APPENDIX 2

DRAFT ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

This order is made by the Rushmoor Borough Council (the 'Council') and shall be known as the **Public Spaces Protection Order (Aldershot Town Centre) 2022**.

PRELIMINARY

1. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,

and that:

the effect, or likely effect, of the activities:

is, or is likely to be, of a persistent or continuing nature,

is, or is likely to be, such as to make the activities unreasonable, and

justifies the restrictions imposed by the notice.

- 2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

THE ACTIVITIES

- 4. The Activities prohibited by this Order are:
 - i. failing to comply with a direction not to consume, in breach of this order, alcohol, or anything which an Authorised Officer reasonably believes to be alcohol where the

Authorised Officer reasonably believes that a person has engaged in anti-social behaviour.

- ii. failing to surrender a container which an Authorised Officer reasonably believes to contain alcohol (whether open or not) when asked to do so by an Authorised Officer.
- iii. urinating or defecating other than when making use of facilities designed for such use.

THE PROHIBITION

- 5. A person shall not engage in any of the Activities anywhere within the Restricted Area as shown shaded on the attached map labelled "The Restricted Area".
- 6. This Prohibition is subject to the Exceptions stated below.

THE REQUIREMENT

7. A person who is believed to have engaged in a breach of this Order is required to give their name and address to a police officer, police community support officer or other person designated by the Council.

THE EXCEPTION

- 8. Nothing in this order shall apply to a person who a person who is consuming alcohol on premises listed in section 62 of the 2014 Act, the full text of section 62 appears at the end of this Order.
- 9. No offence is committed if the person has a reasonable excuse for engaging in the behaviour in question.

DEFINITIONS

10. In this Order the following words or phrases are defined as follows:

'Alcohol' has the same meaning as in section 191 of the Licensing Act 2003, the full text of s.191 appears at the end of this Order.

'Anti-social behaviour' means conduct that has caused or is likely to cause nuisance, annoyance, harassment, alarm or distress to any person.

'Authorised Officer' means an employee or agent of the Authority who is authorised for the purpose of giving directions under this Order or a Police Officer.

'Council' means Rushmoor Borough Council.

'Restricted Area' means anywhere within the area marked with a red boundary line and which is labelled 'Restricted Area' on the map attached to this order.

'2014 Act' means the Anti-Social Behaviour, Crime and Policing Act 2014.

PERIOD FOR WHICH THIS ORDER HAS EFFECT

- 11. This Order will come into force at midnight on [date to be inserted] and will expire at midnight on [date to be inserted].
- 12. At any point before the expiry of this three-year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

ALCOHOL

Section 63 of the Anti-Social Behaviour Crime, and Policing Act 2014 provides that where a constable or authorised person has reason to believe that a person has been consuming alcohol in breach of this PSPO or intends to consume alcohol in circumstances which would be a breach of this PSPO, the constable or authorised person may require that person not to consume alcohol or anything which is reasonably believed to be alcohol and/or surrender anything believed to be alcohol or a container for alcohol. Failure to comply without having a reasonable excuse is an offence. A requirement is not valid if, when asked to do to, the constable or authorised person, fails to show evidence of their authorisation. **Section 62** (set out in full below) contains a list of exceptions where the ban on consuming alcohol does not apply).

CRIMINAL OFFENCE

Section 67 of the Anti-Social Behaviour Crime, and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaced protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

PENALTY

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice, or upon summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

APPEALS

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interest person is someone who lives in, regularly works in or visits the Restricted Areas. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with. When an application is made the High Court can decide to suspend the operation of the order pending the court's decision, in part or in totality. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.

LEGISLATION

Section 62 – Anti-Social Behaviour, Crime and Policing Act 2014

Premises etc to which alcohol prohibition does not apply

(1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—

(a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;

(b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;

(c) a place within the curtilage of premises within paragraph (a) or (b);

(d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;

(e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

(2) A prohibition in a public spaces protection order on consuming alcohol does not apply to counciloperated licensed premises—

(a) when the premises are being used for the supply of alcohol, or

(b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

(3) In this section—

"club premises certificate" has the meaning given by section 60 of the Licensing Act 2003;

"premises licence" has the meaning given by section 11 of that Act;

"supply of alcohol" has the meaning given by section 14 of that Act.

(4) For the purposes of this section, premises are "council-operated licensed premises" if they are authorised by a premises licence to be used for the supply of alcohol and—

(a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or

(b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

Section 63 - Anti-Social Behaviour, Crime and Policing Act 2014

Consumption of alcohol in breach of prohibition in order

(1) This section applies where a constable or an authorised person reasonably believes that a person (P)— $\!\!\!$

(a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or

(b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section *"authorised person"* means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require P—

(a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;

(b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person-

- (a) is asked by P to show evidence of his or her authorisation, and
- (b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Offences

67 - Anti-Social Behaviour, Crime and Policing Act 2014

Offence of failing to comply with order

(1) It is an offence for a person without reasonable excuse-

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

191 – Licensing Act 2003

Meaning of "alcohol"

(1) In this Act, *"alcohol"* means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor in any state , but does not include—

- (a) alcohol which is of a strength not exceeding 0.5% at the time of the sale or supply in question,
- (b) perfume,

(c) flavouring essences recognised by the Commissioners of Customs and Excise as not being intended for consumption as or with dutiable alcoholic liquor,

- (d) the aromatic flavouring essence commonly known as Angostura bitters,
- (e) alcohol which is, or is included in, a medicinal product or a veterinary medicinal product,
- (f) denatured alcohol,
- (g) methyl alcohol,
- (h) naphtha, or
- (i) alcohol contained in liqueur confectionery.

(2) In this section—

"denatured alcohol" has the same meaning as in section 5 of the Finance Act 1995 (c. 4);

"dutiable alcoholic liquor" has the same meaning as in the Alcoholic Liquor Duties Act 1979 (c. 4);

"liqueur confectionery" means confectionery which—

- (a) contains alcohol in a proportion not greater than 0.2 litres of alcohol (of a strength not exceeding 57%) per kilogram of the confectionery, and
- (b) either consists of separate pieces weighing not more than 42g or is designed to be broken into such pieces for the purpose of consumption;

"medicinal product" has the same meaning as in section 130 of the Medicines Act 1968 (c. 67)

"strength" is to be construed in accordance with section 2 of the Alcoholic Liquor Duties Act 1979; and

"veterinary medicinal product" has the same meaning as in regulation 2 of the Veterinary Medicines Regulations 2006.

RESTRICTED AREA – MAPs





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Public Space Protection Order in Aldershot Town Centre – Options Assessment

The Issue

Public Space Protection Orders (PSPOs) give councils the power to tackle antisocial behaviour in a public space. Rushmoor Borough Council previously had two PSPOs in place for Aldershot and Farnborough Town Centre which lapsed in 2020.

The council are proposing to introduce a PSPO in Aldershot Town Centre following ongoing concerns around street attached antisocial behaviour.

Aldershot Town Centre has been experiencing street based antisocial behaviour for a number of years, often centred around the Victoria Road area near The George public house and Ozone restaurant. The antisocial behaviour is committed by a large and often transient group of individuals who chose to spend their time consuing alcohol during the day and gathering in groups. In addition to alcohol they are believed to be using drugs; the consequent behaviour is rowdy and inconsiderate and has a detrimental effect on the wider community.

A consequence of this is that there are significant reports of negative behaviours which have a detrimental effect on others using the space including intimidating behaviour, abuse of members of the public, violence, begging, shoplifting and public urination/defecation. Both businesses and members of the public regularly report their concerns to Police and the Council and have also provided statements detailing the behaviours and effects it has had on them.

Since the expiry of the previous PSPO the Council have utilised other powers including Community Protection Notices, however these do not appear to be a long term deterrent. The proposed PSPO aims to specifically tackle the key causes of antisocial behaviour in the town centre in order to deal with some of the reported ongoing issues.

Between November 2020 – October 2021 there were 1108 incidents of crime and antisocial behaviour in Aldershot Town Centre. A total of 151 of these incidents were classed as public order offences, and there were a total of 173 incidents in which drink and drugs were identified as being a determining factor. Levels of criminal damage and public order increase on the previous 12 months data.

The Council's CCTV service has been vital in gathering evidence for incidents related to this group, and has resulted in a number of associated arrests.

The impact

The impact of this antisocial behaviour can be considered significant and statements have previously been collected to reflect this. Reports from the public and businesses are made directly to the Council and Police.

Members of the public report feeling intimidated and worried about going into Aldershot Town Centre. Local business owners report harassment, assault, urination on or near to their premises and changing their routine at the end of the working day so as to avoid the group. The Leader of Rushmoor Borough Council also reports feedback from members of the public including that they actively go to other town centres due to the impact of this group, as well as feedback from business owners of the knock on effect the group has on the local economy. With significant money being spent on town centre regeneration, the impact that this group continue to have could cause a serious setback in the future of the town centre.

An Equalities Impact Assessment would be undertaken in respect of any measure that is to be pursued.

OPTIONS ASSESSMENT		
POTENTIAL ENFORCEMENT OR OTHER OPTION	COMMENTS	VIABLE OPTION?
Intervention by Council officers e.g CPOs including additional patrolling	Council CPOs have the power to request names and addresses amongst other non-relevant powers. They are also able to engage these individuals generally although have no power to request they move on, or to confiscate alcohol. They are able to gather evidence of negative behaviours when in the area.	Whilst CPOs can engage individuals/groups and request details, there is no formal action they can take unless an offence is committed in which case they can contact the police. Details given by individuals could also be false, or refused. CPOs can pass details onto the Community Safety Team to progress CPNs but this is covered in more detail below. CPOs could also make use of CPNs directly themselves, but this would not remove the problem of regulating the behaviours when they are not on patrol. CPOs patrol the town centre area providing a high visibility presence. This is in addition to other numerous duties around the borough as a whole. Council officers do not work outside of normal office hours or at the weekend, giving a further gap in patrolling opportunity.

	Police have powers to	In order to ensure maximum effectiveness of patrolling time and in order to tackle issues being reported, further powers (such as those available under a PSPO) would be of significant benefit. Whilst helpful, these powers
Police intervention/ Powers	 tackle a variety of the issues raised including public order, assault, criminal damage and begging. Police also have dispersal powers whereby they can place a temporary order on an area in order to tackle a particular issue. 	often require an incident to have a witness or aggrieved party who is willing to provide an evidential statement and appear in court. Such evidence is not always available because witnesses are sometime reluctant to formally report matters and become involved in criminal proceedings.
		Police will tackle the higher level incidents around violence and public order, and have recently prosecuted individuals involved in such.
		As with all police matters, the ability for them to tackle the issue is also affected by resources, including staffing and other competing and sometimes more serious priorities as advised by the local Sergeant. This means the ability of the police to be present and take action has limitations.
Community Protection Notices	To stop a person aged over 16, a business or organisation from committing anti-social behaviour which negatively affects the community's quality of life.	There are a number of individuals who are primarily responsible for the ongoing reports of antisocial behaviour in the town centre.

		To pursue a Community Protection Notice we need to be able to identify each of those individuals and serve them with the relevant paperwork. It is a two-stage process which requires a warning to be served before a formal notice. While this can be done in some cases, it can be done in some cases, it can be a time-consuming activity and is not always possible when individuals displaying antisocial behaviour change frequently. The CPNs we have issued have had varying levels of effectiveness. Some CPNs have positively impacted the behaviours of certain individuals however the resources required to obtain evidence of the behaviours and resulting impact for all individuals is not a suitable
		long-term solution as behaviours will continue whilst evidence is being gathered and served, along with the issue that new individuals are joining the group all the time.
Civil Injunctions	To prohibit individuals from gathering/ partaking in antisocial behaviours including street drinking and drug related behaviours There are a number of key individuals who appear to	An injunction could take two formats, either an injunction that names (or otherwise identifies) a specific individual or a "Persons Unknown" injunction which is directed at people who cannot be identified.
	be causing the issues within the Town Centre however this is not an exhaustive list and there is fluidity in those who gather in the main	In terms of the former, whilst some individuals are known to officers the people involved are not always the

groups with participants	same each time. This would
leaving and returning.	mean that whilst some
	individual's behaviour could
	be addressed through the
	use of a civil injunction it
	would be difficult to address
	all of the issues faced.
	In addition, sufficient
	evidence would need to be
	collected to show
	behaviours being exhibited
	by each individual or
	separate injunctions would
	need to be sought in relation
	to each person on the
	grounds of the behaviours
	they are most frequently
	engaging in. Whilst there are
	common behaviours
	exhibited by a main group,
	these are not always the
	same for each individual.
	same for each mulvidual.
	Pursuing an injunction in
	relation to each individual
	would use a significant
	amount of resources and
	would only address the
	behaviours of select
	individuals. Some difficulty
	would likely be faced in
	obtaining evidence from
	members of the public
	impacted for each separate
	individual for whom an
	injunction was being sought.
	mjunction was being sought.
	In terms of "Persons
	Unknown" injunctions, there
	has been some uncertainty
	around their use following a
	recent decision of the High
	Court injunctions against
	"Persons Unknown". The
	Court of Appeal has recently
	confirmed that such
	injunctions are available in
	limited circumstances. They
	are possible as a holding
	measure while individuals

		are identified but are not thought to be the best fit in the circumstances.
Criminal Behaviour Order	An Order issued by the court to tackle persistent anti-social behaviour committed by individuals who are also involved in criminality and have been convicted of an offence.	Order is dependent on a conviction for an offence. This is therefore not a viable option unless individuals have been convicted of an offence. This could be considered if individuals were convicted but would only address individual behaviours rather than a wider problem and would not address any of the problems in the short term. More appropriate to tackle behaviours of single individuals and will be considered where appropriate.
Closure Powers	A Magistrates' Court can close premises (including open parcels of land) for three months at a time for a maximum of six months	This action would not be appropriate as the behaviours take place within the town centre where other members of the public and business use the land.
Public Space Protection Order	An order designed to stop individuals or groups committing antisocial behaviour in a public space.	This is an option that has been seen to be used in other areas to address issues across Town Centres. The council previously had an order in place that expired due to not being able to evidence sufficient use of the order due to recording issues.
		If a PSPO were to be taken forward, consideration will also need to be given to

		any likely local displacement of the behaviours however often the antisocial nature of the behaviour is as a result of the behaviour being displayed in busy and populated areas of the town.
		Further consideration would need to be given to the availability of officers (Police or Council) to attend and issue fines.
		It is possible that the PSPO could displace this issue to other parts of the borough or even to outside the borough although many of the identifiable individuals exhibiting antisocial behaviour are residents of the borough. It is also known that other local areas have or are in the process of implementing their own measure to tackle antisocial behaviour in their locality. Providing the test is made out, then a PSPO would be the most viable option to restrict the behaviours alleged and provide a suitable sanction that can be issued by both Police and Council officers. It would effectively attach to the space and provide a set of rules that must be observed
		by those using the space.
Changes to physical environment	Explore changes to physical environment to discourage congregation	Options have previously been explored regarding discouraging congregation, but no appropriate solutions have been found. This includes options such as additional fencing or barrier.

		It is not possible to significantly change the physical environment due to the current highways layout. Any changes would require significant spend, and also have to be carefully planned in partnership with the Highway Authority, Hampshire County Council. Some of the land concerned is also private and owners are not in a position fund significant changes to external building structures. Lighting is not a significant issue, with lighting provision in the area satisfactory and issues occurring both during day and night-time hours. The area is well provisioned with functioning CCTV and a recent review of locations did not suggest additional
Do nothing	Take no action with regard to the antisocial behaviour in Aldershot Town Centre	requirements. The Council area already receiving significant complaints from residents, visitors and businesses regarding antisocial behaviour.
		To do nothing would further impact persons within the vicinity, lead to further incidents and also potentially affect the reputation of Rushmoor Borough Council.
		With significant money being spent on regeneration within the town centre, it is key that antisocial behaviour is addressed.

Aldershot Town Centre Public Space Protection Order - Tell us what you think

March 2022

Consultation report by Policy and Communications

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Summary

The response rate was higher than the last time the council consulted on Public Space Protection Orders (PSPOs). However younger people and those from the Nepali community were unrepresented.

Overall, 71.3% of respondents visited Aldershot town centre at least once a week and 79.8% had witnessed antisocial behaviour in the town centre the last year.

Of those who had witnessed antisocial behaviour the most common type was litter (84.1%), followed by verbal abuse and noise (both 78.4%) then followed by public urination (47.3%). The least common type was public defecation, but this was witnessed by 27 respondents in the last year (10.2%). 76.9% of respondents believed that the antisocial behaviour that they witnessed was a result of street drinking.

Although less frequently than antisocial behaviour due to street drinking, 46.2% of respondents had witnessed public urination or defecation in Aldershot town centre in the last year.

Overall, 66.3% of respondents indicated that the antisocial behaviour they have witnessed has had a persistent or continuing detrimental effect on their quality of life.

The vast majority of respondents (94.2%) supported the proposed PSPO which allows authorised police and council officers to confiscate alcohol from those that are engaged in antisocial behaviour, and the vast majority of respondents (93.2%) supported the proposed PSPO which allows authorised police and council officers to issue a fixed penalty notice to individuals who urinate or defecate in the street.

The majority of respondents (76.3%) agreed with the proposed PSPO geographical area. However, many respondents also felt that the area should be widened (some respondents felt that Manor Park should be included).

Introduction

The council is considering creating a Public Space Protection Order (PSPO) in Aldershot town centre to be able to deal with alcohol-related antisocial behaviour. The proposed PSPO is designed to make sure that the law-abiding majority can enjoy our public spaces without experiencing alcohol related antisocial behaviour. It would give the police and authorised council officers powers to ask people to stop drinking and to confiscate their alcoholic drinks if they consider they are acting antisocially in the area covered by the PSPO. It would also give police and authorised council officers the ability to issued Fixed Penalty Notices for public urination and defecation.

If approved, the PSPO would last for three years and would mean that it would be an offence to fail to comply with a request to stop drinking or to hand over alcohol, including any opened or sealed containers. It would also be an offence to urinate or defecate in a public place. Offenders could face a Fixed Penalty Notice (FPN) of £100 for failing to comply with the PSPO, or fines of up to £1,000 if prosecuted and convicted.

The consultation was open to all, and responses were encouraged form local people, businesses and visitors to Aldershot town centre. Also, responses from stakeholders responding on behalf of particular groups that could be affected by the proposed PSPO.

Methodology

An online survey was designed (appendix A) to capture people's views on the current level of anti-social behaviour and to captures views on the proposed PSPO. The survey was advertised through the Council social media channels and details of the survey were sent to people who have signing up to receive news and details of consultations from the Council.

Responses

In total 358 respondents completed the survey. In 2017 the Council consulted on PSPOs in Aldershot and Farnborough, a total of 225 people responded to this survey.

Of the 358 respondents, 342 (95.5%) completed the survey as individuals, five (1.4%) on behalf of an organisation, local association, community or group, five (1.4%) on behalf of a business in the borough, three (0.8%) as a borough / county councillor and three (0.8%) as other.

Characteristics of respondents

Age

In total 319 respondents completed this question. Those under 34 years of age are underrepresented. One person under 18 completed the survey.



Which one of the following age bands do you belong to?

Gender

In total 317 respondents completed this question. 48.9% (155) of respondents indicated that they were male and 46.4% (147) of respondents indicated that they were female. According to the ONS mid-year population estimates 2020, 50.5% of the population is male and 49.5% of the population is female.



Ethnic Group

In total 319 respondents completed this question. When compared to the data from the 2011 Census, those who identified as Nepali are underrepresented. 1.6% (1.9% if the person who wrote in the 'any other background' box is included) of respondents identified as Nepali compared to the 6.5% who identified as Nepali in the 2011 Census.

What is your ethnic group?	Number	%	2011 Census
White - British	258	80.9	80.5
White – Irish	7	2.2	0.8
White – Gypsy/Traveller	1	0.3	0.2
White – other	16	5.0	3.3
Mixed - white and black Caribbean	0	0.0	0.7

Mixed - white and black African	1	0.3	0.4
Mixed - White and Asian	0	0.0	0.7
Mixed – other	2	0.6	0.5
Asian or British Asian – Nepali	5	1.6	6.5
Asian or British Asian – Indian	4	1.3	1.4
Asian or British Asian – Pakistani	0	0.0	0.7
Asian or British Asian – Bangladeshi	1	0.3	0.2
Asian or British Asian – Chinese	0	0.0	0.5
Asian – other	2	0.6	1
Black or British black – Caribbean	1	0.3	0.6
Black or British black – African	0	0.0	1.2
Black – other	1	0.3	0.2
Arab	0	0.0	0.1
Any other background (please tell us)	5	1.6	0.5
I'd prefer not to say	15	4.7	-

Five respondents completed the any other background box, their responses were as follows:

- Nepali/Gurkha
- I fail to see what my ethnicity has to do with this
- White English
- British Brown
- Degree level educated

Health conditions

In total 319 respondents completed this question. 78.7% (251) of respondents indicated that they didn't have any health conditions or disabilities, which limited their daily activities. 14.7% (47) of respondents indicated that they did have health conditions or disabilities, which limited their daily activities. For reference purposes, 15.6% of those over 16 years of age in the 2011 Census indicated that had a long-term health problem or disability that limited their day-to-day activities a little or a lot.

Do you consider yourself to have any health conditions or disabilities, which limit your daily activities?



Results

Visiting Aldershot town centre

Question 4: Which of the following best describes you?

In total 345 respondents completed this question. The majority of respondents lived in Aldershot. 80.9% of respondents (279) indicated that they lived in Aldershot or lived and worked in Aldershot.



Which of the following best describes you?

Of the 17 respondents who indicated 'other', the main theme of the responses were respondents indicating that they live in Farnborough (12), four also said that they visited Aldershot.

Question 5: How often do you visit Aldershot town centre?

In total 345 respondents completed this question. Overall, 71.3% of respondents (246) visit Aldershot town centre weekly, if not more. 8.7% (30 respondents) visited everyday, 22.0% (76 respondents) visited most days and 40.6% (140 respondents) visited weekly. Two respondents (0.6%) indicated that they never visited Aldershot town centre.

How often do you visit Aldershot town centre?



Question 6: Have you witnessed antisocial behaviour in Aldershot town centre in the last year?

In total 346 respondents completed this question. The majority of respondents (276-79.8%) indicated that they had witnessed antisocial behaviour in Aldershot town centre in the last year, 70 respondents (20.2%) had not witnessed antisocial behaviour.

Have you witnessed antisocial behaviour in Aldershot town centre in the last year?



Of those who indicated that they visit Aldershot town centre at least once a week, 85.4% (210 respondents) had witnessed antisocial behaviour the last year.

The following questions were for those who had ticked that they had witnessed antisocial behaviour in Aldershot town centre in the last year

Antisocial behaviour in Aldershot town centre

Question 7: What types of antisocial behaviour have you witnessed?

In total 264 respondents completed this question. The most common type of antisocial behaviour witnessed was litter (84.1% - 222 respondents), followed by verbal abuse and noise (both 78.4% - 207 respondents), then followed by public urination (47.3% - 125 respondents.



What types of antisocial behaviour have you witnessed?

Of the 85 (32.2%) respondents that tick 'other' the main themes of the responses were:

- Drug use and dealing (mentioned in 51 comments)
- Street drinking and drunk people (mentioned in 36 comments)
- Begging (mentioned in 4 comments)
- Dog mess (mentioned in 3 comments)

Question 8: Do you believe that the antisocial behaviour you witnessed was a result of street drinking?

In total 264 respondents completed this question. The majority of respondents (203-76.9%) indicated that they believed that the antisocial behaviour they witnessed was a result of street drinking. 19.7% (52 respondents) didn't know and 3.4% (9 respondents) didn't believe that the antisocial behaviour they witnessed was a result of street drinking.

Do you believe that the antisocial behaviour you witnessed was a result of street drinking?



Question 9: If yes, how often have you witnessed antisocial behaviour that you believe was a result of street drinking this in the last year?

In total 234 respondents completed this question. 31.6% (74 respondents) had witnessed antisocial behaviour as result of street drinking 3-5 times in the past year, 27.4% (64 respondent) had witnessed antisocial behaviour as result of street drinking more than 10 times, 21.4% (50 respondents) had witnessed antisocial behaviour as result of street drinking 6-10 times and 19.7% (46 respondents) had witnessed antisocial behaviour as result of street drinking 1-2 times.

If yes, how often have you witnessed antisocial behaviour that you believe was a result of street drinking this in the last year?



Question 10: Have you witnessed public urination or defecation in Aldershot town centre in the last year?

In total 234 respondents completed this question. Slightly less respondents (46.2% - 122 respondents) had witnessed public urination or defecation in Aldershot town centre in the last year, than had not witnessed it (47.0% - 124 respondents).



Have you witnessed public urination or defecation in Aldershot town centre in the last vear?

Question 11: If yes, how often have you witnessed public urination or defecation in the last year?

In total 129 respondents completed this question. 52.7% (68 respondents) had witnessed public urination or defecation in the last year 1-2 times, 31.0% (40 respondents) had witnessed public urination or defecation 3-5 times, 9.3% (12 respondents) had witnessed public urination or defecation more than 10 times and 7.0% (9 respondents) had witnessed public urination or defecation 6-10 times.



If yes, how often have you witnessed public urination or defecation in the last year?

Question 12: Has the antisocial behaviour you have witnessed had a persistent or continuing detrimental effect on your quality of life?

In total 264 respondents completed this question. The majority of respondents (175-66.3%) indicated that the antisocial behaviour they have witnessed has had a persistent or continuing detrimental effect on their quality of life. 22.3% (59 respondents) didn't think that the antisocial behaviour they have witnessed has had a persistent or continuing detrimental effect on their quality of life and 11.4% (30 respondents) didn't know.



Has the antisocial behaviour you have witnessed had a persistent or continuing detrimental effect on your quality of life?

Proposed PSPO

Question 13: Do you support the proposed PSPO which allows authorised police and council officers to confiscate alcohol from those that are engaged in antisocial behaviour?

In total 325 respondents completed this question. The vast majority of respondents (306-94.2%) supported the proposed PSPO which allows authorised police and council officers to confiscate alcohol from those that are engaged in antisocial behaviour. 4.0% (13 respondents) didn't support the proposed PSPO and 1.8% (6 respondents) didn't know if they supported it.



Do you support the proposed PSPO which allows authorised police and council officers to confiscate alcohol from those that are engaged in antisocial behaviour?

Question 14: Do you support the proposed PSPO which allows authorised police and council officers to issue a fixed penalty notice to individual who urinate or defecate in the street?

In total 325 respondents completed this question. The vast majority of respondents (303-93.2%) supported the proposed PSPO which allows authorised police and council officers to issue a fixed penalty notice to individual who urinate or defecate in the street. 4.3% (14 respondents) didn't support the proposed PSPO and 2.5% (8 respondents) didn't know if they supported it.



Do you support the proposed PSPO which allows authorised police and council officers to issue a fixed penalty notice to individual who urinate or defecate in the street?

It should be noted that one of the respondents that they did not support the proposed PSPO which allows authorised police and council officers to issue a fixed penalty notice to individual who urinate or defecate in the street, indicated they were answering the survey on behalf of the Nepali community. However, the five other respondents that indicated that they were Nepali, supported the proposed PSPO. As the number of Nepali respondents in relations to the population in the area was very low, further work may be needed to engage this community.

Question 15: Do you agree with the proposed geographical area that the PSPO will cover?

In total 321 respondents completed this question. The majority of respondents (245-76.3%) agreed with the proposed PSPO geographical area, 18.1% (58 respondents) didn't agree with the proposed PSPO geographical area and 5.6% (18 respondents) didn't know.



Do you agree with the proposed geographical area that the PSPO will cover?

Question 16: Have you got any comments on the Council's current approach for dealing with antisocial behaviour associated with drinking in public spaces? If you are able to provide evidence in support of this, please do so.

In total 175 respondents completed this question the main themes (those mentioned over 5 times) of the answers were:

- The PSPO should cover a wider area and concern about pushing the problem on (mentioned in around 63 comments)
 - o Manor Park gets mentioned in around 35 comments
- Drugs should be included / what are you doing about drug use / drug use is a problem (mentioned in around 27 comments)
- More police needed / the police and the council need to do more (mentioned in around 26 comments)
- Respondents not feeling safe in the town centre (mentioned in around 15 comments)
- Currently not seeing any action or don't know what the approach is for antisocial behaviour (mentioned in around 15 comments)
- General comments of support (mentioned in around 14 comments)
- Support needed for those for people causing the antisocial behaviour (mentioned in around 7 comments)
- Need to be a harder/ tougher approach (mentioned in around 6 comments)
- More public toilets needed (mentioned in around 6 comments)

Appendix A – copy of the survey



Aldershot Town Centre Public Space Protection Order - Tell us what you think

Proposed PSPO for Aldershot town centre

The council is considering creating a Public Space Protection Order (PSPO) in Aldershot town centre to be able to deal with alcohol-related antisocial behaviour and would like your views.

The proposed PSPO is designed to make sure that the law-abiding majority can enjoy our public spaces without experiencing alcoholrelated antisocial behaviour.

It would give the police and authorised council officers powers to ask people to stop drinking and to confiscate their alcoholic drinks if they consider they are acting antisocially in the area covered by the PSPO. It would also give police and authorised council officers the ability to issued Fixed Penalty Notices for public urination and defecation.

If approved, the PSPO would last for three years and would mean that it would be an offence to fail to comply with a request to stop drinking or to hand over alcohol, including any opened or sealed containers. It would also be an offence to urinate or defecate in a public place.

Offenders could face a Fixed Penalty Notice (FPN) of £100 for failing to comply with the PSPO, or fines of up to £1,000 if prosecuted and convicted.

We can only impose restrictions which are 'reasonable and justified' and we have not made any decisions at this time, but we would like your views.

Who we want to hear from

The consultation is open to all, but we would particularly encourage local people, businesses and visitors to Aldershot town centre to respond. We would also welcome responses from stakeholders responding on behalf of particular groups that could be affected by the proposed PSPO.

Have your say and what happens next

We would like to hear your views on the proposed PSPO. Please complete the survey and provide us with your feedback.

You can find more information about this proposal including a draft of the order, an Equality Impact Assessment, and a map of areas we are proposing for the PSPO at www.rushmoor.gov.uk/PSPO.

The consultation is open until Monday 21 March.

To view our consultation survey privacy notice, please visit www.rushmoor.gov.uk/consultationprivacynotice

	t live in Aldershot
	I work in Aldershot
8	I live and work in Aldershot
	I am a visitor to Aldershot
0	Other (please tell us)
[
1	
5. Ho	w often do you visit Aldershot town centre? (please tick one)
0	Every day
	Most days
	Weekly
	Monthly
0	Within the last six months
	Rarely
	Never
* 6. 1	lave you witnessed antisocial behaviour in Aldershot town centre in the last year?
	Yes
	No
	CHMOOD
	DROUGH COUNCIL
lerst	ot Town Centre Public Space Protection Order - Tell us what you think

-	hat types of antisocial behaviour have you witnessed? (tick all that apply)
	Verbal abuse
	Physical abuse
	Noise
	Litter
	Public urination
	Public defecation
	Other (please tell us)
1	
8 1	To you believe that the antisocial behaviour you witnessed was a result of street drinking?
	Yes
	No
	Don't know
2	DOTTINOW
o If	yes, how often have you witnessed antisocial behaviour that you believe was a result of street drinking
	n the last year?
	1 - 2 times
	1 - 2 times 3 -5 times
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000	3 -5 times 6 - 10 times
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000 • 10.	3 -5 times 6 - 10 times More than 10 times
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10.000	3 -5 times 6 - 10 times More than 10 times Have you witnessed public urination or defecation in Aldershot town centre in the last year? Yes No
	3 -5 times 6 - 10 times More than 10 times Have you witnessed public urination or defecation in Aldershot town centre in the last year? Yes No
	3 -5 times 6 - 10 times More than 10 times Have you witnessed public urination or defecation in Aldershot town centre in the last year? Yes No Don't know
	3 -5 times 6 - 10 times More than 10 times Have you witnessed public urination or defecation in Aldershot town centre in the last year? Yes No Don't know yes, how often often have you witnessed public urination or defecation in the last year?
	3 -5 times 6 - 10 times More than 10 times Have you witnessed public urination or defecation in Aldershot town centre in the last year? Yes No Don't know yes, how often often have you witnessed public urination or defecation in the last year? 1 - 2 times

qual	las the antisocial behaviour you have witnessed had a persistent or continuing detrimental effect on you ty of life?
C	Yes
C	No
E	Don't know
Ru	SHMOOR OROUGH COUNCIL
Alders	not Town Centre Public Space Protection Order - Tell us what you think
Propos	ed PSPO
	Do you support the proposed PSPO which allows authorised police and council officers to confiscate
alco	nol from those that are engaged in antisocial behaviour?
alco	
alco	nol from those that are engaged in antisocial behaviour?
alco	nol from those that are engaged in antisocial behaviour? Yes
alco	nol from those that are engaged in antisocial behaviour? Yes No Don't know
alco	nol from those that are engaged in antisocial behaviour? Yes No Don't know
alco	No Do you support the proposed PSPO which allows authorised police and council officers to issue a fixed
alco	No Don't know Do you support the proposed PSPO which allows authorised police and council officers to issue a fixed Ity notice to individual who urinate or defecate in the street?
alco	No Don't know Do you support the proposed PSPO which allows authorised police and council officers to issue a fixed thy notice to individual who urinate or defecate in the street? Yes

Legend PSP0 Area		Talaxee Anter SC Anter SC		1
	THE	Alde	rshot	ogine in inc.
	and a start	Lanna - Corner mar		V
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D Rautmoor Bontugh Councy 2021 O Chown copyrght and database rights 20 The air Paper Vision Ref III Market Tamo		In	0 50 100	200 300 400 Seam 1 10000 Metres
15. Do you agree wi	th the proposed geo	graphical area that	the PSPO will cover?	
Yes				
O No				
Don't know				
	g in public spaces? I			ntisocial behaviour port of this <mark>,</mark> please do so
(please write in the box	below)			
DUCUMO				
RUSHMOC BOROUGH COU	NCIL.			

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Ac nort of	the Equality Act 2010, we must make sure our services are open and accessible to everyone, that we treat people fairly and
C. A. CO. A. C. C. C.	the Equality Act 2010, we must make sure our services are open and accessible to everyone, that we treat people fainy and rely and in consultations, we hear all views.
appropria	and in consumation to, the instal of the flat.
	ing questions will help us to check that we are doing this and will also help us to understand better the answers we receive.
We will tr	at this information as anonymous and confidential and will not identify individuals.
You do no	t have to answer these questions if you would prefer not to.
17. V	Vhich one of the following age bands do you belong to?
0	Under 18 years
0	18 -24 years
C	25 – 34 years
6	35 – 44 years
C	45 – 54 years
0	55 – 64 years
	65 - 74 years
0	75 - 84 years
0	85+ years
C	I'd prefer not to say
18. 1	our gender
C	Male
0	Female
C	I'd prefer not to say

	White - British
	White – Irish
	White – Gypsy/Traveller
	White - other
õ	Mixed - white and black Caribbean
	Mixed - white and black African
	Mixed - White and Asian
	Mixed – other
3	Asian or British Asian – Nepali
	Asian or British Asian – Indian
	Asian or British Asian – Pakistani
6	Asian or British Asian – Bangladeshi
	Asian or British Asian – Chinese
3	Asian – other
	Black or British black – Caribbean
	Black or British black – African
	Black – other
5	Arab
	I'd prefer not to say
Ĵ,	Any other background (please tell us)
Ī	
į.	
. D	o you consider yourself to have any health conditions or disabilities, which limit your daily activitie
2	Yes
	No
	I'd prefer not to say

Thank you for completing our survey

We would like to keep you up-to-date with the latest council news and information about events and activities taking place in Aldershot and Farnborough. You can also sign up to take part in council consultations. To sign up please follow the link below: Sign up to news from the council

Full Equality Impact Assessment

Guidance Notes

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics'.

This applies to policies, services and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, and how serious any potential impacts might be. We use this Equality Impact Assessment (EIA) template to complete this process and evidence our consideration. The EIAs analyse how all our work as a council might impact differently on different groups, help us make good decisions and evidence how we have reached these decisions.

When to complete an EIA:

- When planning or developing a new service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the borough, or at a national level (eg: a change of legislation)

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide <u>not</u> to complete an EIA it is usually sensible to document why.

Equ	ality Impact Assessment Template
Title of EIA	Aldershot Town Centre Public Space Protection Order
Date of EIA	January 2022
Department/Service	Community Safety
Focus of EIA	Introduction of a new PSPO to tackle town centre antisocial behaviour, replacing a previous PSPO which expired in 2020. The purpose of the PSPO is to provide the police and authorised officers with powers to tackle town centre antisocial behaviour including public drinking, and public urination and defecation. The PSPO will seek to address the antisocial behaviour of the street attached community as well as any wider alcohol related antisocial behaviour. The PSPO would contribute to making the town safer and a more pleasant place to live, work and visit.
	The Anti-Social Behaviour, Crime and Policing Act 2014 sets out that a local authority can make a PSPO if satisfied, on reasonable grounds, that the following two conditions are met:
	(1) that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
	(2) that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature; is, or is likely to be, such as to make the activities unreasonable; and justifies the restrictions imposed by the notice.
	The council must carry out necessary consultation, publicity, and notification before a PSPO is made. Consultation will be carried out with the police, ward councillors and local businesses, along with public consultation.
	Once the consultation has ended the results will be analysed and published on the Rushmoor Borough Council website and a decision will be made about whether to progress the PSPO.
	The Equality Act 2010 also establishes the Public Sector Equality Duty, which Rushmoor Borough Council, as a public body, is required to observe .The Duty requires that in the exercise of its functions, the Council has due regard for the need to:
	• Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

	 Advance equality of opportunity between people who share a Protected Characteristic and those who do not; and Foster good relations between people who share a Protected Characteristic and those who do not. Having due regard for advancing equality involves: Removing or minimising disadvantages suffered by persons who share a relevant Protected Characteristic; Taking steps to meet the needs of people who share a relevant Protected Characteristic that is different from the needs of people who do not share it; and Encouraging persons who share a Protected Characteristic to participate in public life or in any other activity in which their participation by such persons is disproportionately low. The Council has implemented this by assessing the likely impacts that this PSPO will have on those with a Protected Characteristic and considering whether there is a disproportionate impact on any particular groups and if so, whether or not it can be justified. This has been set out in more detail below along with support that is already in place or can be put in place. Public consultation on the proposed draft PSPO was completed between 7th February 2022 and 21st March 2022. 358 people completed the consultation
	February 2022 and 21 st March 2022. 358 people completed the consultation with overwhelming support for the measures outlined. 94% of respondents support the proposed condition on alcohol consumption and 93% of respondents support the proposed condition around public urination/defecation.
1 Provious EIA and outer	mos

1.Previous EIA and outcomes What actions did you plan last time and what improved as a result? (If there is no previous EIA write Not applicable)

Not applicable

2.Equality analysis and potential actions				
Assessment of overall impacts on those with the following protected characteristics and what				
potential actions could be undertaken to mitigate impact.				
Age Positive Impact				

Age	Positive Impact
	Although the PSPO is designed to prohibit certain behaviours it also
	seeks to make Aldershot a safer and more welcoming place. We know
	that some sections of the community feel that Aldershot is not a safe and
	welcoming place which has a negative impact on those individuals and
	reduces the likelihood on them choosing to visit the town e.g older

	 people or families with young children. The PSPO could have a positive impact for these individuals. Negative Impact The age of those who are often street drinking in the town centre varies and it is not felt it will disproportionately affect a particular age group. In terms of urination/defecation this is reportedly form a varied age group, including street attached individuals as well as those attending night-time economy venues.
Disability	Positive Impact
	The PSPO will positively impact those individuals with additional support needs, protected or hidden characteristics and disabilities by making them feel safer when accessing the town centre and other key public locations.
	Negative Impact
	The PSPO could adversely impact those with mental health concerns and alcohol dependency, particularly those associated with the street attached community. Adverse impacts could be in terms of displacement to other areas of the borough, inability to pay fines leading to financial concerns and potential further impacts on mental health.
	Regular street drinkers are often known to local support services and the Council, with some of them in supported accommodation and engaged. Likewise, those with mental health conditions. The Council will continue to engage individuals through its outreach services and otherwise. As part of the PSPO, a guide to local support services will be produced that can be provided to street attached individuals, with them being encouraged to seek further support where desired.
Gender Reassignment	No impact anticipated
Marriage or civil partnership	No impact anticipated
Pregnancy or maternity	No impact anticipated
Race	No impact anticipated
Religion or belief	No impact anticipated
Sex Sexual orientation	No impact anticipated No impact anticipated
2 Accession out of ourse	Il impact and notantial actions

3. Assessment of overall impact and potential actions

The proposed PSPO may have an impact on the two protected groups outlined above. In relation to "age", there is no disproportionate impact. Any impact is likely to be positive.

In relation to disability, there is a disproportionate impact however this can be justified. Firstly, the proposed PSPO conditions would be the least restrictive measures appropriate to address the antisocial behaviour issues in the town centre. There are two proposed prohibitions which it is hoped will seek to address the main antisocial behaviours of concern. It is hoped that by addressing the two issues of antisocial street drinking and urinating/ defecating in a public place, it will reduce other associated antisocial behaviours without the need to specifically prohibit them in a PSPO.

Secondly, where it may affect those with mental health issues or alcohol dependency, there is support in place to assist them and the council will seek to work with those individuals to refer them to appropriate support agencies. The council work with key partners such as Inclusion, Homegroup and Society of St James to provide support to those with addictions as well as ensuring appropriate housing is provided. Positive engagement with this community could mean that this is translated into a positive impact.

The Council also have an Outreach Team who engage with street homeless and street attached when needed, as well as a specialist "Housing Navigator" who is able to work one on one with individuals who meet the criteria. Work includes addressing mental health and substance misuse concerns.

Officers will be encouraged to engage with individuals as the first approach, before moving to an enforcement stage if they are not compliant. The authorised Officers who will enforce the proposed PSPO will continue to consider the needs of the individuals and their circumstances to make an informed and balanced decision as to the appropriateness of action to take. Officers will continue to receive training on equality and diversity.

In terms of the rights protected by the Human Rights Act 1988, the 2014 Act requires the Council to have particular regard to Article 10 (freedom of expression) and Article 11 (freedom of assembly/association). The proposed PSPO does not interfere with a person's freedom of expression, the possible right that might be engaged is Article 11. The proposed PSPO places restrictions on how people can use our open spaces, not their ability to use them or gather there. As such, the PSPO does not interfere with Article 11 rights to assemble and/or associate with others. However, even if Article 11 were interfered with, the interference would be justified as being prescribed by law and in pursuance of a legitimate aim (namely in the interests of public safety, the protection of public health, the proposed PSPO are proportionate and necessary.

The operation of the proposed PSPO will be kept under review. The advice, warnings and enforcement of the proposed PSPO will be logged in the pocket notebooks of Officers and on Council and Police databases.

	community feedback has taken place or will take place with each identified group?
Age	During consultation 319 respondents out of 358 completed the age question. There was generally broad representation across age groups 34 and above. The most common age group completing the survey was 35 – 44 years, and there was good representation of those aged 45 and above. There was less representation in the 25 – 34 year old age group,
Disability	and only one person under 18 completed the survey.During consultation 319 respondents out of 358 completed the disability question. 251 respondents (78.7%) stated that they didn't have health conditions or disabilities. 47 (14.7%) respondents indicated they did have health conditions or disabilities – for reference 15.6% of those over 16 years in the 2011 census indicated that they had a long-term health

	problem or disability. This would seem to indicate an appropriate level of	
	consultation with those in this category.	
Gender Reassignment	No impact anticipated	
Marriage or civil partnership	No impact anticipated	
Pregnancy or maternity	No impact anticipated	
Race	No impact anticipated	
Religion or belief	No impact anticipated	
Sex	No impact anticipated	
Sexual orientation	No impact anticipated	
5. We understand the Council requires this Equality Impact Assessment and we take responsibility for its completion and quality.		
Completed by:	David Lipscombe	Date
name and role	Community Safety Manager	04.02.22
		Updated with consultation information 22.04.22
Signed off by:	Rachael Barker	Date
Head of Service	Assistant Chief Executive	04.02.22