

## Appendix E

# Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

**Completed by:** Jonathan Keen                      **Role:** Manager

**Head of Service:** Gareth Price                      **Date:** 28/5/2018

**I confirm that the above Head of Service has agreed the content of this assessment**

Yes

**When you complete this FEIA, it is your responsibility to submit it to**  
impact.assessment@newport.gov.uk

### **1. Name and description of the policy / proposal being assessed. Outline the policy's purpose.**

Proposed Maesglas Public Spaces Protection Order (PSPO). The purpose is to introduce appropriate restrictions to reduce levels of anti-social behaviour in part of the Gaer electoral ward:

- to permanently close with locked gates the path between the rear of some of the shops on Cardiff Road and the adjacent residential property at 1 Maesglas Avenue; and, within a defined area of the ward:
- to enable individuals or groups loitering or congregating in the street, who are causing anti-social behaviour, intimidating or threatening members of the public to be dispersed by authorised officers;
- to allow individuals consuming alcohol in the public place to be required to stop drinking and hand over the alcohol to authorised officers; and,
- to allow individuals in the public place to be required to surrender controlled (intoxicating) substances to authorised officers

These restrictions would provide the police with additional/alternative powers with the aim of improving the area for local residents, visitors and customers of the businesses in the area.

**2. Outline how you have/ will involve stakeholders who will be affected by the policy/proposal**

Stakeholders including the One Newport partnership were targeted by a wide consultation exercise.

**3. What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.**

At the pre-consultation stage, evidence of anti-social behaviour was provided by Gwent Police, Newport City Homes and the council’s community safety team. Council elected ward members asked for this PSPO to be considered following complaints about anti-social behaviour from local residents. The evidence provided has been included as appendices to the report to council, of which this assessment is also an appendix.

Ward members have informed officers that there is an appetite from residents for the path to be closed in order to reduce anti-social behaviour perpetrated by individuals who use the path to congregate and to leave the scene after causing problems in streets nearby.

The Community Wellbeing Profile 2017 for the Gaer ward shows that the rate of all criminal offences per 1,000 population has increased from 54.1 in 2013-14 to 73.5 in 2015-16. This is below the Newport average which has increased from 77.34 to 86.37 for the same period but above the Wales average which has increased slightly from 57.35 to 58.95. For anti-social behaviour (ASB) the rate of incidents per 1,000 population has increased in Gaer from 33.2 in 2013-14 to 50.6 in 2015-16. This rate is still below the Newport rate which has increased slightly from 54.4 to 56.2.

A summary of the results of the consultation have been included in the report to council.





**4. Equalities and Welsh language impact**


Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: <ol style="list-style-type: none"> <li>Promote equal opportunity</li> <li>Promote community cohesion</li> <li>Help eliminate unlawful discrimination/ harassment/ victimisation?</li> </ol>
	Positive	Negative	Neither	
Age	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Positive: The proposed restrictions are designed to reduce ASB in the immediate area, which would promote community cohesion and help eliminate potential harassment or victimisation of families etc, living in the immediate area.</p> <p>Reducing ASB in the area should also help to ensure that</p>

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: <b>1. Promote equal opportunity</b> <b>2. Promote community cohesion</b> <b>3. Help eliminate unlawful discrimination/ harassment/ victimisation?</b>
	Positive	Negative	Neither	
				<p>the area is a safer place for young people to interact/play.</p> <p>Reducing ASB should help to ensure the community centre is used by improving the area around the centre that customers must pass through to gain access.</p> <p>Negative: The proposals are designed to provide the police with additional powers to disperse individuals and groups who are causing ASB, from the area. This is likely to impact on people in the 10 – 24 years and the 25 – 34 years census categories more than other age categories.</p> <p>The closure of the path is likely to impact on older people and parents with small children with them who may currently use the path to access the community centre, by making their journey slightly longer. This could potentially discourage some individuals from using the centre.</p>
<b>Disability</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The closure of the path is likely to impact on people with mobility impairments, and possibly those who are visually impaired, who may currently use the path to access the community centre, by making their journey slightly longer. This could potentially discourage some individuals from using the centre.</p> <p>However, the proposed restrictions are designed to reduce ASB in the immediate area, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space.</p>
<b>Gender reassignment/ transgender</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposals will not have an impact on this protected characteristic.
<b>Marriage or civil partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposals will not have an impact on this protected characteristic.
<b>Pregnancy or maternity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The closure of the path is likely to impact on women with mobility problems associated with being heavily pregnant, and on parents with small children with them, who may

Protected characteristic	Impact:			Provide further details about the nature of the impact in the section below. Does it: <b>1. Promote equal opportunity</b> <b>2. Promote community cohesion</b> <b>3. Help eliminate unlawful discrimination/ harassment/ victimisation?</b>
	Positive	Negative	Neither	
				currently use the path to access the community centre, by making their journey slightly longer. This could potentially discourage some individuals from using the centre.  However, the proposed restrictions are designed to reduce ASB in the immediate area, which would promote community cohesion and help eliminate potential harassment/victimisation. This should help to ensure that groups of all protected characteristics feel more confident in using the space.
<b>Race</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposals will not have an impact on this protected characteristic.  The most recent census data in 2011 shows the population of Gaer is made up of 92.4% of people from a white background and 7.6% of people from a non-white background. This is lower than the Newport average where 10.1% of people are from a non-white background. There is no reason to suspect that the proposed PSPO restrictions would have a race impact.
<b>Religion or Belief or non-belief</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposals will not have an impact on this protected characteristic.
<b>Sex/ Gender Identity</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Within the evidence provided by Gwent Police, Newport City Homes and the council's community safety team, where the sex of the youths causing problems is mentioned, the sex is 'male' in the majority of incidents. Therefore the proposals would have an impact on male individuals.
<b>Sexual Orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposals will not have an impact on this protected characteristic.
<b>Welsh Language</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposals will not have an impact on this issue.

## 5. How has your proposal embedded and prioritised the sustainable development principle in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Long Term</p> <p>Balancing short term need with long term needs</p>	<p>The maximum duration of a PSPO is three years but it could be renewed if appropriate. The aim of the proposals is to reduce ASB in the area and it is hoped that this would have a long term benefit to the community.</p>
 <p>Collaboration</p> <p>Working together to deliver objectives</p>	<p>Only the council can make a PSPO, however it would provide the police with additional/alternative powers with which to address ASB in the area. The community safety team will continue to work together with the police and other agencies/partners to address ASB. The police and Newport City Homes support the proposals.</p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>The wide consultation undertaken included:</p> <ul style="list-style-type: none"> <li>• Residents</li> <li>• Local businesses</li> <li>• Community groups</li> <li>• Partners</li> </ul>
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>A PSPO cannot address the roots causes of why some youths cause ASB in this area, but the community safety team works closely with partners who complete such work such as education, the youth service etc.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? Describe how.
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>The proposed PSPO has been designed to have a positive impact on the following well-being goals:</p> <ul style="list-style-type: none"> <li>• A prosperous Wales – the PSPO would reduce ASB in the area. ASB can impact on the education of children and on the success of businesses.</li> <li>• A healthier Wales – the PSPO would reduce ASB which would help improve the mental well-being of those currently affected.</li> <li>• A Wales of cohesive communities – the PSPO would help to protect the local community and make it more viable and safe.</li> </ul> <p>The information included above shows that there would be a positive impact on Newport City Council’s Well-being Goals, as set out below:</p> <ul style="list-style-type: none"> <li>• To improve skills, educational outcomes and employment opportunities</li> <li>• To promote economic growth and regeneration whilst protecting the environment</li> <li>• To enable people to be healthy, independent and resilient</li> <li>• To build cohesive and sustainable communities</li> </ul>

**6. Will the proposal/policy have a disproportionate impact on a specific geographical area of Newport?**

The proposed PSPO is for a defined part of the Gaer electoral ward.

**7. How does the proposal/policy relate to the parameters of debate about Fairness identified by the Newport Fairness Commission**

Parameter 1 deals with equal treatment while recognising difference. The proposal will primarily impact on specific groups who are acting in an anti-social and intimidating manner and these groups would be treated differently in that they will intentionally be subject to the PSPO restrictions (dispersal). The gating proposal would in effect treat everyone equally, although as noted above this is likely to have a differential impact on the groups identified above (e.g. age, disability, maternity).

Parameter 2 deals with ‘mutual obligations between citizens and local government’. Local government’s responsibility is to help ensure the safety, security and wellbeing of citizens in their communities, the PSPO introduces conditions which will apply to citizens who act in a way that is detrimental to the safety and wellbeing of the wider community which restricts those citizens’

rights to congregate for set periods in the specified area.

Parameter 3 deals with 'interdependency and reciprocity within community relations'. Anti-social and intimidating behaviour is known to affect the wellbeing of individuals but also affects the functioning and cohesiveness of communities e.g. in the use of local services, and participation in community life. The intention of the PSPO is to only restrict activities that are detrimental to participation in community life.

Parameter 4 deals with 'transparency and accountability in decision making'. It is recognised that PSPO's are by nature restrictive and must be balanced with proportionality, effective targeting and limitation. This FEIA and the proposed consultation plan are intended to ensure that the local community can express their views on the proposals and can inform democratic decision making.

## **8. Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?**

Proportionate enforcement including communication and warnings before formal action will be key.

## **9. Monitoring, evaluating and reviewing**

Should the PSPO be made, the effectiveness of the restrictions will be evaluated and reviewed and will inform the council about what action to take at the end of the three year PSPO period.

## **10. Involvement**

This FEIA will form part of the council report which will be published by the council.

## **11. Summary of Impact (for inclusion in any report)**

**Equality Act 2010 AND Welsh Language**

The proposed PSPO will have an impact on some protected characteristics but not to the extent that the proposals could be judged to be unreasonable.

There is no Welsh Language impact.

**Wellbeing of Future Generations (Wales) Act 2015**

The proposed PSPO will support a number of the Well-being goals set out in the Act.