

Newry, Mourne and Down District Council Policy Screening Form

Policy Information

Name of the policy	Pavement Cafes Enforcement 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>By virtue of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 Newry, Mourne and Down District Council may regulate street trading through enforcement powers in a street or part thereof in its District.</p> <p>The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to take enforcement action against a person of whom there is reasonable grounds to suspect commission of an offence under this Act while involved in Pavement Cafés. Its aim is to provide, in so far 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?	<p>This Policy is intended to ensure that the District Council Members and Officers and all other interested parties are aware of those matters to be taken into consideration when determining, what if any, enforcement action is to be taken.</p> <p>While it is not a policy specifically targeted to benefit any of the nine equality characteristics, enforcement has potential to have an indirect positive impact for people with disability, visual impairment and people with mobility issues.</p>
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 Enterprise

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"> • Licensing of Pavement Cafés Act (Northern Ireland) 2014 • Pavement Café Designation Procedure • Guidance for Applicants
Who owns them	<p>The Licensing of Pavement Cafés Act (Northern Ireland) 2014 enables District Councils to regulate public areas through designating, licensing and enforcement procedures. The Act received Royal Assent in May 2014 and became operative on 1st October 2016.</p> <p>Sections 22 to 24 of the Act details those activities which would be in contravention of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 and which would be enforced by means of a prosecution or seizure by authorised officers of the Council.</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" data-bbox="411 506 1391 779"> <thead> <tr> <th data-bbox="411 506 587 607">LGD</th> <th data-bbox="592 506 751 607">All usual residents</th> <th data-bbox="756 506 916 607">Catholic</th> <th data-bbox="920 506 1096 607">Protestant and other Christian</th> <th data-bbox="1101 506 1260 607">Other religions</th> <th data-bbox="1265 506 1391 607">None</th> </tr> </thead> <tbody> <tr> <td data-bbox="411 613 587 680">Northern Ireland</td> <td data-bbox="592 613 751 680">1,810,863</td> <td data-bbox="756 613 916 680">817,385 (45.14%)</td> <td data-bbox="920 613 1096 680">875,717 (48.36%)</td> <td data-bbox="1101 613 1260 680">16,592 (0.9%)</td> <td data-bbox="1265 613 1391 680">101,169 (5.59%)</td> </tr> <tr> <td data-bbox="411 687 587 777">Newry, Mourne & Down</td> <td data-bbox="592 687 751 777">171533</td> <td data-bbox="756 687 916 777">113200 (65.99%)</td> <td data-bbox="920 687 1096 777">34718 (20.34%)</td> <td data-bbox="1101 687 1260 777">752 (0.43%)</td> <td data-bbox="1265 687 1391 777">10229 (5.96%)</td> </tr> </tbody> </table> <p data-bbox="411 786 794 813">(Source: Census Data 2011).</p>						LGD	All usual residents	Catholic	Protestant and other Christian	Other religions	None	Northern Ireland	1,810,863	817,385 (45.14%)	875,717 (48.36%)	16,592 (0.9%)	101,169 (5.59%)	Newry, Mourne & Down	171533	113200 (65.99%)	34718 (20.34%)	752 (0.43%)	10229 (5.96%)
LGD	All usual residents	Catholic	Protestant and other Christian	Other religions	None																			
Northern Ireland	1,810,863	817,385 (45.14%)	875,717 (48.36%)	16,592 (0.9%)	101,169 (5.59%)																			
Newry, Mourne & Down	171533	113200 (65.99%)	34718 (20.34%)	752 (0.43%)	10229 (5.96%)																			
Political opinion	<p data-bbox="384 916 1399 983">Elected political party representation is an approximate barometer of political opinion of people within the Council area.</p> <p data-bbox="384 1016 1294 1050">The party breakdown of the Council's elected members is as follows:</p> <table data-bbox="384 1084 979 1319"> <tbody> <tr> <td data-bbox="384 1084 858 1117">Sinn Féin</td> <td data-bbox="858 1084 979 1117">16 seats</td> </tr> <tr> <td data-bbox="384 1117 858 1151">SDLP</td> <td data-bbox="858 1117 979 1151">11 seats</td> </tr> <tr> <td data-bbox="384 1151 858 1184">Democratic Unionist</td> <td data-bbox="858 1151 979 1184">3 seats</td> </tr> <tr> <td data-bbox="384 1184 858 1218">Independents</td> <td data-bbox="858 1184 979 1218">5 seats</td> </tr> <tr> <td data-bbox="384 1218 858 1252">Ulster Unionist</td> <td data-bbox="858 1218 979 1252">3 seats</td> </tr> <tr> <td data-bbox="384 1252 858 1285">Alliance</td> <td data-bbox="858 1252 979 1285">2 seat</td> </tr> <tr> <td data-bbox="384 1285 858 1319">TUV</td> <td data-bbox="858 1285 979 1319">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 seat	TUV	1 seat				
Sinn Féin	16 seats																							
SDLP	11 seats																							
Democratic Unionist	3 seats																							
Independents	5 seats																							
Ulster Unionist	3 seats																							
Alliance	2 seat																							
TUV	1 seat																							
Racial group	<p data-bbox="384 1359 1399 1460">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 data-bbox="384 1494 1342 1561">The minority ethnic language profile within the area serves as a possible indicator of the BME community profile.</p> <p data-bbox="384 1594 1399 1662">The composition of language groups in the Newry, Mourne and Down District Council area is noted by NISRA (2011) as follows:</p> <p data-bbox="384 1695 1399 1762">Minority Ethnic Language Profile of the Newry, Mourne and Down LGD Area</p> <table border="1" data-bbox="384 1762 1382 2029"> <thead> <tr> <th data-bbox="384 1762 858 1863">Main language of residents in Newry, Mourne and Down District LGD</th> <th data-bbox="858 1762 1086 1863">Number</th> <th data-bbox="1086 1762 1382 1863">Percentage %</th> </tr> </thead> <tbody> <tr> <td data-bbox="384 1863 858 1897">English</td> <td data-bbox="858 1863 1086 1897">156794</td> <td data-bbox="1086 1863 1382 1897">97.15</td> </tr> <tr> <td data-bbox="384 1897 858 1930">Polish</td> <td data-bbox="858 1897 1086 1930">2100</td> <td data-bbox="1086 1897 1382 1930">1.18</td> </tr> <tr> <td data-bbox="384 1930 858 1964">Lithuanian</td> <td data-bbox="858 1930 1086 1964">836</td> <td data-bbox="1086 1930 1382 1964">0.47</td> </tr> <tr> <td data-bbox="384 1964 858 1998">Irish</td> <td data-bbox="858 1964 1086 1998">367</td> <td data-bbox="1086 1964 1382 1998">0.24</td> </tr> <tr> <td data-bbox="384 1998 858 2031">Portuguese</td> <td data-bbox="858 1998 1086 2031">86</td> <td data-bbox="1086 1998 1382 2031">0.05</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
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
	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:		
	Marital Status	Newry, Mourne and Down LGD	NI
	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
LGD	Male	Female										
Northern Ireland	887323	923540										
Newry, Mourne and Down LGD	83866	85345										
Disability	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;

LGD	All usual residents	Long-term health problem or disability: Day-to-day activities limited a lot	Long-term health problem or disability: Day-to-day activities limited a little	Long-term health problem or disability: 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%)

In Northern Ireland the profile of people with a disability is cited as follows:

- 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
- 1 in 7 people in Northern Ireland have some form of hearing loss
- 5,000 sign language users who use British Sign Language (BSL) and/or Irish Sign Language (ISL)
- In Northern Ireland there are 57,000 blind people or people with significant visual impairment
- 52,000 people with learning disabilities

(Source: Disability Action)

Dependants

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.

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.

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.

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.

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

Section 75 Category	Details of needs/experiences/priorities
Religious belief	While this enforcement policy may indirectly impact upon people with disability, visual impairment and people with mobility issues, it is not envisaged that people of different religious belief have specific needs / experiences / priorities in relation to this policy.
Political opinion	While this enforcement policy may indirectly impact upon people with disability, visual impairment and people with mobility issues, it is not envisaged that people of different political opinion have specific needs / experiences / priorities in relation to this policy.
Racial group	While this enforcement policy may indirectly impact upon people with disability, visual impairment and people with mobility issues, it is not envisaged that people of different racial group have specific needs / experiences / priorities in relation to this policy.
Age	While effective enforcement processes may indirectly positively impact upon people with disability, visual impairment and people with mobility issues, it is not envisaged that people of different age have specific needs / experiences / priorities in relation to this policy.
Marital status	While this enforcement policy may indirectly impact upon people with disability, visual impairment and people with mobility issues, it is not envisaged that people of different marital status have specific needs / experiences / priorities in relation to this policy.
Sexual orientation	While this enforcement policy may indirectly impact upon people with disability, visual impairment and people with mobility issues, 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 this enforcement policy may indirectly impact upon people with disability, visual impairment and people with mobility issues, it is not envisaged that men and women have specific needs / experiences / priorities in relation to this policy.
Disability	It would be anticipated that people with disability, including people with visual impairment or mobility issues, may have specific needs / experiences / priorities which will require Council to effectively implement enforcement issues associated with non-compliance with respect to the pavement cafes policy.
Dependants	While the policy may indirectly impact upon people with disability, visual impairment and people with mobility issues, it is not envisaged that people with or without dependents have specific needs / experiences / priorities in relation to this policy.

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?

Section 75 category	Details of policy impact	Level of impact? Major/minor/none
Religious belief		None
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and women generally		
Disability		Minor - As noted, Council acknowledges it is anticipated that people with disability, including people with visual impairment or mobility issues, may have specific needs / experiences / priorities which will require Council to effectively implement enforcement issues associated with non-compliance with respect to the operation of pavement cafes.
Dependants		None

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		<p>No. As noted, Council acknowledges it is anticipated that people with disability, including people with visual impairment or mobility issues, may have specific needs / experiences / priorities which will require Council to effectively implement enforcement issues associated with non-compliance with respect to the operation of pavement cafes.</p> <p>The proposed Pavement Cafes Enforcement Policy sets out an effective means to address such matters.</p>
Political opinion		
Racial group		
Age		
Marital status		
Sexual orientation		
Men and women generally		
Disability		
Dependants		

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

Good relations category	Details of policy impact	Level of impact? Major/minor/none
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 Yes, provide details	If No, provide details
Religious belief		No. It is not anticipated that there are better opportunities for the policy to better promote good relations.
Political opinion		
Racial group		

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).

By virtue of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 Newry, Mourne and Down District Council may regulate street trading through enforcement powers in a street or part thereof in its District.

The purpose of this Policy is to provide guidance on matters, which should be considered when deciding whether to take enforcement action against a person of whom there is reasonable grounds to suspect commission of an offence under this Act while involved in Pavement Cafés. Its aim is to provide, in so far 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 it is anticipated that people with disability, including people with visual impairment or mobility issues, may have specific needs / experiences / priorities which will require Council to effectively implement enforcement issues associated with non-compliance with respect to the operation of pavement cafes.

Council is confident the proposed Pavement Cafes Enforcement Policy sets out an effective means to address such matters.

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.

Priority criterion	Rating (1-3)
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.

Council has developed a property removal / receipt form to enable implementation of enforcement to be effectively recorded and monitored.

Approval and Authorisation

Screened by:	Position/Job Title	Date
Colin Moffett	Head of Corporate Policy	2 March 2022
Approved by:		
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 Equality Officer who will arrange for it to be included in the Council's Quarterly Report on Screening and made available on the Council's website.