

Equality Impact Assessment

1. Tell us about your service

My Directorate	Neighbourhoods
My Service	Compliance, Enforcement and Community Safety
My team / section	Environmental Crimes Team
The name of the function being analysed	Varying / Extension of the Public Spaces Protection Orders relating to the control of dogs
Who is completing the assessment?	Sam Kinsey
Who is the lead manager for the assessment?	Fiona Sharkey

2. Tell us about the activity that you're analysing

Briefly describe the main aims and objectives of your policy, project, service redesign or strategy, including outlining at a high level if it has implications for other areas of the Council's work and priorities.

The Compliance, Enforcement and Community Safety service carries out a wide range of regulatory roles in meeting its many statutory duties of protecting the public, individuals and the environment. These duties are mainly met by carrying out programmed inspections of premises, responding to complaints, under proactive patrols, taking enforcement action and offering advice.

This proposal involves the review and, if appropriate, extension / variation of the City Council's current Public Spaces Protection Orders (PSPOs), which make it an offence to:

- Fail to pick up faeces from a dog or to be able to demonstrate appropriate means to pick up
- Take a dog onto prohibited/restricted areas
- Allow dogs off lead on the highway/other identified areas
- Fail to put a dog on a lead at the request of an authorised officer
- Take more than the specified maximum number of dogs (4) onto a public open space.

The Anti-social Behaviour, Crime and Policing Act 2014 allows local authorities to make PSPOs to help control nuisance / anti-social behaviour. The local authority must meet the requirements of legislation in making such orders and the restrictions imposed must be reasonable. Breach of a PSPO is a criminal offence, which carries a maximum penalty of £1,000 upon conviction. A Fixed Penalty Notice (FPN), currently set at £100, can be issued to allow perpetrators to discharge their liability for the offence. Enforcement of the PSPOs relating to dog control is undertaken by City Council enforcement officers, the Council's on-street enforcement contractor (3GS) and Park Security (Mitie).

FPNs issued by Manchester City Council Enforcement Officers and Mitie are completed by hand, using pads, which are designed and printed in partnership with the Council's Communications Team. FPNs issued by 3GS are printed using a handheld device to a template used nationally, across all of the company's contracts.

Manchester City Council made 5 PSPOs, outlined above, on 26 July 2019 and under the legislation, these can remain in place for a maximum of 3 years. Under the legislation, PSPOs can be extended or varied.

The proposal is to extend 3 of the current PSPOs for a period of 3 years from 26 July 2022, namely those which make it an offence to –

- Fail to pick up faeces from a dog or to be able to demonstrate appropriate means to pick up
- Fail to put a dog on a lead at the request of an authorised officer
- Take more than the specified maximum number of dogs (4) onto a public open space.

In doing so, the content of the PSPOs in question would remain and the orders would simply be extended for the stated period.

It is proposed that 2 of the current PSPOs would be varied, as outlined below –

- The areas from which dogs are excluded is to be refreshed and updated following feedback from the City Council's Parks and Leisure Team. Following discussions with the City Council's Bereavement Services Manager, dogs would no longer be excluded from all cemeteries and crematoria across the city.
- In conjunction with the above, the areas in which dogs must be kept on a lead are to be extended to include all cemeteries and crematoria.

The proposals will be subject to consultation in line with legislative requirements. The volume of reports received in respect of dog fouling and stray dogs each year demonstrate that these are important issues to Manchester residents.

TIP: briefly summarise the key points and keep your answer under 500 words.

TIP: try not to duplicate information that's available elsewhere; you can easily use this space to signpost to other sources of background information instead of rewriting them here.

3. Analysing the impact on equality

Will the policy, strategy, project, service redesign being assessed here... (Tick all that apply):

Remove or minimise disadvantages suffered by individuals or groups because of their characteristics	X
Meet the needs of people from protected or disadvantaged groups where these are different from the needs of other people	X
Promote diversity and encourage people from protected or disadvantaged groups to participate in activities where they are underrepresented	

Describe how you've reached your conclusion and what evidence it's based on (500 words max).

4 of the 5 PSPOs relating to dog control have an exemption, which is worded as follows –

"Nothing in this Order shall apply to a disabled person (within the meaning of the Equality Act 2010) whose disability restricts his ability to comply with the Order and the dog is their guide dog or assistance dog

For the purpose of this Order:

.....

(a) an assistance dog, in general, is one that is trained to aid or assist a disabled person"

This exemption applies to all PSPOs relevant to dog control, with the exception of the order which makes it an offence if more than 4 dogs are taken onto a public place under the control of 1 person. There is no clear reason why it would be necessary for an individual to take 5 or more assistance dogs into a public place, regardless of any disabilities or other protected characteristics.

The wording of the exemption is intended to ensure that all those with protected characteristics who require an assistance dog would benefit from an exemption to the relevant PSPOs, whilst also recognising that not all disabilities would restrict one's ability to comply with the terms of the order. The wording also takes into account the broad range of agencies and individuals who could be responsible for the training of an assistance dog by avoiding reference to specific organisations/charities. It is also recognised that there is no legal register of assistance or service dogs in the UK. As part of the process, Assistance Dogs UK will be consulted regarding the proposals to extend / vary the PSPOs.

It should also be noted that each proposed order contains the statutory defence of "reasonable excuse" which could be relied upon for those with temporary conditions or other factors which may restrict an individual's ability to comply with the terms of the order. Defences of "reasonable excuse" would be considered on a case-by-case basis however, it is felt that the broad nature of this defence gives the local authority the ability to deal / consider situations that fall outside of the exemptions related to disabled people with an assistance dog.

All regulations would be applied and enforced in a consistent and proportionate manner by trained and authorised Enforcement Officers and in line with the Council's Corporate Enforcement Policy.

It is therefore considered that the exemptions and statutory defences detailed above would be sufficient to mitigate the impact the extension / variation of the proposed orders may have on those with protected characteristics. Therefore, the recommendation is for the exemptions to be retained in extending / varying the orders.

Furthermore, the FPNs issued for such offences are generally "serve on sight" so enforcement officers are required to explain the offence, why the FPN is being issued and what the offender's options are during the issuing process. If, during this process, it becomes clear the individual does not have the capacity or ability to understand, the officer would not be expected to issue the FPN.

Considering which group/s you have identified the policy, project, strategy or service redesign as being relevant to, complete the table below. Be brief with your answers and only complete them for the group/s relevant to your activity.

1. What is the impact of your proposal on this group?	2. What evidence have you used to reach this assessment?	3. What actions could be taken to address the impacts?
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<p>Age (older people)</p>	<p>No evidence of a specific impact however, some older people may be more likely to suffer with mobility issues / other disabilities.</p>	<p>SCOPE state that 46% of pension-aged adults are disabled.</p>	<p>There are exemptions in the relevant PSPOs for those with assistance dogs.</p> <p>The “reasonable excuse” defence is in place for those without assistance dogs who are unable to comply with the PSPOs for any other reason (e.g. a physical condition).</p> <p>All enforcement to be carried out in line with the Corporate Enforcement Policy.</p>
<p>Age (children and young people)</p>	<p>No impact – enforcement action will not be taken against minors for breach of PSPO</p>	<p>N/A</p>	<p>N/A</p>

<p>Disability</p>	<p>There could be an impact upon those with a disability, where their disability restricts their ability to comply with the terms of the PSPO.</p>	<p>SCOPE state that there are 14.1 million disabled people in the UK.</p> <p>There is no legal/official register of assistance dogs in the UK however, reports indicate that:</p> <ul style="list-style-type: none"> - Over 7,000 people are partnered with service dogs provided by Assistance Dogs UK - 850 new guide dogs are matched with visually impaired people in the UK each year - 193 hearing assistance dogs were placed with deaf people in the UK between 2019-20 	<p>There is an exemption in the PSPOs relevant to those with assistance dogs, where their disability prevents them from being able to comply with the order.</p> <p>The “reasonable defence” could be applied for cases where the dog owner does not have an assistance dog but is nevertheless unable to comply with the terms of the PSPO (e.g. a short term condition or disability that doesn’t require an assistance dog but nevertheless restricts the owner’s ability to comply).</p> <p>Enforcement to be carried out in line with the Council’s Corporate Enforcement Policy.</p>
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<p>Race</p>	<p>Non-English speakers or those for whom English is not their first language may not understand the restrictions</p>	<p>The 2011 census stated that 138,000 UK residents did not speak English</p>	<p>Signage will be pictorial where appropriate / possible and will be designed in line with MCC comms.</p> <p>FPNs would ordinarily be issued face-to-face and officers would adapt to the circumstances and would not issue to an individual who did not have the capacity or ability to understand the offence.</p> <p>The 'reasonable excuse' defence within the orders is broad and so could cover these circumstances.</p>
<p>Sex</p>	<p>There is no evidence to suggest there would be any impact on this protected characteristics</p>	<p>N/A</p>	<p>N/A</p>

Sexual Orientation	There is no evidence to suggest there would be any impact on this protected characteristics	N/A	N/A
Marriage / civil partnership	There is no evidence to suggest there would be any impact on this protected characteristics	N/A	N/A

<p>Pregnancy / maternity</p>	<p>Those who are heavily pregnant may have difficulties in complying with some requirements of the PSPOs (e.g. picking up faeces)</p>	<p>There are no specific statistics relating to bending whilst pregnant however, clinicians suggest that this may cause discomfort at the later stages of pregnancy.</p>	<p>The “reasonable excuse” statutory defence is in place and could be applied in such circumstances if appropriate.</p> <p>Most dog owners who are pregnant should be able to safely pick up after their dog and control the dog whilst in a public place.</p> <p>Enforcement to be carried out in line with the Council’s Corporate Enforcement Policy.</p>
<p>Gender Reassignment</p>	<p>There is no evidence to suggest there would be any impact on this protected characteristics</p>	<p>N/A</p>	<p>N/A</p>

Faith / religion / belief	There is no evidence to suggest there would be any impact on this protected characteristics	N/A	N/A
Additional / Optional Characteristics			
Families living in Poverty	Families living in poverty may struggle to pay a Fixed Penalty Notice issued for breach of PSPO.	A government report stated that 11.7 million people in the UK were in relative low income BHC (18% of the population).	Enforcement to be carried out in line with the Council's Corporate Enforcement Policy. Where alleged offenders are unable to make payment within the timescales stipulated on the FPN, reasonable efforts will be made to accommodate this, for example by extending the timescale during which payment can be made.
Carers	There is no evidence to suggest there would be any impact on this protected characteristics	N/A	N/A

<p>Homelessness</p>	<p>A homeless person may own a dog and breach the terms of a PSPO</p>	<p>Pet ownership levels amongst homeless people is unknown however, studies have suggested between 5% and 24% of homeless people own pets.</p>	<p>PSPO enforcement would not necessarily be the best approach to address issues relating to dogs belonging to homeless people. Such issues would usually be addressed by other MCC department or other agencies / charities.</p>
<p>Ex-Armed Forces</p>	<p>No direct impact, although it is recognised that ex-armed forces may carry physical injuries or have mental health issues related to their service.</p>	<p>A Ministry of Defence Report published on 18 June 2020 stated that 1 in 8 (27%) UK Armed Forces personnel were seen for a mental health related reason.</p> <p>Ministry of Defence statistics show that between 1 January 2001 to 31 March, 2014 there were 4,590 Naval Service, 14,601 Army and 2,565 RAF UK Regular personnel medically discharged</p>	<p>Existing controls are in place for those with disabilities who have an assistance dogs. The “reasonable excuse” defence could apply in other circumstances.</p> <p>Enforcement to be carried out in line with the Council’s Corporate Enforcement Policy.</p>

QUESTION 1 TIP: think about 1) whether your policy, strategy, project or service redesign removes or minimises disadvantage for this group, 2) whether it meets their needs that are different from other people’s and / or 3) whether it promotes diversity / encourages participation.

QUESTION 2 TIP: evidence could include customer profile data, demographic information, research, or engagement and consultation outcomes

QUESTION 3 TIP: think about the extent to which your policy, strategy, project or service redesign meets our equality duties and whether this should or could be improved. If you identify any actions to address impacts, list these in Annex 1 along with responsible officers and timescales for each action.

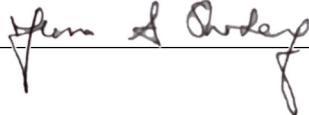
4. Quality Assurance - Equality, Diversity and Inclusion Team

Send your draft EqIA to the EDI Team inbox - equalitiesteam@manchester.gov.uk using **EqIA Advice – Your Service Name.** in the subject line.

EDI Team: Name	Adiba Sultan	Date reviewed:	22/04/22
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5. Head of Service Approval

Your completed analysis needs to be signed off by your Head of Service.

Name:	Fiona Sharkey	Date:	9 May 2022
Job title:	Head of Compliance Enforcement and Community Safety	Signature:	

Annex 1 – Actions Log

Use this table to list the actions you have identified to mitigate and adverse risks, detailing who will be responsible for completing these and setting clear timescales for delivery. Your actions will be reviewed at 6 months and 12 months to assess progress.

Actions identified in your EqIA	Responsible officer / team for delivery	Timescale for delivery	Comments
Monitor enforcement to ensure it is taken in line with the EqIA and Corporate Enforcement Policy	Sam Kinsey, Compliance, Enforcement and Community Safety Team	Ongoing	
Consult with members of the public and relevant parties	Sam Kinsey / Environmental Crimes Team	March / April 2022	In addition to statutory consultees, other interested parties including ADUK, will be contacted to comment on the proposals.
Share information re: signposting for homeless people with dogs with front-line enforcement officers.	Sam Kinsey, Compliance, Enforcement and Community Safety Team	Ongoing	
Monitor the data relating to Fixed Penalty Notices served.	Sam Kinsey, Compliance, Enforcement and Community Safety Team	Ongoing	See also Action 1
Review EqIA for relevance	Sam Kinsey	June 2023	