

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.