

ARMAGH CITY, BANBRIDGE AND CRAIGAVON BOROUGH COUNCIL

Document Number:	Reference	ESC/P7.0/V2.0
Title of Policy:	Licensing of Pavement Cafés	
No of Pages (including appendices):	11	
Version:	2	
Issue Date:		
Policy Nominated Officer:	Audrey McClune/Elizabeth Reaney	
Equality screened by:	Mary Hanna Policy & Diversity Officer	
Equality screening date:	19 December 2016 & 1 July 2020	
Amendment Version		
Issue Date:		
Sent out by:		
Approved by:		
Review Date:	31 December 2021	

AMENDMENT RECORD SHEET

Remove and destroy old pages. Insert new pages as indicated.

Revision Number	Page Number	Date Revised	Description of Revision
V 2.0		1 July 2020	Updated to reflect issue of guidance during COVID-19 pandemic

Policy Scoping

Policy Title: Licensing of Pavement Cafés Act (Northern Ireland) 2014 Guidance for Applicants

Brief Description of Policy (please attach copy if available). Please state if it is a new, existing or amended policy.

This is a new guidance document. The Council's power to regulate pavement cafés in the Borough is contained in the Licensing of Pavement Cafés Act (NI) 2014 and associated regulations. The Council's planning powers in relation to pavement cafés are contained in the Planning Act (NI) and associated Regulations. The Council has developed a Guidance document for Applicants and an application form to assist business owners prepare an application for a Pavement Café Licence. However, there was a delay in the implementation of the process as the Council awaited information from the Department for Infrastructure.

Following the COVID-19 pandemic and recovery, District Councils were advised to proceed with the pavement café licensing regime and the Guidance for Applicants was streamlined in a document which would apply during the COVID-10 pandemic recovery with free pavement café licences issued during the period 1 July 2020 to 31 December 2021.

Intended aims/outcomes. What is the policy trying to achieve?

The aim of the policy is to ensure that business owners are made aware of the requirements of the above legislation and have all the information they require to prepare an application for a Pavement Café Licence.

Policy Framework

Has the policy been developed in response to statutory requirements, legal advice or on the basis of any other professional advice? Does this affect the discretion available to Council to amend the policy?

The guidance document has been developed in accordance with the following; the Licensing of Pavement Cafés Act (NI) 2014 and associated Regulations, the Planning Act (NI) 2011 and associated Regulations, Disability Discrimination Act 1995.

Are any Section 75 categories which might be expected to benefit from the policy? If so, please outline.

If guidance is implemented correctly all equality categories will benefit from this policy. Accessibility for those with disabilities and those with dependents must be taken into account when applications are being considered. This has been incorporated into the guidance document.

Who initiated or wrote the policy (if Council decision, please state). Who is responsible for implementing the policy?

Who initiated or wrote policy? The guidance was prepared from a template developed through the NI Licensing Forum.	Who is responsible for implementation? The Council is responsible for implementation
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Are there any factors which might contribute to or detract from the implementation of the policy (e.g. financial, legislative, other)?

None identified

Main stakeholders in relation to the policy

Please list main stakeholders affected by the policy (e.g. staff, service users, other statutory bodies, community or voluntary sector, private sector)

Business owners, residents and visitors, Council's Environmental Health Department and Planning Department, Department for Infrastructure (Roads), PSNI, NI Fire and Rescue Service.

Are there any other policies with a bearing on this policy? If so, please identify them and how they impact on this policy.

Council's General Enforcement Policy and Fees Policy.

Available Evidence

Council should ensure that its screening decisions are informed by relevant data. What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Evidence
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	During the Department for Infrastructure's consultation a number of organisations including IMTAC, Guide Dogs for the Blind Association and RNIB made their views known. The concerns they raised included issues such as pavement widths, the cordoning off of the pavement café area and its visibility. In order to further inform the Council's guidance a focus group was held with RNIB, Guide Dogs Northern Ireland and Council Officers and this included a walk around 6 premises in Armagh City. These considerations have been incorporated into the Council's guidance as well as the requirements of the Disability Discrimination Act 1995. Many older people have disabilities.
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	During the Department for Infrastructure's consultation a number of organisations including IMTAC, Guide Dogs for the Blind Association and RNIB made their views known. The concerns they raised included issues such as pavement widths, the cordoning off of the pavement café area and its visibility. In order to further inform the Council's guidance a focus group was held with RNIB, Guide Dogs Northern Ireland and Council Officers and this included a walk around 6 premises in Armagh City. These considerations have been incorporated into the Council's

	guidance as well as the requirements of the Disability Discrimination Act 1995.
Dependants	Many of the impacts on Wheelchair Users will also impact on pram users. These considerations have been incorporated into the Council's guidance.

Needs, experiences and priorities

Taking into account the information gathered above, what are the different needs, experiences and priorities of each of the following categories in relation to this particular policy/decision?

Section 75 category	Needs, experiences and priorities
Religious belief	N/A
Political opinion	N/A
Racial group	N/A
Age	During the application process it is important that the requirements of the Disability Discrimination Act 1995 are taken into account. This will include the needs of both the physically and visually impaired. The Council's guidance acknowledges that in order to safeguard the interests of pedestrians, particularly disabled people, the elderly and those with mobility needs including pram and wheelchair users, a minimum clearance width must be left on the pavement. Where the seating area is adjacent to a road junction or vehicular access, a prescribed safe distance should be left to allow for junction visibility.
Marital status	N/A
Sexual orientation	N/A
Men and women generally	N/A
Disability	During the application process it is important that the requirements of the Disability Discrimination Act 1995 are taken into account. This will include the needs of both the physically and visually impaired. The Council's guidance acknowledges that in order to safeguard the interests of pedestrians, particularly disabled people, the elderly and those with mobility needs including pram and wheelchair users, a minimum clearance width must be left on the pavement. Where the seating area is adjacent to a road junction or vehicular access, a prescribed safe distance should be left to allow for junction visibility.
Dependants	Many of the impacts on Wheelchair Users will also impact on pram users. The Council's guidance acknowledges that in order to safeguard the interests of pedestrians,

	particularly disabled people, the elderly and those with mobility needs including pram and wheelchair users, a minimum clearance width must be left on the pavement.
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Screening Questions

1. What is the likely impact on equality of opportunity for those affected by this policy for each of the Section 75 categories?		
Category	Policy Impact	Level of impact (Major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None
Age	Positive	Minor. The potential impact on disabled people has been mitigated by incorporating the requirements of the Disability Discrimination Act into the Council's guidance. Many older people have disabilities.
Marital status	None	None
Sexual orientation	None	None
Men and women generally	None	None
Disability	Positive	Minor. The potential impact on disabled people has been mitigated by incorporating the requirements of the Disability Discrimination Act into the Council's guidance
Dependents	Positive	Minor. Many of the impacts on Wheelchair Users will also impact on pram users. These considerations have been incorporated into the Council's guidance.

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 categories?

Category	If yes, provide details	If no, provide reasons
Religious belief		None
Political opinion		None
Racial group		None
Age		None
Marital status		None
Sexual orientation		None
Men and women generally		None
Disability		None
Dependents		None

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion, or racial group?

Category	Details of Policy Impact	Level of impact (major/minor/none)
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Category	If yes, provide details	If no, provide reasons
Religious belief	None	None
Political opinion	None	None
Racial group	None	None

Multiple Identity

Generally speaking, people fall into more than one Section 75 category (for example: disabled minority ethnic people; disabled women; young Protestant men; young lesbian, gay and bisexual people). Provide details of data on the impact of the policy on people with multiple identities. Specify relevant s75 categories concerned.

N/A

Disability Discrimination (NI) Order 2006

Is there an opportunity for the policy to promote positive attitudes towards disabled people?

N/A

Is there an opportunity for the policy to encourage participation by disabled people in public life?

N/A

Screening Decision

A: NO IMPACT IDENTIFIED ON ANY CATEGORY – EQIA UNNECESSARY

Please identify reasons for this below

B: MINOR IMPACT IDENTIFIED – EQIA NOT CONSIDERED NECESSARY AS IMPACT CAN BE ELIMINATED OR MITIGATED

Where the impact is likely to be minor, you should consider if the policy can be mitigated or an alternative policy introduced. If so, EQIA may not be considered necessary. You must indicate the reasons for this decision below, together with details of measures to mitigate the adverse impact or the alternative policy proposed.

The aim of the policy is to ensure that business owners are made aware of the requirements of the Licensing of Pavement Cafés (Northern Ireland) Act 2014 and associated regulations and have all the information they require to prepare an application for a Pavement Café Licence. The potential impacts on older people, disabled people and those with dependants have been mitigated by the incorporation of the Disability Discrimination Act 1995 requirements into the Council's guidance. During the Department of Infrastructure's consultation a number of organisations including IMTAC, Guide Dogs for the Blind Association and RNIB made their views known. The concerns they raised included issues such as pavement widths, the cordoning off of the pavement café area and its visibility.

In order to further inform the Council's guidance a focus group was held with RNIB, Guide Dogs Northern Ireland and Council Officers and this included a walk around 6 premises in Armagh City. These considerations have also been incorporated into the Council's guidance. The Act requires that when the Council receives an application for a pavement café licence it must consult with Department for Infrastructure (Roads). They will advise Councils on issues around implications for pedestrians and public safety issues.

C: MAJOR IMPACT IDENTIFIED – EQIA REQUIRED

If the decision is to conduct an equality impact assessment, please provide details of the reasons.

Timetabling and Prioritising

If the policy has been screened in for equality impact assessment, please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3 with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	

Social need	
Effect on people's daily lives	

The total rating score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the council in timetabling its EQIAs.

Is the policy affected by timetables established by other relevant public authorities? If yes, please give details.

Monitoring

Effective monitoring will help the authority identify any future adverse impact arising from the policy. It is recommended that where a policy has been amended or an alternative policy introduced to mitigate adverse impact, monitoring be undertaken on a broader basis to identify any impact (positive or adverse).

Further information on monitoring is available in the Equality Commission's guidance on monitoring

Identify how the impact of the policy is to be monitored

The policy will be reviewed if there are amendments to legislation or good practice.

Approval and Authorisation

A copy of the screening form for each policy screened should be signed off by the senior manager responsible for that policy. The screening recommendation should be reported to the relevant Committee/Council when the policy is submitted for approval.

Screened by	Position/Job title	Date
Mary Hanna	Policy & Diversity Officer	01.07.20
Approved by	Position/Job Title	
Gillian Topping	Head of Environmental Health	01.07.20

Please forward a copy of the completed form with policy attached to mary.hanna@armaghbanbridgecraigavon.gov.uk who will ensure that screening forms and policies are available on the Council website.

This officer is also responsible for issuing reports on a quarterly basis on those policies “screened out for EQIA”. This allows stakeholders who disagree with this recommendation to submit their views. In the event of any stakeholder disagreeing with the decision to screen out any policy, the screening exercise will be reviewed.