

EQUALITY IMPACT ASSESSMENT FORM INCLUDING SOCIO-ECONOMIC DUTY

(Revised March 2021)

Please refer to the current Equality Impact Assessment guidance when completing this document. If you would like further guidance please contact the Diversity and Inclusion Team on 01443 444529.

An equality impact assessment **must** be undertaken at the outset of any proposal to ensure robust evidence is considered in decision making. This documentation will support the Council in making informed, effective and fair decisions whilst ensuring compliance with a range of relevant legislation, including:

- Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
- Socio-economic Duty – Sections 1 to 3 of the Equality Act 2010.

This document will also contribute towards our duties to create a More Equal Wales within the

- Well-being of Future Generation (Wales) Act 2015.

The [‘A More Equal Wales – Mapping Duties’](#) guide highlights the alignment of our duties in respect of the above-mentioned legislation.

SECTION 1 – PROPOSAL DETAILS

Lead Officers: Andy Wilkins/ Louise Davies/ Roger Waters

Service Director: See above

Service Area: Legal & Democratic Services, Public Health, Protection & Communities, Frontline Services

Date:

1.a) What are you assessing for impact?

Strategy/Plan	Service Re-Model/Discontinuation of Service	Policy/Procedure	Practice	Information/Position Statement
<input type="checkbox"/>	<input type="checkbox"/>	√	<input type="checkbox"/>	<input type="checkbox"/>

1.b) What is the name of the proposal? PROPOSED EXTENSION TO RHONDDA CYNON TAF CBC'S DOG CONTROL PUBLIC SPACES PROTECTION ORDERS

1.c) Please provide an overview of the proposal providing any supporting links to reports or documents.

Dog fouling remains a significant concern for the Council and for those who live, work and visit the County Borough.

Dog Fouling is unpleasant and is a serious risk to human health, particularly amongst children.

The Public Spaces Protection Orders in relation to dog controls has allowed the Council to introduce a range of reasonable and proportionate restrictions on the use of publicly accessible land across the County Borough and helped control the harmful activities of irresponsible dog owners whilst allowing responsible dog owners to continue to exercise their dogs without undue restrictions.

Despite the introduction of the orders in October 2017 and their renewal in October 2020 there remains a minority of dog owners who do not clean up after their dogs or keep them under control. Officers therefore consider it vital the

orders, which would ordinarily expire on 30th September 2023, are renewed for a further three year period in order to maintain the significant benefits the orders have had in relation to dog fouling and ensure appropriate powers remain in place to deal with the minority who continue to flout the laws

The Cabinet report can be found [here](#) (Agenda Item 6)

1.d) Please outline where delivery of this proposal is affected by legislation or other drivers such as code of practice.

In creating a PSPO the Local Authority will need to ensure that there is sufficient evidence to support the test as stated in the legislation and guidance. The test is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of
- those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

To implement a Public Space Protection Order for dog controls to restrict persistent anti-social behaviour in public spaces. The aim of the Order is to prevent or reduce anti-social behaviour, as a result of irresponsible dog owners.

1.e) Please outline who this proposal affects:

- Service users √
- Employees √ (in the context of those officers who administer and enforce the Dog Control PSPO's
- Wider community √

SECTION 2 – SCREENING TEST – IS A FULL EQUALITY IMPACT ASSESSMENT REQUIRED?

Screening is used to determine whether the initiative has positive, negative or neutral impacts upon protected groups. Where negative impacts are identified for protected groups then a full Equality Impact Assessment is required.

Please provide as much detail as possible of how the proposal will impact on the following groups, this may not necessarily be negative, but may impact on a group with a particular characteristic in a specific way.

Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011

The Public Sector Equality Duty requires the Council to have “due regard” to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between different groups; and foster good relations between different groups. Please take an intersectional approach in recognising an individual may have more than one protected characteristic.

<u>Protected Characteristics</u>	Does the proposal have any positive, negative or neutral impacts	Provide detail of the impact	What evidence has been used to support this view?
Age (<i>Specific age groups i.e. young people or older people</i>)	Positive	<p>The PSPO is considered to have a positive differential impact on all protected characteristics of age. All age groups benefit from having improved controls of anti-social behaviour relating to dog control. This will benefit all age groups to enjoy public spaces with reduced fear of anti-social behaviour relating to dog controls and support proactive enforcement relating to dog fouling in public spaces</p> <p>The exclusion of dogs from marked sports pitches, playgrounds benefits children, youths and adults that play sport as it helps to provide a clean and safe area for sports to be played on.</p>	<p>Consultation feedback received prior to the introduction of the Dog Control PSPOs in 2017 and when it was renewed in 2020 highlighted that there was overwhelming public support for the introduction of the orders and prohibitions and requirements in relation to the control of dogs. Over 90% of respondents supported the Council’s proposed approach to dealing with dog fouling and that dog fouling should be prohibited.</p>
	Negative (over 65s)	<p>Some over 65s may have physical limitations (reduced mobility) and impairment that may</p>	<p>A report published by Keep Wales Tidy entitled ‘An Analysis of Local Environmental Quality in RCT 2022-23’ shows that the presence of dog fouling on streets in RCT</p>

		<p>reduce ability to remove dog fouling, restrict ability to restrain a dog on a lead and having to travel further to exercise their dog (on foot or by vehicle) – Enforcement Officers would therefore need to take a view on individual cases and are provided with training in relation to this.</p>	<p>has remained consistent (at 10.9%) when compared to the period the PSPO was last renewed in 2020. It is worth noting however that in 2021-22 the presence of dog fouling was recorded on 8.9% of streets – so the most recent report does unfortunately evidence an increase. Prior to the original introduction of the PSPO in 2017 this figure was around the 18% mark. The report also shows that instances of dog fouling are generally spread evenly across the County Borough. This report does therefore demonstrate that since its introduction in 2017 the PSPO has led to a reduction in the presence of dog fouling on the streets of RCT but also highlights it still remains an issue.</p> <p>The Council will use additional feedback gained from the consultation exercise to update this EIA prior to any decisions being made on the renewal (or otherwise) of the Dog Controls PSPO.</p>
<p>Disability <i>(people with visible and non- visible disabilities or long-term health conditions)</i></p>	<p>Positive</p>	<p>The PSPO dog controls is expected have a positive differential impact on all Protected Characteristics of Disability. This group will benefit from having improved controls of anti-social behaviour relating to dog control. This will benefit all age groups to enjoy public spaces with reduced fear of anti-social behaviour relating to dog controls and support proactive enforcement relating to dog fouling in</p>	<p>Dog Control Order and dog fouling legislation provides exemptions in particular cases for registered blind people, deaf people and for other members of the public with disabilities who make use of trained assistance dogs. Consideration will need to be given to the application of these</p>

	<p style="text-align: center;">Negative</p>	<p>public spaces. No enforcement on any Public Space Protection Order dog control will take place if an individual has a disability that affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which the person relies for assistance.</p> <ul style="list-style-type: none"> • Inability to remove dog fouling • Reduced ability to restrain dog on lead • Ability to know about restrictions (sensory and cognitive impairment) • Reduced ability to communicate (hearing/speech impairment) • Ability to understand restrictions (mental impairment) 	<p>exemptions Exemptions for Disabled People The provisions in this Order do not apply to a person who: (a) is registered as partially sighted or blind, in a register compiled under section 29 of the National Assistance Act 1948; or (b) is registered as "sight-impaired", "severely sight-impaired" or as "having sight and hearing impairments which, in combination, have a significant effect on their day to day lives", in a register compiled under section 18 of the Social Services and Well-being (Wales) Act 2014; (c) has a disability which affects their mobility, manual dexterity, physical co-ordination or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which they rely for assistance.</p> <p>The dog exclusion provision in this Order does not apply to a dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance. However, it is expected that all reasonable measures should be undertaken to prevent assistance dogs going onto</p>
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			<p>marked sports pitches. When sporting activities take place on the pitches, dogs should be kept under control and not allowed to go onto the marked pitch. For the purposes of this Order, a “disability” means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and a “disabled person” means a person who has such a disability.</p> <p>The Council will use additional feedback gained from the consultation exercise to update this EIA prior to any decisions being made on the renewal (or otherwise) of the Dog Controls PSPO.</p>
<p>Gender Reassignment <i>(anybody who’s gender identity or gender expression is different to the sex they were assigned at birth including non-binary identities)</i></p>	<p>Neutral</p>	<p>The PSPO dog controls is expected have a neutral impact on all Protected Characteristics of Gender Reassignment. However, this group will benefit from having improved controls of anti-social behaviour relating to dog control. This will benefit all groups to enjoy public spaces with reduced fear of anti-social behaviour relating to dog controls and support proactive enforcement relating to dog fouling in public spaces</p>	<p>The Council will use feedback gained from the consultation exercise to update this EIA prior to any decisions being made on the renewal (or otherwise) of the Dog Controls PSPO.</p>

<u>Protected Characteristics</u>	Does the proposal have any positive, negative or neutral impacts	Provide detail of the impact	What evidence has been used to support this view?
<p>Marriage or Civil Partnership <i>(people who are married or in a civil partnership)</i></p>	Neutral	<p>The PSPO dog controls is expected have a neutral impact on all Protected Characteristics of Marriage and Civil Partnership. However, this group will benefit from having improved controls of anti-social behaviour relating to dog control. This will benefit all groups to enjoy public spaces with reduced fear of anti-social behaviour relating to dog controls and support proactive enforcement relating to dog fouling in public spaces.</p>	<p>The Council will use feedback gained from the consultation exercise to update this EIA prior to any decisions being made on the renewal (or otherwise) of the Dog Controls PSPO.</p>
<p>Pregnancy and Maternity <i>(women who are pregnant/on maternity leave)</i></p>	<p>Positive</p> <p>Negative</p>	<p>The PSPO dog controls is expected have a positive differential impact on all Protected Characteristics of Pregnancy and Maternity. This group will benefit from having improved controls of anti-social behaviour relating to dog control. This will benefit all groups to enjoy public spaces with reduced fear of anti-social behaviour relating to dog controls and support proactive enforcement relating to dog fouling in public spaces.</p> <p>Individuals may be characterised as having mobility issues relating to their pregnancy and therefore Enforcement Officers will need to take a view on individual cases.</p> <p>Training will be provided to all Officers with delegated authority to issue enforcement</p>	<p>The Council will use feedback gained from the consultation exercise to update this EIA prior to any decisions being made on the renewal (or otherwise) of the Dog Controls PSPO.</p>

		Fines.	
Race <i>(ethnic and racial groups i.e. minority ethnic groups, Gypsy, Roma and Travellers)</i>	Positive Negative	The PSPO dog controls is expected have a positive differential impact on all Protected Characteristics of Race. This group will benefit from having improved controls of antisocial behaviour relating to dog control. This will benefit all groups to enjoy public spaces with reduced fear of anti-social behaviour relating to dog controls and support proactive enforcement relating to dog fouling in public spaces. <ul style="list-style-type: none"> • Understanding of written Welsh/English used on signage • Understanding enforcement officers in conversation • Where a FPN is served understanding the content of such a penalty 	The Council will use feedback gained from the consultation exercise to update this EIA prior to any decisions being made on the renewal (or otherwise) of the Dog Controls PSPO.
Religion or Belief <i>(people with different religions and philosophical beliefs including people with no beliefs)</i>	Neutral	The PSPO dog controls is expected have a positive differential impact on all Protected Characteristics of Religion. However, this group will benefit from having improved controls of anti-social behaviour relating to dog control. This will benefit all groups to enjoy public spaces with reduced fear of anti-social behaviour relating to dog controls and support proactive enforcement relating to dog fouling in public spaces.	The Council will use feedback gained from the consultation exercise to update this EIA prior to any decisions being made on the renewal (or otherwise) of the Dog Controls PSPO.

<p>Sex <i>(women and men, girls and boys)</i></p>	<p>Neutral</p>	<p>The PSPO dog controls is expected have a neutral impact on all Protected Characteristics of Sex. However, this group will benefit from having improved controls of antisocial behaviour relating to dog control. This will benefit all groups to enjoy public spaces with reduced fear of anti-social behaviour relating to dog controls and support proactive enforcement relating to dog fouling in public spaces.</p>	<p>The Council will use feedback gained from the consultation exercise to update this EIA prior to any decisions being made on the renewal (or otherwise) of the Dog Controls PSPO.</p>
<p>Sexual Orientation <i>(bisexual, gay, lesbian, straight)</i></p>	<p>Neutral</p>	<p>The PSPO dog controls is expected have a neutral impact on all Protected Characteristics of Sexual Orientation. However, this group will benefit from having improved controls of anti-social behaviour relating to dog control. This will benefit all groups to enjoy public spaces with reduced fear of anti-social behaviour relating to dog controls and support proactive enforcement relating to dog fouling in public spaces.</p>	<p>The Council will use feedback gained from the consultation exercise to update this EIA prior to any decisions being made on the renewal (or otherwise) of the Dog Controls PSPO.</p>

In addition, due to Council commitments made to the following groups of people we would like you to consider impacts upon them:

	Does the proposal have any positive, negative or neutral impacts	Provide detail of the impact	What evidence has been used to support this view?
Armed Forces Community <i>(anyone who is serving, has served, family members and the bereaved)</i>	Neutral	The PSPO dog controls is expected have a neutral impact on the Armed Forces Community. However, this group will benefit from having improved controls of anti-social behaviour relating to dog control. This will benefit all groups to enjoy public spaces with reduced fear of anti-social behaviour relating to dog controls and support proactive enforcement relating to dog fouling in public spaces	The Council will use feedback gained from the consultation exercise to update this EIA prior to any decisions being made on the renewal (or otherwise) of the Dog Controls PSPO.
Carers <i>(anyone of any age who provides unpaid care)</i>	Neutral	The PSPO dog controls is expected have a neutral impact on Carers. However, this group will benefit from having improved controls of anti-social behaviour relating to dog control. This will benefit all groups to enjoy public spaces with reduced fear of anti-social behaviour relating to dog controls and support proactive enforcement relating to dog fouling in public spaces	The Council will use feedback gained from the consultation exercise to update this EIA prior to any decisions being made on the renewal (or otherwise) of the Dog Controls PSPO.

If the initial screening test has identified negative impacts then a full equality impact assessment (section 4) **must** be undertaken. However, if after undertaking the above screening test you determine a full equality impact assessment is not relevant please provide an adequate explanation below:

Are you happy you have sufficient evidence to justify your decision?

Yes *

No

***THIS IS A PRE-CONSULTATION VERSION OF THE EIA AND THUS PRESENTED IN DRAFT FORM TO AID THE CONSULTATION PROCESS. IT WILL BE REFRESHED AND UPDATED USING ADDITIONAL DATA, EVIDENCE AND FEEDBACK RECEIVED THROUGH THE CONSULTATION PROCESS AND FROM ALL STAKEHOLDERS.**

Name: Andy Wilkins

Position: Director of Legal & Democratic Services

Date: 29th June 2023

Please forward a copy of this completed screening form to the Diversity and Inclusion Team.

PLEASE NOTE – there is a separate impact assessment for Welsh Language. This must also be completed for proposals.

Section 3 Socio-economic Duty needs only to be completed if proposals are of a strategic nature or when reviewing previous strategic decisions. Definition of a 'strategic nature' is available on page 6 of the [Preparing for the Commencement of the Socio-economic Duty](#) Welsh Government Guidance.

SECTION 3 – SOCIO-ECONOMIC DUTY (STRATEGIC DECISIONS ONLY) – **NOT APPLICABLE TO THIS PROPOSAL**

The Socio-economic Duty gives us an opportunity to do things differently and put tackling inequality genuinely at the heart of key decision making. Socio-economic disadvantage means living on a low income compared to others in Wales, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services.

Please consider these additional vulnerable groups and the impact your proposal may or may not have on them:

- Single parents and vulnerable families
- Pensioners
- Looked after children
- Homeless people
- Students
- Single adult households

- People living in the most deprived areas in Wales
- People with low literacy and numeracy
- People who have experienced the asylum system
- People misusing substances
- People of all ages leaving a care setting
- People involved in the criminal justice system

<u>Socio-economic disadvantage</u>	Does the proposal have any positive, negative or neutral impacts	Provide detail of the impact	What evidence has been used to support this view?
<u>Low Income/Income Poverty</u> <i>(cannot afford to maintain regular payments such as bills, food, clothing, transport etc.)</i>	Select from the following:		
<u>Low and / or No Wealth</u> <i>(enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provisions for the future)</i>	Select from the following:		
<u>Material Deprivation</u> <i>(unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, hobbies etc.)</i>	Select from the following:		

<u>Socio-economic disadvantage</u>	Does the proposal have any positive, negative or neutral impacts	Provide detail of the impact	What evidence has been used to support this view?
<u>Area Deprivation</u> <i>(where you live (rural areas), where you work (accessibility of public transport))</i>	Select from the following:		
Socio-economic background <i>(social class i.e. parents education, employment and income)</i>	Select from the following:		
Socio-economic disadvantage <i>(What cumulative impact will the proposal have on people or groups because of their protected characteristic(s) or vulnerability or because they are already disadvantaged)</i>	Select from the following:		

SECTION 4 – FULL EQUALITY IMPACT ASSESSMENT

You should use the information gathered at the screening stage to assist you in identifying possible negative/adverse impacts and clearly identify which groups are affected.

- 4.a) In terms of disproportionate/negative/adverse impacts that the proposal may have on a protected group, outline the steps that will be taken to reduce or mitigate the impact for each group identified. **Attach a separate action plan where impacts are substantial.**

GENERAL MITIGATING ACTIONS

- Informing the community of the PSPO dog controls and how they will be managed.
- Promoting and communicating good dog ownership behaviours.
- Clear signing of controls.
- Media / social media information at regular intervals reinforcing the controls
- Direct engagement with specialist groups and the provision of good information/media.

ISSUE

- Dog owner due to age/mobility/latter stages of pregnancy is unable to clear dog fouling or comply with any other restriction
- Dog owner has sensory or mobility issues
- Dog owner has liveried/un-liveried assistance dog and is unable to clear fouling or comply with any other restriction

ACTION TAKEN/TO BE TAKEN

Officers receive training about this aspect of enforcement and will continue to do so.

A FPN can be appealed and information submitted about mitigating circumstances. Appeals are determined by the service manager.

In the case of liveried assistance dogs the dog owner is not challenged by the enforcement officer other than to offer assistance.

4.b) If ways of reducing the impact have been identified but are not possible, please explain why they are not possible.

N/A

4.c) Give sufficient detail of data or research that has led to your reasoning, in particular, the sources used for establishing the demographics of service users/staff.

TO BE COMPLETED POST CONSULTATION

4.d) Give details of how you engaged with service users/staff on the proposals and the steps taken to avoid any disproportionate impact on a protected group. Explain how you have used feedback to influence your decision.

TO BE COMPLETED POST CONSULTATION

4.e) Are you satisfied that the engagement process complies with the requirements of the Statutory Equality and Socio-economic Duties?

TO BE COMPLETED POST CONSULTATION

Yes

No

SECTION 5 – MONITORING AND REVIEW – TO BE COMPLETED POST CONSULTATION

- 5a) Please outline below how the implementation of the proposal will be monitored:

- 5b) When is the evaluation of the proposal due to be reviewed?

- 5c) Who is responsible for the monitoring and review of the proposal?

- 5d) How will the results of the monitoring be used to develop future proposals?

SECTION 6 – REVIEW – TO BE COMPLETED POST CONSULTATION

As part of the Impact Assessment process all proposals that fall within the definition of ‘Key Decisions’ must be submitted to the Review Panel. This panel is made up of officers from across Council Services and acts as a critical friend before your proposal is finalised and published for SLT/Cabinet approval.

If this proposal is a Key Decision please forward your impact assessment to Councilbusiness@rctcbc.gov.uk for a Review Panel to be organised to discuss your proposal. The EqIA guidance document provides more information on what a Key Decision is.

It is important to keep a record of this process so that you can demonstrate how you have considered equality and socio-economic outcomes. Please ensure you update the relevant sections below

Officer Review Panel Comments	Date Considered	Brief description of any amendments made following Officer Review Panel considerations
Consultation Comments	Date Considered	Brief description of any amendments made following consultation

SECTION 6 – SUMMARY OF IMPACTS FOR THE PROPOSAL

Provide below a summary of the impact assessment. This summary should be included in the equality and socio-economic impact section of the Cabinet report template. The impact assessment should be published alongside the report.

The Council must be able to demonstrate that a PSPO is a necessary and proportionate response to the problems caused by the activities of dogs and those in charge of them. The Council is required to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs. This must take into consideration the need for people, particularly children, to have access to dog-free areas and areas where dogs are kept under strict control, and the need for those in charge of dogs to have access to areas where they can exercise their dogs without undue restrictions.

In developing the original PSPO an Equality Impact Assessment (EIA) was undertaken to ensure that:

- The Council meets the requirements of the Public Sector Equality Duties, and
- Due regard has been taken of the likely impact of the decision in terms of equality and discrimination.

The provisions of the proposed Dog Control Orders would not apply to a person who:

- (i) is registered as partially sighted or blind, in a register compiled under section 29 of the National Assistance Act 1948;
- (ii) is registered as “sight-impaired”, “severely sight impaired” or as “having sight and hearing impairments which, in combination, have a significant effect on their day to day lives”, in a register compiled under section 18 of the Social Services and Well-Being (Wales) Act 2014;
- (iii) has a disability which affects their mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, such that he cannot reasonably be expected to remove the faeces; or (iv) has some other disability, such that he reasonably cannot be expected to remove the faeces.

The provisions of the orders would not apply to a dog trained by a registered charity to assist a person with a disability and upon which a disabled person relies for assistance.

For the purposes of the orders, a ‘disability’ means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and upon which a disabled person relies for assistance.

Nothing in the Order shall apply to the normal activities of a working dog whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of HM Armed Forces and farm dogs that are being used to herd or drive animals.

This draft EIA has identified there may be some negative impacts on certain protected characteristics should the proposal proceed

together with mitigating actions that could be put in place or already in place to mitigate any negative effects. This exercise will be updated using consultation feedback and other relevant data to inform the final EIA prior to any final decisions being made as to the extension of the dog control PSPOs.

SECTION 7 – AUTHORISATIONS – TO BE COMPLETED POST CONSULTATION

Lead Officers:

Name: Andy Wilkins / Louise Davies / Roger Waters

Position: Director of Legal & Democratic Services / Director of Public Health, Protection & Community Services/ Director of Frontline Services

Date:

I recommend that the proposal:

- Is implemented with no amendments
- Is implemented taking into account the mitigating actions outlined
- Is rejected due to disproportionate negative impacts on protected groups or socio-economic disadvantage

Head of Service/Director Approval:

Name:

Position:

Date:

Please submit this impact assessment with any SLT/Cabinet Reports.