

Equality Analysis for a Policy, Project or Report

Pavement Licensing Policy	16 July 2020
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<p>The Government is introducing legislation as an emergency measure to assist businesses providing food and drink for consumption on the premises by allowing them to apply to site chairs and tables on highways space for customers. This emergency provision is proposed to be in force until September 2021.</p> <p>The proposed policy will set out guidance for local businesses as well as make provision for conditions to be attached to permissions affording the council the opportunity to regulate effectively.</p>	

The Equality Act 2010 legally protects people from discrimination, both in the workplace and in wider society. It covers 9 specific groups of people who share 1 or more of these protected characteristics; age; disability; gender; gender reassignment; marriage & civil partnership; pregnancy & maternity; race; religion or belief; and sexual orientation.

As a local authority Arun District Council (and any other organisation that is carrying out a public function on our behalf) is further bound by the Public Sector Equality Duty. This means that we have to consider **all** individuals in their day-to-day work – in shaping policy, in delivering services and in relation to our own employees.

The Duty has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and people who do not share it – this means removing or minimising disadvantages suffered by people due to their protected characteristics and encouraging people with protected characteristics to participate in public life or in other activities where their participation is low.
- foster good relations between people who share a protected characteristic and people who do not share it – this involves tackling prejudice and promoting understanding.

Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Duty involves consciously thinking about the three aims as part of the process of decision-making. Doing this will entail understanding the potential effects of the organisation's activities on different people. Keeping a simple record of how decisions were reached will help public bodies show how they considered the Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

Analysis

Consider what it is that you are trying to achieve and write a brief equality analysis in the box below. You should mention each of the nine protected groups, plus any others (e.g. families, people on low incomes, people in remote areas, etc) who may be affected. The following questions should help shape your thought process and subsequent decision making.

- Who will benefit most from this? Will anyone be treated more favourably as a result?

- Is there any evidence to suggest that your action or policy could have an adverse impact on some groups of people and specifically those with a protected characteristic? Does it present barriers or problems for any groups or communities?
- Is there any data, research or other evidence available to help or support your decisions?
- Have you considered any existing examples of good practice.
- How do you intend to deal with any adverse impact, or lessen it?
- Who else will you need to be working with to do this e.g. partners, contractors etc and what is their approach? How will this help?

The measure is proposed to allow business the opportunity to use highways land to make provision to increased seating for customers wishing to consume food and drink on the premises. Many businesses have had to drastically decrease capacity within venues due to Covid measures and this is making business sustainability difficult.

The policy will ensure that all applications are treated with consistency and that access to other premises or facilities in the vicinity in the area are not compromised. It will be a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#). This will ensure that those mobility and accessibility issues are not adversely affected by the new measures.

The proposed statute means the council will be duty bound to accept applications for Pavement Licences, the system makes provision for a single application which will give the business owner a fast track permission to utilise highways space adjacent to premises. Planning permission will automatically be secured for the premises.

Applications will be consulted upon widely and enforcement maybe undertaken by the licensing authority or highways. If a licence holder breaches conditions of their permission, the licence may be revoked.

The policy was written in consultation with other authorities to ensure consistency where possible, especially for businesses with premises in other areas.