

Equality and Human Rights Impact Assessment - the Form

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **proposal** should be understood broadly to include the full range of our activities and could refer to a decision, policy, strategy, plan, procedure, report or business case, embracing a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Essentially everything we do!

STEP 1: Identify essential information

1. Committee Report No.

2. Name of proposal.

3. Officer(s) completing this form.

Name	Designation	Service	Directorate
Neil Carnegie	Service Manager – Community Safety	Housing and Community Safety	Housing and Environment

4. Date of Impact Assessment.

5. When is the proposal next due for review?

6. Committee Name.

7. Date the Committee is due to meet.

8. Identify the Lead Council Service and who else is involved in delivering this proposal (for example other Council services or partner agencies).

Housing and Community Safety and Legal Services – Police Scotland and Procurator Fiscal – who would enforce the by-law and prosecute and cases. Scottish Government who must approve any request for a bye-law.

9. Please summarise this Equality and Human Rights Impact Assessment (EHRIA). This must include any practical actions you intend to take or have taken to reduce, justify or remove any adverse negative impacts. This must also include a summary of how this proposal complies with the public sector equality duty for people with protected characteristics - see Step 2. **Please return to this question after completing the EHRIA.**

Concerns exists in the city about street-begging activity in terms fear and alarm caused; impact on business and city image; and also, concern for the well-being of the beggars. The street-begging forum delivers an extensive strategy in line with Scottish Government recommendations however the issue does persist. Additional intervention is required to further reduce and eliminate street-begging.

There are various negative and positive impacts likely to arise through the implementation of a bye-law. It may be perceived that people who complain about feeling unsafe due to the presence of street beggars (which include people with disabilities and older people, local businesses and others) may benefit from the introduction of the bye-law. Disability groups would experience positive impacts through reduced trip hazards arising from street-beggars. All protected characteristics would benefit from reduced alarm and distress caused by aggressive street-begging. People who beg may be subject to warnings/arrest/fine/criminal record etc for begging in Aberdeen and this included individuals with multiple long term problems including substance misuse. Beggars may face increased poverty due to removal/reduction in begging income. However, this may encourage their engagement with relevant support services resulting in improved health and well-being outcomes in the longer term.

The bye-law may interfere with an individual's rights under Article 3 (inhumane/degrading treatment or punishment) and/or 10 (freedom of expression) however it may be argued that the bye-law is towards a legitimate aim and proportionate.

10. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick which applies.

- Para 9 of EHRIA will be published in committee report in Section 6 "Impact"
- Full EHRIA will be attached to the committee report as an appendix
- Copied to Equalities Team to publish on the Council website

STEP 2: Outline the aims of the proposal

11. What are the main aims of the proposal?

The proposed bye-law seeks to reduce street-begging in Aberdeen, in particular non-aggressive street-begging (aggressive begging can be tackled through existing legal measures) which causes the public and businesses concern, feeling unsafe as well as concern about the image of the city.

12. Who will benefit most from the proposal?

The general public, and in particular those people and businesses who feel unsafe because of the presence and nuisance activity of non-aggressive beggars.

The Council by improved image of Aberdeen by reducing the impact of street-beggars on the image of the city centre, and reducing fear of crime and public concern about the city centre being unsafe.

Beggars may also benefit given the removal/reduction in income from begging may encourage their engagement with relevant social, health and housing services resulting in improved outcomes for them.

13. You should assess the impact of your proposal on equality groups and tell us how implementing this proposal will impact on the needs of the public sector equality duty to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations.

The proposed bye-law will not eliminate discrimination, harassment and victimisation; or advance equality of opportunity. It may foster good relations should relations improve between those who beg and those who do not.

The proposed bye-law would target a group perceived by many as disadvantaged and excluded. Local audits have shown that a significant proportion of those begging in the city centre have substance misuse problems.

Approx. one third of those begging in Aberdeen at an audit in February 2013 were Romanian and Bulgarian nationals.

Those begging can be seen by many as causing alarm and distress and impacting on the image of the city centre in particular Union Street. Most of such complaints relate to aggressive begging which is covered by existing enforcement powers.

STEP 3: Gather and consider evidence

15. What **evidence** is there to identify any potential positive or negative impacts in terms of involvement, consultation, research, officer knowledge and experience,

equality monitoring data, user feedback and other? You must consider relevant evidence, including evidence from equality groups.

Grampian Police undertook a survey in February 2013 to inform the partnership on numbers of street-beggars, their housing, social and health needs, and motivations. A summary of findings is as follows:

1. 31 individuals who regularly beg (not all at the same time) were encountered.
2. 19 UK nationals and 12 foreign nationals (mix of mostly Eastern European individuals).
3. 26 males (18 UK nationals, 8 non-UK nationals) and 5 females (2 UK nationals and 3 non-UK nationals).
4. None are 'homeless/roofless' but one male is resident in a hostel.
5. 29 have Aberdeen addresses, 2 (1 male and 1 female non-UK nationals) have the same address in Kirkcaldy.

Most UK national beggars have alcohol and/or drugs misuse problems and are begging to fund their habits. Non-UK nationals tend to be begging because it is a relatively easy source of income.

Most street-begging happens at evenings as a consequence of the generosity of people socialising in city centre.

Non-UK nationals are mostly, if not all, Romanian and Bulgarian nationals.

Comparing these findings with a surveys undertaken in 2009 shows that the overall number of street-beggars is similar. However in 2009 all beggars could be described as local and with substance misuse problems. The reduction in numbers of local people street-begging gives some indication that positive impact has been made in dealing with the issue.

Officers consider that street-begging activity has decreased in the past three months. This applies particularly to begging activity by migrant street-beggars.

Police received 67 complaints about street-begging activity between 2010 – 17 June 2013. Most of these complaints include allegations of aggression and intimidation towards members of the public. None of the complaints up to 31 March 2013 resulted in relevant criminal charges which are available to police to deal with aggressive begging. However, since April 2013 police has increased their priority to dealing with the issue and taking a far more robust approach to investigation and enforcement. Since April 2013, 11 crimes have been recorded and all detected resulting in actions such as reporting to procurator fiscal, fixed penalty notices and formal warnings.

It should be noted that police also receive complaints from street-beggars reporting as victims of aggression and intimidation from members of the public

A review of Council records has identified three complaints received in the past three years.

Aberdeen Inspired (formerly known as Aberdeen Business Improvement District), which has been participating in the partnership, was been asked to obtain information from its

members on the impact that street-begging has on business and general views on the issue. Aberdeen Inspired report that various members have been adversely affected by street-begging activity.

Elected members have regularly raised concerns about street-begging and its impact on the image and safety of the city centre.

A previous campaign by a local newspaper led to concerns about increased hostility and threats towards those begging. Whether or not a bye-law is approved, public concern about beggars will continue.

There may be further public concern if a by-law is granted and can only be used in limited circumstances and/or is ineffective in reducing street-begging in the long term.

The bye-law is likely to raise public expectations on reducing/removing street-begging which may not be met.

A section of the public will be concerned that those begging are being unfairly targeted when they cannot obtain services eg drug treatment.

STEP 4: Assess likely impacts on people with Protected Characteristics

16. Which, if any, people with protected characteristics and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box. Be aware of cross-cutting issues, such as older women with a disability experiencing poverty and isolation.

(Positive +, neutral 0, - negative)

Protected Characteristics					
Age - Younger Older	+	Disability	+	Gender Reassignment*	0
Marriage or Civil Partnership	0	Pregnancy and Maternity	0	Race**	0
Religion or Belief	0	Sex (gender)***	0	Sexual orientation****	0
Others e.g. poverty	- +				

Notes:

* Gender Reassignment includes Transsexual

** Race includes Gypsy/Travellers

*** Sex (gender) i.e. men, women

**** Sexual orientation includes LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above.

In making the assessment you must consider relevant evidence, including evidence received from individuals and equality groups. Having considered all of these elements, you must take account of the results of such assessments. This requires you to consider taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and exploiting any potential for positive impact. If any adverse impact amounts to **unlawful discrimination**, the policy must be amended to avert this. Detail the impacts and describe those affected.

<p>Positive impacts (describe protected characteristics affected)</p> <p>It may be perceived that people who complain about feeling unsafe due to the presence of street beggars (which include people with disabilities and older people, local businesses and others) may benefit from the introduction of the bye-law.</p> <p>Disability groups would experience positive impacts through reduced trip hazards arising from street-beggars.</p> <p>All protected characteristics would benefit from reduced alarm and distress caused by aggressive street-begging.</p>	<p>Negative Impacts (describe protected characteristics affected)</p> <p>People who beg may be subject to warnings/arrest/fine/criminal record etc for begging in Aberdeen and this included individuals with multiple long term problems including substance misuse.</p> <p>Beggars may face increased poverty due to removal/reduction in begging income. However, this may encourage their engagement with relevant support services resulting in improved health and well-being outcomes in the longer term.</p>
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STEP 5: Human Rights - Apply the three key assessment tests for compliance assurance

18. Does this proposal/policy/procedure have the potential to interfere with an individual's rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and saying how. **If you answer "no", go straight to question 22.**

- Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment
 Article 6 – Right to a fair and public hearing
 Article 8 – Right to respect for private and family life, home and correspondence
 Article 10 – freedom of expression
 Other article not listed above

How?

The proposed by-law could be regarded as introducing a local law which will lead to those involved in street-begging being unfairly punished for something which is not unlawful in the rest of Scotland. Unlike in England, where there is longstanding legislation banning begging, there is no such legislation in Scotland.

It could also be seen as restricting peoples freedom of expression by stopping them sitting on the public street and seeking money. (Aggressive behaviour is covered by existing legislation).

Legality

19. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

Yes – s 201 of the Local Government (Scotland) Act 1973

Legitimate aim

20. Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

Yes – it seeks to protect the wider public from the negative impacts of begging behaviour and nuisance activity, leading to people feeling threatened, unsafe and fear of crime. As set out in section 13 above the aim of the bye-law is also to address all 3 strands of the public sector equality duty in s.149 of the Equality Act 2010

Proportionality

21. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

Yes. The street-begging forum delivers an extensive strategy to reduce street-begging however the issues persists. The strategy is in line with that recommended by the Scottish Government. A bye-law provides an additional measure that can contribute to reduced street-begging and is proportionate to the legitimate aimed pursued. Further, the potential byelaw would only apply to the area most adversely affected by street-begging.

STEP 6: Monitor and review

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

Police Scotland would assist monitoring the implementation of the by-law, how many warnings, charges issued.

The joint street-begging sub group would consider this information on a quarterly/6 monthly basis to ensure that resources are targeted properly to ensure that those involved in begging have contact with staff who can assess their needs and offer access to support and assistance to services to help them exit street-begging.

The public would be consulted periodically through City Voice and local consultations on the impact of the by-law.

23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

If the bye-law were granted, its impact on numbers involved in street-begging will be monitored, along with court outcomes in relevant cases. Any adjustments to the terms of the bye-law will be considered in the light of this evidence.

STEP 7 SIGN OFF

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

Person(s) completing the impact assessment.

Name	Date	Signature
Neil Carnegie	08/08/13	

Quality check: document has been checked by

Name	Date	Signature
Sandra Bruce	25/07/13	

Head of Service (Sign-off)

Name	Date	Signature

Now –

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal to:

Equalities Team
Customer Service and Performance
Corporate Governance
Aberdeen City Council
Business Hub 13
Second Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk