

Derbyshire Dales District Council Equality Impact Assessment



Please refer to the guidance whilst completing this form.

Please contact Claire Allen [Claire.allen@derbyshiredales.gov.uk or 01269 761240] for support.

1. Outline

Information required	Detail
a. Title of policy, practice, service or function being assessed	Permanent Pavement Licensing Regime 2024
b. Links to Service and/or Corporate Plan Ref/s	
c. Name and Role of Officers conducting assessment	Grace Dowson, Licensing Manager
d. Date of assessment	14.05.2024
e. Reason for assessment	<ol style="list-style-type: none"> 1. To consider the impacts on people of a pavement licence when granted/renewed. 2. To consider the impact of the policy itself to rule out concerns whether there is a chance of discrimination in the awarding of licences, 3. The level of appropriate fees.
f. What is the purpose of this policy, practice, service, or function? (Specify aims and objectives)	To set the fees for the Permanent Licensing Regime which came into effect under the Levelling Up and Regeneration Act on the 31 st March 2024.
g. Are there any other organisations involved in its implementation?	<ul style="list-style-type: none"> • consultees that we consult with in respect of each pavement application, Police, Derbyshire County Council, DDDC Clean and Green and DDDC Environmental Health.

Information required	Detail
h. Likely customer groups to be impacted	Members of the public, customers of cafes, neighbouring businesses, and residents.
i. Other stakeholders likely to be impacted.	Derbyshire County Council, emergency services if unable to access areas due to pavements or immovable pavements
Which District Council departments are affected by the policy, practice, service or function?	DDDC Regeneration – Ashbourne Reborn , Clean and Green, and Environmental Health as consultees, Finance for fees and accruals
Do any of the objectives directly support or hinder another Council activity?	Not that I am aware of.

2. Assessing Relevance to the General Equality Duty

The General Equality Duty has three aims which require the District Council to have due regard to the need to:	Tick those which are relevant ✓
1. Eliminate unlawful discrimination (both direct or indirect), harassment and victimisation.	✓
2. Advance equality of opportunity between all persons by <ul style="list-style-type: none"> • removing or minimising disadvantages suffered by protected groups. • taking steps to meet the needs of people from protected groups where these are different from the needs of other people • encouraging people from protected groups to participate in public life or other activities where participation is disproportionately low 	✓
3. Foster good relations between different groups	✓

3. What existing information / data do you have / monitor about different diverse groups in relation to this policy, practice, service, or function?

For example: previous EIA's, reports, consultation, surveys, demographic data etc.

Information / Data	Data source and date	Information relevant to proposed policy/service/function
<p>Office National Statistics 2021 Census https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationandhouseholdestimatesenglandandwalescensus2021</p>	<p>Office National Statistics population datasets – age, sex, households etc.</p>	<p>e.g., Derbyshire Dales population has increased by 0.5% from 71,116 to 71,500</p> <p>27.8% of the population in the Derbyshire Dales are over 65</p> <p>The number of households has increased by 5.1%, from 30,744 to 32,300</p>

<p>Derbyshire Observatory https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/documents/census/2021_census/Census2021_FirstReleaseDerbyshire.html#derbyshire- dales</p> <p>Infographic of data</p> <p>https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/documents/census/2021_census/2021%20Census%20Infographic%20v5_DDales%20V1.0.png</p> <p>https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/profiles/quilt/quilt_rank.pdf</p>	<p>Population figures by age, number of households, sex - Derbyshire Observatory; taken from Census 2011 - national survey of all households</p>	<p>The Derbyshire Dales has less people aged under 35 than the average for England, in all 5 year age bands</p>
<p>Derbyshire Dales Equalities Profile https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/profiles/area_profiles/district/Derbyshire_Dales_Area_Profile.pdf</p>	<p>Derbyshire Observatory; taken from Census 2020 - national survey of all households</p>	

<p>Derbyshire Dales Profile https://www.nomisweb.co.uk/reports/localarea?compare=E07000035</p>	<p>NOMIS Official Labour Market Statistics Census 2011-national survey of all households</p>	
<p>Derbyshire Dales Equality Information published on website: https://www.derbyshiredales.gov.uk/your-council/equalities/equality-information</p>	<p>DDDC Monitoring data collected by services (in-house and outsourced)</p>	
<p>Population figures – estimated for 2020 by the ONS https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalescotlandandnorthernireland</p>	<p>Office of National Statistics</p>	<p>e.g., The UK median age is 40.4, in the Derbyshire Dales it is 51.5</p>

4. Consultation and engagement

4a. if no consultation has taken place OR is unnecessary, please explain why.

No A wider consultation is NOT required as the procedure and process is set down by the Business and Planning Act 2020 and the Levelling Up and Regeneration Act 2023. The fees are set to recover cost of the service.

4b. Add the results of any completed consultation and how it has/will inform the development of the policy/service.

Who <u>did</u> you consult with?	How and when	Outcomes/Results	Implications and amendments as a result of consultation

4c. Add consultation plans and results here

Think about who the stakeholders are? How will you gather their views? By when?

Remember to complete a Consultation Proposal form to access support and refer to the guides – everything you need is here

<X:\Partnerships and Projects\Consultation All Directorates\Strategies Guidance Resources>

Who <u>will</u> you consult with?	How and When	Results	Implications and amendments as a result of consultation
Police, Derbyshire County Council and Police in respect of new application form.	New proposed application form and conditions sent to consultees on 23.05.2024 – comments by 31.05.2024.		

5. Based on the evidence above, does the policy, practice, service or function have a positive or negative impact on any protected group(s)?

Protected groups	Positive effects	Negative effects	Potential Improvement Actions
Age	Ability to sit out so encourage socialising and being out	May be detrimental to access to the highways and pavements	Ensure licensee complies with legislation conditions.
Disability or long-term ill health Physical disabilities, sensory impairments, limiting long-term illnesses, learning disabilities or mental health issues	Barriers would enable those disabled to know where pavements positioned	May cause blockages for disabled vehicles/buggys etc	Ensure licensee complies with legislation conditions

Protected groups	Positive effects	Negative effects	Potential Improvement Actions
Race / ethnic groups	None	None	None
Women or men	None	None	None
Sexual orientation	None	None	None
Religion or belief (including non-belief)	None	None	None
Transgender (including people planning to or going through gender reassignment)	None	None	None
Pregnancy and maternity (including maternity and paternity leave)	May give parents with prams and buggies more space	None	None
Marital status (including civil partnership & same sex marriage)	None	None	None

5a. Are there any local priority groups / factors which should be considered?

Other factors	Positive effects	Negative effects	Improvement actions
Rural areas	Encourage smaller venues to increase space outside	Low possible noise nuisance	Ensure pavement are managed by premises under licence conditions.
Poverty / deprivation	Additional tables may increase additional employment opportunities	None	Ensure pavement are managed by premises under licence conditions.

6. Commissioned / outsourced services

Is your policy, practice, service or function partly or wholly provided by any external organisation / agency?	Yes / No
If yes, please list any contractual or other arrangements which aim to ensure that the provider promotes equality and diversity (e.g., <i>monitoring data</i>)	

7. Summary

The Levelling Up and Regeneration Act introduces several changes, a standard fee cap for both new and renewals of licences as well as increased consultation and determination periods, lengthens the maximum duration of licences to 2 years and provides local authorities with new powers to remove unlicensed furniture. The fee is capped at £500 for first time applications and £350 for renewals and the public consultation period is 14 days (excluding public holidays), starting the day after the application is sent electronically to the authority. If the local authority does not determine the application before the end of the determination period (which is 14 days beginning with the first day after the end of the public consultation period, excluding public holidays), the licence is deemed to have been granted for two years.

How can the local authority and applicant consider the needs of disabled people when considering whether the requirements of the no-obstruction condition are met?

The no-obstruction condition is a condition that the licence must not have the effects set out in section 3(6) of the 2020 Act. When determining whether furniture constitutes an unacceptable obstruction considering the no-obstruction condition, the provisions require that local authorities consider the needs of disabled people. To do this, authorities should consider the following matters when setting conditions, determining applications (in the absence of local conditions), and when considering whether enforcement action is required:

- Section 3.2 of Inclusive Mobility - gives advice on the needs of particular pavement users sets out a range of recommended widths which would be required, depending on the needs of particular pavement users. Section 4.2 of Inclusive Mobility sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other.
- any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway. Advertising boards are not included in the definition of furniture within the pavement licensing regime, therefore, should not be used as a barrier.
- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people, and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded with tables and chairs.
- the cumulative impact of multiple pavement licences near each other and if there is specific evidence that this may create a build-up furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people.
- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

Section 149 of the Equality Act 2010 places duties on local authorities, to have due regard to: the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not and foster or encourage good relations between people who share a protected characteristic and *those who don't*.

any other points relevant to the Policy/service.

8. Improvement Plan

Key issues identified	Actions

PLEASE FORWARD THE COMPLETED FORM TO THE POLICY MANAGER / POLICY OFFICER (Consultation & Equalities)

A handwritten signature in black ink, appearing to read "Dorson", with a circular mark above the first few letters.

Signed _____ (Completing Officer)