

Licensing Committee

Agenda



Date: Thursday, 10 November 2022

Time: 10.00 am

Venue: A Committee Room - City Hall, College Green,
Bristol, BS1 5TR

Distribution:

Councillors: Marley Bennett, Sarah Classick, Chris Davies, Richard Eddy, Emma Edwards, Paul Goggin, Katy Grant, Fi Hance, Jonathan Hucker, Philippa Hulme, Brenda Massey, Steve Pearce, Guy Poultney, Christine Townsend and Chris Windows

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Date: Wednesday, 2 November 2022



Agenda

1. Welcome, Introductions and Safety Information

2. Apologies for Absence.

3. Declarations of Interest

To note any declarations of interest from the Councillors. They are asked to indicate the relevant agenda item, the nature of the interest and in particular whether it is a **disclosable pecuniary interest**.

Please note that the Register of Interests is available at Councillors' interests, gifts and hospitality - bristol.gov.uk

Any declarations of interest made at the meeting which is not on the register of interests should be notified to the Monitoring Officer for inclusion.

4. Minutes of Previous Meeting

To agree the minutes of the previous Licensing Committee meeting 28 July 2022. **(Pages 4 - 10)**

5. Public Forum

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on Friday 4 November.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on Wednesday 9 November.

6. Pavement Licensing Policy

(Pages 11 - 31)



Bristol City Council

Minutes of the Licensing Committee



28 July 2022 at 10.00 am

Members Present:-

Councillors: Marley Bennett (Chair), Sarah Classic, Chris Davies, Richard Eddy, Emma Edwards, Jonathan Hucker, Philippa Hulme, Brenda Massey, Steve Pearce, Guy Poultney, and Chris Windows

Officers in Attendance:-

Abigail Holman – Licensing Policy Advisor, Kate Burnham-Davies – Legal Advisor, Allison Taylor – Democratic Services

1. Welcome, Introductions and Safety Information

The Chair welcomed all parties to the meeting.

2. Apologies for Absence.

Apologies for absence were received from Councillors Grant, Goggin, Hance and Townsend.

3. Declarations of Interest

There were no Declarations of Interest.

4. Minutes of Previous Meeting held on 16 June 22.

RESOLVED – that the minutes of the meeting held on 16 June 22 be confirmed as a correct record and signed by the Chair.

5. Public Forum

Supplementary Questions.

The Chair acknowledged the responses to questions which had been published on the BCC website and invited each submitter in turn to ask a Supplementary Question.



Penny Gane - Why was additional information expected from Avon & Somerset Constabulary when it was the P&CC who developed policy.

Response - The Police normally provide information on crime statistics but this was not provided for this meeting.

Bristol Women's Commission - Educational establishments supported a nil cap. Your response listed services who supported children and young adults on issues in mitigation of a policy BCC had developed. Is this a good advert for BCC?

Response – Our response was not a commentary on our own SE Policy.

There were no further Supplementary Questions.

Statements.

The Chair explained that speakers would be given one minute to summarise their statement and would be asked to stop once the traffic light system turned red. The Public Forum list was used to call upon speakers in turn. At the end of hearing statements the Chair took the opportunity to thank speakers for their time and courage in speaking.

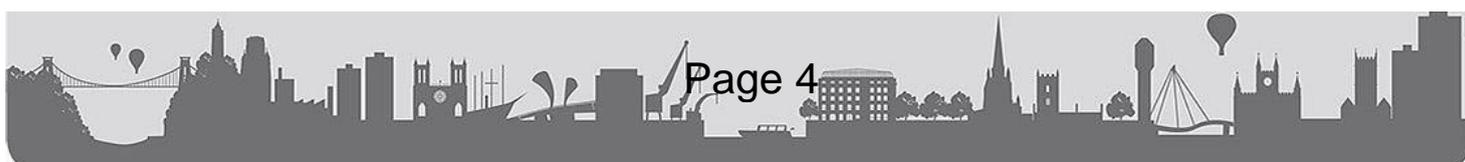
The Committee adjourned for a 15 minute comfort break and resumed at 11.45am.

6. Sex Establishment Policy Review.

The Chair reminded all those present that the Committee would need to resolve to move into private session if it wished to ask any questions in relation to the exempt appendices. However, the debate would be public and transparent.

The Licensing Policy Advisor introduced the report and the following points were highlighted:-

1. The Local Government (Miscellaneous Provisions) Act 1982 allowed the Council, as the Licensing Authority, to develop and implement a policy in respect of exercising its functions under the Act. The Council adopted additional provisions in respect of Sexual Entertainment Venues in 2011;
2. At that time the Licensing Committee determined that 2 SE venues were appropriate in the city centre locality and 1 SE venue in the Old Market locality;
3. A Working Group was set up in 2016 to review the policy and submissions were received from relevant stakeholders and previous commenters and a wide range of information was considered. The Working Group met 8 times until 2018;
4. There were no requirements as to who should be consulted in respect of a policy under the Act and officers consulted a broad range of persons and bodies;
5. A questionnaire was developed which sought the views of the wider public on the types of venues regulated under the Act. The questions related to whether people thought the venues were



appropriate in particular types of areas, as well as giving examples of specific areas within Bristol. The questionnaire did not seek views on the draft or current policy. The questionnaire received 1430 responses from a range of people but primarily members of the public. There was no definitive split between those who believed sex establishments should be permitted in Bristol and those who did not. The questionnaire was also distributed to the Citizen Panel;

6. The results of the consultation showed that the majority of members of the public agreed with the proposed numbers in the localities. However, responses were received from a number of groups stating that permitting SE venues undermined the public sector equality duty and the Council's commitment to ensuring the safety of women in public spaces;

7. As a result of the consultation responses the Licensing Committee approved a consultation on a policy with revised numbers of nil for SE venues in the three defined localities;

8. There have been a number of other submissions made to the Council outside of the consultation process as well as a number of published documents such as open letters and statements;

9. In 2018 the Women and Equalities Select Committee heard from a range of experts and commenters in relation to sexual harassment of women and girls in public places and the report was published in October 2018;

10. A number of Public Forum Statements was made to the Licensing Committee on 8 March 2021 and a statement was made to the Bristol Women's Commission on 6 July 2021. The Bristol Sex Workers Alliance wrote an open letter to the Council on 8 March 2021 and the Police and Crime Commissioner published a statement in support of a nil cap;

11. The Committee was asked to approve the draft policy, determine what numbers of SE venues in the defined localities and publish the approved policy.

The Legal Advisor provided the Committee with the following advice:-

1. Local Authorities were not bound to have an SE Policy and the existence of a policy did not prevent an application being considered on its merits and members would afford factors the weight they found appropriate;
2. There was caselaw guidance on what constituted lawful consultation. The material on which the decision would be made must be provided to consultees and sufficient time to carefully consider it and respond to it must be given;
3. The Committee must have due regard to the Public Service Equalities Duties Act 2010 but did not have to draw one conclusion or another but must give proportionate weight given the impact on equalities. The Equalities Impact Assessment should not be solely relied on but a considered and engaged approach should be adopted;
4. There was generally a wide discretion regarding licences granted but moral judgements should not be part of that process;
5. The Committee was asked to consider the three recommendations in turn with debate and a vote;
6. There were no questions from the Committee.

The following points arose from debate:-

1. Councillor Eddy wished to thank all those who had contributed to the public consultation exercise. This had involved a significant amount of information gathering and officer work. The SE working group had considered in detail all the issues and its findings were reflected in the report;
2. The Chair echoed Councillor Eddy's comments. Regarding the draft policy he believed that the activity should be regulated with the adoption of policy;



3. Councillor Pearce supported the adoption of a policy in order to provide regulation;
4. Councillor Eddy had been involved in the regulation of SE venues for 6 years and a policy allowed enforcement and the ability to act on complaints. The policy had been informed by a huge public consultation exercise and he endorsed it;
5. Councillor Classick supported a policy as it provided a clear framework for monitoring and by which renewals could be considered objectively;
6. There were no more comments and the Chair moved Recommendation 1 and this was seconded by Councillor Poultney and on being put to the vote it was:-

Resolved – (Unanimous) That the amended Sex Establishment Policy annexed as Appendix 1 and Standard Conditions attached as Appendix 17 be adopted and their effect be approved from 1 August 2022.

1. The Chair reminded all those present of the 2 options in Recommendation 2 – Option A being a nil cap of SE venues in the currently defined localities or Option B being a 3 number of SE venues in the City Centre locality and nil in Old Market/West Street locality and nil in Bishopston/Redland/Cotham and Ashley locality. The meeting would proceed with an exchange of views before a motion;
2. The Chair spoke at length and his comments were summarised as follows:
 - a. SE venues was not a subject he had much considered before he served on this Committee. Having carefully considered all the facts and contents of the report he concluded that the numbers of SE venues in the currently identified localities should remain as currently i.e. Option B;
 - b. He had not reached the conclusion lightly and noted there were compelling arguments regarding issues caused by the presence of SE venues and particularly how they could lead to sexist views towards women which he did not discount and should be weighed up against other factors;
 - c. Many people argued the case against SE venues as suitable regulated entertainment but parliament had deemed the activity lawful and this was set clear in national regulations. BCC had responsibility for determining localities as a means of interpreting the issue;
 - d. The two current SE venues were well run and had a high degree of regulation. He had been involved with renewal hearings for the venues which involved members visiting the venue and undertaking a deep dive of the regulations. He had been very impressed with regulation compliance and that performers felt safe;
 - e. Public Health had declared that there was no explicit correlation with SE venues and crime and disorder and sexual violence. The Police did not have concerns regarding instances of sexual assault at the two venues which differed from clubs and bars where such assaults did occur and it could therefore be argued that these venues were safer;
 - f. The report's Equalities Impact Assessment at Appendix 20 stated that there was no evidence to indicate that any particular crime or increased incidence of crime could be directly associated with the two SE venues;
 - g. In respect of localities it could be argued that the City Centre was the most appropriate location as it was busy and was the hub of the night-time economy. With huge crowds on a Friday and Saturday night he was surprised how much the venues blended in although he appreciated that this was not everyone's experience, particularly women who were aware of these venues. There was also CCTV in the City Centre which provided a higher degree of safety;
 - h. Over 1000 responders to the consultation believed that the activity would go underground if stopped. Responses to consultations referred to need for statistics on this but the very nature of underground activity meant that it was not possible to provide statistics. He noted the



contrast with massage parlours which were outside the regulations scope and therefore it was not known what happened in them and SE venues with their comprehensive conditions and severe penalties for breaches;

- i. He accepted that the demand for this activity was led by the fact that the Council had a policy permitting SE venues but was not convinced that a nil cap would bring about less risky activities as it might put women in precarious positions and pressurised to offer services they did not wish to and he therefore believed that harm would be reduced if regulated premises existed;
 - j. Of the 6000 responses to consultation the huge majority were women and from Bristol which he gave weight to;
 - k. 86% of respondents were opposed to a nil cap in Old Market and the city centre although the majority of women respondents stated that the presence of SE venues made them feel less safe which was a significant number. However, this was significantly outweighed by the respondents concerned about job losses, good places to work and benefits for the workforce. BCC's equalities policy allowed socio/economic factors to be considered as part of the decision making framework;
 - l. He was concerned that performers would lose their means of making a living during a cost of living crisis;
3. The Chair hoped that those who had not reached the same conclusion were able to see how much he had engaged with the subject. He had not previously canvassed members on their opinions and now welcomed them;
 4. Councillor Eddy stated that this matter had been under review for 6 years and he was pleased that it was finally being addressed. He expressed concern that the Fawcett Society sought to stamp down on activities they disliked. It was impossible not to take into account the moral issue of stopping workers in the city from making a living after a pandemic and during a cost of living crisis and there was a danger of pushing the activity underground. He highlighted the Public Health statement on correlation of sexual violence and SE venues and the Police who had no evidence of an increase in disorder locally to the SE venues. He would vote for empirical evidence and for Option B;
 5. Councillor Classick had spent some time considering the evidence. She believed that setting a nil cap would not stop the activity and there was clear evidence that the current SE venues were safe and the frontages were discreet. She did not believe that the activity put women at risk. The existing SE venues' licences were reviewed by hearing annually and the Licensing Authority had the power to close a venue if it could not demonstrate that it was a safe environment. It was not for the Licensing Committee to judge if this was morally right or wrong as parliament had deemed it a lawful activity;
 6. Councillor Edwards had listened intently to Public Forum statements and the valid concerns to curb violence against women and girls. This was a global issue which needed to be addressed and it would require incredibly specific evidence to show there was a direct link to SE venues in the city centre. She noted that Iceland had introduced a nil cap and there had been an increase in violence against women. She fully understood that some women felt unsafe but she gave more weight to the women who worked at the venues and it would be a disservice to them if their needs were not addressed. She noted there was no evidence of crime relating to the venues and there had been no breaches of conditions. Finally, she noted that 16% of respondents did not feel safe as a result of these venues which was not to be ignored but was not significant;
 7. Councillor Hulme thanked everyone who had taken part in the consultation and who had contributed to Public Forum in what was a very emotional subject. Her understanding was that performers had to pay to work at these venues without guarantee of getting their money back. This did not present the best employment opportunity when there were so many vacancies in other work currently. She had a duty as a Councillor to have regard to the citizens of Bristol as a whole and not just the performers. There was evidence that SE venues led to customers objectifying women, to misogamy and



perpetuated a sense of entitlement and that men were more important. She could not see how such venues could promote mutual respect. Just because the venues were well run did not mean that they were not causing harm elsewhere in the city. She noted that the data on causation was not great and that there were countless papers citing a link to objectification of women and violence against them. There was also documented evidence of former performers who had now realised the psychological harm caused by the work. The location in the city centre seemed ok but increasingly students and young people were influenced by what they saw and it was damaging to them to perpetuate this activity as acceptable. Bristol was an open and equal city and licensing SE venues did not fit in with Bristol's image;

8. Councillor Massey had spent a long time considering this matter and had not reached a conclusion lightly. She had been involved in the Working Group and the renewals process and believed it was better to regulate the venues than have them go underground. She noted that comments arising from members inspecting the venues as part of the renewal process were acted on immediately and the issue resolved before the renewal hearing. She also highlighted the amount of time the WG had spent ensuring that the questionnaire was unbiased. Many of the performers were funding their life and caring arrangements and she wished to protect these workers;
9. Councillor Pearce acknowledged the comprehensive work done in the WG and in the production of the report and thanked officers and members of the WG for their work on it. He also thanked the public for their engagement through the policy review process. There were differing views regarding SE venues – one being that violence against women was a result of the existence of SE venues and the other being that society was broken in respect of treatment of women and so we have SE venues. Both points of view were legitimate and sincerely held. He would be minded to ban other things in society but the position of a bus stop next to an SE venue was not a reason to refuse a licence. Evidence suggested that you were more at risk of violence in a city centre pub or club than an SE venue;
10. Councillor Window's sole concern was for the safety of people in this City. He had read the comprehensive report and heard the statements at Public Forum and concluded that demand would remain if the venues were closed and he did not wish to risk underground, unregulated venues;
11. Councillor Poultney thanked the public for attending, in particular those whose jobs were at risk and officers for all their work. He found that there was little evidence of the negative impact of SE venues in this locality. It was clear that some voices who called for a nil cap were advancing views of women in order to empower them by taking jobs from them for their own good as they were not trusted to make choices for themselves. He cited empirical evidence that a nil cap would disproportionately impact on the livelihood of the performers and gave that great weight. He was persuaded that a nil cap would dramatically cause greater harm to the performers;
12. Councillor Hucker acknowledged the sincerely held views and the public consultation had been clear and unambiguous i.e. that a safe and regulated venue was preferred. He did not wish to stop people carrying out a lawful employment of their choice and he found there was no evidence of a correlation between these venues and violence against women.

The Committee adjourned and the meeting resumed at 1.25pm;

13. Councillor Davies echoed the views set out by the Chair.

The Chair having confirmed that there were no further comments to come from the Committee asked the Committee if a member wished to move a motion and Councillor Eddy moved Option B and this was seconded by Councillor Classick and on being put to the vote it was:-

Resolved – (10 for - Councillors Bennett, Classick, Davies, Eddy, Edwards, Hucker, Massey, Pearce,



Poultney and Chris Windows, 1 Against – Councillor Hulme) That the number of premises of each type in the currently defined localities should be Option B – 3 SE Venues within the currently defined localities.

Prior to considering Recommendation 3 the Licensing Policy Advisor requested that it be amended so that the policy be published on the Council's website on 3 August.

The revised recommendation was moved by the Chair and seconded by Councillor Poultney and on being put to the vote it was:-

Resolved – (10 for Councillors Bennett, Classick, Davies, Eddy, Edwards, Hucker, Massey, Pearce, Poultney and Chris Windows, 1 Abstention – Councillor Hulme) That the policy be published on the Council's website on 3 August 2022

The meeting ended at 1.30pm.

CHAIR



Full Licensing Committee



Report of: Service Director – Growth and Regeneration

Title: Pavement Licensing Policy

Ward: N/A

Officer Presenting Report: Shaun Taylor, Highway Maintenance Group Manager

Contact Telephone Number: NA

Recommendation

Adopt the draft pavement licensing policy as set out at Appendix A.

Summary

The policy is being introduced to sit alongside the Business and Planning Act 2020, which streamlined the process for applying for removable furniture on the highway. This Act was introduced during the Covid-19 pandemic to permit a shorter process for applications, to facilitate outdoor dining when restrictions were in place on inside areas. The Act is likely to be made permanent within the next year, to maintain this streamlined approach.



Background

1. Local authorities have had the ability to manage removable furniture on the highway under the Highway Act 1980 for a number of years, however the process was lengthy and not particularly straightforward.
2. Towards the start of the Covid-19 pandemic the government introduced a range of measures to facilitate outdoor hospitality, including to streamline the process for obtaining permission for removable furniture on the highway. This was introduced under the Business and Planning Act 2020 as a short-term measure.
3. As the restrictions from the pandemic remained in force the government extended the Act several times, and it is now the intention of Parliament to make it permanent through the Levelling Up and Regeneration Bill, which will, if passed, amend the 2020 Act to remove the time limitations.
4. The Act already provides specific requirements in respect of consultation and determination but does not specify that a policy is required in respect of removable furniture. The government has also issued statutory guidance in respect of the current requirements under the Act. The Council must have regard to this guidance when processing and determining applications under this Act.
5. This policy will guide the Council when determining applications made in connection with the Business and Planning Act 2020 in relation to the placing of removable furniture on the highway. The policy covers all applications for pavement licences under this Act which allows the holder to place removable furniture on part of a relevant highway adjacent to the premises to which they relate for specific purposes
6. The policy does not apply to non-removable furniture, parasols over 1.8m in diameter, sided or un-sided structures, or decking. These matters are dealt with under separate legislation and will require separate permissions.
7. The proposed policy is attached at Appendix A. Standard conditions to be attached to pavement licences are attached at Appendix B.

Consultation

8. There is no statutory obligation to consult on policies before introducing them, but it is normally considered best practice. The draft policy before the committee today replicates closely the requirements and considerations in both the Act and the statutory guidance and officers consider that a consultation is not necessary in respect of this policy.
9. It is intended that this policy will be in force until such time as the Levelling Up and Regeneration Bill amends the Business and Planning Act 2020 to make the aspects relating to removable furniture permanent.
10. At this time a review of the policy will be undertaken to ensure that any changes to processes or considerations for determination of applications are correct within the Council's policy, as well as considering whether any other measures are necessary in the longer term to promote outdoor

hospitality whilst also balancing the needs of other users of the highway. It is intended that a full consultation will be taken at that time.

Summary of Equalities Impact of the Proposed Decision

11. The authority must consider the public sector equality duty before making any decisions. An equalities impact assessment has been undertaken during the development of this proposal and highlights the areas which may cause concern. In particular there is a risk that the needs of disabled persons, parents with pushchairs, and carers of disabled persons are impacted by the granting of pavement licences. These concerns can be mitigated by ensuring that officers give due consideration to the impact of any licence on these groups in the policy and determining applications. There is also a requirement for all licences issued to have a no obstruction condition which ensures that there is an appropriate width of footway for all users of the highway where licences are granted.

12. A copy of the full Equalities Impact Assessment is included at Appendix C.

Recommendation

13. That the committee adopt the draft policy with immediate effect.

Legal and Resource Implications

Legal

TBC

Financial

(a) Revenue

Not applicable

(b) Capital

Not applicable

Land

Not applicable

Personnel

Not applicable

Appendices:

Appendix A – Proposed pavement licensing policy

Appendix B – Standard conditions

Appendix C – Equalities Impact Assessment

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None.



**BRISTOL CITY COUNCIL
Business and Planning Act 2020
Pavement Licences – Removable Furniture
With effect from date TBC**

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1. Introduction

The Business and Planning Act 2020 (hereafter 'the Act') was introduced during the Covid-19 pandemic to enable premises to utilise outside space for hospitality whilst restrictions existed on indoor space. In relation to the placing of removable furniture on the highway the Act reduced the timescales for applications to be determined and limited the costs to businesses. Initially the Act was intended to last for one year, however this was extended and now expires on 30 September 2023, with legislation currently in parliament to make the measures under the Act permanent.

The Act places a duty on the council to determine applications within certain timescales, as well as making provision for consideration of issues such as smoke free areas, and the impact on persons with a disability. It allows the council to set local conditions on licences which are issued.

The legislation may be viewed here:

<https://www.legislation.gov.uk/ukpga/2020/16/contents>

The Government has issued statutory guidance in relation to the Act, which the Council must have regard to in determining applications. The statutory guidance can be found here:

<https://www.gov.uk/government/publications/pavement-licences-draft-guidance>

2. Scope

This policy will guide the Council when determining applications made in connection with the Business and Planning Act 2020 in relation to the placing of removable furniture on the highway.

The policy covers all applications for pavement licences under this Act which allows the holder to place removable furniture on part of a relevant highway adjacent to the premises to which they relate for specific purposes.

The purposes, types of premises permitted, and relevant highway are defined in Appendix A to this policy, and are as set out in the Act.

The policy does not apply to non-removable furniture, parasols over 1.8m in diameter, sided or un-sided structures, or decking. These matters are dealt with under separate legislation and will require separate permissions.

3. Decision making responsibility

By law all functions of the local authority concerning this regime, including the making of this policy and determination of applications, are matters that cannot be the responsibility of its Executive. As such the Full Council is the body that controls the way decisions are made. The Full Council exercised its powers to arrange for the Licensing Committee (as constituted for the purposes of the Licensing Act 2003) to also be responsible for the pavement licensing functions on behalf of the Council. Determinations in relation to pavement licences are made under the Business and Planning Act 2020.

Applications will normally be determined by officers for which delegations are in place. In complex cases the Highways Maintenance Group Manager may refer applications to a sub-committee for determination.

4. Determining applications

This policy is intended to be strictly applied but will not operate inflexibly; the Council will take all relevant factors into consideration when determining applications and each and every case will be decided on its merits.

In exercising its functions under this regime the authority will seek to ensure premises licensed by this Authority under this legislation do not inhibit the needs of all users of the highway whilst seeking to recognise the positive impact outdoor seating can have in promoting a vibrant and diverse hospitality offer within the city.

5. General obligations that apply to the discharge of all the Council's powers and duties

There are a number of general obligations that apply whenever the Council is discharging any of its many functions. Those most likely to be relevant are highlighted in this part of the policy and must be borne in mind when considering any aspect of the regime including all of the things specifically addressed in the following paragraphs. For the avoidance of doubt, the Council has screened this policy statement to ensure it is compatible with those obligations and will, through its information gathering powers, seek to ensure that relevant information may come forward through the application process to enable all of its general obligations to be satisfied in the discharge of the function of determining applications for pavement licences. Material that is relevant to the achievement of these obligations will be properly taken into account.

These include:

- its fiduciary duties to the Council Tax and Rate payers of the City (protection of the public purse).

- its obligations to act compatibly with rights conferred under the European Convention of Human Rights. The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a convention right.
 - Article 6 details that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 details that everyone has the right to respect for his home and private life;
 - Article 1 of the First Protocol details that every person is entitled to the peaceful enjoyment of his or her possessions.
- its general and specific duties under Equalities Law – The Equality Act 2010 states that no one may discriminate, harass, or victimise another in respect of their protected characteristics. The Act itself includes a Public Sector Equality Duty which requires the Council to show “due regard” to:
 - eliminating discrimination, harassment, and victimisation
 - advancing equality of opportunity.
 - fostering good relations between people who share a protected characteristic
 - fostering good relations between those who have a protected characteristic and those who do not.
- its obligations under Crime and Disorder legislation - In accordance with section 17 of the Crime and Disorder Act 1998, the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in the City.
- The Regulators’ Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) requires the Council not to impede economic progress by its regulations, and, particularly to consider their impact on small businesses

6. Considering applications and representations

a. Applications process

Applications must be made in writing and contain the particulars specified in paragraphs 2(2) (a) to (f) of Part one of the Act and such other information as the Council may require. The Council’s application form will be designed to elicit information that enables its decision making to be guided by this policy, including information that is relevant to enabling it to meet all of its general obligations such as those referred to in the preceding paragraph.

b. Public consultation

Applications are subject to a consultation period of seven consecutive days beginning with the day after the day on which the application is made.

The applicant must advertise the application by way of placing a notice of the application at the premises. The notice shall be in the form prescribed by the Council. It must contain the date the application is made, that representations can be made and when the representation end date is. It must be placed on the premises in a place which is readily visible to, and can be easily read by, members of the public. The notice must remain in place for the duration of the consultation period.

The council must also publish notice of any applications and will do so by publishing the information on its webpages. The Council will normally also consult with a range of internal teams.

c. Representations

Persons objecting to the grant or renewal of a licence must give notice in writing of their objection to the Council no later than seven days after the date of the application.

Representations must be taken into account when determining applications.

d. Conditions

The Council may attach conditions it considers reasonable to the licence granted. The standard conditions which the Council intends to apply to granted licences are published on the Council's website.

The Council intends that these conditions will apply to all licences granted, or deemed granted, unless expressly excluded in relation to a specific premises in writing by the Council.

There are two national conditions which must be imposed on every licence granted. These are a no-obstruction condition, and a smoke-free condition. The Council will have due regard to the requirements of the statutory guidance in respect of these conditions.

The no-obstruction condition requires that the Council consider whether furniture constitutes an unacceptable obstruction. In doing so the Council must consider the needs of disabled people and in particular the following factors:

- Whether a width of more than the minimum 1500mm is required between any obstacle and the edge of the footway – in high footfall areas it is likely that a greater distance may be specified.
- Whether there is a need for additional barriers to separate furniture from the rest of the footway to assist visually impaired users in navigating around the furniture
- Whether there is any conflict of street furniture with the principal lines of pedestrian movement, particularly for disabled people and those with mobility needs.
- Whether the furniture is non-reflective and of such reasonable substance that it cannot be easily blown over by the wind

The smoke-free condition requires that the Council consider whether adequate provision is made for non-smokers in any outside seating area. The Council will impose such a condition on all licences which requires the licence holder to ensure that reasonable provision is made for seating where smoking is not permitted.

e. Factors for consideration

The Council must take into account any objections when determining applications. It must also have regard to the Public Sector Equality Duty and the potential impact of the granting of the licence on this.

It must consider the two national conditions detailed in section d above and how the licence holder can meet these requirements.

The regime is permissive, and the Council will consider whether attaching conditions would allow a licence to be granted which would otherwise be unacceptable.

The Council will also consider the following when determining applications and deciding whether to attach conditions:

- public health and safety including security – for example, any reasonable crowd management measures needed as a result of a licence being granted;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
- considerations under the no-obstruction condition, in particular considering the needs of disabled people;
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of

- road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
- whether there are other permanent street furniture or fixed structures in place on the footway that already reduce access; and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

The Council will also consider the type of furniture applied for and whether it is permissible as removable furniture. Careful consideration will be given to items such as planters, fencing, or heaters, to determine whether they are quickly and easily removable in the event of an emergency.

f. Determination

The Council must determine applications within seven days, beginning with the day after the representation end date. The Council can either:

- Grant the licence as applied for.
- Grant the licence with some amendments to the area applied for, and impose conditions
- Refuse the application.

If the Council fail to determine the application within seven days it is deemed granted as applied for, and subject to the two national conditions, and the Council's published standard conditions.

Where an application is refused written reasons will be given.

There is no formal appeal process set out in the Act. Any applicant wishing to appeal a decision given by the Council must put such a request in writing outlining their case and why they are appealing. They should clearly outline why they believe the decision is incorrect providing additional evidence where appropriate.

This will be subject to an internal review, and once a case has been considered the applicant will be notified in writing as to whether their appeal was successful, and if it was not, the reasons for that decision.

Appendix A - Definitions

The purposes for which a person can place removable furniture on the highway are:

- a. use of the furniture by the licence-holder to sell or serve food or drink supplied from, or in connection with relevant use of, the premises;
- b. (b)use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises.

The relevant use of premises which may apply for a licence under this act are:

- a. use as a public house, wine bar or other drinking establishment; and/or
- b. other use for the sale of food or drink for consumption on or off the premises.

The “relevant highway” in relation to applications under the Act means a highway:

- a. to which Part 7A of the Highways Act 1980 applies, and
- b. which is not over Crown land or maintained by Network Rail.

Highway is defined under Part 7A, section 115A of the Highways Act 1980 and states:

115AScope of Part VIIA.

(1)This part of this Act applies—

(a)to a highway in relation to which a pedestrian planning order is in force;

[F2(aa)to a restricted byway;]

(b)to a bridleway;

(c)to a footpath (including a walkway as defined in section 35(2) (of the Highways Act 1980));

(d)to a footway;

(e)to a subway constructed under section 69 (of the Highways Act 1980);

(f)to a footbridge constructed under section 70 (of the Highways Act 1980);

(g)to a highway of a description not mentioned in any of the preceding paragraphs of this definition whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order; and

(h)to a local Act walkway.

TABLES AND CHAIRS LICENCE CONDITIONS

1. The Licence holder must ensure that clear routes of access along the highway are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths (1.8m) and distances required for access by mobility impaired and visually impaired persons are provided at all times the licence is in operation.
2. The Licence holder must allow patrons access to their toilets and other welfare facilities.
3. The licence holder shall not in any way interfere with the surface of the public highway.
4. The licence holder shall indemnify the Council from and against any claim in respect of any injury, damage or loss arising directly or indirectly out of the grant of this consent and the use by the public of the amenities.
5. The Licensee shall not use this licence unless it has public liability insurance cover in the sum of not less than £5 million and has provided a copy of that policy to the Licensing Authority.
6. If the Council serves a Notice on the licence holder requiring him/her to take such steps as are necessary to remedy any breach of the terms of this consent, and the licence holder fails to comply with the notice the Council may itself take the steps required by the Notice and recover from the licence holder any expenses incurred.
7. This consent may be withdrawn by the Council at any time upon the Council giving to the licence holder seven days notice in writing. Upon withdrawal of the consent the licence holder shall remove the amenities from the public highway and, in default, the Council may remove the amenities and recover from the licence holder its costs in so doing.
8. Any notice to be given to the licence holder shall be deemed to be sufficiently served if addressed to the licence holder and sent by post or left at the premises.
9. This consent is without prejudice to, and shall not be construed as derogating from, any of the rights, powers and duties of the Council pursuant to any of its statutory functions or in any other capacity and, in particular shall not restrict the Council from exercising any of its powers or duties under the Highways Act 1980 (as amended).
10. The licence holder shall not place any item on the public highway or attempt to exercise any permission unless he/she has obtained both a valid licence to place the said objects on the public highway and has a current planning permission for the land use, if necessary.
11. The licence holder will ensure that the pavement area around the premises occupied by the tables and chairs used in accordance with this consent shall be inspected, swept and cleaned regularly so as to be free of litter at all times whilst the premises are open for business to members of the public. The licence holder will provide litter bins within the area designated under this consent of a number and type as may be specified by the Council, and shall remove all such bins from the designated area for storage within the premises by the terminal hour. A windproof receptacle for cigarette butts and ash will be provided on smoking tables.
12. The licence holder shall ensure that any spillages are promptly removed from the highway and restore the affected area of highway to a clean and safe condition. It is the responsibility of the licence holder to ensure that the premises frontage is washed down on a daily basis. The Council will recharge the licence-holder the full cost of any remedial work to remove any residual staining of the highway outside his or her premises, including the replacement of the paving stones if necessary, by pavement stones of an equivalent quality and to an equivalent standard.

13. The licence holder shall remove the amenities from the public highway immediately if requested to do so by the Council, its agents, contractors or licensees or by a Police Officer if the area occupied by the amenities is required to facilitate safe pedestrian passage. The licence holder shall not reposition the amenities on the public highway until notified by the Council, its agents, contractors or licensees or the Police that he/she may do so.
14. The licence holder must ensure that the licence is displayed at all times within the window of the property, so that it is clearly visible from the public highway.
15. The licence holder shall remove or store the tables and chairs so that they are unable to be used outside of the hours of the licence.
16. The licence holder shall ensure that tables and chairs are removed by the terminal hour.
17. Where the furniture on the relevant highways consists of seating for use by persons, for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted
18. The licence holder(s) shall not cause any unnecessary obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.
19. The licence holder(s) shall ensure that customers who purchase food or drink for consumption on the premises shall not consume such items outside of the permitted area.
20. The licence holder(s) shall ensure that all drinking glasses in which drinks are served shall be of either plastic or strengthened glass and that no drink shall be served in a glass bottle from which it is intended or likely that a customer will drink.
21. The licence holder(s) shall not use or suffer or permit any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst exercising privileges granted by this permission.
22. The licence holder(s) shall not place on the highway any furniture or equipment or advertisement other than as permitted by the Council and must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
23. The licence holder(s) shall not do or suffer anything to be done in or on the highway which in the opinion of the Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the said Council or the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
24. This licence only permits the use of table and chairs or other authorised furniture on the highway in the area designated on the plan attached to the licence.
25. The number of tables and chairs or other authorised furniture detailed on the pavement licence shall not be exceeded.
26. All furniture must be safe for public use and must be kept in good repair and condition.
27. Operators are required to manage their premises and outdoor seating areas in accordance with current social distancing measures and government guidance.
28. The Licensee must ensure that good order and behaviour is maintained at all times by people using any tables and chairs or other authorised furniture pursuant to this licence and that no nuisance is caused to residential or business neighbours.
29. The number of persons seated in the licensed area shall not exceed either the maximum capacity stated in the application form or on the pavement licence or the total number identified in the Covid-19 risk assessment, whichever is the lowest.

30. All customers consuming refreshments within the licensed area shall be seated.
31. The trading area shall not exceed the dimensions specified on the pavement licence or any limits marked on the ground during trading hours.
32. The layout of tables, chairs and other authorised furniture must be in accordance with the plan appended to the licence at all times that the licence is in use.
33. Trading may only take place on the days and during the times specified on the licence.
34. The Council reserves the right to add additional conditions to individual licence applications where it is appropriate to do so.
35. NON-COMPLIANCE with any Condition of this permission resulting in any complaint to the Council or to the Police will render the holder(s) liable to a written Notice under Section 115K of the Highways Act 1980 and failure to comply with such Notice immediately AND ANY SUBSEQUENT breach or non-compliance as aforesaid shall render the holder(s) liable to a written Notice under Condition 27 hereof REVOKING this permission forthwith (see attached notes).

Equality Impact Assessment [version 2.10]



Title: Bristol City Council Pavement Licensing Policy	
<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Strategy <input type="checkbox"/> Function <input type="checkbox"/> Service <input type="checkbox"/> Other [please state]	<input checked="" type="checkbox"/> New <input type="checkbox"/> Already exists / review <input type="checkbox"/> Changing
Directorate: Growth and Regeneration – Management of Place	Lead Officer name: Shaun Taylor
Service Area: Highways	Lead Officer role: Highways Maintenance Group Manager

Step 1: What do we want to do?

The purpose of an Equality Impact Assessment is to assist decision makers in understanding the impact of proposals as part of their duties under the Equality Act 2010. Detailed guidance to support completion can be found here [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](#).

This assessment should be started at the beginning of the process by someone with a good knowledge of the proposal and service area, and sufficient influence over the proposal. It is good practice to take a team approach to completing the equality impact assessment. Please contact the [Equality and Inclusion Team](#) early for advice and feedback.

1.1 What are the aims and objectives/purpose of this proposal?

Briefly explain the purpose of the proposal and why it is needed. Describe who it is aimed at and the intended aims / outcomes. Where known also summarise the key actions you plan to undertake. Please use **plain English**, avoiding jargon and acronyms. Equality Impact Assessments are viewed by a wide range of people including decision-makers and the wider public.

The Business and Planning Act 2020 (hereafter ‘the Act’) was introduced during the Covid-19 pandemic to enable premises to utilise outside space for hospitality whilst restrictions existed on indoor space. In relation to the placing of removable furniture on the highway the Act reduced the timescales for applications to be determined and limited the costs to businesses. Initially the Act was intended to last for one year, however this was extended and now expires on 30 September 2023, with legislation currently in parliament to make the measures under the Act permanent.

This policy will guide the Council when determining applications made in connection with the Business and Planning Act 2020 in relation to the placing of removable furniture on the highway. The policy covers all applications for pavement licences under this Act which allows the holder to place removable furniture on part of a relevant highway adjacent to the premises to which they relate for specific purposes. The policy does not apply to non-removable furniture, parasols over 1.8m in diameter, sided or un-sided structures, or decking.

1.2 Who will the proposal have the potential to affect?

<input type="checkbox"/> Bristol City Council workforce	<input checked="" type="checkbox"/> Service users	<input checked="" type="checkbox"/> The wider community
<input type="checkbox"/> Commissioned services	<input checked="" type="checkbox"/> City partners / Stakeholder organisations	
Additional comments:		

1.3 Will the proposal have an equality impact?

Could the proposal affect access levels of representation or participation in a service, or does it have the potential to change e.g. quality of life: health, education, or standard of living etc.?

If 'No' explain why you are sure there will be no equality impact, then skip steps 2-4 and request review by Equality and Inclusion Team.

If 'Yes' complete the rest of this assessment, or if you plan to complete the assessment at a later stage please state this clearly here and request review by the Equality and Inclusion Team.

Yes **No** [please select]

The policy is being introduced to sit alongside the Business and Planning Act 2020, which streamlined the process for applying for removable furniture on the highway. This Act was introduced during the Covid-19 pandemic to permit a shorter process for applications, to facilitate outdoor dining when restrictions were in place on inside areas. The Act is likely to be made permanent within the next year, to maintain this streamlined approach.

Whilst there have been a range of positive effects for the hospitality industry, it remains important to ensure that outdoor seating areas are balanced with the needs of highway users, in particular disabled persons, and those with restricted or limited mobility.

The policy aims to set out considerations to ensure that this balance is achieved, but it is felt that the equality impact and mitigations should be set out clearly in this document, to ensure all potential impacts are considered.

Step 2: What information do we have?

2.1 What data or evidence is there which tells us who is, or could be affected?

Please use this section to demonstrate an understanding of who could be affected by the proposal. Include general population data where appropriate, and information about people who will be affected with particular reference to protected and other relevant characteristics: [How we measure equality and diversity \(bristol.gov.uk\)](https://www.bristol.gov.uk/equality-diversity)

Use one row for each evidence source and say which characteristic(s) it relates to. You can include a mix of qualitative and quantitative data e.g. from national or local research, available data or previous consultations and engagement activities.

Outline whether there is any over or under representation of equality groups within relevant services - don't forget to benchmark to the local population where appropriate. Links to available data and reports are here [Data, statistics and intelligence \(sharepoint.com\)](https://www.bristol.gov.uk/data-statistics-intelligence). See also: [Bristol Open Data \(Quality of Life, Census etc.\)](#); [Joint Strategic Needs Assessment \(JSNA\)](#); [Ward Statistical Profiles](#).

For workforce / management of change proposals you will need to look at the diversity of the affected teams using available evidence such as [HR Analytics: Power BI Reports \(sharepoint.com\)](#) which shows the diversity profile of council teams and service areas. Identify any over or under-representation compared with Bristol economically active citizens for different characteristics. Additional sources of useful workforce evidence include the [Employee Staff Survey Report](#) and [Stress Risk Assessment Form](#)

Data / Evidence Source [Include a reference where known]	Summary of what this tells us
Census 2011 and Census 2021 2011 Census Key Statistics About Equalities Communities	The Census details the demographic profile of Bristol. The detailed results of the 2021 census will not be available until later in 2022, so demographic data is still informed by 2011 census

	and other population related documents (listed below)
The population of Bristol	Updated annually. The report brings together statistics on the current estimated population of Bristol, recent trends in population, future projections and looks at the key characteristics of the people living in Bristol.
New wards: data profiles Ward Profiles - Power BI tool	The Ward Profiles provide a range of data-sets, including demographics, health and wellbeing disparities etc. for each of Bristol's electoral wards.
Nomis - Official Labour Market Statistics (nomisweb.co.uk)	Within the West of England, Bristol is the primary economic centre and prior to COVID-19 nearly half of all the jobs (44.8%) and enterprises (40.1%) were located in Bristol. The employment rate in Bristol is 78.1% which is higher than the national average at 74.8%. Bristol has a lower proportion of people employed in caring, leisure and other service occupations 6.9% than for Great Britain (9.2%). While the diverse and high skilled economy of the city has provided protection for some of our key industries and employment, there has been significant impact on key sectors e.g. hospitality, retail and leisure. 10,500 working age residents were unemployed in the 12 months ending December 2021.
2011 Census Key Statistics About Equalities Communities (bristol.gov.uk)	Within Bristol those who say their day to day activities are limited because of a health problem which has lasted, or is expected to last, at least 12 months, and includes problems related to old age, is 16.7%. This is slightly less than the national average of 17.9% which is likely because of the younger age profile in Bristol.
Institute of Public Care	The Institute of Public Care estimates that in 2022 13,300 adults aged 18-64 have impaired mobility, 208 adults 18-64 have a severe visual impairment, 5465 adults aged 65 and over have a moderate or severe visual impairment, and 1905 adults aged 75+ have registrable eye conditions.
Additional comments:	

2.2 Do you currently monitor relevant activity by the following protected characteristics?

<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender Reassignment
<input type="checkbox"/> Marriage and Civil Partnership	<input type="checkbox"/> Pregnancy/Maternity	<input type="checkbox"/> Race
<input type="checkbox"/> Religion or Belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual Orientation

2.3 Are there any gaps in the evidence base?

Where there are gaps in the evidence, or you don't have enough information about some equality groups, include an equality action to find out in section 4.2 below. This doesn't mean that you can't complete the assessment without

the information, but you need to follow up the action and if necessary, review the assessment later. If you are unable to fill in the gaps, then state this clearly with a justification.

For workforce related proposals all relevant characteristics may not be included in HR diversity reporting (e.g. pregnancy/maternity). For smaller teams diversity data may be redacted. A high proportion of not known/not disclosed may require an action to address under-reporting.

The streamlined process for placing removable furniture on the highway was introduced during the Covid-19 pandemic as a temporary measure, and has only been extended close to the end of each period of legislation ending. It has been difficult to monitor the effect of the legislation in respect of equality impact during the pandemic, due to resource and lockdown limitations.

Anecdotally officers are aware that some premises have expanded their outdoor areas significantly further than permissions may allow, and in some cases the outdoor areas have blocked emergency access or left less than the required amount of space for disabled persons to pass by. These issues have been addressed on a case by case basis, but it is clear that a policy is required in order to have a clear and effective framework for considering, granting and enforcing permissions for removable furniture on the highway.

It will be important to measure the impact of the conditions relating to licences granted under this policy to ensure that they are having the desired effect in ensuring no person using the highway is disadvantaged by a licence granted under the policy.

2.4 How have you involved communities and groups that could be affected?

You will nearly always need to involve and consult with internal and external stakeholders during your assessment. The extent of the engagement will depend on the nature of the proposal or change. This should usually include individuals and groups representing different relevant protected characteristics. Please include details of any completed engagement and consultation and how representative this had been of Bristol's diverse communities.

Include the main findings of any engagement and consultation in Section 2.1 above.

If you are managing a workforce change process or restructure please refer to [Managing change or restructure \(sharepoint.com\)](#) for advice on consulting with employees etc. Relevant stakeholders for engagement about workforce changes may include e.g. staff-led groups and trades unions as well as affected staff.

Stakeholders have been operating under the Business and Planning Act 2020 requirements for around 2 years, and the policy simply codifies the Council's approach in a formal document. The government have also recently released statutory guidance to which the Council must have regard. The policy proposes to follow the statutory guidance and does not depart from it in any significant way.

2.5 How will engagement with stakeholders continue?

Explain how you will continue to engage with stakeholders throughout the course of planning and delivery. Please describe where more engagement and consultation is required and set out how you intend to undertake it. Include any targeted work to seek the views of under-represented groups. If you do not intend to undertake it, please set out your justification. You can ask the Equality and Inclusion Team for help in targeting particular groups.

This policy is intended to provide guidance for stakeholders and officers whilst the temporary measures of the Act remain in place. The Act is intended to be made permanent within the next year, however there will be some changes to aspects of it. Officers intend to begin work on a permanent policy in line with the changes in the permanent Act within the next few months. This will include a consultation with the public and stakeholders to ensure that an effective and even-handed approach is taken considering the needs of all users of the highway.

Step 3: Who might the proposal impact?

Analysis of impacts must be rigorous. Please demonstrate your analysis of any impacts of the proposal in this section, referring to evidence you have gathered above and the characteristics protected by the Equality Act 2010. Also include details of existing issues for particular groups that you are aware of and are seeking to address or mitigate through this proposal. See detailed guidance documents for advice on identifying potential impacts etc. [Equality Impact Assessments \(EqIA\) \(sharepoint.com\)](https://sharepoint.com)

3.1 Does the proposal have any potentially adverse impacts on people based on their protected or other relevant characteristics?

Consider sub-categories (different kinds of disability, ethnic background etc.) and how people with combined characteristics (e.g. young women) might have particular needs or experience particular kinds of disadvantage.

Where mitigations indicate a follow-on action, include this in the 'Action Plan' Section 4.2 below.

GENERAL COMMENTS (highlight any potential issues that might impact all or many groups)	
The proposal is to continue with measures which have been in place for around two years, albeit under emergency measures. The proposal has the potential to impact on any users of the highway, as well as access for emergency or other vehicles, impacting on city partners if incorrectly implemented.	
PROTECTED CHARACTERISTICS	
Age: Young People	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Age: Older People	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	Older people generally have decreased mobility and may have additional access requirements. If licences are granted which do not take into account these groups may have restricted access to footways, or be hindered by furniture not clearly marked.
Mitigations:	The policy requires that consideration is given, before granting a licence, to disabled persons, and those with restricted mobility. It also imposes a condition on all licences which requires that there be no obstruction to users of the highway as a result of furniture being placed on the highway.
Disability	Does your analysis indicate a disproportionate impact? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Potential impacts:	Disabled persons may have decreased mobility, impeded vision, and additional access requirements. If licences are granted which do not take into account these groups may have restricted access to footways, or be hindered by furniture not clearly marked.
Mitigations:	The policy requires that consideration is given, before granting a licence, to disabled persons, and those with restricted mobility. It also imposes a condition on all licences which requires that there be no obstruction to users of the highway as a result of furniture being placed on the highway.
Sex	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Sexual orientation	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Pregnancy / Maternity	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	Parents with babies or children in pushchairs may be impacted similarly to older or disabled people in that they may require additional space to utilise the highway safely. They may also be hindered by barriers or furniture placed on the highway
Mitigations:	The policy imposes a condition on all licences which requires that there be no obstruction to users of the highway as a result of furniture being placed on the highway.
Gender reassignment	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Race	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Potential impacts:	
Mitigations:	
Religion or Belief	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Marriage & civil partnership	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
OTHER RELEVANT CHARACTERISTICS	
Socio-Economic (deprivation)	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	
Mitigations:	
Carers	Does your analysis indicate a disproportionate impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Potential impacts:	Carers for disabled persons may be impacted as the persons they care for may have decreased mobility, impeded vision, and additional access requirements. If licences are granted which do not take into account these groups may have restricted access to footways, or be hindered by furniture not clearly marked.
Mitigations:	The policy requires that consideration is given, before granting a licence, to disabled persons, and those with restricted mobility. It also imposes a condition on all licences which requires that there be no obstruction to users of the highway as a result of furniture being placed on the highway.
Other groups [Please add additional rows below to detail the impact for other relevant groups as appropriate e.g. Asylums and Refugees; Looked after Children / Care Leavers; Homelessness]	
Potential impacts:	
Mitigations:	

3.2 Does the proposal create any benefits for people based on their protected or other relevant characteristics?

Outline any potential benefits of the proposal and how they can be maximised. Identify how the proposal will support our [Public Sector Equality Duty](#) to:

- ✓ Eliminate unlawful discrimination for a protected group
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who don't
- ✓ Foster good relations between people who share a protected characteristic and those who don't

The proposed policy will ensure that the needs of disabled persons and those with limited mobility are protected whilst promoting a vibrant and diverse hospitality offer.

Step 4: Impact

4.1 How has the equality impact assessment informed or changed the proposal?

What are the main conclusions of this assessment? Use this section to provide an overview of your findings. This summary can be included in decision pathway reports etc.

If you have identified any significant negative impacts which cannot be mitigated, provide a justification showing how the proposal is proportionate, necessary, and appropriate despite this.

Summary of significant negative impacts and how they can be mitigated or justified:

Older people and disabled persons may have decreased mobility, impeded vision, and additional access requirements. If licences are granted which do not take into account these groups may have restricted access to footways, or be hindered by furniture not clearly marked.

Summary of positive impacts / opportunities to promote the Public Sector Equality Duty:

The policy requires that consideration is given, before granting a licence, to disabled persons, and those with restricted mobility. It also imposes a condition on all licences which requires that there be no obstruction to users of the highway as a result of furniture being placed on the highway.

4.2 Action Plan

Use this section to set out any actions you have identified to improve data, mitigate issues, or maximise opportunities etc. If an action is to meet the needs of a particular protected group please specify this.

Improvement / action required	Responsible Officer	Timescale
Policy for approval by licensing committee with immediate implementation	Shaun Taylor	November 2022
Review of policy in conjunction with the permanent legislation currently in parliament, including full public consultation.	Shaun Taylor	TBD depending on government timescales – expected within a year.

4.3 How will the impact of your proposal and actions be measured?

How will you know if you have been successful? Once the activity has been implemented this equality impact assessment should be periodically reviewed to make sure your changes have been effective your approach is still appropriate.

This policy will be subject to review when the permanent legislation is finalised. Officers will monitor the effect of the policy by regular checks to ensure premises are compliant with relevant conditions, and identifying issues in order to amend licences where necessary. Officers primarily focus on safety of customers, the access and space for the footway, including access for disabled persons, and free passage for other highway users.

Step 5: Review

The Equality and Inclusion Team need at least five working days to comment and feedback on your EqIA. EqIAs should only be marked as reviewed when they provide sufficient information for decision-makers on the equalities impact of the proposal. Please seek feedback and review from the [Equality and Inclusion Team](#) before requesting sign off from your Director¹.

Equality and Inclusion Team Review:	Director Sign-Off:
Date:	Date:

¹ Review by the Equality and Inclusion Team confirms there is sufficient analysis for decision makers to consider the likely equality impacts at this stage. This is not an endorsement or approval of the proposal.