

Byelaws EqIA

Section 1 – General Information

Name of policy or function:

New Byelaws for (1) Parks & Open Spaces & (2) Public Toilets

Business Unit:

Communities, Localities & Culture
Parks & Open Spaces

Is this a policy or function?

Policy

Function

Is this a new or existing policy or function?

New

Existing

Is the policy or function strategic, developmental or operational/functional?

Strategic

Developmental

Operational/Functional

Date when the original policy/function was initiated: Original Byelaws date from the 1930s

Date on which the policy/function is to be reviewed: n/a

Names and roles of the people carrying out the Equality Analysis:

Paul Greeno, Senior Advocate, Legal Services

Section 2 – Aims and Objectives

What are the aims, objectives or purpose of the policy/function?

The New Byelaws are based on a set of Model Byelaws, which have been developed by the Department for Communities & Local Government (DCLG). No amendments have been made to the wording of the Byelaws save that where a byelaw has been considered unnecessary it has been removed. The New Byelaws seek to regulate proper conduct in the Queen Elizabeth Olympic Park including the use of public toilets within the park by complementing existing (primary) legislation. They are intended to deal with unacceptable behaviour that might cause injury or distress to other park users, or cause damage to the park and therefore detract from all park users' enjoyment.

What are the main activities of the policy/function?

Prohibiting, restricting or regulating certain activities within the Queen Elizabeth Olympic Park including the use of public toilets within the park

Who is expected to benefit from the policy/function?

All park users
Residents living around parks

Section 3 – Consideration of data and research Identifying Differential / Adverse Impacts

Question -

A policy/function can aim to treat all people fairly but unless you analyse data and stats and speak to the people it is going to affect how do you really know?

Evidence Base -

For each of the equality strands in the table below please now **evidence** how you came to the conclusions around differential and negative impacts in relation to the policy or function.

Please use the evidence prompts below to form an evidence base to justify your claims around differential impacts. If there is limited evidence we **strongly recommend** undertaking consultation

Please note – during consultation, if you identify a differential impact it may be advantageous to discuss whether this impact is also negative and record your findings accordingly. If no differential impact is identified there will be NO negative impact.

Evidence Prompt

1 List all qualitative and quantitative evidence

List all examples of quantitative and qualitative data available
(include information where appropriate from other directorates, Census 2001 etc)

2 Equalities profile of users or beneficiaries

Use the Council's approved diversity monitoring categories and provide data by target group of users or beneficiaries to determine whether the service user profile reflects the local population or relevant target group or if there is over or under representation of these groups

3 Equalities profile of staff

Indicate profile by target groups and assess relevance to policy aims and objectives e.g. Workforce to Reflect the Community. Identify staff responsible for delivering the service including where they are not directly employed by the council.

4 Barriers

What are the potential or known barriers to participation for the different equality target groups? Eg, communication, access, locality etc

5 Recent consultation exercises carried out

Detail consultation with relevant interest groups, other public bodies, voluntary organisations, community groups, trade unions, focus groups and other groups, surveys and questionnaires undertaken etc. Focus in particular on the findings of views expressed by the equality target groups. Such consultation exercises should be appropriate and proportionate and may range from assembling focus groups to a one to one meeting.

6 Additional factors which may influence disproportionate or adverse impact

Management Arrangements - How is the Service managed, are there any management arrangements which may have a disproportionate impact on the equality target groups?

7 The Process of Service Delivery

In particular look at the arrangements for the service being provided including opening times, custom and practice, awareness of the service to local people, communication

Please Note -

Reports/stats/data can be added as Appendix – Please send any reports/consultation findings/data and stats to the One Tower Hamlets team

Target Groups	Impact – Positive or Adverse What impact will the ‘new’ or ‘significantly’ amended policy or function have on specific groups of service users or staff?	Reason(s) <ul style="list-style-type: none"> • Please add a narrative to justify your claims around impacts and, • Please describe the analysis and interpretation of evidence to support your conclusion as this will inform members decision making • Can the negative impact be justified on the grounds of promoting equality?
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Overall comments

The New Byelaws are based on a set of Model Byelaws developed by the Department for Communities & Local Government, published in December 2005. Officers have made some minor amendments and additions to these Model Byelaws. Overall it is felt that the majority of the 48 Byelaws will not have a differential / adverse impact on any of the target groups. For example, some of the Byelaws prohibit or restrict activities like missile-throwing, grazing of animals, lighting of fires or driving motor vehicles into the ground. The full list of Byelaws that are felt to have no differential / adverse impact on the target groups are:

Byelaws for Parks and Open Spaces

1 to 5, 7 to 9, 11 to 19, 24 to 39, 41, 42, 44 to 48.

Byelaws for Public Toilets

1, 2, 4 to 10

A differential / adverse impact may arise in the enforcement of certain Byelaws, in that they relate to activities that may be undertaken more by particular target groups. The Council’s Enforcement Policy (adopted by Cabinet in September 2010, and subject to an Equalities Impact Assessment) sets out the key principles behind all enforcement:

- **raising awareness** of the law and its requirements
- **proportionality** in applying the law and securing compliance;
- **consistency** of approach;
- **transparency** about the actions of the Council and its officers; and
- **targeting** of enforcement action

These principles, and consideration arising from the EqlA that was undertaken on the Enforcement Policy, will broadly ensure that no target groups are discriminated against by the enforcement of the New Byelaws. Nevertheless, below are listed those Byelaws where there may be a differential / adverse impact, and the reasoning behind why it is felt they will not be discriminatory against target groups:

Byelaws for Parks and Open Spaces

6, 10, 20, 21, 22, 23, 40 and 43

Byelaws for Public Toilets

1, 2, 4 to 10

Race	n/a	
Disability	n/a	
Gender	n/a	
Gender Reassignment	n/a	
Sexual Orientation	n/a	
Religion or Belief	n/a	
Age	Adverse	<p>Byelaws for Parks and Open Spaces</p> <p>(6) It is probable that children and young people would climb more than other age groups. However, the Byelaw refers to a 'reasonable excuse' to do so, and does not prohibit or ban the activity. Therefore children and young people will be able to climb structures in the course of playing.</p> <p>(20, 21) There will be a differential impact on over-14s. However, the facilities are designed for under-14s and the Byelaws are designed to safeguard them when in these areas.</p> <p>(22, 23) It is likely that children and young people will engage in these activities more than other age groups. However, the activities have not been banned, and the Byelaws are intended to ensure they are undertaken in a sensible manner, showing respect towards other park users. This is consistent with the values of One Tower Hamlets.</p>

		<p>(40) It is possible that children or young people would be more likely to make excessive noise than other age groups. However, the Byelaw refers to a 'reasonable cause for annoyance to other persons' which is intended to ensure that other park users are respected. If enforcement is consistent, as dictated by the Council's enforcement policy, there will be no discrimination against any age group.</p> <p>(43) It is likely that children and young people will engage in kite-flying more than other age groups. However, the Byelaw does not prohibit the activity, and is intended to ensure there is no 'reasonable grounds for annoyance' to other park users, which is consistent with the values of One Tower Hamlets</p>
Socio-economic	Adverse	<p>Byelaws for Parks and Open Spaces</p> <p>(10) A restriction on camping may have a greater effect on homeless people. However, the Homelessness Strategy (2008-2013) sets out the Council's duty to house homeless people, which, together with a consistent application of the enforcement policy, will mean that any indirect discrimination through the application of this Byelaw is justified.</p> <p>Byelaws for Public Toilets</p> <p>(3) A payment of a fee could have greater impact on those on low incomes. Any fee would be set at a level so that will not be a financial deterrent to a person from using the facilities and as such payment would be used for the purposes of ensuring the facilities are kept clean and in good repair, this will mean that any indirect discrimination through the application of this Byelaw is justified.</p>
Marriage and Civil Partnerships.	n/a	
Pregnancy and Maternity	n/a	
Other inc staff	n/a	

Section 4 – Conclusions and Recommendations

Is there any evidence of or view that suggests that different equality or other target groups have a disproportionately high/low take up of the service/function?

Yes? No?

If yes, please detail below how evidence influenced and formed the policy? e.g. why things were added/removed.

n/a

Does the policy/function comply with equalities legislation?

Yes? No?

If there are gaps in information or areas for further improvement, please list them below:

n/a

How will the results of this Equality Analysis feed into the performance planning process?

n/a

Section 5 – Action Plan and Monitoring Systems

*As a result of these conclusions and recommendations what actions (if any) **will** be included in your business planning and wider review processes (team plan)? Please consider any gaps or areas needing further attention.*

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Monitor enforcement to action to understand if there are trends of action against particular groups.	Quarterly monitoring of enforcement for offences against the Byelaws	Quarterly	Michael Rowan	

Have monitoring systems been put in place to check the implementation of the policy/function and recommendations?

Yes? No?

How will the monitoring systems further assess the impact on the equality target groups?

Upon enforcing a Byelaw, enforcement officers have to fill in a report. This report will include data relating to some equality strands. However, it should be recognised that enforcing the Byelaws can often be a sensitive issue and it will not be practical or advisable in most instances for enforcement officers to request full details from the offenders. Therefore, it will be possible to obtain data relating to:

- gender
- age range
- ethnicity

Section 6 – Completed Equality Analysis

The draft Equality Analysis will be peer assessed and recommendations made (if needed)

Once any recommendations have been made to the equality analysis – it will be sent back to the author to be signed off by the relevant service head/manager. The equality analysis will then be sent to the One Tower Hamlets Team to be published on the council website.

Name: (signed off by)	
Position:	Service Head, Culture, Learning & Leisure
Date signed off: (approved)	

Section 7 Appendix – FOR OFFICE USE ONLY

This section to be completed by the One Tower Hamlets team

Policy Hyperlink :

Equality Strand	Evidence
Race	
Disability	
Gender	
Sexual Orientation	
Religion and Belief	
Age	
Socio-Economic	
Other	

Link to original EQIA	Link to original EQIA
EQAID (Team/Service/Year)	