

## WCC Equality Impact Assessment (EqIA)

### SECTION 1: Programme details

<p>Name of the policy, project, service, or strategy being assessed, and a brief overview of its aims and objectives</p>	<p><b>Borough-wide Street Drinking and Dog Control Public Space Protection Orders (PSPO)</b></p> <p>The Public Space Protection Orders (PSPOs) for Alcohol and Dog Control expire in June 2024. The cabinet member is being asked for permission to:</p> <ol style="list-style-type: none"> <li>a) Renew the PSPO for the control of alcohol until 24 June 2027</li> <li>b) Extend the Dog Control PSPO to incorporate 5 additional areas:</li> <li>c) Review the PSPO for Dog Control until 24 June 2027</li> </ol> <p>The terms of the Dog Control PSPO are outlined below:</p> <ul style="list-style-type: none"> <li>• It will be an offence not to clean up after your dog anywhere in Westminster</li> <li>• A person in charge of a dog is prohibited from taking that dog onto, or permitting the dog to enter or to remain on specified land in Queen’s Park Ward, Churchill Garden’s Estate, Paddington Street Gardens, Hallfield Estate, Lapworth Court, and Brunel Estate</li> <li>• A person in charge of a dog, at any time, must keep the dog on a lead in the Westminster Cathedral area, Paddington Street Gardens, Hallfield Estate, Lapworth Court, Shrewsbury Gardens and Brunel Estate</li> <li>• A person in charge of a dog, at any time, must put and keep the dog on a lead when directed to do so in specified areas of Queen’s Park Ward, and the Churchill Gardens Estate</li> </ul> <p>The terms of the Controlled Drinking Zone PSPO are outlined below:</p> <ul style="list-style-type: none"> <li>• The PSPO cannot ban the drinking of alcohol in a public space, the offence is failing to comply with an officer’s request within the restricted area of the PSPO to stop drinking and/or surrender alcohol. This criminal offence can be dealt with by issuing a fixed penalty notice or a summons to court.</li> <li>• The PSPO will not affect pubs, restaurants and off licences or areas covered by a temporary event notice</li> </ul>
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	<p>The penalties for breach of the Controlled Drinking Zone and Dog Control PSPOs is a fixed penalty of £100 or a maximum fine of £1,000 on conviction.</p> <p>The PSPOs will assist the Council and the police to tackle anti-social behaviour, resulting in a reduction in individuals engaging in anti-social behaviour such as that arising from the consumption of alcohol. It will also ensure that dog owners behave responsibly by cleaning up after their dog and ensuring that these are kept under control, so they do not cause a nuisance to members of the public or other dogs and animals.</p> <p>The PSPO would apply to all individuals committing antisocial behaviour within the designated area, without discrimination.</p> <p>However, there are exemptions regarding dog fouling - a person who is registered blind or who has a disability which affects their mobility and who is registered disabled is exempt from cleaning up after their dog. Regarding dog exclusion areas, persons who are registered blind or who have an assistance dog and who are registered with a known charity will be exempt and will be able to enter these areas freely.</p>
Name of person completing this EqlA	Adam Taylor, Community Safety Manager
Name of Director	Mark Wiltshire, Director Public Protection & Licensing
Team	Community Safety & Specialist Services
Directorate	Environment & Communities
Contact Email	<a href="mailto:ataylor3@westminster.gov.uk">ataylor3@westminster.gov.uk</a>
Where is this EqlA stored. (This is to ensure colleagues can pick this up in your absence. )	<a href="#">EqlA DCO and CDZ PSPO Renewal 2024.docx</a>
Is this EqlA accompanying a report that is going through a formal decision process?	Yes.
If so which meeting, is it going to for decision?	Cabinet Member

## SECTION 2: EqIA Screening – Do you need to complete a full EqIA?

Please complete the checklist below, including impact to help determine if a full EqIA is necessary.

Please see table in Section 3 for a breakdown of the protected characteristics

Question	Answer (Yes, No, Unclear)	Impact (Positive, Negative or Neutral)
<b>Does your programme have the potential to disproportionately affect men, women or those who identify as non-binary?</b>	Yes	Positive
<b>Does your programme have the potential to disproportionately affect people of a particular race or ethnicity?</b> This includes refugees, asylum seekers, migrants, Romani people, and travellers.	Yes	Positive
<b>Does your programme have the potential to disproportionately affect people with a disability?</b> Consider physical and learning disabilities and mental health conditions.	Yes	Positive
<b>Does your programme have the potential to disproportionately affect people of certain sexual orientations?</b>	Yes	Positive
<b>Does your programme have the potential to disproportionately affect people of different age groups?</b> Consider children and elderly populations.	Yes	Positive
<b>Does your programme have the potential to disproportionately affect those undergoing or intending to undergo the process of gender reassignment?</b>	Yes	Positive
<b>Does your programme have the potential to disproportionately affect those due to pregnancy or maternity?</b> The Equality Act protects women or birthing people from discrimination from when you become pregnant until your right to maternity leave ends and you return to work. If you do not have the right to maternity leave this is 2 weeks after the child is born.	Yes	Positive
<b>Does your programme have the potential to disproportionately affect people of different faiths and beliefs?</b>	Yes	Positive
<b>Does your programme have the potential to disproportionately affect people on low incomes or living in poverty?</b>		

**If you have assessed the impact to any of the above questions to be Negative or Unclear, then you will need to complete Sections 3, 4.**

**If you have assessed the impact as Positive, explain the rational for this below and then go to Section 5.**

Please use this space to outline service user data showing who is impacted by this decision, any consultation that has been conducted with these groups and how they will be positively impacted.

Many of the groups with protected characteristics will be positively impacted by the proposals as they are disproportionately impacted by the crime and anti-social behaviour that the proposals are intended to address.

The local authority recognises that people who are registered blind, have a mobility issue, those with assistance dogs would struggle to comply with the requirements of the Dog Control aspects of the PSPOs. Therefore, these groups have been and will continue to be exempt from prosecution if found to be in breach of the dog control provisions of the PSPOs (as outlined above).

The council also recognise that street drinking is prominent amongst the street homeless population, who are male and often have mental health problems. Extensive support and intervention are initially undertaken to address alcohol and other related issues through referrals to outreach services; providing individuals with the opportunity to engage in support and rehabilitation, prior to any decision to take any enforcement action.

Ensuring fairness in the application of the PSPO is critical. Currently the council does not hold any data regarding activities relevant to the Controlled Drinking PSPO, as the Police implement it, and they are often short interventions and collecting equality data would be disproportionate. There have been no fines or prosecutions under the Controlled Drinking PSPO.

There have been no formal complaints about the existing PSPOs, which have been in place since 2017, and prior to that under earlier legislation. We therefore have no reason to believe that the PSPOs have been applied disproportionately or that any protected group would be disproportionately negatively affected in the future. To ensure this continues, the following actions will take place:

- The authorised officers who will monitor the area and enforce the PSPO have and will continue to consider the needs of the individual and their personal circumstances to make an informed, balanced, and equitable decision as to the appropriate action to take. This includes completing an Equality Impact Assessment prior to prosecution, during which consideration is given to any vulnerability and support needs, to ensure that any prosecution is proportionate, necessary, and fair.
- Anyone issued a fine does have the right of Appeal or right to raise a complaint, which would be investigated and responded to by a senior manager.
- Any abuse of discretion when enforcing the proposed PSPO would be addressed swiftly using appropriate internal procedures, which could include further training or period of monitoring.
- The Council will work with the Police to establish proportionate arrangements to monitor the use of the Controlled Drinking PSPO

### SECTION 3: Assessing the Impact

Please use this section to assess the impact of the programme on those with protected characteristics. Please answer the following questions in your assessment for each characteristic.

Protected characteristic	Analysis	Impact (Positive, Negative or Neutral)																
<b>Age</b>	<p>2021 census: 75% of Westminster is working age (+6 over the London average). Our last census data saw a change in under 5-year-olds by -30% but an increase in 11 – 16-year-olds by and 20 – 24-year-olds by 5% and 11%, respectively. Relative to the rest of London, Westminster has 6% more young people (16 – 34 years).</p> <p>The age breakdown of our population is:</p> <table border="1" data-bbox="320 680 756 1003"> <thead> <tr> <th data-bbox="320 680 624 719">Westminster</th> <th data-bbox="624 680 756 719"></th> </tr> </thead> <tbody> <tr> <td data-bbox="320 719 624 757">0 – 4 years</td> <td data-bbox="624 719 756 757">4%</td> </tr> <tr> <td data-bbox="320 757 624 795">5 - 9</td> <td data-bbox="624 757 756 795">4%</td> </tr> <tr> <td data-bbox="320 795 624 833">10 - 15</td> <td data-bbox="624 795 756 833">5%</td> </tr> <tr> <td data-bbox="320 833 624 871">16 – 24 years</td> <td data-bbox="624 833 756 871">13.9%</td> </tr> <tr> <td data-bbox="320 871 624 909">25 – 34 years</td> <td data-bbox="624 871 756 909">21.6%</td> </tr> <tr> <td data-bbox="320 909 624 947">35 – 64 years</td> <td data-bbox="624 909 756 947">37.4%</td> </tr> <tr> <td data-bbox="320 947 624 985">65+ years</td> <td data-bbox="624 947 756 985">12%</td> </tr> </tbody> </table> <p>While safety is a concern for all age groups and therefore the alcohol PSPO should have a positive impact across all ages, older people who responded to the survey were more supportive. There was a high level of response to the consultation surveys from 65+ age group. Therefore, the alcohol PSPO could potentially be more positive for older people, providing greater reassurance and protection.</p> <p>Older people made up a greater proportion of respondents to the public consultation and in general, older people were more supportive for the Dog Control PSPO. However, it can also be assumed that young children who are more likely to be playing on the ground are most likely to benefit from reduction of dog fouling. Respondents to the survey cited the negative impact of dog fouling and dogs out of control upon young children.</p>	Westminster		0 – 4 years	4%	5 - 9	4%	10 - 15	5%	16 – 24 years	13.9%	25 – 34 years	21.6%	35 – 64 years	37.4%	65+ years	12%	Positive
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<b>Disability</b>	<p>2021 census: 18% of residents in the borough said they had a long-term condition or disability that limited their life in some way. With the highest proportions in Church Street (21%), Westbourne (19%), and Queen’s Park (18%), these rates are three times higher than our most affluent wards. It is important to bear in mind these same wards are the most likely to have unpaid carers (8-10% of residents). These same wards have a life expectancy of 76 years, 18 years less than the most affluent wards.</p>	Positive																

	<p>Disabled people are significantly more likely to be victims of crime than non-disabled people. The Alcohol PSPO could have a disproportionately positive impact on disabled people.</p> <p>However, it is also recognised that street drinking is likely to be higher among the homeless and that they are more likely to suffer from mental ill-health. Homeless Link (2014) stated that 80% of homeless people in England reported that they had a mental health issue, with 45% having been diagnosed with a mental health condition. It is therefore important and the Council's intention to promote engagement with affected homeless people, or indeed others with mental health conditions, through joined-up/partnership working with relevant support services.</p> <p>It is recognised that people with mobility problems or visual impairments may find it more difficult to comply with the Dog Control PSPO. Therefore, there are exemptions regarding dog fouling - a person who is registered blind or who has a disability which affects their mobility and who is registered disabled is exempt from cleaning up after their dog. Regarding dog exclusion areas, persons who are registered blind or who have an assistance dog and who are registered with a known charity will be exempt and will be able to enter these areas freely.</p>	
<b>Gender reassignment</b>	<p>Gender identity refers to a person's sense of their own gender, whether male, female or another category such as non-binary. In Westminster 0.75% (1,329) of people do not identify with the same sex as their registered birth. This is lower than the London figure of 0.91% but higher than the England figure of 0.55%. In Westminster this was 9% which should be kept in mind when considering these results because the trans population may be higher than reported</p> <p>Transgender people, including those going through and having gone through gender reassignment, experience elevated levels of hate crime and discrimination. Tackling drinking and the associated anti-social behaviour may therefore have a positive impact on this group.</p> <p>No Respondents to the consultation identified as Transgender or that their gender was different to that which was identified at birth.</p>	Positive
<b>Marriage and Civil Partnership</b>	<p>54.4% of Westminster Adults have never been married, a 3% increase since the last census, despite this figure now including same-sex marriages.</p> <p>There is no known differential impact in relation to this report.</p>	Neutral
<b>Pregnancy and maternity</b>	<p>General trends in census data show less births on average in Westminster over the past decade.</p>	Neutral

	There are no known equalities issues related to pregnancy and maternity in relation to this report.	
<b>Race</b>	<p>In 2021, 28% of the population were 'White:British', and 25% was 'White:European or Other'. The next largest ethnic groups identified as 'Indian and Bangladeshi' (17%), 'Arab' (8%), and 'Black' (8%) and 7% of residents identifying with more than one ethnicity. When considering ethnicity and data it is important to note there can be major disparities within census groupings. For instance, Indian and Bangladeshi communities have great variance between them in outcomes but often are considered as one grouping in data.</p> <p>When considering ethnicity it is important to consider that 20% of Westminster households do not have an adult or child who uses English as their primary language. Besides English the most spoken languages are Arabic, French, Spanish, Italian and Portuguese.</p> <p>All races and ethnicities would be positively impacted by improved safety achieved through tackling anti-social behaviour arising from alcohol consumption in public spaces.</p> <p>It is recognised that the Dog Control PSPOs are in areas with higher BAME populations. These areas have been identified based on the evidence of need, (i.e. reports to animal warden and street cleansing services, and complaints to members) and not selected based on race or ethnicity.</p> <p>There are no known equality issues in terms of dog control related to race and ethnicity.</p>	Positive
<b>Religion/belief</b>	<p>Westminster is more Religious (73%) compared to London (63%) and England (53%). The most common religions are Christianity (37%) and Islam (20%).</p> <p>Hate crime can disproportionately impact people from religious communities. Westminster has the highest level of police recorded incidents of hate crime in London and in 2023/24 saw sharp increases in Islamophobic (42%) and anti-Semitic (28%) hate crime, drive by protest activity in the West End and NTE. Therefore, the alcohol PSPO is likely to positively impact people from religious communities.</p> <p>There are no known equality issues in terms of dog control related to religion or belief.</p>	Positive
<b>Sex</b>	The intension of the PSPO's is to make residents feel safer by tackling anti-social behaviour and to have a cleaner borough. This will apply to residents regardless of sex.	Positive

	<p>However, evidence shows that females are more likely to feel unsafe than males especially after dark (City Survey 2023). Therefore, the alcohol PSPO is likely to have a greater positive impact on women than men. This is reflected in the responses to the survey. Several Respondents to the Alcohol Survey made 'other comments' pertaining to how the presence of group street drinking was intimidating and made residents (especially women) feel unsafe.</p> <p>There are no known equality issues in terms of dog control related to sex.</p>	
<b>Sexual Orientation</b>	<p>2021 census information on sexual orientation is only captured for people aged 16 and above. Approximately 5% of Westminster residents identify as LGBT+, slightly higher than the London average, and almost double the national average with the West End and Soho having the highest proportion (11%). It is important to note 9% of residents do not respond to this question, thus, numbers are under-reported.</p> <p>Lesbian, gay, and bisexual people are more likely to experience hate crime and would be assumed to therefore benefit from measures which improved safety.</p> <p>There are no known equality issues in terms of dog control related to sexual orientation.</p>	Positive
<p><b>In addition to the nine protected characteristics, where relevant we ask that you also think about the socio-economic and geographical considerations of our residents. Some data has been included below for your reference.</b></p>		
<b>Socio-economic and Geographical</b>	<p>Westminster has the highest economic disparity in the country The unemployment rate is 4%, same as the London figure, but higher than that of England at 2.9%. The LSOA with the highest unemployment rate is in the Westbourne ward, in this LSOA the unemployment rate is 10%, more than twice the Westminster average.</p> <p>Church Street is the London ward with the highest amount of deprivation (73.4%, meanwhile Knightsbridge &amp; Belgravia has the lowest (28.9%). Additionally, in Westminster's most deprived wards, over 50% of children live below the UK poverty line.</p> <p>We know the economic capacity is the greatest determinant of health, thus a critical component to addressing inequality in the borough.</p>	Neutral
<b>Other Groups</b>	<p>Please consider groups that may be affected by your work, such as Migrants, English as Second Language Speakers, Carers and Members of the Armed Forces etc.</p> <p>The council recognise that street drinking is prominent amongst the street homeless population, who often have mental health problems and are statistically more likely to be male.</p>	Neutral





## SECTION 4: Action Plan

Have you identified the need to reduce or remove any negative impacts, conduct work with those from protected groups to participate where their participation is disproportionately low, or fill any data gaps? If so, complete the Action Plan below to show the work that is planned.

Issue identified	Planned Action	Lead Officer and Timeframe
Street drinking is prominent amongst the street homeless population, who statistically more likely to be men, and who often have mental health problems. Therefore this group may experience a negative impact	Support & intervention offered alongside any necessary warnings or resulting enforcement.	On-going during lifetime of Alcohol Control PSPO
Limited number of responses overall, and under-representation from people with protected characteristics	Phased implementation of new Dog Control areas to ensure residents are made aware of the changes prior to any enforcement	Dan Corp, Contract Officer (Cleansing services)

## SECTION 5: Sign-off

Director/ Head of Service Name	Mark Wiltshire, Director Public Protection & Licensing
Contact Email	<a href="mailto:mwiltshire@westminster.gov.uk">mwiltshire@westminster.gov.uk</a>
Date of sign off	23/05/2024
<p><b>Review</b>  <b>It is important to consider equalities issues at every stage of the process. Remember an EqIA is a live document which means it must be regularly reviewed and updated considering new evidence or information, for example, have you now completed your consultation or has there been news on funding. Please ask your Director or Head of Service to sign-off at every review stage. You can have as many reviews as are appropriate for your work.</b></p>	
Date of 1 <sup>st</sup> Review	
Name of Reviewer	
Director signature	
Date of 2 <sup>nd</sup> Review	
Name of Reviewer	
Director signature	
Date of 3 <sup>rd</sup> Review	
Name of Reviewer	
Director signature	