

## EQUALITY IMPACT ASSESSMENT

The **Equality Act 2010** places a ‘**General Duty**’ on all public bodies to have ‘**due regard**’ to the need to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advancing equality of opportunity between those with a ‘relevant protected characteristic’ and those without one;
- Fostering good relations between those with a ‘relevant protected characteristic’ and those without one.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

### Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protect characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

### Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council’s commitment to equality and the responsibilities under the Public Sector Equality Duty.

**When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.**

Please read the Council’s Equality Impact Assessment Guidance before beginning the EqIA process.

1. Responsibility for the Equality Impact Assessment	
<b>Name of proposal</b>	Adoption of conditions and setting of fees under new Business and Planning Act 2020.
<b>Service area</b>	Regulatory Services/ Leader sign off
<b>Officer completing assessment</b>	Daliah Barrett
<b>Equalities/ HR Advisor</b>	Louise Hopton Beatty
<b>Cabinet meeting date (if applicable)</b>	N/A
<b>Director/Assistant Director</b>	Eubert Malcolm

## 2. Summary of the proposal

*Please outline in no more than 3 paragraphs*

- *The proposal which is being assessed*
- *The key stakeholders who may be affected by the policy or proposal*
- *The decision-making route being taken*

Covid-19 has affected businesses across the economy. Many businesses have had to cease trading for several months, and others have had to significantly modify their operations. This Act introduces a number of urgent measures to help businesses succeed in these new and challenging conditions over the coming months, and to remove short term obstacles that could get in their way

This Act will introduce significant changes designed to help licensed premises to survive and then bounce-back from the pandemic lockdown. The provisions include:

- A new “Pavement Licence” regime, to be administered by local authorities, designed to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers on the highway and temporary changes to planning procedures and alcohol licensing.
- Alcohol licensing changes that will allow operators with existing alcohol on-sales licences to also serve alcohol for consumption off the premises and to make deliveries without the need to modify their existing premises licences.

The Act includes temporary measures to support businesses selling food and drink through economic recovery as lockdown restrictions are lifted but social distancing guidelines remain in place. Once cafes, pubs and restaurants are permitted to open, current social distancing guidelines will have considerable impact on the capacity to accommodate customers. The measures in the Act are designed to support businesses selling food and drink such as cafes, pubs and restaurants by introducing a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, from the local council for the placement of furniture such as tables and chairs on the pavement outside their premises. This will enable them to maximise their capacity whilst adhering to social distancing guidelines. The current process for businesses to obtain these licences can be costly and time-consuming. The Act places a cap of £100 on the application fee. It includes enforcement and revocation powers so councils can protect public safety and amenity, and introduces a new 14-day determination period, i.e. 7 days for consultation and a further 7 days for determination. If the Council does not determine the licence in time it will be deemed granted. These requirements ensure that businesses can obtain licences in a timely and cost effective manner aiding to their financial recovery.

New Pavement Licences are to be administered by the Licensing Authority which has the right to grant or refuse (eg because unreasonably obstructing highway) or add reasonable conditions. The Council may publish its standard conditions and may also impose further conditions where required. The Pavement Licence can be granted for not less than 3 months but at the latest will expire on 30.9.2021, unless the regime is extended by the Secretary of State. If there are problems with the use of the pavement area, then the Licensing Authority can require remedial steps to be taken or revoke the licence. The grant of a New Pavement Licence constitutes deemed planning permission.

### 3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?

*Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. Please include any gaps and how you will address these*

*This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national. For restructures, please complete the restructure EqIA which is available on the HR pages.*

Protected group	Service users	Staff
Sex	<i>Residents Survey 2018 Borough Plan EQIA</i>	Procedure timelines set by Government will impact on staffing resources and ability to consider and respond to applications in time.
Gender Reassignment	<i>Residents Survey 2018 Borough Plan EQIA</i>	
Age	<i>Residents Survey 2018 Borough Plan EQIA</i>	
Disability	<i>Residents Survey 2018 Borough Plan EQIA</i>	
Race & Ethnicity	<i>Residents Survey 2018 Borough Plan EQIA</i>	
Sexual Orientation	<i>Residents Survey 2018 Borough Plan EQIA</i>	
Religion or Belief (or No Belief)	<i>Residents Survey 2018 Borough Plan EQIA</i>	
Pregnancy & Maternity	<i>Residents Survey 2018 Borough Plan EQIA</i>	

Marriage and Civil Partnership	<i>Residents Survey 2018 Borough Plan EQIA</i>	
--------------------------------	--	--

**Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough’s demographic profile? Have any inequalities been identified?**

*Explain how you will overcome this within the proposal.*

*Further information on how to do data analysis can be found in the guidance.*

There are broadly two groups impacted by this new legislation – those applying for a license and people in the community impacted by the decisions made.

No equalities data is required or considering being collected from applicants for Pavement licenses as this is a temporary measure until 30<sup>th</sup> September 2021. An online form will be put in place for business to use.

In terms of the impact on the community, the assessment is based on the extent to which the conditions being proposed are able to meet the criteria to safeguard:

- Prevent obstruction of the pavement/ accessibility
- Public health and safety being promoted and risk assessed
- public amenity – ensuring the placing of tables and chairs do not adversely impact the area.

Sex

There is a relatively equal gender split in Haringey, just over half of the population is female (50.5%), in line with England and London.

There are no known differences for applicants.

Gender Reassignment

There is very little robust data on Haringey or the UK’s trans population. However it is estimated that there are between 200 ,00 0 and 500,000 people who identify as trans in the UK.

There are no know differences for applicants.

Age

Haringey has a relatively young population with a quarter of the population under the age of 20, and 91% of the population aged under 65 (89% London and 83% England).

The largest age group of victims were between 25 and 34 years, forming 28% of all victims (13% female, 15% male). 35 to 44 year olds were the second largest group, followed by 16 to 24 year olds. Younger residents appear to be overrepresented among victims of crime.

The largest group of suspects in Haringey in 2017/18 were described as being aged between 16 and 24 years old, forming almost 1 in 3 of all suspects. The next largest suspect group was described as being aged between 25 and 34 years old (28%), followed by 35 to 44 year olds (17%).

Fear of crime is disproportionately high among older people. The Haringey Residents Survey found that 55% of residents aged 75+ felt safe outside in their local area after dark, compared to an overall borough average of 69%.

There are no known differences for applicants.

### Disability

There is no universal definition of disability. Here we use the Census data on long term health problem or disability and self-reported health as a proxies. This shows that 14% of residents have a long term health problem that limits their day to day activity, lower than England but in line with London.

Some individuals are specifically targeted as victims of crime on the basis of prejudice relating to disability. In the year to December 2017 Haringey recorded 14 instances of disability hate crime.

Fear of crime is higher among residents with long-term illnesses and disabilities. Perceptions of safety after dark for these Haringey residents stand at 49% compared to the Haringey average of 69%.

The Act requires that Inclusive mobility regulations are adhered to ensure that people with disability and sight impairment are not disadvantaged

There are no known differences for applicants.

### Race and Ethnicity

Haringey is the 5th most ethnically diverse borough in the country. Over 65% of residents come from non-White British communities, compared to 20% in England and 55% in London.

The legislation will bring about a potential rise in anti social behaviour complaints as there will be increased amounts of people consuming alcohol on the streets. Council will

need to be clear that perception or dislike of this activity does not make it an illegal act to consume alcohol on the street. PSPOs also do not factor into these matters. The Police are able to confiscate or deal with someone behaving in an anti social manner whether a PSPO is in place in a given area or not.

### Sexual Orientation

3.2% of London residents aged 16 or over identified themselves as lesbian, gay or bisexual in 2013. In Haringey this equates to 6,491 residents.

There are no know differences for applicants.

### Religion or Belief (or No Belief)

Haringey is one of the most religiously diverse places in the UK. The most common religion was Christianity, accounting for 45% of residents, less than London (48.4) and less than England (59.4%). The next most common religions were Muslim (14.3%) – higher than London (12.3%) - and Jewish (3%). Haringey had a lower percentage of residents who were Hindu (1.8%) and Sikh (0.3%) than London (5.0% and 1.5%, respectively). A quarter of Haringey residents stated that they did not have a religion, higher than London (20.7%).

Fear of crime is higher among religious minority groups than the Haringey average. 53% of Muslim residents, and 64% of Jewish and Hindu residents feel safe outside in their local area after dark, compared to a borough average of 69%.

There are no know differences for applicants.

### Pregnancy & Maternity

The council does not have local data regarding victimisation based on this protected characteristic or the level of fear of crime among individuals who are pregnant or care for small children.

There are no know differences for applicants.

### Marriage and Civil Partnership

Haringey has a higher proportion of couples in a registered same sex civil partnership than England and London. 0.6% (or 1,191 residents), compared to 0.2% for England and 0.4% for London.

The council does not have local data regarding levels of victimisation or fear of crime among individuals who are married or in a civil partnership.

There are no known differences for applicants.

**4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?**

*Please outline which groups you may target and how you will have targeted them*

Further information on consultation is contained within accompanying EqIA guidance

Please outline what you are going to do during the consultation to try and get information from people with protected characteristics.

The legislation contains very short consultation times lines and there is no restriction on who can apply or who can submit objections to an application.

Applications under consultation will be emailed out to:

- Local Residents and Tenants associations
- Statutory consultees
- Local Businesses
- Local Councillors

**4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics**

*Explain how will the consultation's findings will shape and inform your proposal and the decision making process, and any modifications made?*

To be update following consultation.

**5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?**

*Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.*

Further information on assessing impact on different groups is contained within accompanying EqlA guidance

Below is an initial assessment of the impact against groups with protected characteristics. This will be updated following consultation.

There is an expectation that ASB and nuisance complaints will increase as a result of these changes.

**1. Sex** (Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)

Positive		Negative		Neutral impact	x	Unknown Impact	X
----------	--	----------	--	----------------	---	----------------	---

No disproportionate impact on sex is anticipated.

**2. Gender reassignment** (Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)

Positive		Negative		Neutral impact		Unknown Impact	x
----------	--	----------	--	----------------	--	----------------	---

No disproportionate impact on gender reassignment is anticipated.

**3. Age** (Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)

Positive		Negative	x	Neutral impact		Unknown Impact	
----------	--	----------	---	----------------	--	----------------	--

Barriers will prevent customers from obstructing highway – which sometimes makes elderly and/or younger people feel uncomfortable when trying to pass  
Barriers could be a trip hazard for those with physiological impairment if they are not designed with this in mind

In most cases the transfer of food and/or drink to the outside area is proposed to be through the use of table service. Older people who find it difficult to carry cups, trays, etc. will benefit from this ability.



**4. Disability** (Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)

Positive		Negative	X	Neutral impact		Unknown Impact	
----------	--	----------	---	----------------	--	----------------	--

People with visual impairments and mobility issues may be negatively impacted as there will be more obstacles and people may need to walk around expanding seating areas. In order to mitigate this impact, the proposal includes well designed barriers (light in colour) will guide the visually impaired safely around the areas. Barriers could be a trip hazard for the visually impaired if they are not designed with this in mind

Specifying a minimum width for public access will ensure that wheelchair users and pushchairs can negotiate the pavements safely

Specifying that tables and chairs should be sufficiently spaced to enable wheelchair/highchair/pram access will ensure that the pavement licence areas can be used by all.

Licence holders will be required to remove tables, chairs and other associated structures from the public highway after trading hours.

**5. Race and ethnicity** (Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)

Positive		Negative		Neutral impact	X	Unknown Impact	
----------	--	----------	--	----------------	---	----------------	--

No disproportionate impact on race and ethnicity is anticipated.

**6. Sexual orientation** (Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)

Positive		Negative		Neutral impact	X	Unknown Impact	
----------	--	----------	--	----------------	---	----------------	--

No disproportionate impact on sexual orientation is anticipated.

**7. Religion or belief (or no belief)** (Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)

Positive		Negative		Neutral impact	X	Unknown Impact	
----------	--	----------	--	----------------	---	----------------	--

No disproportionate impact in relation to religion or belief is anticipated.

**8. Pregnancy and maternity** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive		Negative	x	Neutral impact		Unknown Impact	
----------	--	----------	---	----------------	--	----------------	--

There is a potential that this proposal would have a negative impact on people using pushchairs. However, a minimum width for public access will ensure that wheelchair users and pushchairs can negotiate the pavements safely.

**9. Marriage and Civil Partnership** *(Consideration is only needed to ensure there is no discrimination between people in a marriage and people in a civil partnership)*

Positive		Negative		Neutral impact	X	Unknown Impact	
----------	--	----------	--	----------------	---	----------------	--

No disproportionate impact in relation to marriage and civil partnership is anticipated.

**10. Groups that cross two or more equality strands e.g. young black women**

**Outline the overall impact of the policy for the Public Sector Equality Duty:**

- **Could the proposal result in any direct/indirect discrimination for any group that shares the relevant protected characteristics?**
- **Will the proposal help to advance equality of opportunity between groups who share a relevant protected characteristic and those who do not?**

**This includes:**

- a) Remove or minimise disadvantage suffered by persons protected under the Equality Act
  - b) Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups
  - c) Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low
- Will the proposal help to foster good relations between groups who share a relevant protected characteristic and those who do not?

The principal conclusion of this EIA is that there is the potential for negative impact on disabled people but the proposed conditions and Sec of State mandatory condition on no obstruction of the highway will mitigate.

Anti social behaviour is also a potential concern and may increase across certain parts of the borough due to this new provision and the more widely availability of alcohol through the automatic right to off sales at pubs, cafes restaurants etc. However the conditions being put in place to only allow seated pavement licences and for these areas to cease being used no later than 10pm across the borough to help reduce any late night noise nuisance . The national condition for off sales to stop at 11pm will help to mitigate the effects also.

**6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?**

Further information on responding to identified impacts is contained within accompanying EqIA guidance

Outcome	Y/N

**6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty**

Impact and which relevant protected characteristics are impacted?	Action	Lead officer	Timescale


**Please outline any areas you have identified where negative impacts will happen as a result of the proposal but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.**

**6 c) Summarise the measures you intend to put in place to monitor the equalities impact of the proposal as it is implemented:**

**7. Authorisation**

EqlA approved by .....	Date
(Assistant Director/ Director)	.....

**8. Publication**

*Please ensure the completed EqlA is published in accordance with the Council's policy.*

Please contact the Policy & Strategy Team for any feedback on the EqlA process.