

ANNEX A

City of York Council

Equalities Impact Assessment

Who is submitting the proposal?

Directorate:	Environment, Transport & Planning
Service Area:	Community Safety
Name of the proposal :	Introduction of a citywide Public Space Protection Order (PSPO) to cover Street Urination and Defecation, Dog Fouling and Dog Control.
Lead officer:	Tanya Lyon, Community Safety Manager
26/02/2025	

Step 1– Aims and intended outcomes

1.1	What is the purpose of the proposal? Please explain your proposal in Plain English avoiding acronyms and jargon.
	<p>To introduce a citywide Public Space Protection Order to cover Street Urination and Defecation, Dog Fouling and Dog Control.</p> <p>The fine for a breach of PSPO conditions is a Fixed Penalty Notice of £100 (£75 early repayment within 10 days).</p> <p>The urination and defecation elements supersede an existing byelaw for the duration of the PSPO and introduce a Fixed Penalty Notice for the offence (which is prosecution route only under the byelaw). The Dog fouling element increases the fine, which is currently fixed at £75 under the Dogs (Fouling of Land) Act 1996. The Dog Control measure requires that a person in charge of a dog on land to which the order applies, must ensure that the dog is kept under proper control. This introduces flexibility and proportionality by offering an alternative to the Dog Dangerously Out of Control offence, Dangerous Dogs Act 1991 (prosecution route only),</p> <p><i>‘Proper Control’ means that the person in charge of a dog should not allow it to cause fear, alarm or distress to any person in the vicinity. This would include being permitted to repeatedly behaviour aggressively towards or make unrestrained contact with another person or animal’</i></p>
1.2	Are there any external considerations? (Legislation/government directive/codes of practice etc.)
	The PSPO has been introduced under the ASB, Crime & Policing Act 2014.

1.3	Who are the stakeholders and what are their interests?
	<p>York residents and visitors/tourists</p> <p>Dog Owners (including those who use or train assistance dogs)</p> <p>North Yorkshire Police</p> <p>York BID/Purple Flag</p> <p>York businesses</p>
1.4	<p>What results/outcomes do we want to achieve and for whom? This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p> <ul style="list-style-type: none"> • A more reasonable, proportionate, and staged enforcement approach to be taken in respect of these offences, consistent with the council's Corporate Enforcement Policy. • A more cost effective and efficient way of working, by reducing the number of prosecution case files needed to be prepared, reviewed, and presented at court. • Raise the dog fouling fine to a more appropriate level, given that it is currently less than that of littering and dog fouling is the more harmful offence. • To introduce flexibility in the sanctions for dog control offences and retaining proportionality by targeting the behaviour of individual owners rather than imposing blanket restrictions on all dogs, such as Dogs bans or Dogs on Leads requirements. <p>The proposal contributes to Council Plan commitments of Health & Well-Being and Cutting Carbon, Enhancing the Environment for Our Future. In addition, it contributes to the Health and Well-Being Strategy.</p>

	<p>Having access to safe, green and clean spaces has <i>been found to reduce stress, improve mood, and enhance overall psychological well-being.</i></p> <p>Reducing street urination offences contributes to Purple Flag objectives to provide a safe and vibrant Night-Time Economy, given that it contributes to the cumulative impact of alcohol-related ASB in the city centre.</p>
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Step 2 – Gathering the information and feedback

2.1	<p>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights? Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.</p>	
	Source of data/supporting evidence	Reason for using
	EMDS report 13/11/2024	Sets out the evidential basis for the proposed PSPO conditions. Presenting evidence to justify the need for a PSPO is a requirement before council's can proceed to the public consultation stage of the process.
	Online public survey. An online survey ran on the council website from 03/12/2024 – 07/02/2025.	<p>Statutory consultation requirement under legislation.</p> <p>There were 1026 respondents to the survey.</p> <p>83% of respondents supported the Urination and defecation condition</p> <p>97% of respondents supported the Dog fouling condition.</p>

	92% of respondents supported the Dog Control condition.
Chief Constable, NYP (statutory consultee)	As above. Has given support to the proposal.
Deputy Mayor (statutory consultee)	As above. Has given support to the proposal.
York BID	The proposal has been discussed with York BID and at the multi-agency Safe York meetings. The BID has given support to the proposal.
Ward and Parish Councils	To provide an opportunity to raise any implications relating to their ward and on behalf of local residents. No comments received.
York Disability Rights Forum	To identify any possible implications for the disabled community. No adverse issues identified.
RSPCA	To identify any possible implications for dog owners. Supportive of the proposal.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
Gaps in data or knowledge		Action to deal with this
None identified.		N/A

Step 4 – Analysing the impacts or effects.

4.1	Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments? Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	High (H) Medium (M) Low (L)
Age	All mitigating issues would be considered during the investigation of a possible breach of PSPO. If age-related issues were a factor in this, they would be considered.	0	L

Disability	The proposed PSPO introduces exemptions for Assistance Dogs, anyone training and Assistance Dog and where the dog is being used by the police or other agencies permitted by the council for official purposes. As above, Disability would also be considered if presented as a mitigating factor.	0	L
Gender	No identified issues.	0	L
Gender Reassignment	No identified issues	0	L
Marriage and civil partnership	No identified issues	0	L
Pregnancy and maternity	No identified issues	0	L
Race	No identified issues	0	L
Religion and belief	No identified issues	0	L
Sexual orientation	No identified issues	0	L

Other Socio-economic groups including :	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	No identified issues	0	L
Low income groups	Payment plans are available for those in receipt of means-tested benefits. This allows for payment of an FPN to be spread over a 4 month period and at the lower amount.	0	L
Veterans, Armed Forces Community	No identified issues	0	L
Other	N/A		
Impact on human rights:			
List any human rights impacted.	N/A. The proposal introduces flexibility and proportionality to existing offences. It does not introduce new blanket restrictions on peoples rights and freedoms.		

Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?
<ul style="list-style-type: none">• The PSPO improves proportionality for the existing offences of street urination/defecation and dog fouling rather than introducing new offences.• The Dog Control condition focuses on the anti-social behaviour of individual dog owners, rather than imposing blanket restrictions such as Dog on Lead requirements.• The proposed PSPO introduces exemptions for Assistance Dogs, anyone training and Assistance Dog and where the dog is being used by the police or other agencies permitted by the council for official purposes.• Fixed Penalty Notices provide the perpetrator with the ability to discharge their liability to prosecution. As such Enforcement Officers must be confident that they have sufficient evidence to meet both the Evidential and Public Interest tests before an FPN is issued. They must ensure that all mitigating factors are fully taken into consideration. These would include whether an individual's protected characteristics would affect their ability to comply with the conditions.	

Step 6 – Recommendations and conclusions of the assessment

6.1	Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:
<ul style="list-style-type: none">- No major change to the proposal – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

Important: If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	<ul style="list-style-type: none"> • The proposed conditions introduce proportionality to existing offences rather than introducing new restrictions. Street urination/defecation, Dog Fouling and Dog Control are all existing offences. • Exemptions are included for Assistance Dogs and those training assistance dogs. • The need for officers to fulfil the requirements of both the evidential and public interest test before an FPN can be issued,

	<p>ensures that all mitigating circumstances, including those relating to protected characteristics, must be considered before an FPN can be issued.</p> <ul style="list-style-type: none"> • A payment plan is available for those in receipt of means-tested benefits, allowing payment of the FPN to be paid over a maximum 4-month period, and at the Early Repayment lower level.
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Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	Action to be taken	Person responsible	Timescale
No immediate impact identified.			

Step 8 - Monitor, review and improve

8. 1	How will the impact of your proposal be monitored and improved upon going forward? Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	It is a statutory requirement that PSPOs must be reviewed on a 3-yearly basis. This is to ensure that they are still necessary and proportionate to address the behaviour prescribed. The Equality Impact will also be reviewed at this time. The PSPO can be renewed, discharged or amended dependent on the outcome of the review.

