

# Report



## Cabinet Member for Strategic Planning, Regulation and Housing

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### Part 1

Date: 6 January 2023

**Subject** Pavement Café Licensing Policy

**Purpose** To approve a Pavement Café Licensing Policy which allows businesses to apply to the Council for a licence to place tables and chairs on the highway

**Author** Alastair Dearling; Licensing Manager

**Ward** City Wide

**Summary** Alfresco eating is becoming a more widespread aspect of urban life and the presence of tables and chairs on the pavement can make a positive contribution by adding vitality, colour, life, and interest to an area. Newport City Council supports and encourages the provision of pavement cafes in the city as they can help maximise the use of public spaces, aid the local economy, and add to the facilities offered to people who visit, live, and work in Newport. Also, during the Covid pandemic, outside areas became essential for many businesses. These businesses have indicated they wish to continue the use of outside areas post Covid.

Tables and chairs placed on the highway without permission can be illegal as they could amount to an obstruction. However, permission to use the highway for pavement cafes may be granted the Council under Section 115E of the Highways Act 1980. The current Pavement Café Policy was revised on 5 April 2017. It is now felt that minor variations are required within the Policy to make it more flexible for businesses and particularly those that operate within the night-time economy, this flexibility is important considering the ongoing city centre redevelopment.

**Proposal** To approve the Pavement Café Licensing Policy

**Action by** Head of Environment and Public Protection

**Timetable** Immediate

This report was prepared after consultation with:

- Head of Environment and Public Protection
- Head of Finance
- Head of People, Policy and Transformation
- Head of Law and Standards

**Signed**

## Background

Alfresco eating is becoming a more widespread aspect of urban life and the presence of tables and chairs on the pavement can make a positive contribution by adding vitality, colour, life, and interest to an area. Newport City Council supports and encourages the provision of pavement cafes in the city as they can help maximise the use of public spaces, aid the local economy, and add to the facilities offered to people who visit, live, and work in Newport.

Tables and chairs placed on the highway without permission can be illegal as they could amount to an obstruction. However, permission to use the highway for pavement cafes may be granted the Council under Section 115E of the Highways Act 1980.

Accordingly, whilst the Council wishes to encourage pavement cafes, it is important that they are properly located and managed. This is to ensure they meet the standards expected in Newport and neither obstruct the highway nor create a hazard for pedestrians, especially for blind, partially sighted and other disabled people.

The area to be used must take into account other needs in the immediate vicinity e.g. kerbside parking, bus stops and pedestrian crossings. Pedestrians' needs must be paramount. The expanse of the pavement café must not conflict with any access or dropped crossings that are required for free passage of normal road users. Barriers and tapping rails should be positioned and maintained to the satisfaction of Newport City Council and should be totally removed outside the permitted hours of operation of the café, restaurant or bar.

The pavement café is normally expected to be in an area directly in front of and be visible from the existing premises. Emergency exit routes, including those of adjacent buildings, should not be obstructed by the pavement café and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets.

In general, all parts of the highway may be used for Pavement Cafés, assuming all safety and non-obstruction requirements are met. The exceptions are:

- Any carriageway or 'shared use surface'
- Any highway verge
- Where width of the pavement makes it impractical.
- Where authorised street furniture makes it impossible

Although the existing Pavement Café Licensing Policy has worked very well, the Covid 19 pandemic demonstrated the further importance of outside areas. This has led to the conclusion minor changes are required to the current policy to enhance and compliment the ongoing city centre redevelopment; particularly in relation to the growth in the night-time economy and events taking place within the city.

A copy of the draft policy can be found in Appendix B of this report with the minor changes highlighted in **Red**.

A summary of the changes to the Policy are as follows:

- Premises would be permitted to advertise alcoholic products on café barriers, although there remains a prohibition on the advertising of drinks promotions (for example 5 shots for £10). Any advertising of alcoholic products will be required to be approved by the Licensing Authority. Many other cities in the UK now allow for alcoholic products to be advertised in such a managed way, including Cardiff and Bristol. It is known that café barriers will often be subsidised by a brewery. This reduces purchase and maintenance costs for local businesses.



- The city centre demographics are changing with an increased number of hybrid venues. The draft policy proposes to reflect these types of venues. It allows a business to have multiple plans for their café area. For example, a public house may only wish for small area during the day and may wish to expand its café area at night to facilitate an increase in customers or queuing and smoking areas.
- The hours of operation in the draft policy proposes more flexibility. This is quite pertinent for those premises operating under the Licensing Act 2003 within the city centre. Under the current policy (pre Covid), furniture was required to be removed at 23:00 hours. This can be difficult as many premises lack storage space and when venues are open will find 'packing up' difficult. Under the draft policy, furniture on licenced premises will be required to be removed at either closing time of the premises or no later than 4:00am. It is vital that both furniture and barriers are removed to ensure efficient cleaning of the streets and roads by Newport City Council. These allowances will allow premises to utilise the outside areas for longer hours. During the Covid period they have done this responsibly, and this allows café culture vibrancy to flourish until early in the morning.
- Amplified live music and recorded music will be permitted in pavement areas though only if approved by the licensing authority. Newport has seen an increase of cultural events taking place within the city centre. Examples include, World Record Day, the Car Club Festival and the Food Festival. When such events take place, under the draft Policy, it would be permissible to hold live and recorded music in the pavement café areas to complement the cultural events. But clearly events should not have a detrimental effect on other business or residence specifically regarding noise.
- Further, in line with Home Office best practice, the Pavement License Holder will need to ensure that the management team of the business to which the pavement license is attached; register and successfully complete the nationally recognised counter terrorism training product referred to as ACT E Learning within 10 days of the notification of the grant of the Pavement License OR can demonstrate that the ACT E Learning product has successfully been completed within the preceding 12 months and that all staff employed by OR at the premises complete the ACT E Learning within a reasonable period not exceeding 3 months from the notification of the grant of the Pavement License. (Act E Learning certificates are provided on successful on-line completion). The course is free and available online <https://ct.highfieldelearning.com>
- Clearly business that operate beyond 23:30 hours will have slightly different operational needs to a typical quite local pub. Such differences will be reflected on the conditions attached to café pavement licence. As such premises wishing to operate pavement café areas after 23:30 hours will be required to comply with further conditions so as to promote the fundamentals of the Licensing Act 2003.

Specifically business operating after 23:30hrs may also have a greater impact on local areas specifically regarding noise. Section 19 of the Policy entitled "Revocation / Review / Vary Conditions / Reduction of Hours Granting of a licence" will allow the authority to address any pavement Café areas that may causing issues within the local vicinity including noise.

- **Consultation**

Public consultation took place between 29 November 2021 and 29 December 2021. Representations from the consultation can be found in Appendix B of this report. As part of the consultation, Licensing Officers hand delivered copies of the draft policy to all relevant businesses (34, including pubs, café and food outlets) within the City Centre and explained its contents. 34 businesses were visited within the City Centre: these included pubs, cafés and food outlets that potentially could benefit from such a policy. It was also presented to the City Centre Pubwatch group and advertised on the Council web site.

### Financial Summary (Capital and Revenue)

There will be a slight improvement to the budget position because of the changes. These are reflected in the Financial Summary table below. Any fees regarding Pavement café licence would be detailed in a separate report to the Cabinet Member.

	Year 1 (Current) £	Year 2 £	Year 3 £	Ongoing £	Notes including budgets heads affected
<b>Costs (Income)</b>	0	0	0	(£1,495)	If the changes proposed existed for 2021/22 the additional income would have been £1,495
<b>Net Costs (Savings)</b>	0	0	0	0	
<b>Net Impact on Budget</b>	0	0	0	0	

### Risks

Risk Title / Description	Risk Impact score of Risk if it occurs* (H/M/L)	Risk Probability of risk occurring (H/M/L)	Risk Mitigation Action(s) What is the Council doing or what has it done to avoid the risk or reduce its effect?	Risk Owner Officer(s) responsible for dealing with the risk?
The minor changes will have little risk, though longer hours may cause noise issues for local residence or other local business	L	L	The policy is structured in a way that issues arise regarding Noise the Pavement café licence hours can be reduced or in fact the Licence revoked.	Licensing Manager

\* Taking account of proposed mitigation measures

### Links to Council Policies and Priorities

Ensuring that this work is completed as required will support the following Council Policies and Strategies:

The proposed minor changes to the policy have clear links to the aims and objectives of Newport City Council's Corporate Plan (relevant themes are "Resilient communities" Vibrate Newport and Safer Newport).

The proposals also demonstrate that the service area is acting in accordance with the "Be Courageous" value outlined in the Corporate Plan: the proposal is ambitious to try and improve the situation for the local community.

Ensuring Newport's citizens have better experiences when using their city centre or communities helps the council improve the lives of residents and helps enhance culture and creativity. (Key elements to the Council's Mission within the Corporate Plan)

## **Options Available and considered**

### **Option 1**

To approve the proposed Pavement Café Policy.

### **Option 2**

Not to approve the proposed Pavement Café Policy.

## **Preferred Option and Why**

### **Option 1**

To approve the proposed Pavement Café Policy due to the benefits described for visitors and business.

## **Comments of Chief Financial Officer**

Approval of the proposed policy will have no adverse financial impact as all costs will be met from existing budgets. Associated fees related to this activity will be agreed annually as part of the Council's regular review and agreement of its fees and charges.

## **Comments of Monitoring Officer**

The proposed action is in accordance with the Council's statutory powers under section 115E of the Highways Act 1980, to grant licences for tables and chairs on the highway for the purposes of hospitality. The Council also has the power under section 115F of the Act to impose such conditions for the grant of these licences as it thinks fit and to charge reasonable fees for the grant of the permission. The Council is also able to seek indemnities from the businesses in relation to any claims arising out of the operation of the pavement licences, and these indemnities are included in the policy and the licence conditions. The proposed Pavement Café licensing policy is intended to provide a fair and consistent framework for the grant of these discretionary highway licences, to ensure that the seating areas are managed and operated properly and safely. The previous policy has worked well, but some amendments are now required to reflect changes in operating practice and to enhance the experience for customers. The proposed amendments have been the subject of consultation with key stakeholders, including City Centre businesses and Pubwatch, and no objections or adverse representations have been received. There should be no adverse impact of the policy changes in relation to the Council's public sector equality and socio-economic duties, as evidenced in the attached FEIA. The Council has taken into account its duties under the Crime and Disorder Act, and provisions have been included within the policy and licence conditions to address security and counter-terrorism training for door staff. The licensing of tables and chairs on the highway is consistent with the Council's strategic aims and objectives in terms of Purple Flag status, developing the night time economy and improving the vibrancy of the City Centre. It is also an integral part of the Council's strategic Covid-recovery plans. Therefore, it is open to the Cabinet Member to approve the changes in policy as the basis for regulating the grant of these licences. The highways licences under Section 115E only deal with the placing of tables and chairs within designated seating areas and operators would need to consider whether they require separate licences for the sale of alcohol and the playing of live or recorded music outside their premises. There was a temporary automatic extension for all licensed premises during the Covid-restrictions to allow off-licence sales of alcohol in these outside seating areas but that is due to expire in September 2022. Therefore, there may be a requirement for licensed premises to seek a licence extension when the temporary extension expires. In addition, although some live or recorded music is permitted within licensed premises, there may be a need for an additional licence for outdoor entertainment.

## **Comments of Head of People and Business Change**

Pavement cafes are an increasingly important part of the 'Newport offer' making a contribution to the vibrancy of city, increasing capacity and making use of public space. However it remains vital that they are properly located and managed and regulated. The proposed revision to the licensing policy aims to

balance flexibility for businesses with community safety and public health considerations. The policy has been subject to stakeholder consultation and a Fairness and Equality Impact Assessment has been undertaken.

There are no direct human resources implications in this report.

### **Scrutiny Committees**

No consultation with Scrutiny Committees has been undertaken.

### **Fairness and Equality Impact Assessment:**

A Fairness & Equality Impact Assessment is attached to the report in Appendix A

Public consultation took place regarding the revised minor changes to the Pavement Café Policy, the draft policy was sent to all current licence holders, responsible authorities, Newport NOW and was placed in the public domain via the Council Web site and relevant social media channels.

### **Background Papers**

N/A

**Dated: 6 January 2023**

## Appendix A Fairness & Equality Impact Assessment.

### Fairness and Equalities Impact Assessment (FEIA)

This is an integrated Impact Assessment which aims to ensure Newport City Council makes decisions which are fair, take account of relevant evidence, and seek to secure the best outcomes for our communities. **An FEIA should be used to inform the first steps of decision-making, at concept stage, not when a decision is already made, or at the point when it cannot be influenced.** This impact assessment considers our legislative responsibilities under:

- The Equality Act (2010), including the Socio-economic Duty
- The Wellbeing of Future Generations (Wales) Act (2015)
- The Welsh Language (Wales) Measure (2011)

The FEIA process is not intended to prevent decisions being made, but to ensure we have considered their potential impact. An FEIA also helps us to focus on how we can reduce any negative impacts, and provides us with evidence that we have met our legal duties.

*For support to complete your FEIA, please contact the [Connected Communities Team](#)*

#### What do we mean by Fairness?

The Newport Fairness Commission is an independent body which advises the council on the best use of resources and powers to achieve the fairest outcomes for local people. The Fairness Commission has established four **Principles of Fairness** which should be considered as part of any decisions that the council make – the questions below are useful to reflect on before you start your FEIA.

<b>Equity</b>	<b>Are people being treated in a consistent way, whilst acknowledging their differences (for example, need, barriers to accessing services)?</b>
	Will the gap between those with more, and those with less be reduced?
	Have the interests of different groups affected (including minority or disadvantaged communities) been taken into account?
<b>Priority</b>	Have the needs of the most disadvantaged and vulnerable across the city been given priority?
	Have you considered possible indirect consequences for minority/disadvantaged communities when other priorities are directing decisions?
<b>Inclusion</b>	Will the voices of all those affected by your decision be heard?
	Are people able to participate in and shape a service, as well as receiving it?
	Have you considered the impact of your decision on the relationship between communities, and the spaces they share?
<b>Communication</b>	Are decisions being made transparently and consistently?
	How will decisions be communicated to people who are affected in a clear way, with the opportunity for feedback?

#### Part 1: Identification

<b>Name of person completing the FEIA</b>	<b>Alastair Dearling</b>
<b>Role of person completing the FEIA</b>	<b>Licensing Manager</b>
<b>Date of completion</b>	<b>22/9/21</b>
<b>Head of Service who has approved this FEIA</b>	<b>Gareth Price</b>

**1. What is being assessed?** *(Please double click on the relevant box(es) (X) and select 'checked' as appropriate)*

- X New or revised policies, practices or procedures (which modify service delivery or employment practices)
- Service review or re-organisation proposals which affect the community and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- Decisions affecting service users, employees or the wider community including (de)commissioning or revising services
- New project proposals affecting staff, communities or access to the built environment
- Public events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Service Boards
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other *please explain in the box below:*

**2. Please describe the overall aims, objectives and intended outcomes of your decision**

<b>Minor Amendments to Newport City Council Café Pavement Policy:</b>
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In light of recent Covid 19 pandemic it has clearly highlighted the importance of outdoor seating for bars, café, restaurants etc. specifically Within the city centre where premises have utilised parts of the highway whilst the roads since the roads have remained closed.

Alfresco eating is becoming a more widespread aspect of urban life and the presence of tables and chairs on the pavement can make a positive contribution by adding vitality colour, life and interest to an area. Newport City Council supports and encourages the provision of pavement cafes in the city as they Can help maximise the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live, and work in Newport.

As stipulated above the Covid pandemic has brought to the forefront the importance of outside pavement café and outside areas have become essential for many business, with many businesses indicating that they wish to continue the use of outside areas post Covid.

Tables and chairs placed on the highway without permission can be illegal as they could amount to an obstruction. However, permission to use the Highway for pavement cafes may be granted the Council under Section 115E of the Highways Act 1980. The Current Pavement Café Policy was revised back on the 5<sup>th</sup> April 2017 it is felt than minor variations are required within the Policy to make the policy more flexible for businesses specifically the Night Time economy, this flexibility is required in light of City Centre redevelopment and recovery from Covid 19.

**3. Who are the main stakeholders who may be impacted by your decision and what data do you hold on them? Consider communities of place (people who live in the same geographic area) and communities of interest (people who share particular characteristics but may live in different geographic areas). Stakeholders may include residents, local businesses, community groups, staff or partners.**

- Local Businesses / Premises that currently hold licenses or wish to in future hold licenses
- Local residence that live near to License Premises within the City Centre.
- To consult with our Lead on Equality and diversity, we that visually impaired people throughout the country are facing barriers by some of the measures taking place through social distancing requirements and in Newport we want to make sure our new Policy has as little negative impact on disabled people as possible.
- It is proposed that consultation takes place with all those you current hold a Café Pavement licence alongside a public consultation for a 6 week period/. The Public/Licence Holders users will be invited to make comment of the proposed minor changes and whether they support the changes to the Policy.
- The consultation was publicised using the Council's website, social media channels, direct emails to licence holders. Responsible Authorities including Highway Department, Environmental Health (Noise Team) Planning Gwent Police will also be consulted. We hoped to gain the views of Licence holders, business and local residence.

## Part 2: Engagement

When completing this section, you need to consider whether you have sufficient information about the views and experiences of people who your decision will impact upon. If you don't, you may need to undertake a period of engagement/consultation before continuing. An FEIA is a live document, so can be updated with consultation findings, and amended as needed during the decision-making process.

The council has a duty to consult and engage with people who may experience inequalities as a result of your decision. This includes people **who share Protected Characteristics** (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and people who **have lived experience of socio-economic disadvantage**. The council's Youth Promise also requires us to ensure **all young people in Newport are listened to and included in decisions affecting them**.

The council also has a duty to ensure that any consultation is available bilingually (in Welsh as well as English), and you may like to consider any other community languages that are spoken by people who may be impacted by your decision. Below are some questions that should be included in any public consultation relating to a decision which may impact on the use of Welsh language in Newport:

1. Do you believe that the proposed decision/policy will have a positive or negative effect on opportunities to use the Welsh language?
2. If you think it will have a negative effect, what steps could we take to lessen or remove this and improve positive effects?
3. Do you believe that the proposed decision/policy will treat the Welsh language less favourably than the English language?

#### **1. How have you engaged with people who may be affected by your decision (the stakeholders you have identified)?**

*Public consultation took place between 29 November 2021 and 29 December 2021. Representations from the consultation can be found in Appendix B of this report. As part of the consultation, Licensing Officers hand delivered copies of the draft policy to all relevant businesses (34, including pubs, café and food outlets) within the City Centre and explained its contents. 34 businesses were visited within the City Centre: these included pubs, cafés and food outlets that potentially could benefit from such a policy. It was also presented to the City Centre Pub watch group and advertised on the Council web site. No representations were received though the policy has not changed significantly when temporary measures were put into place due to Covid.*

#### **2. What do you know about the views or experiences of people who may be affected by your decision?**

*No representations were received via the consultation. It's also important to stipulate that any new application or variations will be treated on its merit and all new applications will be required to undertake a full public consultation in line with the Act. As such members of the public, businesses and responsible authorities can make objection to applications that may directly affect them. Also there a "review" process in section 19 of the policy meaning if there are issues associated with the pavement café the licence can ultimately be revoked.*

## **Part 3: Assessment**

This section requires you to assess the potential impact of your decision on a range of groups who may experience specific disadvantages. Your assessment should be supported by evidence – either from your own engagement/consultation, similar or previous engagement, what you already know about the people who access your service, or from local and national sources of information.

Useful documents which set out information about how communities are impacted by inequalities include [EHRC – Is Wales Fairer?](#) and the council’s [COVID-19 Community Impact Assessment](#). Your decision may have both positive and negative impacts – if this is the case, please place a cross in both boxes.

## 1. Impact on people that share Protected Characteristics

[Protected Characteristics](#) are defined under the Equality Act 2010, and describe groups of people who are protected from discrimination, either in the workplace, or through the provision of goods and services. The council must consider how decisions may impact on people differently because of a protected characteristic, and how any negative impact could be reduced. National guidance on assessing equality impacts and the Public Sector Equality Duty can be found [here](#). You can also access further advice and examples of positive and negative impacts [here](#).

Protected characteristic	Impact:			<p><b>Provide further details about the nature of the impact in the sections below, considering the Public Sector Equality Duty that the council has to:</b></p> <ol style="list-style-type: none"> <li>Promote equal opportunity across different groups</li> <li>Promote community cohesion</li> <li>Help eliminate unlawful discrimination/ harassment/ victimisation</li> </ol>
	Positive	Negative	Neither	
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><i>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. 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.</i></p> <p><i>This proposal will benefit older groups such as those with limited mobility, dementia and visual impairment which are more prevalent among older people by maintaining a safe environment within city centre with areas that are free from obstruction as well as improved access to cafés and other facilities.</i></p> <p><i>Clearly Some businesses may extend the boundary of their pavement café beyond that agreed within the terms of the licence and this may reduce the width of unobstructed pavement making access difficult. As such Regular inspection and monitoring of the pavement cafes against the agreed licence will be undertaken and enforcement action considered if appropriate. Reports from the public will also be investigated and followed up where appropriate.</i></p>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><i>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</i></p>

Protected characteristic	Impact:			<p><b>Provide further details about the nature of the impact in the sections below, considering the Public Sector Equality Duty that the council has to:</b></p> <ol style="list-style-type: none"> <li>1. Promote equal opportunity across different groups</li> <li>2. Promote community cohesion</li> <li>3. Help eliminate unlawful discrimination/ harassment/ victimisation</li> </ol>
	Positive	Negative	Neither	
				<p><i>in the Policy. 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. This proposal will also benefit disabled groups such as those with limited mobility, learning difficulties and visual impairment by maintaining a safe environment within city centre with areas that are free from obstruction as well as improved access to cafés and other facilities. Once again Some businesses may extend the boundary of their pavement café beyond that agreed within the terms of the licence and this may reduce the width of unobstructed pavement making access difficult. Though Regular inspection and monitoring of the pavement cafes against the agreed licence will be undertaken and enforcement action considered if appropriate. Reports from the public will also be investigated and followed up where appropriate.</i></p>
<b>Gender Reassignment/Transgender</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	. 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.
<b>Marriage or civil partnership</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>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</i>
<b>Pregnancy or maternity</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 route. This proposal will benefit expectant mums and new parents with prams and pushchairs by maintaining a safe environment within city with areas that are free from obstruction as well as improved access to cafés and other facilities where they can rest and get refreshments if needed.
<b>Race</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	'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

Protected characteristic	Impact:			Provide further details about the nature of the impact in the sections below, considering the Public Sector Equality Duty that the council has to:  1. Promote equal opportunity across different groups 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation
	Positive	Negative	Neither	
Religion or Belief or non-belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	. 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
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.
Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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

## 2. Impact on Welsh Language

The Welsh Language (Wales) Measure specifies that for all policy decisions, the council must consider the effects (both positive and negative) on the Welsh language. For further guidance on Welsh language considerations see [here](#).

	Impact:			
	Positive	Negative	Neither	
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

1. Please describe how you have ensured your engagement has considered the view of Welsh speakers in Newport.

This strategy will be available to members of the public in Welsh. The public have been able to contribute to the development of the strategy, and will be to future developments of the strategy, through the medium of Welsh.

### 3. The Sustainable Development Principle

The Well-being of Future Generations Act puts in place a sustainable development principle which helps organisations consider the impact they could have on people living in Wales in the future, and ensure they are focused on tackling long-term challenges. Below, consider how your decision promotes, advances, or contradicts the [5 ways of working](#) which underpin the sustainable development principle. You can access further guidance on considering the sustainable development principle [here](#).

<p>Long term</p> 	<p><i>The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.</i></p>	<p>This strategy acknowledges the changing demographics of the City and heightened the need for outdoor space due to Covid 19.</p> <p>The Policy looks to balance the short term requirements of outside pavement café due to Covid but also the long term strategy for businesses to create a vibrant city culture including a café culture.</p> <p>The policy aims to set out a longer-term objective in supporting economic development of town centres whilst in the short-term ensuring that the safety of all users of the highway are properly considered as part of the annual application process.</p> <p>The policy will support future enforcement action required to remove illegal and dangerous café areas. The highway has a duty to protect all users of the highway and the application process ensures that every pavement café area does not restrict or present a danger to the public. The criteria take in to account the needs of all users.</p>
<p>Prevention</p> 	<p><i>Putting resources into preventing problems occurring or getting worse</i></p>	<p>The Policy builds on the current Policy that has been in place since 2017, we continue to support, listen and work with the interested parties and businesses.</p>
<p>Integration</p> 	<p><i>Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other</i></p>	<p>To provide consistency for bodies and individuals who work with licensing or apply of a licence.</p>

		<i>objectives, or on the objectives of other public bodies.</i>	
Collaboration		<i>Working together to deliver objectives.</i>	A key element of this action plan contained within the strategy is the commitment to work in partnership with licence premises, café etc alongside the public, private and voluntary sector across Newport in order to make better of outside space to ensure for a safe vibrant city.
Involvement		<i>Involving those with an interest and seeking their view - ensuring that those people reflect the diversity of the area.</i>	Discussions, Engagement and 4 week consultation will take place with not only business, local residents but especially for those who use the city centre.

#### 4. Socio-economic Duty

The [Socio-economic Duty](#) is set out in the Equality Act 2010, and requires the council, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. Inequalities of outcome are felt most acutely in areas such as health, education, work, living standards, justice and personal security, and participation.

A 'strategic decision' is defined by Welsh Government as a decision **which affects how the council fulfils its statutory purpose over a significant period of time and does not include routine 'day to day' decisions.** Strategic decisions include:

- Corporate plans
- Setting wellbeing, equality and other strategic objectives
- Changes to, or development of public services
- Strategic financial planning
- Strategic policy development

If you do not think your decision meets this definition, and you do not plan on carrying out a Socio-economic Duty Assessment in this section, please provide your rationale below. Any decision which is presented to a Cabinet Member, at Cabinet or Council will be viewed as a strategic decision.

The proposals aim to support local businesses and job opportunities which will offer a positive benefit to the community from a social-economic perspective.

If your decision does meet the definition, please consider the impact of your decision on the socio-economically disadvantaged groups, and areas of inequality that may arise from socio-economic disadvantage contained in the matrix below. The groups listed are not exhaustive and you should consider any additional groups relevant to your decision who may experience socio-economic disadvantage in the following ways:

- **Low Income/Income Poverty** - cannot afford to maintain regular payments such as bills, food, clothing, transport etc.
- **Low and/or no Wealth** - enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provisions for the future
- **Material Deprivation** - unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, hobbies etc.)
- **Area Deprivation** - where you live (rural areas), where you work (accessibility of public transport)
- Socio-economic Background – for example, parents' education, employment and income

Indicate a positive or negative impact, or both where they apply, and the severity of this impact by coding the sections of the grid based on the below. *If there is no/neutral impact, please leave blank.*

Negative Impact		Positive Impact	
N1	Negative impact – mild	P1	Positive impact – mild
N2	Negative impact – moderate	P2	Positive impact – moderate
N3	Negative impact – significant	P3	Positive impact – significant
N4	Potential for negative impact (but unsure)	P4	Potential for positive impact (but unsure)

Areas of inequality that may arise from socio-economic disadvantage – definitions							
<b>Education</b> :The capability to be knowledgeable, to understand and reason, and to have the skills and opportunity to participate in the labour market and in society							
<b>Work</b> : The capability to work in just and favourable conditions, to have the value of your work recognised, even if unpaid, to not be prevented from working and to be free from slavery, forced labour and other forms of exploitation							
<b>Living Standards</b> : The capability to enjoy a comfortable standard of living, in appropriate housing, with independence and security, and to be cared for and supported when necessary.							
<b>Justice, Personal Security and Community Safety</b> : The capability to avoid premature mortality, live in security, and knowing you will be protected and treated fairly by the law							
<b>Health</b> : The capability to be healthy, physically and mentally, being free in matters of sexual relationships and reproduction, and having autonomy over care and treatment and being cared for in the final stages of your life							
<b>Participation</b> : The capability to participate in decision making and in communities, access services, know your privacy will be respected, and express yourself							
Areas of inequality							
Groups	Living Standards	Work	Health	Education	Justice and community safety	Participation	Physical Environment
Children living in poverty							
Low income households without dependent children							
Unemployed young people							
Long term unemployed							
Homeless households							
Refugees, migrants and asylum seekers							
Deprived neighbourhoods - WIMD rank in 10% most deprived LSOA							
People on Universal Credit / income related benefits							

Adults with no qualifications or low qualifications							
People living in low quality housing or in Houses of Multiple Occupation							

**1. What evidence do you have about socioeconomic disadvantage and inequalities of outcome in relation to this decision?**

*Please expand on the information provided in the matrix, giving reasons for your assessment of both positive and negative impacts. You may like to consider your experience of current service delivery, recent engagement or consultation or any national/local research relevant to your policy decision.*

*For any positive impacts, please indicate the [Wellbeing Goal](#) and/or [Wellbeing Objective](#) that this contributes to as set out in the previous section.*

**2. Please describe how you have ensured your engagement has considered the views of people living in Newport who are affected by socio-economic disadvantage.**

**3. Does this decision contribute to a cumulative impact?**

- A. *Consider your decision in the wider context of your service area and the organisation. Is this part of, or does it contribute to, a series of decisions that have negative impacts for the same groups of people, or the same area of Newport (e.g. withdrawal of multiple services).*
- B. *Consider whether your decision has a cumulative impact because of intersectionality – i.e. have you identified impacts on people that share Protected Characteristics who will be further disadvantaged by socio-economic impacts.*

## Part 3: Actions and Outcomes

Considering any negative impacts that you have identified, indicate below how you will reduce these, and how you will monitor potential impact. Further guidance on how to complete your action plan can be found [here](#).

IMPACT ON PEOPLE THAT SHARE PROTECTED CHARACTERISTICS			
Summary of impact	Action to reduce negative impact	How this impact will be monitored	Owner
IMPACT ON WELSH LANGUAGE			

Summary of impact	Action to reduce negative impact	How this impact will be monitored	Owner
<b>SOCIO-ECONOMIC IMPACTS</b>			
Summary of impact	Action to reduce negative impact	How this impact will be monitored	Owner
<b>SUSTAINABLE DEVELOPMENT PRINCIPLE</b>			
Summary of impact	Action to reduce negative impact	How this impact will be monitored	Owner

Once your FEIA is complete, please forward to [nccequality@newport.gov.uk](mailto:nccequality@newport.gov.uk)