

Bristol City Council Equality Impact Assessment Form

(Please refer to the Equality Impact Assessment guidance when completing this form)



Name of proposal	New byelaws for parks and green spaces
Directorate and Service Area	Neighbourhoods. Parks Services
Name of Lead Officer	Richard Fletcher

Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

<p>1.1 What is the proposal?</p> <p>Byelaws are local laws which allow enforcement agencies including the police and some council officers to charge people that breach them.</p> <p>There are existing byelaws covering a small number of parks and green spaces in Bristol. However they are outdated as they were put in place around 1900 and therefore do not reflect the current anti-social behaviour issues in respect of these areas. Also the current byelaws cover approximately 25 parks/green spaces which is a small proportion of the parks and green spaces in Bristol (c430 spaces are recognised by the Council’s Parks and Green Spaces Strategy).</p> <p>Evidence has been drawn together from the Police and Local Authority regarding the issues that have been reported by members of the public in respect of parks and green spaces. In order to manage these issues and to make parks and green spaces more inclusive, safe and free from anti-social activities we wish to implement new parks byelaws.</p> <p>The process for adopting byelaws is a lengthy and rigorous one which involves identifying the problem, a consultation process, byelaws being drafted, applying to the relevant government department Secretary of State for approval, publishing a Notice of intent to make the new byelaws and then the Council adopts and seals the byelaws.</p> <p>The new byelaws are based on model byelaws produced by the Department</p>
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for Communities and Local Government (DCLG). Developing such byelaws will enable officers to work towards reducing anti-social behaviour and to manage the issues raised in the consultation relating to public nuisance in these spaces. This EQIA takes into account the issues raised through consultation processes and the likely impact on equalities groups.

Step 2: What information do we have?

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

2.1 What data or evidence is there which tells us who is, or could be affected?

The new byelaws will apply to 357 spaces in the city and act in every community, ward and Neighbourhood Partnership. There are 75 spaces that are not included – however some of these are covered by different byelaws. Therefore it is likely that all Bristol residents will be subject to the byelaws if they use green spaces.

The Council's Parks and Green Space Strategy estimated that parks receive 25 million visits a year. The EqIA accompanying the Strategy identified that people with protected characteristics use parks and green spaces to some extent.

The 2015 Quality of Life survey found that:

- 55% of respondents use green spaces at least once a week.
- 44% of older people use green spaces at least once a week.
- 37% of disabled respondents use green spaces at least once a week.
- 43% of BME respondents use green spaces at least once a week.
- 62% of LGBT respondents use green spaces at least once a week.
- 53% of female respondents use green spaces at least once a week.

This indicates that it is likely that much of the Bristol population are very frequent visitors to parks.

The Council undertook a specific survey relating to the byelaws proposal in 2013 with 967 people responding and a further survey in 2016 with 813 people responding. Both indicate a high level of interest in the proposal.

The demographics of the 2013 survey were:

- 45% were aged between 25-49 years;

- 32% were aged between 50-64 years;
- 48% were female and 49% male;
- 81% were white British;
- 52% have no religion or belief
- 77% were heterosexual.
- 6% of responses were from Lesbian, gay or bisexual people.
- 2.2% of responses were received from Black and minority ethnic people which is an under-representation.

The demographics of the 2016 survey were:

- 36% were aged between 25-49 years;
- 27% were aged between 50-64 years;
- 36% were female and 42% male;
- 66% were white British;
- 45% have no religion or belief;
- 9% considered themselves disabled.
- 2% of responses were received from Black and minority ethnic people.

2.2 Who is missing? Are there any gaps in the data?

The number of responses to direct consultations on the byelaws is low from BME communities.

2.3 How have we involved, or will we involve, communities and groups that could be affected?

All communities may be affected by the proposals. The Council promoted all its consultation material in 2013 and 2016 comprehensively – through Neighbourhood Partnerships, park interest groups, in the media, social media and targeted to groups and organisations representing people with protected characteristics and online.

For the 2013 consultation, officers also met with the following Neighbourhood Partnerships and special interest groups: Greater Fishponds Neighbourhood Partnership, St George Neighbourhood Partnership, Filwood, Knowle and Windmill Hill Neighbourhood Partnership, Bristol Women’s Voice, Bristol Older People’s Forum, Bristol Disability Equality Forum and Bristol Parks Forum.

Step 3: Who might the proposal impact?

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?

The proposal is unlikely to have a negative impact on equalities communities. The aim of the byelaws is to encourage people to use parks responsibly and to prevent and deter anti-social behaviour and make parks safer to use. The EqIA for the Council's 2008 Parks and Green Space Strategy concluded that making parks safer would help meet the needs of older people and women particularly but also BME communities and people who have a long term limiting illness or disability.

The public consultation in 2013 determined that 77% of respondents agreed that we should introduce new byelaws to tackle anti-social behaviour in parks and green spaces. When asked why we should introduce the byelaws, 85.4% responded that byelaws would make the parks and green spaces better for everyone, 79% responded that byelaws will make parks and green spaces safer and 76% agreed that the byelaws will penalise people who misuse the space and inconvenience others.

The 2016 public consultation determined that 58% of respondents agreed that byelaws would help them to enjoy Bristol green spaces (23% disagreed) and 28% of respondents thought Byelaws would make them more likely to visit green spaces they currently avoid. The consultation also determined that 50% agree that byelaws should cover as many spaces as possible (41% did not) with 54% thinking that byelaws wouldn't stop them doing anything they do already, 39% thought they would.

Case 1

Council officers have questioned whether there might be an impact on gypsies and travellers. Byelaws could be used as an enforcement mechanism to evict them from open space as it is not legal to occupy it in the way it is often used. The Council uses other legislation to take forward any eviction process needed and any welfare concerns are handled by the Gypsy Roman and Traveller team so the outcome will not be changed by the byelaws.

Case 2

It may be argued that young people would be more likely to be visiting parks and green spaces late at night and creating noise, playing music, camping, and lighting fires. Therefore if implemented the impact of byelaws which restrict these activities could have a negative impact on young people.

Case 3

If byelaws are implemented there could be a negative impact on BME people, for example, speakers of different languages may not understand what is required when visiting a park or open space and therefore may be more likely to have enforcement actions taken against them.

Case 4

In terms of enforcement action there could be a negative impact on some disabled people, for example, people with learning difficulties and sensory impairments may not understand what is required when visiting a park or open space and therefore may be more likely to have enforcement actions taken against them.

For all the above cases, provided that enforcement of these byelaws is consistent with Bristol City Councils Enforcement Policy for Regulatory Services, action should be proportionate and justifiable.

3.2 Can these impacts be mitigated or justified? If so, how?

The proposal is unlikely to have a negative impact on equalities communities. It is also important to carry out equalities monitoring of people whom we enforce against to ensure there is no bias in the enforcement action taken. However if the activities being prohibited or restricted are found in practice to disproportionately affect a particular equality community or that any enforcement action under the byelaws has a negative impact on this group then this would need to be reviewed to check whether actions can be justified or not and what remedial action could be taken to reduce breaches of the byelaws.

We are mindful of the need to avoid formal enforcement as we would want to avoid criminalising people unless absolutely necessary. For young people this type of enforcement could affect their future employment opportunities. In theory we could enforce against anyone who is 10 years of age and above. In practice we will take account of the age of the young person and always seek

to address the anti-social behaviour in a way that is reasonable and proportionate to the harm caused and the age/awareness of the person. We will always use awareness raising and verbal appeals before moving to any formal action.

3.3 Does the proposal create any benefits for people with protected characteristics?

Yes. See also 3.1.

Some disabled respondents to the consultation in 2013 identified that they have been harassed in these spaces. The new byelaws may reduce disabled people's fear for their personal safety in these spaces.

3.4 Can they be maximised? If so, how?

A high standard of communication to all communities about the byelaws, their intended effect and the principles and methodology of enforcement.

A well-organised approach to dealing with nuisance issues and targeting of enforcement resources raised in line with the Council's enforcement policy and involving local decision-making.

A proactive approach from the Parks Service and Parks staff in educating park users about the byelaws and how and where they act.

Step 4: So what?

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

4.1 How has the equality impact assessment informed or changed the proposal?

The Equalities Impact Assessment has not changed the proposal. It is the case that early in the consideration of byelaws by the police and the Council, in 2012, the conclusions and recommendations of the Parks and Green Space Strategy Equalities Impact Assessment were a consideration. That is, to

improve perceptions of public safety in parks.

The byelaws seek to tackle a number of the key issues raised in the consultation and evidence collated including playing loud music, damaging wildlife and lighting fires. The DCLG model byelaws include issues such as kite flying and ice skating but these issues will not be included as they issues have not been raised in the consultation or the evidence collated.

In addition following a Neighbourhood Scrutiny Commission Inquiry day in 2015 it was decided on the basis of public feedback to remove five more byelaws related to climbing, children's play areas, children's play apparatus, skateboarding and ball games. Part of the rational for this was the potential impact on children and young people and concern over how the byelaws might be proportionately enforced.

4.2 What actions have been identified going forward?

Some issues were raised in consultation (2013) that would require alternative methods to address them such as:

- People drinking alcohol in these spaces. Further investigation is required to consider if there are hot spots of this activity and to consider whether additional Designated Public Place Orders are required in any areas where this is a particular problem.
- Some disabled people responded that they had been harassed in these areas. Therefore in order to address this issue more work needs to be carried out to publicise how people can report Hate Crime.
- Dogs not being on leads and Dog Poo – work with Neighbourhood Enforcement Team to publicise dog owner responsibilities and take enforcement action where possible
- Restorative approaches e.g. encouraging perpetrators to repair damage cause to a park or harm caused to local residents
- People using drugs or illegal substances – signposting people to support and treatment services.

It is noted that there has been a lower than required response from BME communities during previous consultation. The Assessment identifies that the adoption of the byelaws as proposed is unlikely to adversely affect any particular group of people with protected characteristics. However through monitoring care must be taken to record any enforcement action taken to identify trends and ensure adverse impacts do not occur.

It is further noted that should the byelaws be adopted, the Communications Strategy accompanying their implementation and their public promotion should include the proactive engagement of organised groups that cover all the protected characteristics, with particular work carried out to engage with BME communities and provide information in an appropriately accessible way.

4.3 How will the impact of your proposal and actions be measured moving forward?

Enforcement actions will be monitored to ascertain the equalities profile of people against whom we take enforcement action. If this profile is significantly different from the city or neighbourhood population profile we will investigate further to identify and eliminate any bias in the application of the Enforcement Policy e.g. through staff training or performance management.

We will continue to monitor satisfaction with parks and personal safety issues affecting equalities groups through the Quality of Life survey.

We will check whether complaints of anti-social behaviour in parks and green spaces are decreasing and whether hotspots for ASB are improving.

Service Director Sign-Off:
Gemma Dando, Assistant Director,
Neighbourhoods.

Equalities Officer Sign Off: Anne James
Equality and Community Cohesion
Team Leader

Date:2/2/2017

Date:2/3/2017