

# Newry, Mourne and Down District Council Policy Screening Form

## Policy Information

Name of the policy	Pavement Cafes Designation Policy - reviewed
Is this an existing, revised or new policy?	Existing – screening undertaken as part of the review cycle of the current policy.
What is it trying to achieve (aims/outcomes)	<p>The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to designate a street or part thereof as a pavement café and whether to grant or refuse an application for a pavement café.</p> <p>Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Newry, Mourne and Down District Council's performance of its duties.</p>
Are there any Section 75 categories which might be expected to benefit from the intended policy?	This Policy is intended to ensure that the District Council's Members and Officers are aware of those matters to be taken into consideration when determining if a street or part thereof should be designated for the purpose of the pavement café licence and whether to grant a pavement café licence. While it is not a policy specifically targeted to benefit any of the nine equality characteristics sections 5.4 and 6.9 outline additional factors and safety of pedestrians to be taken into consideration which may indirectly impact upon people with disability, visual impairment, people with mobility issues, older people, families and carers and young people.
If so, explain how.	
Who initiated or wrote the policy?	Colum Jackson, Assistant Director Building Control and Regulation
Who owns and who implements the policy?	Conor Mallon, Director Enterprise, Regeneration and Tourism

## Implementation factors

	Yes	No
Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?		
If yes, are they Financial		√
If yes, are they Legislative	√	
If yes, and they are Other please specify:		

## Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

	Yes	No
Staff		√
Service users	√	
Other public sector organisations		√
Voluntary/community/trade unions	√	
Other, please specify:		N/A

### Other policies with a bearing on this policy

What are they	<ul style="list-style-type: none"> <li>• Licensing of Pavement Cafés Act (Northern Ireland) 2014</li> <li>• Pavement Café Designation Procedure</li> <li>• Guidance for Applicants</li> </ul>
Who owns them	<p>The Licensing of Pavement Cafés Act (Northern Ireland) 2014 (here after called 'the Act') enables District Councils to regulate public areas by preventing undue nuisance, interference or inconvenience to people and traffic. The Act shall come into force on the 1<sup>st</sup> October 2016.</p> <p>The Act requires the District Council to designate specific areas, streets or part thereof in the District Council as being suitable for a pavement café licence. This is designed to be an open system, which allows everyone an opportunity to comment on the proposal to permit a pavement café licence in a particular area</p>

### Available evidence

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for relevant Section 75 categories.

Section 75 Category	Details of needs/experiences/priorities

Religious belief	<table border="1"> <thead> <tr> <th>LGD</th> <th>All usual residents</th> <th>Catholic</th> <th>Protestant and other Christian</th> <th>Other religions</th> <th>None</th> </tr> </thead> <tbody> <tr> <td><b>Northern Ireland</b></td> <td>1,810,863</td> <td>817,385 (45.14%)</td> <td>875,717 (48.36%)</td> <td>16,592 (0.9%)</td> <td>101,169 (5.59%)</td> </tr> <tr> <td><b>Newry, Mourne &amp; Down</b></td> <td>171533</td> <td>113200 (65.99%)</td> <td>34718 (20.34%)</td> <td>752 (0.43%)</td> <td>10229 (5.96%)</td> </tr> </tbody> </table>	LGD	All usual residents	Catholic	Protestant and other Christian	Other religions	None	<b>Northern Ireland</b>	1,810,863	817,385 (45.14%)	875,717 (48.36%)	16,592 (0.9%)	101,169 (5.59%)	<b>Newry, Mourne &amp; Down</b>	171533	113200 (65.99%)	34718 (20.34%)	752 (0.43%)	10229 (5.96%)																					
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(Source: Census Data 2011).																																								
Political opinion	<p>Elected political party representation is an approximate barometer of political opinion of people within the Council area.</p> <p>The party breakdown of the Council's elected members is as follows:</p> <table> <tbody> <tr> <td>Sinn Féin</td> <td>16 seats</td> </tr> <tr> <td>SDLP</td> <td>11 seats</td> </tr> <tr> <td>Democratic Unionist</td> <td>3 seats</td> </tr> <tr> <td>Independents</td> <td>5 seats</td> </tr> <tr> <td>Ulster Unionist</td> <td>3 seats</td> </tr> <tr> <td>Alliance</td> <td>2 seats</td> </tr> <tr> <td>TUV</td> <td>1 seat</td> </tr> </tbody> </table>	Sinn Féin	16 seats	SDLP	11 seats	Democratic Unionist	3 seats	Independents	5 seats	Ulster Unionist	3 seats	Alliance	2 seats	TUV	1 seat																									
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Racial group	<p>According to the 2011 Census, 1.8% (32,400) of the usually resident population of Northern Ireland belongs to minority ethnic groups; this is more than double the proportion in 2001 (0.8%).</p> <p>The minority ethnic language profile within the area serves as a possible indicator of the BME community profile.</p> <p>The composition of language groups in the Newry, Mourne and Down District Council area is noted by NISRA (2011) as follows:</p> <p><b>Minority Ethnic Language Profile of the Newry, Mourne and Down LGD Area</b></p> <table border="1"> <thead> <tr> <th>Main language of residents in Newry, Mourne and Down District LGD</th> <th>Number</th> <th>Percentage %</th> </tr> </thead> <tbody> <tr> <td>English</td> <td>156794</td> <td>97.15</td> </tr> <tr> <td>Polish</td> <td>2100</td> <td>1.18</td> </tr> <tr> <td>Lithuanian</td> <td>836</td> <td>0.47</td> </tr> <tr> <td>Irish</td> <td>367</td> <td>0.24</td> </tr> <tr> <td>Portuguese</td> <td>86</td> <td>0.05</td> </tr> <tr> <td>Slovak</td> <td>134</td> <td>0.08</td> </tr> <tr> <td>Chinese</td> <td>121</td> <td>0.07</td> </tr> <tr> <td>Tagalog/Filipino</td> <td>55</td> <td>0.03</td> </tr> <tr> <td>Latvian</td> <td>208</td> <td>0.25</td> </tr> <tr> <td>Russian</td> <td>109</td> <td>0.06</td> </tr> <tr> <td>Malayalam</td> <td>87</td> <td>0.05</td> </tr> <tr> <td>Hungarian</td> <td>74</td> <td>0.04</td> </tr> </tbody> </table>	Main language of residents in Newry, Mourne and Down District LGD	Number	Percentage %	English	156794	97.15	Polish	2100	1.18	Lithuanian	836	0.47	Irish	367	0.24	Portuguese	86	0.05	Slovak	134	0.08	Chinese	121	0.07	Tagalog/Filipino	55	0.03	Latvian	208	0.25	Russian	109	0.06	Malayalam	87	0.05	Hungarian	74	0.04
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	Other	755	0.46
Age	The age profile of the Newry, Mourne and Down LGD area at Census Day 2011 is as follows:		
	Age Profile	NI	Newry, Mourne & Down
	0-4	124382	12721
	5-7	67662	6876
	8-9	43625	4595
	10-14	119034	12287
	15	24620	2599
	16-17	51440	5260
	18-19	50181	4570
	20-24	126013	11570
	25-29	124099	11805
	30-34	373947	35122
	45-59	347850	32556
	60-64	94290	8624
	65-74	145600	12817
	75-84	86724	7453
	85-89	21165	1849
	90+	10231	829
Marital status	The table below illustrates the marital status profile of the Newry, Mourne and Down area:		
	<b>Marital Status</b>	<b>Newry, Mourne and Down LGD</b>	<b>NI</b>
	All usual residents: Aged 16+ years	132455	1431540
	Single (never married or never registered a same-sex civil partnership) Aged 16+ years	47722	517393 (35.14%)
	Married: Aged 16+ years	65255	680831 (47.56%)
	In a registered same-sex civil partnership: Aged 16+ years	102	1243 (0.09%)

	Separated (but still legally married or still legally in a same-sex civil partnership): Aged 16+ years	4697	56911 (3.98%)												
	Divorced or formerly in a same-sex civil partnership which is now legally dissolved	6271	78074 (5.45%)												
	Widowed or surviving partner from a same-sex civil partnership: Aged 16+ years	8408	97088 (6.78%)												
Sexual orientation	<p>Analysis of the Census 2011 indicates that between 2% and 10% of the population may be lesbian, gay or bisexual.</p> <p>There are no official statistics in relation to the number of gay, lesbian or bisexual people in Northern Ireland. However, research conducted by the HM Treasury shows that between 5% - 7% of the UK population identify themselves as gay, lesbian, bisexual or 'trans' (transsexual, transgendered and transvestite) (LGBT). This is a sizeable proportion of the population here in Northern Ireland.</p>														
Men and women generally	<p>The gender profile for the Newry, Mourne and Down LGD is as follows:</p> <table border="1"> <thead> <tr> <th>LGD</th> <th>Male</th> <th>Female</th> </tr> </thead> <tbody> <tr> <td>Northern Ireland</td> <td>887323</td> <td>923540</td> </tr> <tr> <td>Newry, Mourne and Down LGD</td> <td>83866</td> <td>85345</td> </tr> </tbody> </table>					LGD	Male	Female	Northern Ireland	887323	923540	Newry, Mourne and Down LGD	83866	85345	
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Disability	<p>According to the 2011 Census 19.62% of people in the Newry, Mourne and Down District Council area have a long-term health problem or disability that limits their day-to-day activities;</p> <table border="1"> <thead> <tr> <th>LGD</th> <th>All usual residents</th> <th>Long-term health problem or disability:</th> <th>Long-term health problem or disability:</th> <th>Long-term health problem or disability:</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					LGD	All usual residents	Long-term health problem or disability:	Long-term health problem or disability:	Long-term health problem or disability:					
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			Day-to-day activities limited a lot	Day-to-day activities limited a little	Day-to-day activities not limited
	Northern Ireland	1810863	215232 (11.89%)	159414 (8.8%)	1436217 (79.31%)
	Newry, Mourne and Down	171533	19579 (11.4%)	14102 (8.22%)	135530 (79.01%)
	<p>In Northern Ireland the profile of people with a disability is cited as follows:</p> <ul style="list-style-type: none"> <li>• More than 1 in 5 or 21% of the population in Northern Ireland has a disability The incidence of disability is higher in Northern Ireland than any other part of the UK</li> <li>• 1 in 7 people in Northern Ireland have some form of hearing loss</li> <li>• 5,000 sign language users who use British Sign Language (BSL) and/or Irish Sign Language (ISL)</li> <li>• In Northern Ireland there are 57,000 blind people or people with significant visual impairment</li> <li>• 52,000 people with learning disabilities</li> </ul> <p>(Source: Disability Action)</p>				
Dependants	<p>Persons with dependants may be people who have personal responsibility for the care of a child (or children), a person with a disability, and / or a dependent older person.</p> <p>There are 61,998 households in Newry, Mourne and Down, 37.5% of which have dependants. With regard to these figures, dependants are defined as those aged 0-15 years or those aged 16-18 years who are in full-time education and living with their parents or grandparents. Similar to the regional trend, the proportion of households with dependants in the District has declined from 50% in 1981 to 37.5% in 2011.</p> <p>There are 5,466 lone parent households with dependent children in Newry, Mourne and Down which equates to almost 9% of number of total households in the District and is the fourth highest in Northern Ireland, after Belfast (17,036), Derry and Strabane (6,337) and Armagh, Banbridge and Craigavon (6,337). Half of the parents in lone parent household in Newry, Mourne and Down are unemployed, almost a quarter are in full time employment and over a quarter are in part time employment. 89% of the parents in lone parent households are female compared to 11% who are male.</p> <p>In 2012, the teenage conception rate was 1.02 per 1,000 mothers, which is the third lowest in N.Ireland before Lisburn and Castlereagh and Fermanagh and Omagh.</p>				

## Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

<b>Section 75 Category</b>	<b>Details of needs/experiences/priorities</b>
Religious belief	While the policy may indirectly impact upon people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, it is not envisaged that people of different religious belief have specific needs / experiences / priorities in relation to this policy.
Political opinion	While the policy may indirectly impact upon people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, it is not envisaged that people of different political opinion have specific needs / experiences / priorities in relation to this policy.
Racial group	While the policy may indirectly impact upon people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, it is not envisaged that people of different racial group have specific needs / experiences / priorities in relation to this policy.
Age	The policy has potential to indirectly impact upon people of different age (older people and young people).
Marital status	While the policy may indirectly impact upon people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, it is not envisaged that people of different marital status have specific needs / experiences / priorities in relation to this policy.
Sexual orientation	While the policy may indirectly impact upon people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, it is not envisaged that people of different sexual orientation have specific needs / experiences / priorities in relation to this policy.
Men and women generally	While the policy may indirectly impact upon people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, it is not envisaged that men and women have specific needs / experiences / priorities in relation to this policy.
Disability	People with disability, including people with visual impairment or mobility issues, may have specific needs / experiences / priorities in relation to this policy. Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.
Dependants	The policy has potential to indirectly impact upon people with dependents (families and carers).

## Screening Questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 grounds?

<b>Section 75 category</b>	<b>Details of policy impact</b>	<b>Level of impact? Major/minor/none</b>
Religious belief		None
Political opinion		None
Racial group		None
Age		Minor - As noted, Council acknowledges people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, may have specific needs / experiences / priorities in relation to the outworking of decisions relating to the policy. Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.
Marital status		None
Sexual orientation		None
Men and women generally		None
Disability		Minor - As noted, Council acknowledges people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, may have specific needs / experiences / priorities in relation to the outworking of decisions relating to the policy. Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.
Dependants		Minor - As noted, Council acknowledges people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, may have specific needs / experiences / priorities in relation to the outworking of decisions relating to the policy. Sections 5.4 and 6.9 outline information on additional



		factors and safety of pedestrians to be taken into consideration in making decisions.
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2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

Section 75 category	If Yes, provide details	If No, provide details
Religious belief		No. Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.
Political opinion		No. Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.
Racial group		No. Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.
Age		<p>As noted, Council acknowledges people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, may have specific needs / experiences / priorities in relation to the outworking of decisions relating to the policy. Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.</p> <p>In addition, section 7.2 outlines that:</p> <ul style="list-style-type: none"> <li>• All applicants must provide a location plan to scale of 1:1250 showing sufficient area around the proposed pavement café to enable consideration of all related issues.</li> <li>• All applicants must provide a site plan to a scale of not less than 1:100 showing access points, building lines, boundaries, kerbs, table and chair arrangement, bins, lighting, trees, other items.</li> <li>• All applicants must provide details of the furniture including photographs/manufacturers details.</li> <li>• All applicants must provide risk assessments</li> </ul> <p>Section 6.13 also advises that the Council may at any time revoke a pavement café licence where:</p>

		<ul style="list-style-type: none"> <li>All or part of the public area becomes unsuitable.</li> </ul> <p>Continuing to place such furniture in that area would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity.</p>
Marital status		No. Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.
Sexual orientation		No. Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.
Men and women generally		No. Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.
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Dependants		<p>As noted, Council acknowledges people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, may have specific needs / experiences / priorities in relation to the outworking of decisions relating to the policy. Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.</p> <p>In addition, section 7.2 outlines that:</p> <ul style="list-style-type: none"> <li>• All applicants must provide a location plan to scale of 1:1250 showing sufficient area around the proposed pavement café to enable consideration of all related issues.</li> <li>• All applicants must provide a site plan to a scale of not less than 1:100 showing access points, building lines, boundaries, kerbs, table and chair arrangement, bins, lighting, trees, other items.</li> <li>• All applicants must provide details of the furniture including photographs/manufacturers details.</li> <li>• All applicants must provide risk assessments</li> </ul> <p>Section 6.13 also advises that the Council may at any time revoke a pavement café licence where:</p> <ul style="list-style-type: none"> <li>• All or part of the public area becomes unsuitable.</li> </ul> <p>Continuing to place such furniture in that area would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity.</p>

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

<b>Good relations category</b>	<b>Details of policy impact</b>	<b>Level of impact? Major/minor/none</b>
Religious belief		None
Political opinion		None
Racial group		None

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

Good relations category	If <b>Yes</b> , provide details	If <b>No</b> , provide details
Religious belief		Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.
Political opinion		Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.
Racial group		Sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.

## Additional considerations

### Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

N/A

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

### Screening Decision

In light of your answers to the previous questions, do you feel that the policy should (please underline one):

1. **Not be subject to an EQIA (with no mitigating measures required)**
2. Not be subject to an EQIA (with mitigating measures /alternative policies)
3. Not be subject to an EQIA at this time
4. Be subject to an EQIA

If 1. or 2. (i.e. not be subject to an EQIA), please provide details of the reasons why:

This screening has been undertaken as part of the review cycle of the current policy. As the update to the policy has resulted in cosmetic amendments to the policy the previous decision remains that it not be subject to an EQIA (with no mitigating

measures required).

The purpose of this Policy is to provide guidance on matters which should be considered when deciding whether to designate a street or part thereof as a pavement café and whether to grant or refuse an application for a pavement café. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Newry, Mourne and Down District Council's performance of its duties.

Council acknowledges people with disability, visual impairment, people with mobility issues, older people, families and carers and young people, may have specific needs / experiences / priorities in relation to the outworking of decisions relating to the policy. However, sections 5.4 and 6.9 outline information on additional factors and safety of pedestrians to be taken into consideration in making decisions.

In particular, with regard to the safety of pedestrians, section 6.9 of the policy states:

- (a) In order to safeguard the interests of pedestrians, a minimum width of 2 metres clearance must be maintained on the pavement including the kerbside beyond the perimeter of the licensed area. Where conditions permit, a reduction to 1.5m will be considered. This reduction shall be regarded as the absolute minimum and shall be restricted in length to a maximum of 6.0 m.
- (b) Where the seating area is adjacent to a road junction or vehicular access, 10 metres clearance should be left to allow for junction visibility.
- (c) All furniture, including menu boards associated with the Pavement Café is to be placed within the licensed area. The licensed area must be screened with appropriate screening to the satisfaction of the Council unless the Licensee can justify a reason not to do so.

In addition, section 7.2 outlines that:

- All applicants must provide a location plan to scale of 1:1250 showing sufficient area around the proposed pavement café to enable consideration of all related issues.
- All applicants must provide a site plan to a scale of not less than 1:100 showing access points, building lines, boundaries, kerbs, table and chair arrangement, bins, lighting, trees, other items.
- All applicants must provide details of the furniture including photographs/manufacturers details.
- All applicants must provide risk assessments

Section 6.13 also advises that the Council may at any time revoke a pavement café licence where:

- All or part of the public area becomes unsuitable.
- Continuing to place such furniture in that area would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity.

If 2. (i.e. not be subject to an EQIA), in what ways can identified adverse impacts attaching to the policy be mitigated or an alternative policy be introduced?

In light of these revisions, is there a need to re-screen the revised/alternative policy?  
Yes / No. If No, please explain why

If 3. or 4. (i.e. to conduct an EQIA), please provide details of the reasons:

### **Timetabling and prioritising EQIA**

If 3. or 4, is the policy affected by timetables established by other relevant public authorities? NO

If YES, please provide details:

Please answer the following questions to determine priority for timetabling the EQIA. On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for EQIA.

<b>Priority criterion</b>	<b>Rating (1-3)</b>
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for EQIA. This list of priorities will assist you in timetabling the EQIA. Details of your EQIA timetable should be included in the quarterly Section 75 report.

Proposed date for commencing EQIA: \_\_\_\_\_

### **Monitoring**

Effective monitoring will help identify any future adverse impacts arising from the policy which may lead you to conduct an EQIA, as well as help with future planning and policy development.

Please detail proposed monitoring arrangements below:

The policy will continue to be reviewed in line with the Council's agreed policy review cycle i.e. every four years (as per Council's Equality Scheme commitment 4.31), or sooner as necessary, to ensure that it remains up-to-date with legislative advancements etc.

## Approval and Authorisation

<b>Screened by:</b>	<b>Position/Job Title</b>	<b>Date</b>
Colin Moffett	Head of Corporate Policy	2 March 2022
<b>Approved by:</b>		
Colum Jackson	Assistant Director Building Control and Regulation	

Note: The completed policy screening template, signed off by the appropriate policy lead within the Council, and approved by the senior manager responsible for the policy, should be forwarded to the Head of Corporate Policy who will arrange for it to be included in the Council's Quarterly Report on Screening and made available on the Council's website.