
Equality impact assessment form

Part 1: screening form

Name of activity to be assessed	Unauthorised mooring PSPO
Completing officer's name	Ian Burrows
Service area/team	Culture, Leisure and Environment
Date completed	20 October 2023

Quality control

EIA checked by (name of line manager):	Kim Tagliarini
Date approved:	1 November 2023

Aims and objectives

The purpose of an Equality Screening form and Impact Assessment is to improve the work of the council by making sure that we promote equality and do not discriminate. This ensures that individuals and teams consider the likely impact of their work on residents and take action to improve.

What is the main purpose of this strategy/policy/function/project/activity?
To undertake further (phase 2) consultation for a possible Public Spaces Protection Order (PSPO) to specifically: Implement an order on Elmbridge owned land at Ditton Reach, Albany Reach, Cigarette Island, Cowey Sale and Hurst Park and Surrey County Council's land adjacent to Hampton Court Bridge (Parrs mooring) and to restrict moorings to a maximum of 24 hours in the ordinary course of navigation with no return within 72 hours.

What outcomes do you want from this strategy/policy/function/project/activity?
During the Covid19 pandemic, many people came to place increased value on their local open space, and this resulted in seeing a large increase in visitors to many of our green spaces for picnics and recreation across the Borough, especially riverside sites. This increase in usage has also led to a number of complaints and issues linked to moorings including littering, noise, and preventing others from temporary mooring for 24 hours in association with the Public Right of Navigation of the River Thames where various uses of the sites have conflicted. Neighbouring Boroughs have taken enforcement action against overstaying boats in Richmond and Kingston and this has seen a displacement of some of these boats into the Borough.

Particular issues have arisen from moorings which have overstayed at the above sites

The council has sought to address this challenge, and restore the riverbank to 24 hour leisure uses through a partnership with District Enforcement who are monitoring the Council owned sites at Cigarette Island, Ditton Reach and Albany Reach for any boats who overstay the permitted 24 hour mooring.

District Enforcement are only able to apply mooring charges to registered vessels, and where overstaying boats are unregistered these are referred on to the EA to inspect the boats to investigate other registration offences.

Due to the above challenge, we have been unable to use this process to regulate use of the river bank and the manage the issues effectively and as such need an alternate method for ensuring that moorings that overstay are not established on Council owned land and where there is not the necessary infrastructure i.e. parking, waste disposal etc to support such moorings.

Could the outcome be different if you are from a particular group?

The proposals within the consultation could have an impact on those who are living aboard boats moored to EBC land (and Surrey County Council land at Parris Mooring).

The PSPO is not intended to deprive the Bargee Travelling Community of their PRN and the ancillary right to temporary moor for a reasonable time, which is deemed to be 24 hours before moving on. The proposal does not, by enforcement of a PSPO, lead to the conclusion that a person whose home is a boat becomes homeless or to impact on their way of life which is to rely on the River Thames for purposes of navigation, commerce trade and intercourse.

The Council seeks to manage the temporary right to moor effectively in conjunction with the Environment Agency. Without this ability, the littering and noise nuisance complained of by those using the open spaces/parks for the purposes of peaceful enjoyment and pleasure pastimes, and those living nearby will continue to have a detrimental effect the quality of life of those in the locality.

It is recognised that a portion of those persons who are overstaying may have a protected characteristic and its near equivalence may be their land counterparts – Travellers, Gypsies and Roma Groups.

Unauthorised encampments on Council Land are subject to enforcement by the Council or the police as might be appropriate under the Criminal Justice and Public Order Act 1994.

Where the boaters are identified as having a protected characteristic(s), e.g. a Bargee Traveller, assistance from those with a protected characteristic to alert to that status would be necessary. There are a variety of users of the River Thames and it is not always possible to distinguish a Bargee Traveller, e.g., for the purposes of a welfare assessment to be undertaken. The Council will update its existing Environmental Enforcement Policy in this regard. It is intended to provide a level of parity with its land counterparts.

To ensure a balanced decision is taken, widespread consultation has taken place during phase 1, and will consult further with the following groups during this phase 2:

- Environment Agency
- Local Friends Groups
- River User Groups
- Molesey Riverside Action Group
- Surrey County Council
- Surrey Police
- National Bargee and Traveller Association
- Thames Landscape Strategy
- Elmbridge Rentstart
- Transform Housing & Support
- Homeless Link

Impact on specific groups

Assess where you think the activity could have an impact on any of the groups.

	Positive impact	Negative impact	No impact	Reason and justification
Age	<input type="checkbox"/>	<input type="checkbox"/>	X	
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	X	
Marriage and civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	X	
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	X	
Disability <i>Defined as - if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities e.g. you may need someone to help you or you use a piece of apparatus.</i>	<input type="checkbox"/>	<input type="checkbox"/>	X	
Race <i>Including colour, nationality (including citizenship), ethnic or national origins</i>	<input type="checkbox"/>	X		As identified, this could negatively impact those with protected characteristics however it is felt that it is likely that this is only a small minority of boat owners, and the response is considered proportionate as this only applies to the 5 sites listed in the order, and not the full length of the River Thames.
Religion, belief or lack of religion/belief	<input type="checkbox"/>	<input type="checkbox"/>	X	
Gender	<input type="checkbox"/>	<input type="checkbox"/>	X	
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	X	

The consultation sets out to control anti social behaviour on EBC open spaces and the elevate the detrimental effect this behaviour is having on the quality of life of those in the locality, It may therefore have an impact seeking to change behaviours of user groups from-

- Live aboard boats
- General users of open spaces
- Those facing difficult personal circumstances through these difficult times and the cost of living crisis and looking for an alternative and more affordable way of life and cheaper living costs through accommodation on the river.

It is not considered that this will have a high impact due to the small number of locations to be subject to the proposed PSPO and the number of boats moored in these locations.

<p>If you have indicated that there is a negative impact on any group, are these of a high impact? High impact means it is discriminatory against one or more groups</p>	<p>Yes- indirect discrimination against those who chose this as a way of life. This is not considered to be high impact due to the small number of locations to be subject to the proposed PSPO and the number of boats moored in these locations.</p>
<p>Comments</p>	<p>It is approximated that there are 26 boats moored to the 5 locations included in the consultation: Ditton Reach – 0 Albay reach - 0 Hampton Court Bridge\Cigarette Island –16 Hurst Park- 10 Cowey Sale – 0 The draft PSPO is not targeting specific groups but is seeking effectively manage the Boroughs open spaces and riverbanks.</p>

Sources of information

<p>Engagement carried out:</p>	<p>Phase 1 consultation carried out between February 2023 and June 2023 Phase 2 consultation to be carried out between November and January 2024</p>
<p>Data used</p>	<p>99 Complaints from local residents since 2014 have been collated to support the consideration of a PSPO: Mooring without consent 76 Rubbish left by boats 15 Health and safety 10 navigation 8</p>

	<p>Pollution 9 Comments and feedback from both Phase 1 and Phase 2 of the consultation will be used to make the final decision through the Councils Cabinet.</p>
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Next steps

If the impact is high and/or of **negative impact** then a full assessment is required, please complete parts 2 and 3 on the following pages of this form.

If a full impact assessment is **not required**, then you should not complete parts 2 and 3 of this form.

Part 2: full assessment

An Equality Impact Assessment is a tool that enables you to assess your service, activity or policy. Where disproportionate negative impact and/or unlawful impact is identified, the assessment provides a means to take the appropriate steps to avoid or mitigate this.

Data and research

Exploring available data and conducting research will help to give an indication as to what impact the strategy will have on equality and diversity. Where data is limited or unavailable, you should identify this as a limitation and identify ways to overcome this.

Consider the following:

- Publicity, including design, distribution and accessible communications issues
- Physical access
- Location, geography
- Poverty, deprivation and social exclusion issues
- Community Safety
- Direct discrimination: does the activity intentionally exclude a particular equality group? If so, is this exclusion justified?
- Consultation, involvement and engagement
- Monitoring and evaluation

Lack of data may make completing this section difficult, but is not be a reason to halt the process.

What data is available to help complete your EIA?

EA to confirm recent Census completed

The most recent count of vessels moored to the River Bank in Elmbridge is 116

The Council have received 99 complaints since 2014 about a number of issues connected to the unauthorised mooring of boats.

Are there any gaps in data that may require further research or consultation?

Phase 1 consultation has already taken place with a wide range of stakeholders. The draft PSPO has now been considered in more detail and this forms part of this second phase consultation.
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Officers will ensure that this consultation is accessible to all parties and has met to discuss the distribution with the NBTA. This will involve on site signage, web, social media and hard copied being made available in local community facilities and the Civic Centre.

The Council has met with the NBTA to discuss the concerns raised in the first phase consultation and will carefully consider further representation as part of the second phase consultation.

What additional research or consultation is needed to investigate the impacts of your activity?

To ensure a balanced decision is taken, widespread consultation has taken place during phase 1, and will consult further with the following groups during this phase 2:

- Environment Agency
- Local Friends Groups
- River User Groups
- Molesey Riverside Action Group
- Surrey County Council
- Surrey Police
- National Bargee and Traveller Association
- Thames Landscape Strategy
- Elmbridge Rentstart
- Transform Housing & Support
- Homeless Link

Have you consulted any internal teams when completing your EIA?

Legal Services

Housing

Planning Services

Joint Enforcement Team

Green Spaces

Community Safety

Health and Safety

Communications

Impact on specific groups

	Positive impact	Negative impact	No impact	Reason, including details of impact and mitigation
Age – Older people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age – Younger people and children	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender reassignment – transmen and transwomen	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Marriage and civil partnership – people who are married or in a civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Pregnancy and maternity – mothers or women who are pregnant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability* - physical	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability* - sensory	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability* - learning	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Disability* - long-term health impairment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race**	<input type="checkbox"/>	X	<input type="checkbox"/>	<p>This could negatively impact those with protected characteristics however it is felt that it is likely that this is only a small minority of boat owners, and the response is considered proportionate</p> <p>The revised Environmental Enforcement Policy takes into consideration those with protected characteristics, and that a welfare assessment will be undertaken in these instances.</p> <p>The Council will also publish a list of recognised EA mooring sites as part of the consultation.</p> <p>Homeless charities such as street link, rent start have been consulted in phase 1 and phase 2 of the consultation..</p>
Religion, belief or lack of religion/belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender – women	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gender – men	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

	Positive impact	Negative impact	No impact	Reason, including details of impact and mitigation
Sexual orientation – heterosexuals, lesbians, gay men and bisexuals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

* Defined as - if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities e.g. you may need someone to help you or you use a piece of apparatus.

** Including colour, nationality (including citizenship), ethnic or national origins

Part 3: action plan

Monitoring and reviewing

What data do you have that monitors the impact of the activity on protected groups? How is this data used?
Record the number of complaints received Monitor the number of FPNs issued

If there is no data, explain how you intend to continue monitoring the impact of this activity.

Use the table below to record how you will minimise or remove any negative impact

Issue	Action	Timescale for completion	Milestones/success criteria
Promote a list of the official EA moorings	EBC	Jan 24	Website updated
Carry out welfare assessments, prior to issuing a FPN where identified as having protected characteristics and considering the Enforcement Policy for next steps.	EBC, contractors	Ongoing	
Clear signposting for housing advice where needed	EBC, Housing	Ongoing	Housing advice added to PSPO webpage
Clear PSPO signage on each of the sites	EBC, SCC, Green Spaces	Mar\ Apr	Signage erected
Undertake education and awareness with boat owners to understand the PSPO	EBC, SCC, Enforcement team, EA	Mar\ Apr 24	Joint patrol prior to launch of PSPO
Repeat regular boat counts at the 5 locations	EBC	¼ ly	Decrease in boats moored against EBC land.