police. We are working with partners to develop an engagement and enforcement plan to ensure that the work is co-ordinated and that there is a fair balance between enforcement, engagement and support.</p> <p>We hope that the order will have a positive impact on the area and that this will benefit the local community.</p>
<p>4. Is the responsibility shared with another department, authority or organisation? If so, who are the partners and who has overall responsibility?</p>	<p>The Local Authority via Safer Merton has the overall responsibility, but the enforcement of the order will also fall to other teams such as Kingdom and other organisations such as the Police.</p>

## Stage 2: Collecting evidence/ data

### 5. What evidence have you considered as part of this assessment?

Provide details of the information you have reviewed to determine the impact your proposal would have on the protected characteristics (equality groups).

#### The evidence for a PSPO

The purpose of a PSPO is to address an area based issue and not to target individuals or communities based upon protected characteristics. However, we appreciate that by the very nature of not having a borough wide PSPO, the impact will be disproportionate across the borough. However, the intended aim is to ensure that the PSPO is proportionate to need and will help to ensure that the quality of life for all residents is improved particularly for those who are suffering from the detrimental effect of street drinking and the associated ASB. We have looked at available data to better understand the area as well as considering a range of datasets from ASB complaints, Police data for calls in relation Street Drinking, alcohol related ambulance callouts, CCTV evidence and survey information to help inform our decision making process as to where the PSPO should be situated. In summary our analysis showed that reports to either the ASB Team or the Police are low, however available data does point to more of a problem in the Mitcham area, however the figures again are small.

The survey based information, included the corporate Annual Residents Survey (ARS). The ARS provides a representative sample of 1000 residents, so concerns around alcohol and anti-social behavior as well as locations provided, were considered. There has been a reduction in those feeling that people being drunk or rowdy is a problem (17% in 2017 to 13% in 2019). Graveney had the highest percentage of residents who saw being drunk or rowdy (39%) as a problem. This was followed by Ravensbury (37%), Abbey (30%) and Figges Marsh (27%). Interestingly Ravensbury (45%) and Graveney (38%) wards were also in the top three wards for residents who felt Anti-Social Behaviour was a problem (alongside Lavender Fields – 41%).

As part of the Annual Residents Survey, the council included young residents aged 11-17. The sample size was 271 young people. In the 2019 survey 10% of the young people surveyed stated that they were personally concerned about substance misuse including drugs and alcohol. This increased the older the young people were, with 23% of 16-17 years old being personally concerned. To put the figures into context, the top personal concerns for young people was bullying (28%) followed by crime (27%). The young people were also asked to state the top three things that they were personally concerned about in their local area. 14% of young people stated that Anti-Social Behaviour and bad behaviour in public was a concern. This was an increase on the results from the 2017 survey which highlighted that 11% of young people were concerned.

#### The PSPO Locality

The PSPO that we are proposing, whilst not encompassing all wards (Cricket Green, Figges Marsh, Graveney, Lavender Fields and Ravensbury), is very much focused in the East of the borough. A lot of work has been undertaken corporately around the disparity between the wards in the west of the borough and those in the East. The Merton Story compiled by the Public Health Team provides a comprehensive analysis of a range of local and national datasets. It highlights that wards in the east of the borough are likely to suffer from a lower life expectancy, are more ethnically diverse and have a younger population. The Merton Story also highlights that the wards in the east are more deprived as identified through the Indices of Multiple Deprivation Scores and often have a higher proportion of poorer housing conditions. Crime

levels are also generally higher in the East of the borough according to data by the Met Police.

## **Individuals**

We have considered the population that may be most affected by the order, and this is the population that are most likely to consume alcohol. According to the Merton Substance Misuse Profile 2018, the highest proportion drinking over the recommended amount of alcohol units are males in the 65-74 age group and females aged 55-64 years. Almost 1 in 6 adults in Merton binge drink, 1 in 20 adults are consuming alcohol at higher risk levels in Merton, 1 in 5 adults are consuming alcohol at increasing risk levels in Merton. Local profiles, do not provide information around ethnicity however national data suggests that Asian ethnic groups have the highest proportion of abstaining individuals - with over 70% of females compared to 55% of males. Approximately 40% of people in black ethnic groups are likely to be abstinent. The lowest proportion of abstinence was found in people in white ethnic groups - less than 10% of men and 15% of women.

We have also had discussions with the local drug and alcohol services and we have consulted with Public Health and feedback we have received is that street drinkers are a complex and vulnerable group. There is no current detailed profile of street drinker's in Merton, however it is our intention to develop the intelligence around this cohort as the work progresses and work with Public health and our local drug and alcohol services to ensure the appropriate support interventions are in place.

## **Impact of the evidence**

The Merton Story suggests that the east of the borough is a more ethnically mixed population, so we will ensure that literature and information around the prohibition is available in other languages.

The area we are proposing also has a younger population, so we are engaging with youth services to ensure we provide them with accessible information about the order to ensure young people are informed.

We are keen to ensure that all literature and signage that will need to be displayed in the area, is clear and easy to understand, so that individuals do not feel that their rights and freedom to enjoy an alcoholic drink are not impinged. They will only be challenged when the behavior is such to impact upon others.

## **Stage 3: Assessing impact and analysis**

- 6. From the evidence you have considered, what areas of concern have you identified regarding the potential negative and positive impact on one or more protected characteristics (equality groups)?**

Protected characteristic (equality group)	Tick which applies		Tick which applies		Reason Briefly explain what positive or negative impact has been identified
	Positive impact		Potential negative impact		
	Yes	No	Yes	No	
Age	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Disability	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Gender Reassignment	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Marriage and Civil Partnership	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Pregnancy and Maternity	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Race	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Religion/ belief	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Sex (Gender)	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Sexual orientation	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.
Socio-economic status	√			√	The PSPO is designed to improve the quality of life for all who live, work and visit the area.

7. If you have identified a negative impact, how do you plan to mitigate it?

N/A

**Stage 4: Conclusion of the Equality Analysis**

8. Which of the following statements best describe the outcome of the EA (Tick one box only)

Please refer to the guidance for carrying out Equality Impact Assessments is available on the intranet for further information about these outcomes and what they mean for your proposal

**Outcome 1** – The EA has not identified any potential for discrimination or negative impact and all opportunities to promote equality are being addressed. **No changes are required.**

**Outcome 2** – The EA has identified adjustments to remove negative impact or to better promote equality. **Actions you propose to take to do this should be included in the Action Plan.**

**Outcome 3** – The EA has identified some potential for negative impact or some missed opportunities to promote equality and it may not be possible to mitigate this fully. **If you propose to continue with proposals you must include the justification for this in Section 10 below, and include actions you propose to take to remove negative impact or to better promote equality in the Action Plan. You must ensure that your proposed action is in line with the PSED to have ‘due regard’ and you are advised to seek Legal Advice.**

**Outcome 4** – The EA shows actual or potential unlawful discrimination. **Stop and rethink your proposals.**

## Stage 5: Improvement Action Pan

### 9. Equality Analysis Improvement Action Plan template – Making adjustments for negative impact

This action plan should be completed after the analysis and should outline action(s) to be taken to mitigate the potential negative impact identified (expanding on information provided in Section 7 above).

Negative impact/ gap in information identified in the Equality Analysis	Action required to mitigate	How will you know this is achieved? e.g. performance measure/ target)	By when	Existing or additional resources?	Lead Officer	Action added to divisional/ team plan?

Note that the full impact of the decision may only be known after the proposals have been implemented; therefore it is important the effective monitoring is in place to assess the impact.

## Stage 6: Reporting outcomes

### 10. Summary of the equality analysis

This section can also be used in your decision making reports (CMT/Cabinet/etc) but you must also attach the assessment to the report, or provide a hyperlink

This Equality Analysis has resulted in an Outcome [1](#) Assessment

Overall we don't feel that the PSPO will have a negative effect upon anyone with protective characteristics. The PSPO is designed to help improve the quality of life for all that work, live and visit the area. The PSPO needs to be proportionate and address the areas of most need. We have made reference to individuals who street drink, however the order will only affect individuals if they are acting in an anti-social manner, refusing to understand the impact on the local community and accessing services to address the behaviour. It is our intention to monitor the PSPO and to develop our understanding of those who street drink in the borough.

**Stage 7: Sign off by Director/ Head of Service**

<b>Assessment completed by</b>	Kiran Vagarwal – Head of Safer Merton Kelly Marshall – Strategic Development Lead	<b>Signature:</b>	<b>Date:</b> 07/08/2020
<b>Improvement action plan signed off by Director/ Head of Service</b>	Add name/ job title	<b>Signature:</b>	<b>Date:</b>