

Equality impact assessment form for quick COVID 19 decisions only

Directorate	Communities and Place
Service area	Derby Live
Proposal	To produce a new temporary emergency streamlined Pavement License (Street Café) Policy
Reason for proposal	To support the economy, by allowing a more streamlined process for applying and getting Street Café Licences to help smaller establishments with social distancing measures
Sign off (Director/Head of Service)	Claire Davenport
Date of assessment	10 August 2020

Please read the support notes before completing your assessment that are set out in Appendix 1.

The form

You need to attach the completed form to any report to help councillors and colleagues make their decisions by taking equality implications into account.

The assessment team or name of individual completing this form

Team leader's name and job title – Mick Emerson - Outdoor Events Manager – Derby Live

Other team members if appropriate

Name	Job title	Organisation	Area of expertise
Ann Webster	Lead on Equality and Diversity	Derby City Council	Equality and Diversity

Step 1- setting the scene

Make sure you have clear aims and objectives on what you are impact assessing – this way you keep to the purpose of the assessment and are less likely to get side- tracked.

<p>1. What are the main aims, objectives and purpose of the decision you want to make?</p>	<p>We are introducing a temporary new streamlined Street Café Policy to assist the hospitality sector business in their economic recovery following the period of lockdown due to the Covid-19 pandemic.</p> <p>In doing so Derby City Council will be following the Draft guidance: pavement licences (outdoor seating proposal) published by the British Government on 25 June 2020</p> <p>Pavement licences within the city are presently granted primarily under Part VIIA of the Highways Act 1980.</p>
--	--

Duration that this policy will be in place is from 13 July 2020 – 30 September 2021

The cost of applying for a pavement licence (Street Café) is £100

The aims of the policy are:

- to put in place a consistent process for applications that complements central governments aspirations for a reinvigoration of the hospitality sector
- to speed up the process of applying for a pavement licence (Street Café)
- to reduce the cost of applying for a pavement licence (Street café)

Scope of Policy

This policy will apply to all of derby, however Derby LIVE will not be administering the process outside the city centre. The process will be administered outside the city centre by DCC Highways

A pavement licence (Street Café) is defined for the purposes of this policy to be a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways, or on land owned by or managed by Derby City Council, adjacent to the premises in relation to which the application was made, for certain purposes

This policy does not apply to privately owned land.

The policy applies to any hospitality business: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

	<p>The furniture which may be used are:</p> <ul style="list-style-type: none"> • counters or stalls for selling or serving food or drink; (non-alcoholic beverages only) • tables, counters or shelves on which food or drink can be placed; • chairs, benches or other forms of seating; and • umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink. • The furniture is required to be removable; this means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening. • The furniture must also be accessible for disabled people, so if using high tables, lower ones must also be provided
<p>2. Why do you need to make this decision?</p>	<p>During Covid 19 many businesses have suffered financial losses and particularly, the hospitality industry – the Government has asked local councils to make it easier for businesses to have street cafes.</p>
<p>3. Who delivers/will deliver the changed service/policy including any consultation on it and any outside organisations who deliver under procurement arrangements?</p>	<p>Derby Live in conjunction with our Multiagency Street Café Consultation Group, which includes our Lead on Equality and Diversity and the Police as well as Derby Bid, Highways and Environmental Services</p>
<p>4. Who are the main customers, users, partners, colleagues or groups affected by this decision?</p>	<p>Business owners and their staff, visitors to Derby, workers in Derby</p>

Step 2 – collecting information and assessing impact

<p>5. Who have you consulted and engaged with so far about this change, and what did they tell you? Who else do you plan to consult with? – tell us here how you did this consultation and how you made it accessible for the equality groups, such as accessible locations, interpreters and translations, accessible documents.</p>	<p>We consulted with our Multi-Agency Street Café Consultation Group as well as with our Lead on Equality and Diversity and our Visual Impairment Officer. We know that visually impaired people throughout the country are facing barriers by some of the measures taking place through social distancing requirements and in Derby we want to make sure our new Policy has as little negative impact on disabled people as possible.</p>
---	--

6. Using the skills and knowledge in your assessment team or what you know yourself, and from any consultation you have done, what do you already know about the equality impact of the proposed change on particular groups? Also, use any other information you know about such as any customer feedback, surveys, national research or data. Indicate by a tick for each protected characteristic group whether this is a negative or a positive impact. Only fill in the mitigation box if you think the decision will have a negative impact and then you'll need to explain how you are going to lessen the impact.

	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
Age – older and younger people	<p>We know that people of all ages can get very lonely and during Covid 19 people who met regularly for drinks and meals were unable to do this – now hospitality is open, street cafes will give more options for people to share meals again with their friends and families whilst still social distancing.</p> <p>We know that older people are more at risk of Covid 19 and so it's really important that any establishment is Covid 19 safe and fully risk assessed</p>	Yes		
Disability – the effects on the whole range of disabled people, including Deaf people, hearing impaired people, visually impaired people, people with mental health issues, people with learning difficulties, people living with autism and people with physical impairments	<p>We know that during Covid 19 disabled people have been negatively impacted by many social distancing measures. The Government asked local councils to look at streamlining their license procedures for street cafes, but we have tried to make sure that we don't make access worse for disabled people and so have written in access requirements in the Policy.</p> <p>In some cases, access has improved for disabled people as the café may be up steps and now it's on the level outside with waiter service.</p>	Yes	Yes	<p>We have placed stick on markers so that barriers are placed in the same place each day to assist visually impaired people, since the temporary license does not require bolted in barriers.</p> <p>Any A Boards have to be kept within the barriers, so as not to obstruct disabled people.</p> <p>The Policy makes it clear that any furniture used must be accessible for disabled people and enough room for them to use the facility</p> <p>A street café license will only be given if there is enough room for disabled people to pass on the pavement. The street cafes will be monitored regularly to make sure they are keeping to the rules and not</p>

	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
				causing an obstruction for disabled people.
Gender identity- trans and those people who don't identify with a particular gender, for example, non-binary, genderfluid, genderqueer, polygender and those who are questioning their gender or non-gendered identity.	All premises that are given a license have to comply with the Equality Act and if we find any that are not then we will investigate and remove the license if necessary	Yes		
Marriage and Civil Partnership	All premises that are given a license have to comply with the Equality Act and if we find any that are not then we will investigate and remove the license if necessary	Yes		
Pregnancy and maternity - women who are pregnant or who have recently had a baby, including breast feeding mothers	All premises that are given a license have to comply with the Equality Act and if we find any that are not then we will investigate and remove the license if necessary – for example refusing to allow a woman to breast feed her baby. We know that some street cafes can get in the way for pushchair routes	Yes	Yes	The street cafes will only be allowed where there is room and they will be monitored to make sure they do not obstruct the path for pushchairs.
Race - the effects on minority ethnic communities, including newer communities, Gypsies and Travellers and the Roma community	All premises that are given a license have to comply with the Equality Act and if we find any that are not then we will investigate and remove the license if necessary We know that Black, Asian and Minority Ethnic communities face a higher risk from Covid 19 and so it's very important that any establishment is Covid 19 safe – all establishments have to complete risk assessments in line with Government guidance.	Yes Yes		
Religion or belief or none - the effects on religious and cultural communities, customers and colleagues	All premises that are given a license have to comply with the Equality Act and if we find any that are not	Yes		

	What do you already know?	Positive impact	Negative impact	Mitigation - what actions will you take to lessen impact?
	then we will investigate and remove the license if necessary			
Sex - the effects on both men and women and boys and girls	All premises that are given a license have to comply with the Equality Act and if we find any that are not then we will investigate and remove the license if necessary	Yes		
Sexual orientation - the effects on lesbians, gay men, bisexuals, pansexual, asexual and those questioning their sexuality	All premises that are given a license have to comply with the Equality Act and if we find any that are not then we will investigate and remove the license if necessary	Yes		

Important - For any of the equality groups you don't have any information about, then please contact our Lead on Equality and Diversity for help. You can also get lots of information on reports completed from organisations' websites such as the Equality and Human Rights Commission, Stonewall, Press for Change, Joseph Rowntree Trust and so on. Please don't put down that the impact affects 'everyone the same' – it never does!

Step 3 – deciding on the outcome

7 What outcome does this assessment suggest you take? – You might find more than one applies. Please also tell us why you have come to this decision?

Outcome 1	1	No major change needed – the EIA hasn't identified any potential for discrimination or negative impact and all opportunities to advance equality have been taken
Outcome 2		Adjust the proposal to remove barriers identified by the EIA or better advance equality. Are you satisfied that the proposed adjustments will remove the barriers you identified?
Outcome 3		Continue the proposal despite potential for negative impact or missed opportunities to advance equality identified. You will need to make sure the EIA clearly sets out the justifications for continuing with it. You need to consider whether there are: <ul style="list-style-type: none"> • sufficient plans to stop or minimise the negative impact • mitigating actions for any remaining negative impacts • plans to monitor the actual impact.
Outcome 4		Stop and rethink the proposal when the EIA shows actual or potential unlawful discrimination

Why did you come to this decision?

We thought about the equality implications as we were developing this Policy

If you have decided on **Outcome 3**, then please tell us here the justification for continuing with the proposal. You also need to make sure that there are actions in the Mitigation Box to lessen the effect of the negative impact. This is so important and may face a legal challenge in the future.

If you have decided on **Outcome 4** then if the proposal continues, without any mitigating actions, it may be likely that we will face a legal challenge and possibly a Judicial Review on the process - it is so important that the equality impact assessment is done thoroughly, as this is what the Judge will consider.

Appendix 1

Equality impact assessment form for quick decisions concerning COVID 19 – please read this section first before you do the assessment

We've adapted our usual equality impact assessment form so you can use it for quick decisions needed concerning COVID 19. Remember it needs to be completed **before** that decision is made, but we hope it will just act as a reminder that we still need to 'pay due regard to equality' under our **Public Sector Equality Duty** as this is still very much in force. The Equality and Human Rights Commission are keeping an eye on examples of discrimination and collecting evidence so it's important we still check for equality impact.

The Public Sector Equality Duty is part of the Equality Act 2010 and this Duty requires us as a public body to have '**due regard**' to eliminating discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act. It requires us to advance equality of opportunity and foster good relations between people who share a '**relevant protected characteristic**' and people who don't. Protected characteristics are age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Having 'due regard' means:

- removing or minimising disadvantages suffered by people due to their protected characteristics

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 Minicom: 01332 640666

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku. Prosimy o kontakt: Tel. tekstowy: 01332 640666

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ ਮਿਲੀਕਮ 01332 640666 'ਤੇ ਸੰਪਰਕ ਕਰੋ।

Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č.: Minicom 01332 640666

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council

Derby City Council The Council House Corporation Street Derby DE1 2FS
www.derby.gov.uk

- taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people – this also involves taking account of disabled people's barriers and may involve treating some people more favourably than others to achieve this
- encouraging people with certain protected characteristics to participate in public life or in other activities where the participation is disproportionately low.

We usually ask for teams to complete Equality impact assessments, but we realise this is not helpful for quick decisions to do with COVID 19 so you can complete them yourself, if you can't get a team together. Please ask Ann Webster, our Lead on Equality and Diversity for help and advice if you're not sure about something. You'll need to pull together all the information you can about how your proposal affects different groups of people so you can check whether they will be negatively or positively affected. Then you'll need to look at ways of lessening any negative effects or making the service more accessible. Against every negative impact you will need to complete the mitigation section to explain how you will lessen the impact and what action you will take.

When you have completed the assessment, get it signed by your Head of Service or Service Director and **send it to our Lead on Equality and Diversity for checking and to publish on our website.** It's a public document so make it easy to understand and no jargon please.

Contact for help

Ann Webster – Lead on Equality and Diversity

ann.webster@derby.gov.uk Tel 01332 643722 Mobile 07812301144