

Diversity impact assessment

Anti-Social Behaviour and Policing Act 2014 Inclusion to the Scheme of Delegations of Regulatory Services Cabinet Report 16 November 2021

DATE 26th October 2021

LEAD OFFICER. Ruth Du- Lieu Assistant Director Front Line Services

1 Summary description of the proposed change

What is the change to policy / service / new project that is being proposed?
How does it compare with the current situation?

That the Authority be delegated to the Director of Place to exercise and to delegate to officers at an appropriate grade, the following functions under the Anti-Social Behaviour, Crime and Policing Act 2014.

- (a) Issuing Community Protection Notices on behalf of the Council
- (b) Issuing Closure Notices on behalf of the Council for up to 48 hours
- (c) Applying for to the Court for Closure Orders in consultation with the Chief Legal Officer
- (d) Applying to the Court for Criminal Behaviour Orders in consultation with the Chief Legal Officer and requesting the Police/Crown Prosecution Service to apply for Criminal Behaviour Orders
- (e) Issuing Fixed Penalty Notices for breach of any Community Protection Notice or Public Prohibition Order
- (f) That authority be delegated to the Director of Place as the designated officer of the Chief Executive to issue a Closure Notice under the 2014 Act on behalf of the Council for up to 48 hours
- (g) That authority be delegated to the Director of Place to exercise and to delegate to officers at an appropriate grade the function of authorising the issuing of court proceeding for civil injunctions under the 2014 Act on behalf of the Council in consultation with the Chief Legal Officer
- (h) That authority be delegated to the Director of Place in consultation with the Lead Member for Regulation for the function making Public Spaces Protection Orders under the 2014 Act and for this arrangement to be reviewed after a three year period
- (i) That approval be given to the Council's Community Trigger Protocol
- (j) That the amount of Fixed Penalty Notices relating to Fixed Penalty Notices issued under Section 52 and 68 of the 2014 Act is set by the Fees and Charges report

and such other similar mechanisms that are enacted and developed in the future to enable the Authority to effectively deliver its functions under this Act.

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2 Summary of evidence used to support this assessment

Eg: Feedback from consultation, performance information, service user.

Eg: Comparison of service user profile with Medway Community Profile

- A consultation was carried out when this legislation was introduced in 2014.
- This legislation has been implemented and enforced by Regulatory Services since 2014.
- The legislation has been consistently applied following legislative process

3 What is the likely impact of the proposed change?

Is it likely to:

Adversely impact on one or more of the protected characteristic groups

Advance equality of opportunity for one or more of the protected characteristic groups

Foster good relations between people who share a protected characteristic and those who don't

(insert Yes when there is an impact or No when there isn't)

Protected characteristic groups (Equality Act 2010)	Adverse impact	Advance equality	Foster good relations
Age	YES	YES	YES
Disability	YES	YES	YES
Gender reassignment	NO	YES	YES
Marriage/civil partnership	NO	YES	YES
Pregnancy/maternity	NO	YES	YES
Race	NO	YES	YES
Religion/belief	NO	YES	YES
Sex	NO	YES	YES
Sexual orientation	NO	YES	YES
Other (eg low income groups)	YES	YES	YES

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4 Summary of the likely impacts

Who will be affected?

How will they be affected?

- Reviewing Medway's Community Profile the Age category has been negatively affected by the use of notices with regard to this legislation served on the elderly suffering from conditions such as dementia.
- Reviewing Medway's Community Profile the Disability Category can be negatively affected in terms of mental illness and diminished responsibility.
- Reviewing Medway's Community Profile the Low Income category can be negatively affected in that low income individuals may not be able to afford to comply with notices under the Act that require work to be carried out to reach compliance.
- Reviewing Medway's Community Profile implementation of Community Trigger will positively affect all categories fostering good relations as the legislation puts the Victim at the heart of the matter.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

What alternative ways can the Council provide the service?

Are there alternative providers?

Can demand for services be managed differently?

- Where appropriate there are built in support mechanisms for these individuals via the officer that is responsible for the specific matter that affects them.
- The standard operating procedure to support this group is to get relevant support organisations like MIND and Help the Aged to assist them as well as the support the Council services can provide once the issue has been identified.

6 Action plan

Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date
<ul style="list-style-type: none"> • Where appropriate there are built in support mechanisms for these individuals via the officer that is responsible for the specific matter that affects them. 	Assistant Director of Front Line Services	31/3/22
<ul style="list-style-type: none"> • The standard operating procedure to support this group is to get organisations like MIND and Help the Aged to support 	Assistant Director of	31/3/22

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Action	Lead	Deadline or review date
them as well as the support the services provide once the issue has been identified	Front Line Services	

7 Recommendation

The recommendation by the lead officer should be stated below. This may be: to proceed with the change, implementing the Action Plan if appropriate, consider alternatives, gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

- That the Authority be delegated to the Director of Place to exercise and to delegate to officers at an appropriate grade, the following functions under the Anti-Social Behaviour, Crime and Policing Act 2014
- That Service provision is constantly monitored to identify any issue that may arise and ensure that action plans are formulated and implemented to counteract these issues within agreed parameters.

8 Authorisation

The authorising officer is consenting that the recommendation can be implemented, sufficient evidence has been obtained and appropriate mitigation is planned, the Action Plan will be incorporated into the relevant Service Plan and monitored

Assistant Director

Ruth Du-Lieu

Date of authorisation

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