

## **HDC Due Regard (Equality Analysis) Public Space Protection Order – Dog Control**

Due Regard (Equality Analysis) is an on-going proactive process which requires us to consider the effect our decisions are likely to have on local communities, service users and employees, particularly those most vulnerable and at risk of disadvantage.

This template has been designed to assist in the collation of information and evidence required to support the 'Due Regard' process when introducing new policies/procedures/functions and services or reviewing existing ones.

For help with this template please view the guidance document, which contains advice to assist you when you are considering the impact (both positive and negative) of the proposed actions on each of the protected equality characteristics.

**Name of policy/procedure/function/service being analysed: Public Space Protection Order for Harborough District Council**

**Department and section: Planning Enforcement**

**Name of lead officer: Christine Zacharia**

**Other people involved (assisting or reviewing – including any service users or stakeholder groups etc.):**

**Date assessment completed: 1<sup>st</sup> March 2016**

### **Step 1: Defining the policy/procedure/function/service**

Is this a new, amended or reviewed policy? What are the aims, objectives and purpose and how will they be achieved? What are the main activities and which communities are likely to be affected by these activities? What are the expected outcomes?

A Public Space Protection Order (PSPO) allows a local authority to introduce a series of measures into a defined area. The proposed PSPO will bring in measures to control and restrict certain activities, in particular new and enhanced powers to tackle dog fouling and other forms of irresponsible dog ownership.

This is a legal order that can last for up to three years and it will prohibit a number of activities. 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.

The Regulatory Committee agreed at its meeting on the 27 October 2015 that they wanted to progress a consultation on a proposal to introduce a Public Space Protection Order for Harborough District Council to tackle dog fouling and other forms of irresponsible dog ownership within the District. The public consultation was held between 16 November to 29 December 2015.

**Step 2: Data collection & evidence**

What relevant evidence, research, data and other information do you have and is there any further research, data or evidence you need to fill any gaps in your understanding of the potential or known affects of the policy on different communities? Include quantitative data as well as qualitative intelligence such as community input and advice.

There is no evidence to demonstrate that this legislation will have an impact on any specific protected characteristic. The Order does include specific exemptions as follows:

i) Nothing in this Order shall apply to a person who:

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or

(c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

A prosecution or issue of a Fixed Penalty Notice will not be issued to a person under the age of 18 without consultation with the Youth Offending Team where applicable and in accordance with the Council's Enforcement Policy.

**Step 3: Consultation and involvement**

Have you consulted and if so outline what you did and who you consulted with and why.

There was widespread public consultation over a 6 week period on the proposed content of the new Public Spaces Protection Order and the scope of the Order was amended to reflect the views obtained through the consultation process.

**Step 4: Potential impact**

Considering the evidence from the data collection and feedback from consultation, which communities will be affected and what barriers may these individuals or groups face in relation to Age, Disability, Gender Reassignment, Marriage and Civil Partnership,

Pregnancy and Maternity, Race, Religion or Belief, Sex, Sexual Orientation, Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities and also the potential impact on Community Cohesion. Remember people have multiple characteristics so the impact of a policy on a particular community may impact people within the community differently. Where possible include numbers likely to be affected.

Race It is not anticipated that the Order will have an effect on the grounds of race.

Religion. It is not anticipated that the Order will have an impact on the grounds of religion.

Disability. The Order makes specific exceptions in relation to a person who is registered blind, deaf or has a disability which effects their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects.

Gender (including gender reassignment) It is not anticipated that the Order will have an impact on the grounds of gender

Age. In accordance with the Council's enforcement policy, any prosecution or issue of a fixed penalty notice will not be issued to a person under the age of 18 without consultation with the Youth Offending Team.

Sexual Orientation. It is not anticipated that the Order will have an effect on the grounds of sexuality

Caring Status (including pregnancy and maternity) It is not anticipated that Order will have a specific impact in relation to pregnancy and maternity.

Marriage and civil partnership. It is not anticipated that the Order will have an effect on the grounds of marriage and civil partnership.

### **Step 5: Mitigating and assessing the impact**

If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons. If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately. If you have identified adverse impact or discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people. Consider what barriers you can remove, whether reasonable adjustments may be necessary and how any unmet needs have identified can be addressed.

At this time there do not appear to be any negative impact for any of the protected groups

**Step 6: Making a decision**

Summarise your findings and give an overview of whether the policy will meet Harborough District Council's responsibilities in relation to equality, diversity and human rights. Does it contribute to the achievement of the three aims of the Public Sector Equality Duty - eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity and foster good relations?

The PSPO will have no significant implications on human rights. All of the proposed new measures are accompanied with the appropriate rights of appeal. Any enforcement action will have due regards to the Council's Enforcement Policy

The PSPO will not apply to the owners of assistance dogs used by the blind or the deaf or by those who are unable as a result of a disability to comply with the legislation.

The order has been proposed due to the number of complaints received of dog fouling in public spaces and the impact irresponsible dog owners have on people's quality of lives. The consultation responses show an overwhelming number of people in favour of the new enhanced dog controls.

**Step 7: Monitoring, evaluation & review of your policy/procedure/service change**

What monitoring systems will you put in place to promote equality of opportunity, monitor impact and effectiveness and make positive improvements? How frequently will monitoring take place and who will be responsible?

The scope of the PSPO will be periodically reviewed.

Where possible equality data will be collated when enforcement action is taken to monitor whether any protected group is more likely to offend which could result in the development of more targeted educational work being carried out.

## Equality Improvement Plan

**Equality Objective : Consistency in the use of the Order**

**Action: To provide training to all front line officers that will be responsible for enforcing the Order**

**Officer Responsible: Christine Zacharia/Legal officers  
the order**

**By when: 1 month following the adoption of**

**Equality Objective :**

**Action: To review the scope of the PSPO within 5 years of implementation**

**Officer Responsible: Christine Zacharia  
the order**

**By when: 5 years following the adoption of**

**Equality Objective :**

**Action: To collate equality information where enforcement action is undertaken to monitor whether more targeted educational work is required.**

**Officer Responsible: Christine Zacharia**

**By when: on going**

**Signed off by:**

**Date:**

Once signed off, please forward a copy for publication to Julie Clarke, Equality and Diversity Officer  
e-mail: [j.clarke@harborough.gov.uk](mailto:j.clarke@harborough.gov.uk) , telephone: 01858 821070.