

Equality Impact Assessment

Accrington Cemetery Proposals

Hyndburn Borough Council

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EQUALITY IMPACT CONSULTING LTD



EqualityImpact

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1. Introduction

Purpose of this report

- 1.1 Hyndburn Borough Council (HBC) has commissioned Equality Impact Consulting to prepare an Equality Impact Assessment (EqIA) for new proposals for Accrington Cemetery.
- 1.2 As a public sector body, HBC must pay due regard to Section 149 of the Equality Act 2010, the Public Sector Equality Duty (PSED). The PSED requires that the Council's practices do not lead to unlawful discrimination (direct or indirect), that it advances equality of opportunity and that it fosters good relations between those with a protected characteristic¹ and all others.
- 1.3 Whilst an EqIA is not required by law, it is a valuable tool to demonstrate how due regard has been paid to the PSED. It considers potential impacts on equality (both positive and negative) associated with HBC's activities and supports informed, evidence-based decision-making.
- 1.4 This EqIA is four proposed options to address complaints associated with dog walking and fouling on grave plots at Accrington Cemetery. It identifies key considerations, assesses the potential effects for each option on protected characteristic groups and summarises and concludes on impacts in line with the PSED. It also provides further recommendations for HBC to consider in discharging its ongoing PSED for the proposals at Accrington Cemetery.

Context

Accrington Cemetery

- 1.5 Accrington Cemetery is located on Burnley Road and is the oldest and largest cemetery in Hyndburn, dating back to 1864. The cemetery occupies over 45 acres and is split into seven areas; Roman Catholic Area, Church of England Area, Non-Conformist Area, Muslim Area, Ashes Area, Infant Area and the Gardens of Remembrance².
- 1.6 The main site entrance is located on Burnley Road with the main drive leading to the Crematorium Chapel. An additional pedestrian entrance (and vehicle entrance for funeral vehicles) is located on Whitewell Road. Pedestrians can also access the cemetery from the north of the site from Within Grove. The majority of the cemetery has vehicle access and internal cemetery roads lead to different plots across the cemetery. There are two car parks with designated disabled bays as well as accessible toilets, seating and water taps. The site is considered to be well-maintained and was awarded a Green Flag Award for 2019/2020.
- 1.7 The cemetery is open to the public for access to graves and the crematorium, but its internal roads and paths are not part of the statutory public rights of way (PRoW) network. Access is managed by HBC under cemetery regulations.

Issue to be addressed

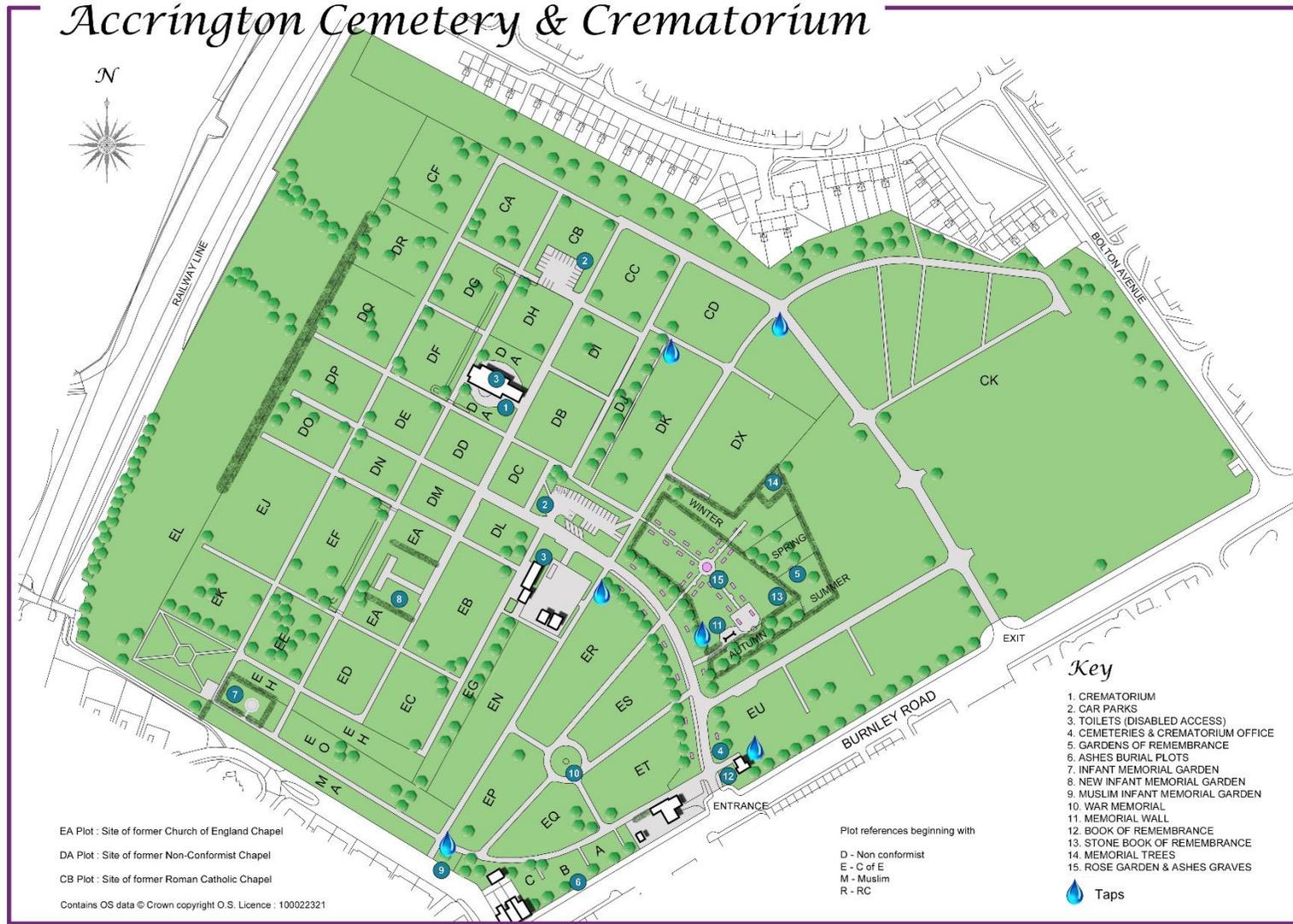
- 1.8 The cemetery is subject to the Hyndburn Borough Council Public Spaces Protection Order 2024 (the PSPO)³ which has a requirement for dogs to be kept on leads in the Borough's cemeteries and for dog owners to clean up after their dogs. Failure to comply with the order can result in a fine of £80. Council officers and dog wardens patrol the area and are authorized to issue a Fixed Penalty Notice to anyone breaching the PSPO.

¹ Protected characteristics are age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy and maternity, and marriage and civil partnership.

² <https://www.hyndburnbc.gov.uk/accrington-cemetery/>

³ <https://democracy.hyndburnbc.gov.uk/documents/s20688/Appendix%204%20-%20Draft%20PSPO.pdf>

Figure 1-1 Layout of Accrington Cemetery & Crematorium and location of complaints



- 1.9 However, complaints have been received from members of the public about dogs walking (on and off leads) and fouling on the grave section within the plot referenced MA in the south western section of the plan shown in Figure 1-1.
- 1.10 The section is designated for Muslim graves, with much of the land closest to the internal road secured for future graves. Currently, the area between existing graves and the internal road is grass-covered and is reportedly the focus of complaints regarding dog walking and fouling.

Proposed options

- 1.11 The proposals considered by the Council's Environmental Services team to address the issue include:
- **Option B:** Install a movable fence around the Muslim section (plot MA) to prevent dogs from entering, while maintaining access for burial teams and visitors.
 - **Option C:** Ban dogs from entering the cemetery entirely, except for assistance dogs.
 - **Option D:** Dog-free zone implemented within a specific area of the cemetery (plot MA and adjacent access road).
 - **Option E:** Fenced dog-free zone implemented within a specific area of the cemetery (plot MA and adjacent access road - with fencing on the southern border of plots EO and EH, and access gates at the northern and southern ends of the access road).
- 1.12 The proposals aim to reduce the potential for dogs walking and fouling on cemetery plots and therefore minimise distress for those visiting graves and reduce potential conflict between those visitors and dog owners.

Legislative and policy context

Equality Act 2010 and the Public Sector Equality Duty⁴

- 1.13 The Equality Act 2010 is UK legislation protecting the rights of individuals against unlawful discrimination and advancing equal opportunities for all. Section 149 of the Equality Act sets out the Public Sector Equality Duty (PSED) to which the Council is subject to in carrying out all its functions. This includes having due regard to the following three aims:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - Foster good relations between people who share a protected characteristic and those who do not.
- 1.14 The Equality Act 2010 further explains that having due regard for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics;
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and

⁴ UK Government (2010) Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/introduction>

- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

- 1.15 The duty covers the following nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership.
- 1.16 The duty also requires consideration of intersectionality, recognising that individuals may experience multiple forms of disadvantage. For example, a Muslim person who is also disabled may face barriers relating to both religious sensitivities and accessibility needs. The PSED requires public bodies to consider these intersecting impacts to ensure policies do not inadvertently disadvantage people at the intersections of protected groups.
- 1.17 Section 29(7) sets out the duty to make reasonable adjustments in the provision of a service. Crematoriums are service providers under Part 3 of the Equality Act and must make reasonable adjustments to ensure disabled people are not placed at a substantial disadvantage. Reasonable adjustments can involve changing the way things are done, making changes to the environment or providing auxiliary aids or services.
- 1.18 Guidance on what is considered a disability under the Equality Act is set out in Appendix A.

Control of Dogs Public Spaces Protection Order 2024

- 1.19 In 2014, all Dog Control Orders were converted into Public Spaces Protection Orders (PSPOs) under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 1.20 Hyndburn Borough Council currently enforces dog control through its Control of Dogs PSPO (Number 1 of 2021), which has since been extended and varied in 2024⁵.

Hyndburn Borough Council - Equality and Diversity Strategy: 2020-2025

- 1.21 The Council's Equality and Diversity Strategy⁶ outlines key equality issues facing HBC, actions to address these issues. The strategy highlights the Council's alignment with the PSED, identifies key statistics and issues regarding protected characteristic groups in the Borough, and outlines the actions the Council will take to promote equality between groups.
- 1.22 The Council aims to go beyond its legislative duties and actively promote equality for residents and address existing issues. The strategy is about treating people fairly and recognising their differences in service delivery, taking these differences into account by providing a choice of services and responding to a range of needs.
- 1.23 The Council delivers its equality objectives through Customer First Analyses, which involve carrying out EqlAs to assess, consult, and understand the effect of a policy, project, or service is likely to have on different groups of people.

⁵ <https://democracy.hyndburnbc.gov.uk/documents/s20688/Appendix%204%20-%20Draft%20PSPO.pdf>

⁶ Hyndburn Borough Council (2020) Our Equality and Diversity Strategy 2020-2025. Available at: <https://www.hyndburnbc.gov.uk/download-package/our-equality-and-diversity-scheme-2020-2025/>

2. Assessment of impacts

Introduction

2.1 This section sets out the assessment of equality impacts of the proposed options. The evidence used to undertake the assessment has included:

- A guided site visit of Accrington Cemetery by HBC's Head of Environmental Services;
- An equality baseline comprising a profile of protected characteristics groups living in the local area and Hyndburn Borough (see Appendix B);
- A review of legislation, policy, literature, best practice and evidence in relation to the proposed options; and
- Other evidence from HBC including consultation on the PSPO undertaken in 2021 and 2024.

Key considerations and evidence

2.2 This section sets out some key equality considerations for the proposed options based on the evidence review. These considerations are themed as follows:

- **Health and safety:** How the options may positively or negatively affect the health, wellbeing and safety of protected characteristic groups.
- **Accessibility:** How the options may affect access to the cemetery and graves for different groups.
- **Respect and dignity:** How the options may affect the respect and dignity of different groups when visiting the cemetery or in relation to their mourning and remembrance of loved ones.
- **Community Cohesion:** How the options may support or reduce community cohesion and foster good relations between groups.

Health and safety

Stress and anxiety

2.3 Many people visiting cemeteries are grieving and may already be struggling emotionally. Dog phobias in addition to grief, may exacerbate feelings of stress and anxiety, especially where dogs are uncontrolled. Dogs running off-lead or not controlled whilst on leads can be a nuisance, interfering with funeral services and creating an unpleasant or unsafe experience for others. There are potential safety risks for the animals too, if dogs are uncontrolled near vehicles or where staff are using tools and machinery.

2.4 Stress and anxiety may be more acute for those with cognitive impairments or those with mobility impairments including some disabled people, pregnant women and older people.

2.5 However, for some people, taking their dog to the cemetery may be part of their grieving process. Their dog may have been an important part of the deceased person's life and offer comfort during grieving and cemetery visits.

2.6 Some groups are also more likely to depend on emotional support animals (ESAs). Dogs who are ESAs do not have the same rights under the Equality Act 2010 as assistance dogs, as they are considered pets with comfort roles and are not trained to perform specific tasks for a disability. However, owners are usually those with impairments or conditions such as

mental health conditions, anxiety, or who are neurodivergent. In some cases, there may be a requirement to make reasonable adjustments for these groups, including by accommodating an emotional support animal⁷.

Risk of toxocariasis

- 2.7 Dog excrement can transmit diseases to humans through contact with contaminated soil, a condition known as Toxocariasis⁸ which may lead to blindness or seizures in rare cases. Children are more vulnerable to toxocariasis because they are more likely to play in the soil. However, as many cemetery visitors will be laying flowers and potentially touching soil at the cemetery, this opens up the risk to those with compromised immunity, such as older people and some disabled people. This could include staff members with protected characteristics who are involved in burials or in maintaining the grounds.
- 2.8 Therefore, any activities that control, reduce or remove the potential for dog fouling could reduce the risk of toxocariasis. Whilst assistance dogs would be exempt from bans or dog-free zones, they are highly trained and would be unlikely to foul in public places⁹.

Respect and dignity

- 2.9 Dogs fouling or walking across graves can be perceived as disrespectful to mourners and cause distress to grieving families.
- 2.10 In particular, burial grounds are considered to be consecrated and sacred spaces by many religions. Therefore, those who follow certain religions may especially find dogs on graves distressing and disrespectful.
- 2.11 The presence of dogs in cemeteries may be more problematic for Muslims, as dogs are traditionally considered impure in Islam. Therefore, contact with dogs may be regarded as offensive by some Muslims from a religious perspective. Thus, the Muslim community is likely to be disproportionately affected by dogs in cemeteries compared to other groups.
- 2.12 While some Muslims may have specific views on dogs in cemeteries, those from Christian, Catholic, Jewish, and Hindu communities may also view dogs in cemeteries as disrespectful. This means that dog control measures can be justified on the grounds that they promote respect and dignity across multiple religions, not just Islam.

Accessibility

- 2.13 The installation of fencing along the periphery of the Muslim section may create accessibility barriers for visitors in wheelchairs or with mobility, visual, sensory or cognitive impairments, older people and pregnant women.
- 2.14 Uneven ground, narrow access points, or poorly positioned gates could result in indirect disadvantage by making it more difficult for these groups to reach graves safely and independently. Inclusive design principles must therefore be embedded to ensure access for all cemetery users. Furthermore, the increase in people walking across graves may also be considered disrespectful to the deceased.
- 2.15 Assistance animals are protected by the Equality Act 2010 and therefore exempt from dog bans in the majority of places¹⁰. This is to ensure that access to public services is not affected for individuals with impairments that may require an assistance dog, including those with sight or hearing loss, or those with a medical condition.

⁷ https://esaregistry.co.uk/emotional-support-dogs-in-the-uk-guide/#elementor-toc_heading-anchor-2

⁸ <https://www.nhs.uk/conditions/toxocariasis/>

⁹ <https://www.equalityhumanrights.com/guidance/assistance-dogs-guide-businesses-and-service-providers>

¹⁰ <https://www.equalityhumanrights.com/guidance/assistance-dogs-guide-businesses-and-service-providers>

Community cohesion

- 2.16 Options associated with changes to dog walking restrictions in cemeteries may result in changes to community cohesion. Some dog owners may use the cemetery as a place to connect and be part of an existing community of dog walkers. Actions implemented that support one group at the detriment of another may cause conflict and reduce cohesion amongst different communities.
- 2.17 HBC undertook a consultation exercise to support the PSPO in 2021 and subsequent extension and variation of the PSPO in 2024. Key stakeholders, including the Police and Crime Commissioner's Office, Dogs Trust, the Kennel Club, and user groups such as Sports Leagues and local 'Friends Of' groups, were informed of the consultation.
- 2.18 A summary of the consultation results is shown in Table 2-1. This shows unanimous support for dog owners clearing up after their dogs foul and strong support for keeping dogs on leads in cemeteries compared with other locations. An increase in favour of measures since 2021 indicates significant support for dog controls in cemeteries within the Borough, which may help to justify further action and enhance community cohesion.

Table 2-1 Results from the Hyndburn Borough Council consultation on the PSPO

PSPO option	2021		2024	
	In favour	Against	In favour	Against
Exclude dogs from Council play facilities	83.79%	16.21%	89.47%	10.53%
Exclude dogs from Council bowling greens	77.78%	22.22%	88.30%	11.70%
That dog owners or those in charge of the dog clear up after the dog fouls	99.6%	0.4%	100%	0%
Dogs are kept on leads in Borough townships	85.71%	14.29%	91.49%	8.51%
Dogs are kept on leads in the Borough's cemeteries	87.25%	12.75%	94.38%	5.62%
Dogs are kept on leads on designated sports pitches	65.08%	34.92%	71.74%	28.26%
Dogs are kept on leads within the grounds of Churchfield House in Great Harwood	75.29%	27.71%	90%	10%
Dogs are kept on leads within the rose garden at Haworth Park	65.86%	34.14%	82.42%	17.58%

Summary of impacts

- 2.19 Table 2-2 compares the key considerations and equality impacts for each option. Tables 2-3, 2-4 and 2-5 summarise the potential equality effects of each option for protected characteristic groups. This provides an assessment of groups with protected characteristics who are likely to be disproportionately or differentially affected by the impacts.
- A *disproportionate* equality effect arises when an impact has a proportionately greater effect on protected characteristic groups than on the general population overall at a particular location.
 - A *differential* equality effect affects members of a protected characteristic group differently from the rest of the general population because of specific needs, or a recognised vulnerability associated with their protected characteristic.
- 2.20 The tables also provide a brief overview of mitigation or recommended actions to minimise adverse impacts and enhance positive impacts.

Table 2-2 Comparison of options

Theme	Option B: Fencing	Option C: Ban Dogs	Option D: Dog-Free Zone	Option E: Fenced Dog-Free zone
Health and Safety	<ul style="list-style-type: none"> Potential to reduce stress/anxiety and fouling risks in fenced area only. 	<ul style="list-style-type: none"> Eliminates fouling and associated health risks within the cemetery. Safer for children, older people, and those with phobias. May cause stress and anxiety for some disabled people who depend on ESAs for comfort or anxiety reasons. 	<ul style="list-style-type: none"> Potential to reduce stress/anxiety and fouling risks in dog free zone only. 	<ul style="list-style-type: none"> Potential to reduce stress/anxiety and fouling risks in dog-free zone only.
Respect and Dignity	<ul style="list-style-type: none"> Positive for Muslim community. 	<ul style="list-style-type: none"> Strong positive impact across all faiths; consistent respect for mourning practices. 	<ul style="list-style-type: none"> Positive for Muslim community. 	<ul style="list-style-type: none"> Positive for Muslim community.
Accessibility	<ul style="list-style-type: none"> Potential negative impacts on those visiting the fenced section who have mobility, visual, sensory or cognitive impairments, those with prams, and older people. Inclusive design will need to be implemented to minimise accessibility barriers. 	<ul style="list-style-type: none"> Does not involve the installation of physical infrastructure and therefore would not create new physical accessibility barriers for visitors. This option would also continue to allow assistance dogs (in line with the Equality Act 2010). However, there is the potential for disadvantage for some disabled groups who rely on ESAs. 	<ul style="list-style-type: none"> Does not involve the installation of physical infrastructure and therefore would not create new physical accessibility barriers for visitors. Some distances for dog walkers (including those visiting graves) may be longer as a result of the dog-free zone. However, this impact is likely to be minor and would not affect those who have an assistance animal. 	<ul style="list-style-type: none"> Inclusive design guidance will need to be followed to ensure access gates are accessible for those with mobility, visual, sensory or cognitive impairments, those with prams, and older people.

Theme	Option B: Fencing	Option C: Ban Dogs	Option D: Dog-Free Zone	Option E: Fenced Dog-Free zone
Community Cohesion	<ul style="list-style-type: none"> Potential positive community cohesion impacts by showing the needs of a minority religious group have been addressed whilst limiting the impact on dog walkers (across all groups). Potential for other groups to question the lack of measures in other sections of the cemetery. 	<ul style="list-style-type: none"> Consistent rule across all faith groups. May help to minimise conflict between anti-social dog owners and other visitors to the cemetery across all groups. However, there may be some negative impacts on dog owners who may feel excluded. In particular, those visiting graves with dogs or ESAs. 	<ul style="list-style-type: none"> Potential positive community cohesion impacts by showing the needs of a minority religious group have been addressed while limiting the impact on dog walkers (across all groups). Potential for other groups to question the lack of measures in other sections of the cemetery. 	<ul style="list-style-type: none"> Potential positive community cohesion impacts by showing the needs of a minority religious group have been addressed while limiting the impact on dog walkers (across all groups). Potential for other groups to question the lack of measures in other sections of the cemetery
Scope of Impact	<ul style="list-style-type: none"> Localised: only protects the Muslim section. 	<ul style="list-style-type: none"> Site-wide: applies across the entire cemetery. 	<ul style="list-style-type: none"> Localised: only protects Muslim grave area and adjacent internal road. 	<ul style="list-style-type: none"> Localised: only protects Muslim grave area and adjacent internal road.
Legal Compliance	<ul style="list-style-type: none"> Assistance dogs must be allowed into fenced areas under the Equality Act. Failure to do so can be considered as direct discrimination. 	<ul style="list-style-type: none"> Assistance dogs are exempt from ban HBC may need to consider reasonable adjustments for disabled ESA owners. 	<ul style="list-style-type: none"> Assistance dogs are exempt from dog-free zone. 	<ul style="list-style-type: none"> Assistance dogs are exempt from dog-free zone.
Enforcement Needs	<ul style="list-style-type: none"> Targeted enforcement around the fenced section, which can be supported by signage on the fence. 	<ul style="list-style-type: none"> Broader enforcement across the entire site. 	<ul style="list-style-type: none"> Targeted enforcement around the dog-free zone. 	<ul style="list-style-type: none"> Targeted enforcement around the dog-free zone, which can be supported by signage on gates.
Consultation Evidence	<ul style="list-style-type: none"> Addresses specific complaints but may leave any wider concerns unresolved. 	<ul style="list-style-type: none"> Aligns with strong public support for dog controls in cemeteries (94% in favour of dogs on leads in cemeteries in 2024 survey). 	<ul style="list-style-type: none"> Addresses specific complaints but may leave any wider concerns unresolved. 	<ul style="list-style-type: none"> Addresses specific complaints but may leave any wider concerns unresolved.

Theme	Option B: Fencing	Option C: Ban Dogs	Option D: Dog-Free Zone	Option E: Fenced Dog-Free zone
Other factors/mitigation	<ul style="list-style-type: none"> The fence would be designed to be easily movable for the purpose of burials. 	<ul style="list-style-type: none"> Alternative dog walking areas are located nearby for 'general' dog walking activities. 	<ul style="list-style-type: none"> Would allow dog walkers to still use the crematorium grounds with the exception of the dog-free zone 	<ul style="list-style-type: none"> Would allow dog walkers to still use the crematorium grounds with the exception of the dog-free zone.

Table 2-3 Summary of impacts by protected characteristic group: Option B

Protected Characteristic	Option A: Install a movable fence around the Muslim section to prevent dogs from entering, while maintaining access for burial teams and visitors.		
	Positive	Negative	Proposed mitigation
Age	<ul style="list-style-type: none"> Reduces distress for older visitors and children encountering dogs on graves within a fenced area 	<ul style="list-style-type: none"> Potential access issues for older visitors with age-related impairments. 	<ul style="list-style-type: none"> Fencing must be designed inclusively to meet the needs of older people with age-related impairments (wide gates, tactile signage, level access).
Disability	<ul style="list-style-type: none"> Allows emotional support animals (not legal assistance dogs) continued access to the cemetery, supporting disabled people who may rely on them. Maintains access for disabled visitors if gates are removable/accessible 	<ul style="list-style-type: none"> Risk of barriers for wheelchair users or those with mobility/sensory impairments. 	<ul style="list-style-type: none"> Fencing must be designed inclusively to meet the needs of those with mobility, sensory and cognitive impairments (wide gates, tactile signage, level access).
Pregnancy and maternity	<ul style="list-style-type: none"> May reduce stress/anxiety for pregnant visitors to the fenced section 	<ul style="list-style-type: none"> Possible navigation difficulties with pushchairs and prams. 	<ul style="list-style-type: none"> Fencing must be designed inclusively to meet the needs of those with prams (wide gates, tactile signage, level access).
Race	<ul style="list-style-type: none"> May provide a positive impact for ethnic minority groups disproportionately represented in the Muslim section. 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
Religion	<ul style="list-style-type: none"> Directly addresses concerns raised by the community about respect for graves in the Muslim section of the cemetery. 	<ul style="list-style-type: none"> May be seen as a partial solution, not addressing wider cemetery concerns across all faith sections. 	<ul style="list-style-type: none"> Ongoing engagement with faith groups to monitor impacts and perceptions
Gender Reassignment/ Marriage and Civil Partnership/ Sex/ Sexual Orientation	<ul style="list-style-type: none"> No disproportionate or differential impacts have been identified for these groups. 	<ul style="list-style-type: none"> No disproportionate or differential impacts have been identified for these groups. 	<ul style="list-style-type: none"> N/A

Table 2-4 Summary of impacts by protected characteristic group: Option C

Protected Characteristic	Option B: Ban dogs from entering the cemetery entirely (except for assistance dogs)		
	Positive	Negative	Proposed mitigation
Age	<ul style="list-style-type: none"> • Safer environment for children and older people, due to less risk of dog fouling or aggressive dogs. 	<ul style="list-style-type: none"> • Removes the opportunity for older dog owners to bring pets as part of the grieving process. • Removes the opportunity for dog walking activity for older people. 	<ul style="list-style-type: none"> • Alternative areas for dog walking located nearby include the Coppice and Bolton Avenue Recreation Ground (not covered by the PSPO except for the Bolton Avenue play area). • Highams play area is also located nearby (covered by the PSPO).
Disability	<ul style="list-style-type: none"> • Cleaner environment. • Reduced anxiety for those with dog phobias. 	<ul style="list-style-type: none"> • Emotional support animals (not legally assistance dogs) are excluded, potentially disadvantaging some disabled people. 	<ul style="list-style-type: none"> • Assistance dogs would be exempt from the ban. • Council could consider case-by-case discretion for ESAs, supported by medical evidence, while maintaining enforcement of PSPO conditions.
Pregnancy and maternity	<ul style="list-style-type: none"> • Safer environment due to reduced risk of toxocarasis or aggressive dogs. 	<ul style="list-style-type: none"> • Emotional support animals (not legally assistance dogs) are excluded, potentially disadvantaging some pregnant people. 	<ul style="list-style-type: none"> • Consider discretion for ESAs where linked to maternal wellbeing.
Race	<ul style="list-style-type: none"> • Reinforces respect for diverse cultural practices. 	<ul style="list-style-type: none"> • N/A 	
Religion	<ul style="list-style-type: none"> • Strong respect for sensitivities across all faiths. 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Alternative areas for dog walking in the nearby area.
Gender Reassignment/ Marriage and Civil Partnership/ Sex/ Sexual Orientation	<ul style="list-style-type: none"> • No disproportionate or differential impacts have been identified for these groups. 	<ul style="list-style-type: none"> • No disproportionate or differential impacts have been identified for these groups. 	<ul style="list-style-type: none"> • N/A

Table 2-5 Summary of impacts by protected characteristic group: Option D

Protected Characteristic	Option C: Dog-free zone (within and around Muslim area)		
	Positive	Negative	Proposed mitigation
Age	<ul style="list-style-type: none"> Reduces distress for older visitors and children encountering dogs on graves within the dog-free zone. 	<ul style="list-style-type: none"> Some older people with dogs may have a slight walk distance increase to graves. However, this impact is expected to be minimal due to the limited size of the dog-free zone. 	<ul style="list-style-type: none"> Clear signage and route maps to help with navigation around the site.
Disability	<ul style="list-style-type: none"> Allows emotional support animals continued access to the cemetery, supporting disabled people who may rely on them. 	<ul style="list-style-type: none"> Some disabled visitors with dogs may have a slight walk distance increase to graves. This may affect people with mobility impairments that do not have assistance animals. However, this impact is expected to be minimal due to the limited size of the dog-free zone. 	<ul style="list-style-type: none"> Clear signage and route maps to help with navigation around the site. Assistance dogs to be exempt from the dog-free zone.
Pregnancy and maternity	<ul style="list-style-type: none"> May reduce stress/anxiety for pregnant visitors within the dog-free zone. 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
Race	<ul style="list-style-type: none"> May provide a positive impact for ethnic minority groups disproportionately represented in the Muslim section. 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
Religion	<ul style="list-style-type: none"> Directly addresses concerns raised by the community about respect for graves in the Muslim section of the cemetery. 	<ul style="list-style-type: none"> May be seen as a partial solution, not addressing wider cemetery concerns across all faith sections. 	<ul style="list-style-type: none"> Ongoing engagement with all faith groups to monitor impacts and perceptions.
Gender Reassignment/ Marriage and Civil Partnership/ Sex/ Sexual Orientation	<ul style="list-style-type: none"> No disproportionate or differential impacts have been identified for these groups. 	<ul style="list-style-type: none"> No disproportionate or differential impacts have been identified for these groups. 	<ul style="list-style-type: none"> N/A

Table 2-6 Summary of impacts by protected characteristic group: Option E

Protected Characteristic	Option D: Fenced dog-free zone		
	Positive	Negative	Proposed mitigation
Age	<ul style="list-style-type: none"> Reduces distress for older visitors and children encountering dogs on graves within the dog-free zone. 	<ul style="list-style-type: none"> Some older people with dogs may have a slight walk distance increase to graves. However, this impact is expected to be minimal due to the limited size of the dog-free zone. 	<ul style="list-style-type: none"> Fully accessible gates installed at either end of the dog-free zone. Clear signage and route maps to help with navigation around the site.
Disability	<ul style="list-style-type: none"> Allows emotional support animals continued access to the cemetery, supporting disabled people who may rely on them. 	<ul style="list-style-type: none"> Some disabled visitors with dogs may have a slight walk distance increase to graves. This may affect people with mobility impairments who do not have assistance animals. However, this impact is expected to be minimal due to the limited size of the dog-free zone. 	<ul style="list-style-type: none"> Clear signage and route maps to help with navigation around the site. Assistance dogs to be exempt from the dog-free zone.
Pregnancy and maternity	<ul style="list-style-type: none"> May reduce stress/anxiety for pregnant visitors within the dog-free zone. 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> Fully accessible gates installed at either end of the dog-free zone.
Race	<ul style="list-style-type: none"> May provide a positive impact for ethnic minority groups disproportionately represented in the Muslim section. 	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> N/A
Religion	<ul style="list-style-type: none"> Directly addresses concerns raised by the community about respect for graves in the Muslim section of the cemetery. 	<ul style="list-style-type: none"> May be seen as a partial solution, not addressing wider cemetery concerns across all faith sections. 	<ul style="list-style-type: none"> Ongoing engagement with all faith groups to monitor impacts and perceptions.
Gender Reassignment/ Marriage and Civil Partnership/ Sex/ Sexual Orientation	<ul style="list-style-type: none"> No disproportionate or differential impacts have been identified for these groups. 	<ul style="list-style-type: none"> No disproportionate or differential impacts have been identified for these groups. 	<ul style="list-style-type: none"> N/A

3. Conclusions and recommendations

Conclusions

3.1 This report has summarised the main equality effects of the proposed options for the Accrington cemetery. The findings of the assessment with regard to the three aims of the PSED are:

Aim 1: To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

3.2 The development of the proposed options demonstrates that HBC is actively considering measures to reduce distress and potential discrimination for protected groups, particularly the Muslim community and disabled visitors.

3.3 Exemptions for assistance dogs ensure compliance with the Equality Act 2010 and avoid direct discrimination against disabled people. However, potential risks remain because ESAs are excluded from the cemetery under Option C and a section of the cemetery under Options D and E. This could indirectly disadvantage some disabled or neurodivergent visitors. Reasonable adjustments may need to be considered to reduce this risk.

3.4 Enforcement of the PSPO and any new measures will be critical to ensure that protections are meaningful and consistently applied.

3.5 **Conclusion:** HBC is paying due regard to eliminating discrimination by addressing religious sensitivities and accessibility needs, but must ensure enforcement and reasonable adjustments for those reliant on emotional support animals.

Aim 2: To advance equality of opportunity between people who share a protected characteristic and those who do not by:

3.6 Option B and E advance equality by directly meeting the needs of the Muslim community, but may create physical barriers for disabled visitors due the implementation of fencing and gates. HBC has committed to making the design as inclusive and flexible as possible, but there may still be issues for those with mobility, sensory and cognitive impairments who need to access graves within the fence section for Option B.

3.7 Option C (dog ban) advances equality of opportunity more broadly across all faith groups by ensuring respect and dignity in mourning spaces, but risks excluding disabled people who rely on ESAs.

3.8 Option D and Option E (dog-free zone) advances equality by directly meeting the needs of the Muslim community while still maintaining access to the majority of cemetery for dog owners.

3.9 All options highlight the need for proactive design and consultation to minimise disadvantages and ensure participation by groups who may otherwise be excluded.

3.10 **Conclusion:** HBC is taking steps to advance equality of opportunity by tailoring measures to different groups' needs. Inclusive design and reasonable adjustments are essential to prevent new barriers for disabled people and to ensure that all groups can continue to participate fully in cemetery use.

Aim 3: Foster good relations between people who share a protected characteristic and those who do not.

- Options B, D and E may foster good relations by showing responsiveness to the Muslim community's concerns, but could be perceived as a partial solution by other groups.

- Option C may foster good relations across all groups by creating a consistent rule, but risks tension with dog owners who feel excluded, particularly those who rely on ESAs.
- 3.11 Transparent consultation, clear communication of reasons, and information on alternative dog-walking spaces nearby will be key to maintaining trust and cohesion.
- 3.12 **Conclusion:** HBC has an opportunity to foster good relations by demonstrating respect for different religious practices and by reducing conflict between visitors and dog owners. Ongoing consultation and communication will be vital to balance sensitivities and avoid perceptions of exclusion.

Recommendations

- 3.13 Below sets out some further recommendations for HBC to consider for the ongoing discharge of the PSED.
- 3.14 Option B (Fencing) should be supported by:
- Inclusive design checklist for fencing, including accessible gate placement, width, and potential pathways.
 - Consultation with affected families - engage with visitors whose access routes may be affected to understand specific needs and preferences.
 - Clear signage: Provide unobtrusive but clear signage.
 - More clear signage directing visitors to accessible routes and gates.
 - A dog walking code of conduct for the cemetery.
 - A clear policy and communication that assistance dogs would need to be permitted into the fenced area.
- 3.15 Option C (Banning Dogs) should be supported by:
- Clear signage at all entrances outlining that dogs are prohibited, except for assistance dogs; and
 - Potential permits to allow those with emotional support animals to use the cemetery.
- 3.16 Option D (Dog-free zone) should be supported by:
- Clear signage at all entrances and at each end of the dog-free zone outlining that dogs are prohibited (except for assistance dogs). Appropriate road markings for the dog-free zone could be considered for clarity;
 - A clear policy and communication that assistance dogs would need to be permitted into the dog-free zone area; and
 - A formalised dog-walking route around the cemetery, which can be planned with dog walkers (including those with protected characteristics). This may also help build a community of dog walkers who can work with PSPO officers to conduct informal monitoring of non-compliant dog walkers. This may help to foster good relations between groups and promote community cohesion.
 - A dog walking code of conduct for the cemetery.
- 3.17 Option E (Dog-free zone with fencing and gates) should be supported by:
- Inclusive design checklist including accessible gate placement and width;

- Clear signage on gates at each end of the dog-free zone outlining that dogs are prohibited (except for assistance dogs);
- A clear policy and communication that assistance dogs would need to be permitted into the dog-free zone area;
- A formalised dog-walking route around the cemetery, which can be planned with dog walkers (including those with protected characteristics). This may also help build a community of dog walkers who can work with PSPO officers to conduct informal monitoring of non-compliant dog walkers. This may help to foster good relations between groups and promote community cohesion; and
- A dog walking code of conduct for the cemetery.

3.18 Other recommendations include:

- 1) **Pilot scheme with monitoring** - The selected option(s) should be piloted to test the effectiveness of each option in addressing the issue and to monitor equality impacts. The public and stakeholders should be consulted following the pilot stage of the option(s). The consultation should seek to include respondents from all groups identified in this assessment.
- 2) **Communication and engagement** - Visitor consultation and engagement will play an important role in the decision process or in monitoring. Involving residents and other stakeholders in the design and development process is essential to achieving an inclusive option that works for everyone. It is therefore recommended that the public be consulted on proposals in an inclusive manner. This should include a clear communication plan for dog owners and faith groups.
- 3) **PSPO Variations** - HBC may wish to make future variations to the PSPO which limit dogs to paved areas of cemeteries or exclude them from walking or fouling on or near graves.
- 4) **ESAs** - HBC may wish to take a case-by-case approach to permitting access to the cemetery for those with ESAs under specific guidelines and restrictions. This may be a requirement under Section 29(7) of the Equality Act 2010 in regard to making reasonable adjustments for disabled people to access the cemetery.
- 5) **Monitoring of equality impacts** – this should be included as part of a Monitoring and Evaluation Plan for the proposals.

Appendix A: Disability definitions

Main elements of the definition of disability (adapted from Government Guidance)¹¹

The Equality Act 2010 defines a disabled person as a person with a disability. A person has a disability for the purposes of the Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities (**S6(1)**).

This means that, in general:

- the person must have an impairment that is either physical or mental
- the impairment must have substantial adverse effects
- the substantial adverse effects must be long-term
- the long-term substantial adverse effects must be effects on normal day-to-day activities

All of the factors above must be considered when determining whether a person is disabled.

Meaning of ‘impairment’

The definition requires that the effects which a person may experience must arise from a physical or mental impairment. The term mental or physical impairment should be given its ordinary meaning. It is not necessary for the cause of the impairment to be established, nor does the impairment have to be the result of an illness. In many cases, there will be no dispute whether a person has an impairment. Any disagreement is more likely to be about whether the effects of the impairment are sufficient to fall within the definition, and in particular whether they are long-term. Even so, it may sometimes be necessary to decide whether a person has an impairment so as to be able to deal with the issues about its effects.

Whether a person is disabled for the purposes of the Act is generally determined by reference to the **effect** that an impairment has on that person’s ability to carry out normal day-to-day activities. It is not possible to provide an exhaustive list of conditions that qualify as impairments for the purposes of the Act. Any attempt to do so would inevitably become out of date as medical knowledge advances.

A disability can arise from a wide range of impairments, which can be:

- sensory impairments, such as those affecting sight or hearing

¹¹ Government Equalities Office/ Women and Equalities Unit (March 2013) Disability: Equality Act 2010 - Guidance on matters to be taken into account in determining questions relating to the definition of disability

- impairments with fluctuating or recurring effects such as rheumatoid arthritis, myalgic encephalitis (ME), chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy
- progressive, such as motor neurone disease, muscular dystrophy, and forms of dementia
- auto-immune conditions such as systemic lupus erythematosus (SLE)
- organ specific, including respiratory conditions, such as asthma, and cardiovascular diseases, including thrombosis, stroke and heart disease
- developmental, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia
- learning disabilities
- mental health conditions with symptoms such as anxiety, low mood, panic attacks, phobias, or unshared perceptions; eating disorders; bipolar affective disorders; obsessive compulsive disorders; personality disorders; post-traumatic stress disorder, and some self-harming behaviour
- mental illnesses, such as depression and schizophrenia
- produced by injury to the body, including to the brain

It may not always be possible, nor is it necessary, to categorise a condition as either a physical or a mental impairment. The underlying cause of the impairment may be hard to establish. There may be adverse effects which are both physical and mental in nature. Furthermore, effects of a mainly physical nature may stem from an underlying mental impairment, and vice versa.

Appendix B: Protected characteristic groups

An analysis of Census 2021 data has been undertaken to produce a profile of protected characteristic groups living near Accrington cemetery. The areas analysed include:

- Middle level Super Output Area - The area surrounding the cemetery is likely the catchment for cemetery use, including visitors to the graves, local dog walkers and other recreational users;
- Hyndburn Local authority area (Hyndburn) – this has been included due to the cemetery being the largest in Hyndburn and catering for specific religious groups living within the wider Borough; and
- National-level data (England) has also been collated for further analysis and comparison.

Protected characteristic groups

Sex

Table B-1 shows that the study area has an equal distribution of residents by sex to that of national rates.

Table B-1 Population by sex

Sex	Study area	Hyndburn	England
Females	51.1%	50.8%	51.0%
Males	48.9%	49.2%	49.0%

Source Census 2021: TS008 - Sex ¹²

Age

Table B-2 presents the age distribution for the study area, compared with local and national rates. There is a slightly higher percentage of children living in the study area and in Hyndburn than at the national level.

Although the percentage of people aged 65 and over is slightly lower than the national rate, this age group will see a larger increase than other age groups over the next 20 years. The number of people aged 80 and over is projected to nearly double in Lancashire, from 2022 (68,980) to 2047 (132,018). The proportion of the population aged 80 and over is projected to grow from 5.5% in 2022 (England = 5.0%) to 9.2% by 2047 (England = 8.3%) in Lancashire¹³.

Table B-2 Population by age group

Age (years)	Study area	Hyndburn	England
Children (0-15)	19.9%	20.2%	18.5%
Young People (16-24)	10.1%	10.2%	10.6%
Older People (65 and over)	18.1%	18.3%	19.4%

Source: Census 2021 (TS007B - Age by broad age bands)

¹² ONS (2021). Census 2021: TS008 – Sex. Available at: [Dataset Selection - Query - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/dataset/ts008-sex)

¹³ <https://www.lancashire.gov.uk/lancashire-insight/population-and-households/population/population-projections/>

Disability

Table B-3 shows that the percentage of the population reporting as disabled in the study area and Hyndburn is higher than the national rate.

Table B-3 Population by disability

Disability	Study area	Hyndburn	England
Disabled under the Equality Act	22.2%	20.8	17.3%
Disabled under the Equality Act: Day-to-day activities are limited a lot	10.4%	9.7%	7.3%
Disabled under the Equality Act: Day-to-day activities are limited a little	11.9%	11.1%	10.0%
Not disabled under the Equality Act: Has long term physical or mental health condition but day-to-day activities are not limited	6.5%	6.0%	6.8%
Not disabled under the Equality Act: No long term physical or mental health conditions	71.2%	73.2%	75.9%

Source: Census 2021 (TS038 – Disability)

Race

Table B-4 shows that Pakistani ethnicity constitutes the largest share of ethnic minority groups (8.8%) in the study area (8.8%) and in Hyndburn (13.2%). Table B-5 shows that only 5.8% of households in Hyndburn have one or more household members who do not speak English as their main language, compared with 10.7% nationally.

Table B-4 Population by ethnicity

Ethnicity	Study area	Hyndburn	England
Asian, Asian British or Asian Welsh: Bangladeshi	0.5%	0.6%	1.1%
Asian, Asian British or Asian Welsh: Chinese	0.1%	0.2%	0.8%
Asian, Asian British or Asian Welsh: Indian	0.3%	0.4%	3.3%
Asian, Asian British or Asian Welsh: Pakistani	8.8%	13.2%	2.8%
Asian, Asian British or Asian Welsh: Other Asian	0.7%	0.8%	1.7%
Black, Black British, Black Welsh, Caribbean or African: African	0.1%	0.2%	2.6%
Black, Black British, Black Welsh, Caribbean or African: Caribbean	0.0%	0.0%	1.1%
Black, Black British, Black Welsh, Caribbean or African: Other Black	0.1%	0.0%	0.5%
Mixed or Multiple ethnic groups: White and Asian	0.7%	0.7%	0.8%
Mixed or Multiple ethnic groups: White and Black African	0.1%	0.1%	0.4%
Mixed or Multiple ethnic groups: White and Black Caribbean	0.2%	0.2%	0.9%

Ethnicity	Study area	Hyndburn	England
Mixed or Multiple ethnic groups: Other Mixed or Multiple ethnic groups	0.3%	0.3%	0.8%
White: English, Welsh, Scottish, Northern Irish or British	83.7%	79.6%	73.5%
White: Irish	0.6%	0.4%	0.9%
White: Gypsy or Irish Traveller	0.1%	0.1%	0.1%
White: Roma	0.1%	0.1%	0.2%
White: Other White	3.1%	2.5%	6.3%
Other ethnic group: Arab	0.2%	0.2%	0.6%
Other ethnic group: Any other ethnic group	0.4%	0.4%	1.6%

Source: Census 2021 (TS021 - Ethnic group)

Table B-5 Household language of population

Household Language	Hyndburn	England
All adults in household have English as a main language	94.2%	89.3%
At least one but not all adults in household have English as a main language	2.8%	4.3%
No adults in household, but at least one person aged 3 to 15 years, has English as a main language	0.6%	1.4%
No people in household have English as a main language	2.4%	5.0%

Source: Census 2021 (TS025 - Household language)

Religion

Table B-6 shows that the percentages of the population who are 'no religion' or Christian are in line with national levels. The most significant percentage of religious minority groups is Muslim, which is more than twice the percentage in Hyndburn than at the national level.

Table B-6 Population by religion

Religion	Study area	Hyndburn	England
No religion	34.4%	28.4%	36.7%
Christian	49.1%	51.0%	46.3%
Buddhist	0.2%	0.2%	0.5%
Hindu	0.0%	0.1%	1.8%
Jewish	0.0%	0.0%	0.5%
Muslim	10.5%	14.7%	6.7%
Sikh	0.1%	0.0%	0.9%
Other religion	0.5%	0.4%	0.6%
Not answered	5.1%	5.2%	6.0%

Source: Census 2021 (TS030 – Religion)

Sexual orientation

Table B-7 provides a breakdown by sexual orientation for Hyndburn. This shows that percentages of sexual orientation groups are on a par with national rates.

Table B-7 Population by sexual orientation

Sexual orientation	Study area	Hyndburn	England
Straight or Heterosexual	89.8%	90.4%	89.4%
Gay or Lesbian	1.4%	1.2%	1.5%
Bisexual	1.0%	1.0%	1.3%
All other sexual orientations	0.2%	0.2%	0.3%
Not answered	7.5%	7.2%	7.5%

Source: Census 2021 (TS077 - Sexual orientation)

Gender reassignment

Table B-8 provides a breakdown of the population by gender identity. This shows similar rates among those whose identity is the same gender as registered at birth, compared with national rates.

Table B-8 Population by gender identity

Gender Identity	Hyndburn	England
Gender identity the same as sex registered at birth	93.6%	93.5%
Gender identity different from sex registered at birth but no specific identity given	0.2%	0.2%
Trans woman	0.1%	0.1%
Trans man	0.1%	0.1%
Non-binary	0.0%	0.1%
All other gender identities	0.0%	0.0%

Source: Census 2021 (TS070 - Gender identity (detailed))



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