



**WATFORD  
BOROUGH  
COUNCIL**

**CABINET  
Late report  
Item 13  
Pavement Licensing Policy**

**6 July 2020**

**7.00 pm**

**Virtual meeting**

**Contact**

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# Cabinet Membership

|             |  |                |
|-------------|--|----------------|
| Mayor       | P Taylor                                     | (Chair)        |
| Councillor  | K Collett                                    | (Deputy Mayor) |
| Councillors | S Johnson, I Sharpe, M Watkin and T Williams |                |

## Agenda

### Part A – Open to the Public

**13. Pavement Licensing Policy (Pages 3 - 34)**

Report of the Senior Licensing Officer

Part A

**Report to:** Cabinet

**Date of meeting:** 6<sup>th</sup> July 2020

**Report author:** Senior Licensing Officer (AY)

**Title:** New Pavement Licensing Scheme

## 1.0 Summary

- 1.1 The Business and Planning Bill is currently going through Parliament and amongst other things creates a new licensing scheme to allow premises to place tables and chairs and associated furniture outside of their premises under ‘pavement licences’.
- 1.2 This report sets out recommendations for a pavement licence policy under which applications for such licences under the Bill will be processed and administered when it becomes law. The proposed Policy is included at Appendix 1 of this report.
- 1.3 In the event that the legislation changes materially from the current proposals it is also recommended that the Head of Community and Environmental Services in consultation with the Mayor review and amends the policy if necessary.

## 2.0 Risks

### 2.1

| Nature of risk                             | Consequence  | Suggested Control Measures                                       | Response<br>(treat, tolerate, terminate or transfer) | Risk Rating<br>(combination of severity and likelihood) |
|--|--|--|--|---|
| Not introducing a policy                   | Officers and businesses do not have clear expectations of applications and standards, resulting in a lack of clarity | Introduce a policy   | Treat  | High  |
| Not confirming standard licence conditions | Licences are issued without consistent controls which may result in significant                                      | Confirm a list of standard conditions applicable to all licences | Treat  | High  |

|                                    |   |                             |       |      |
|------------------------------------|---|-----------------------------|-------|------|
|                                    | variations in the controls between premises                               |                             |       |      |
| Not confirming the application fee | The council is not able to recover some costs of administering the regime | Confirm the application fee | Treat | High |

### 3.0 Recommendations

- 3.1 That the policy detailing the application process for the new pavement licensing regime attached as appendix 1 is agreed.
- 3.2 That officers in the Environmental Health (Business) Team are given delegated power to determine applications for licences under this legislation with appeals and any revocations of Licences being determined by either the Group Head of Community and Environmental Services or the Head of Community Protection.
- 3.3 That the fee for each Licence be set at £100.

**Further information:**

Austen Young  
austen.young@watford.gov.uk

**Report approved by: Justine Hoy, Head of Community Protection**

### 4.0 Detailed Proposal

- 4.1 The Business and Planning Act 2020 (when enacted) will introduce a new, temporary, licensing scheme to allow premises to apply for a licence to place removable furniture on the highway adjacent to their premises. These licences are referred to as pavement licences.
- 4.2 Businesses were already able to apply for a licence to place tables and chairs on the highway under the provisions of the Highways Act 1980. Watford Borough Council administers and processes such applications under delegated authority from Hertfordshire County Council
- 4.3 The licensing scheme being introduced under the Business and Planning Act is designed to support business by introducing a light touch, fast track process for obtaining licences for outdoor spaces. It is also important to note that this licensing

scheme is a temporary scheme, with the legislation specifying that these provisions shall end on 30 September 2021, or on such a later date as the Secretary of State may prescribe (but no earlier).

- 4.4 Officers would recommend that the council adopt a new policy to assist in processing applications and decision making. Adopting a policy enables the Council to include conditions that will manage the impact and help guide applicants on the suitability of proposals. It is suggested that this policy be similar to the existing policy for outside seating licences in order to promote consistency, although it is acknowledged that the council are not able to simply duplicate the existing policy due to differences in the legislation. We will try and identify where the licensing regimes differ. Officers have developed the proposed policy at appendix 1 in consultation with Disability Watford, the Police, Highways, the BID, Chamber of Commerce and other internal partners.

### **Applicable Premises**

- 4.5 A pavement licence may only be granted to put removable furniture on a part of a public highway for the purposes of selling food and/or drink as part of their business, or for people to consume such food and/or drink.
- 4.6 For the purposes of pavement licences, the 'relevant use' is defined in the legislation of a premises means using the premises as a public house, wine bar, other drinking establishment, or any other use for the sale of food and/or drink for consumption on or off the premises. This is very similar to the council's existing policy where tables and chairs could only be granted to food-led premises.

### **Applications**

- 4.8 Applications must be made in writing and in such form as the council may specify. The legislation also encourages applications to be submitted electronically. Officers will be creating an application form which asks for the details required by the legislation and also by the proposed policy.
- 4.9 The application must also be accompanied by such a fee as the local authority may require, but may not exceed £100 which is a legal cap on the fee.
- 4.10 Officers advise that licensing fees should not be set at such a level where they intend to make a profit or be used to discourage premises from applying, and should operate under full cost recovery where possible.
- 4.11 Under the current licensing scheme for tables and chairs, the fee for a new application is set at £397, and the fee for renewal is set at £108. The renewal fee is less due to the fact that we operate a simplified renewal process, and the amount of officer time required to process such an application is reduced. It should be noted

that it is difficult to put an exact figure on the processing time for a new licensing regime and the costs associated with enforcing such a regime. However, the amount of officer time in processing and issuing a licence for a new application under the new pavement licence scheme will not be less than the officer time taken to process a renewal application under the existing scheme. Officers also advise that some applications may be required to be determined by officers where objections have been received. The legislation does cap the application fee, and therefore officers would recommend that the fee is set at £100. This will mean that the council will make a loss on these applications, but the fee cap does mean that we are not able to operate on a full cost recovery basis. Officers did consider whether recommending setting a lower fee to support business recovery was appropriate. However, we understand the majority, if not all Herts LAs are going with £100 fee. We consider the more suitable support to businesses to be the length of time the licence is granted for to enable security and certainty. For this reason officers are recommending the licences run until the legislation expires, so currently September 2021. This also reduces the burden on officer time.

- 4.12 The legislation states that applications must contain specified information, as well as how applications may contain or be accompanied by such other information or material as the local authority may require.
- 4.13 The council's Finance team advise that the minimum level of cover for public liability insurance be £5 million per incident, which is the same required for other licensing applications such as street trading and the existing tables and chairs licensing regime under the Highways Act. Officers would suggest that we adopt the same approach.
- 4.14 The council currently require a plan showing the licensed area to be submitted for applications for pavement licences under the Highways Act. The [draft] guidance issued by the Government does state that a plan is suitable for a council to request. Officers would suggest that we do request plans to be submitted with applications as an aid to assessing applications and also to assist in enforcement. Details of the furniture are also suggested to be included so that only suitable furniture is permitted.

## **Consultation**

- 4.15 The council are required to advertise the application. Officers would suggest that this is done as per existing licensing applications in the publication and distribution of a weekly bulletin of applications, which is circulated internally and externally and published on our website.
- 4.16 Applicants are required to display a notice advertising the application on the application in such a format as the council may specify. Officers will draw up a

template notice, and the [draft] Government guidance does also suggest a template notice.

4.17 Before making a determination, the council are required to consult the highways authority (Hertfordshire County Council) and such other persons as the local authority considers appropriate.

4.18 The following parties are consulted on current applications for tables and chairs licences under the Highways Act:

- Hertfordshire County Council
- Hertfordshire Constabulary
- Development Control of Watford Borough Council
- Hertfordshire Fire & Rescue Service
- 15 nearest properties to the application

4.19 The legislation states that the local authority may grant a pavement licence only if the application does not:

- prevent traffic (either pedestrian or vehicular) from accessing or passing along the relevant highway
- prevent pedestrians from having normal access to neighbouring premises
- prevent any statutory undertakers or communications network operator from accessing any plant or equipment in, on, or over the highway

4.20 Having considered the factors that can be considered when determining applications and decisions it is proposed consultation is undertaken for this type of application with:

- Hertfordshire County Council
- Hertfordshire Constabulary
- Environmental Health and,
- Immediate neighbours via letter.

4.21 Given that planning permission is not required for this type of temporary use, officers believe these consultations will assist in determining applications according to the criteria set by the legislation as well as setting conditions to mitigate risks of impact.

### **Determining Applications**

4.22 At the end of the consultation period, the council may either grant a pavement licence or refuse the licence.

4.23 As mentioned earlier in paragraph 4.19, the council may only refuse an application if the grant of the licence would lead to obstruction of the highway or of neighbouring

premises. As per our current policy on granting tables and chairs licences, officers would recommend that no licence will be granted where less than 2.5m of highway would be left between the boundary of the pavement licence area and the kerb of the highway or any item of street furniture such as lampposts, bike racks, or bus stops. Such a policy would ensure that there is sufficient space left on the highway for pedestrians to use the highway and clearly sets out our expectations for businesses. This is in excess of the Government's guidance which recommends that a clear pavement width of 2m should be regarded as the minimum under normal circumstances (section 3 of [Inclusive Mobility](#)) and which is deemed to be suitable for two wheelchair users to pass one another comfortably.

- 4.24 It is noted that there is no formal route of appeal set out in the legislation. The [draft] Government guidance does suggest that where applications are refused these may be put before licensing sub-committee. Officers would not suggest that we adopt this approach. We would suggest that decisions are made by officers in the Environmental Health (Business) Team and that appeals against any decisions are considered by the Group Head of Community and Environmental Services or the Head of Community Protection. This is similar to the current process for tables and chairs licences under the Highways Act where decisions are only made at officer level. The legislation does sets out specific grounds as to when applications should be refused, and policy can guide officers as to how to interpret if those grounds do apply or not. It is acknowledged that this process is a light touch, fast track, process, and the involvement of a sub-committee, while encouraging debate on the application, could lengthen the application process and add to the costs.
- 4.25 It should also be noted that should an application be refused the applicant does have a right to apply again, so officers will provide feedback on parts of the application that caused concern so that the applicant can address these concerns and apply again.
- 4.26 A pavement licence may be granted by a local authority for such a period as the council may specify in the licence, or with no limit on its duration in which case it expires at the end of 30 September 2021. Under the current regime for licensing tables and chairs, licences are issued for 12 months, which is the maximum length of a licence as prescribed by the Highways Act. Officers recommend that we grant licences for as long as possible, up to 30 September 2021. This gives assurance to businesses and security for any investment. It will also minimise the impact on officer resources for processing the applications. The Act does allow for enforcement action to be taken against irresponsible operators, including revocation as detailed further below. Monitoring of permissions granted will be undertaken in the town centre and other areas, and all complaints received will be responded to. Officers would recommend that we do not grant a licence for less than 12 months, to promote consistency between the two regimes.

- 4.27 If it is decided to grant licences for a specified time period which will end before 30 September 2021, and such licences will require renewal, it should be noted that a renewal fee will need to be set. This may be set at a different amount to the fee for a new licence since the same amount of work may not be required, but the fee will still not be able to be more than £100.
- 4.28 A pavement licence may be granted by a council subject to such conditions as it considers reasonable. Councils can publish standard conditions to be attached to all pavement licences. Officers recommend that standard conditions are proposed and set by policy. These would be based upon the standard conditions attached to tables and chairs licences issued under the Highways Act. This promotes consistency amongst businesses and sets out our expectations of businesses. The council will still retain the power to attach bespoke conditions where it is considered reasonable to do so.
- 4.29 The standard conditions will confirm the ‘no-obstruction’ condition, which is specified to be attached to all licences granted under this legislation. It is therefore a mandatory condition.

## **Enforcement**

- 4.30 The council may revoke a licence, or may serve notice on a licence holder, where the licence holder breaches any condition of the licence. The council may revoke a licence where:
- there is a risk to public health or safety
  - anti-social behaviour or public nuisance is being caused by the operation of the licence, or there is a risk of such problems being caused
  - the highway is being obstructed (other than by anything done by the licence holder pursuant to the licence)
  - some or all of the relevant highway covered by the licence has become unsuitable for use by the respective licence
  - anything material stated by the licence holder in their application was false or misleading, or
  - the licence holder did not suitably advertise their application by way of a public notice
- 4.31 As is the case with the taxi licensing, officers would recommend that the power to revoke a licence lies with the Group Head of Community & Environmental Services or the Head of Community Protection and these powers be implemented in line with the Compliance Policy approved by Members.

## **5.0 Implications**

### **6.1 Financial**

6.2 Awaiting comments from Finance.

6.3 **Legal Issues** (Monitoring Officer)

6.4 Once this legislation becomes law applicants will be able to apply for Licences straight away and the Council will only have 7 days to consider the request it is therefore important for the delegation and policy to be adopted in advance, in order to be able to manage the process effectively.

6.5 **Equalities, Human Rights and Data Protection**

6.6 Under s149 (1) of the Equality Act the council must have due regard, in the exercise of its functions, to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between persons who share relevant protected characteristics and persons who do not share them
- foster good relations between persons who share relevant protected characteristics and persons who do not share them.

## **Appendices**

Appendix 1 – Proposed Policy

### **Background papers**

**The following papers were used in the preparation of this report:**

- Inclusive Mobility
- [Draft] Government guidance to accompany pavement licensing proposals introduced in the Business and Planning Bill.
- NEXSTART - Business and Planning Bill 2019-21 Pavement Licences advice note

## Pavement Licence Policy – Covid-19

This policy sets out Watford Borough Council's approach to considering applications for pavement licences under the Business & Planning Act 2020. These measures have been adopted as part of the council's response to the Covid-19 pandemic and the passing of the Business & Planning Act.

All references to pavement licences or licences hereafter shall refer to licences granted under this policy.

The policy shall be in force from [start date] until 30 September 2021, or such a later date as substituted by the Secretary of State under regulations. The power for the Secretary of State to extend the provisions of the Business & Planning Act 2020 is contained within section 10, part 1, of the Act.

Officers in the Environmental Health (Business) Team have delegated authority to determine applications for licences under this policy. Appeals against any decisions by officers will be determined by either the Group Head of Community and Environmental Services or the Head of Community Protection.

### Departure from Policy

All policies are the starting point for decisions. However, all decisions are taken on the merit of the individual case and where an applicant wishes to apply for a licence outside of the requirements contained within this policy, full and unfettered consideration will be given to that application. However, applicants should be aware that departures from policy will usually be restricted to exceptional circumstances, and where the council assess that to grant a licence outside of the policy will not result in an unnecessary obstruction of the highway and that the recommended pavement widths, as set out in part 3 of Inclusive Mobility, can be maintained.

Where it is necessary for the council to depart from this Policy, clear and compelling reasons for doing so must be given. The Group Head of Community and Environmental Services or the Head of Community Protection may authorise a departure from the Policy in accordance with this section if they consider it appropriate in the specific circumstances.

### Application Process

It is only possible under the legislation to grant pavement licences to public houses, wine bars and other similar drinking establishments, or for any other premises which involves the sale of food or drink for consumption on or off the premises to place removable furniture on a public highway adjacent to their premises. Applications for non-food premises will not be granted a pavement licence.

The legislation defines 'furniture' as being:

- (a) counters or stalls for selling or serving food or drink,
- (b) tables, counters or shelves on which food or drink can be placed,
- (c) chairs, benches or other forms of seating, and

- (d) umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink;

All applications shall be made in writing. We have designed an application form for applicants to complete and submit. Applications are encouraged to be submitted electronically, and we have a dedicated online application form for this purpose.

Applications must be submitted with the following documentation in order to be valid:

- proof that the applicant holds public liability insurance to a minimum cover value of £5 million
- a scale drawing, drawn to a scale identified on the drawing, showing the area that the applicant wishes to licence. If the area is not immediately outside of the applicant's premises, a site plan indicating the relevant premises and the proposed area will need to be included as well.
- details of all furniture to be permitted under the licence
- the correct fee

The application fee is £100. If an application is refused the applicant is not entitled to a refund.

Applicants may only submit one application at a time for processing.

Applicants are required to display a notice on their premises advertising their application. The notice must be put on display on the day that an application is submitted to the council. We have designed a specimen public notice for applicants to use, and this is available from our website at [www.watford.gov.uk/pavement](http://www.watford.gov.uk/pavement).

The notice must be kept on display for at 7 consecutive calendar days, beginning the day after the application was submitted to the licensing authority.

Such a notice must be readily visible to, and easily read by members of the public from outside of the premises. The notice must be visible at all times e.g. not obstructed or hidden by shutters at the premises, not obstructed by advertisements or other external displays at the premises. If the notice is damaged, or misplaced, then the notice (or a fresh copy) must be put back on display at the earliest convenience. If officers determine that the application has not been advertised in a satisfactory manner, they may require the notice to be put on display for a further period of up to 7 days.

The council encourages pavement licences for each individual premises to make use of the maximum permitted space to allow for uniform distribution of pavement licences and pavement licence areas along highways. A uniform pavement licence boundary line would be of assistance to pedestrians using the highway, particularly those who are blind, visually impaired and other disabled people.

## **Consultation**

The consultation is a public consultation, and any person may submit representations during the consultation period.

The council shall directly consult the following parties on applications made under this policy:

- Hertfordshire County Council (as highways authority)
- Hertfordshire Constabulary
- Watford Borough Council Environmental Health
- Any neighbouring properties immediately adjoining the applicant's premises, where such properties are accessed from the highway which is subject to the application

Any person wishing to submit representations against an application must do so in writing.

### **Determining applications**

The council must determine the application with 7 calendar days of the consultation period ending.

If the council does not determine an application within this timeframe, the application is deemed to have been automatically granted. Tacit consent does therefore apply, and any applicant who has not heard from the council within 15 calendar days of submitting a valid application can safely assume that their application has been granted.

The council's options are to:

- grant the pavement licence in full, as per the application
- grant the pavement licence in part and/or subject to such conditions as the council consider reasonable, or
- refuse the pavement licence

Unless otherwise specified in the application, licences will be granted to be in force until 30 September 2021.

Any licence granted under deemed consent shall be in force for a period of no longer than 12 months from the date on which the application was deemed to have been granted or the date that the provisions in place under the Business and Planning Act 2020 expire if earlier than 12 months from the date of grant.

The council shall grant a licence only where it considers that to do so would not pose or exacerbate one or more of the following risks:

- unnecessary obstruction of the highway
- unnecessary obstruction of the premises or neighbouring premises
- preventing statutory undertakers or communicate network operators (or their contractors) from having access to appropriate plant or equipment either in, on, or over the highway

A minimum unobstructed width of 2.5 metres of the highway, measured from the boundary line of the proposed pavement licence area to the nearest kerb or item of street furniture (e.g. electrical cabinets, trees, cycle racks, bus stops etc), must be available before a pavement licence can be granted. This is to ensure the free movement and access by pedestrians and prevent obstruction. Additional widths may be required in certain locations or as a result of responses from consultees. In making any decisions, the council will take into consideration the recommended highway widths as detailed in '[Inclusive Mobility](#)', particularly section 3.

Applications will not be granted if pedestrians are forced or encouraged to cross a footway in a dangerous manner or if the proposed facility poses a risk to disabled people on the highway through the use of the proposed pavement licence. The council would consider that if the effect of any pavement licence results in highway users being put in unsafe situations then the use of the highway results in an unacceptable and unnecessary obstruction of the highway.

All licences will be granted subject to the council's standard pavement licence conditions, which are attached to this policy.

The legislation allows the council to attach such bespoke conditions to licences as they consider reasonable to address any concerns raised in representations against the application, in order to address or mitigate those concerns. Such conditions may include, but are not limited to, granting the licence for a reduced area, for a reduced hours, for a reduced number of tables and chairs, or for a limited duration.

All licences will be granted subject to any conditions authorised and published by the Secretary of State under Part 1, Section 5, para 6, of the Act. It is acknowledged that where any such conditions published by the Secretary of State conflict with one or more conditions attached by the council, regardless of whether these are standard conditions or bespoke conditions, the local conditions applied by the council shall take precedence.

## **Appeals**

Any applicant or objector who wishes to appeal a decision may do so by submitting their comments and grounds for appeal in writing to the council. Any appeal must be in writing either addressed to the Town Hall or submitted by email to [licensing@watford.gov.uk](mailto:licensing@watford.gov.uk).

Any comments must be submitted within 21 days of being notified of the decision.

The request will be considered by the Group Head of Community and Environmental Services or the Head of Community Protection.

## **Renewal & Variation**

There are no set processes for renewing or varying a pavement licence. Therefore, the normal application process shall apply in full, including submitting an application form, the required accompanying documents, and payment of the application fee.

Any application to renew a licence must be submitted before the current licence expires. We would suggest that applications are submitted one month in advance. If a licence expires, the premises will be required to apply for, and obtain, a new licence before being able to resume placing tables and chairs outside of the premises.

Any premises wishing to vary the terms of their existing pavement licence will be required to apply for a new licence, and the full application process will apply.

## **Enforcement**

If the council considers that a licence holder has breached any condition or term of the licence, the council may:

- serve notice on the licence holder requiring the matter to be addressed in such a time period as stated on the notice, or
- revoke the licence

Where a notice is served, if the licence holder fails to comply with the notice, the council may take steps itself to remedy the issue and may seek to recover the costs of doing so from the licence holder. Alternatively, the council may take steps to revoke the licence.

The council may revoke a licence if it considers that one or more of the following apply:

- some or all of the part of the highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted
- the operation of the licence poses a risk to public health and safety
- the operation of the licence is causing, or is creating an unacceptable risk of causing, anti-social behaviour and/or public nuisance
- the operation of the licence is causing an unacceptable obstruction to the highway
- anything material stated by the licence in their application has been proven to be false or misleading, or
- the licence holder did not comply with their duty to display notice of the application for 7 consecutive calendar days

When considering if the operation of the licence is a risk to public health or safety, or if the operation is obstructing the highway, the council will take into account the matters listed under the 'Determining applications' section above.

Any action taken under this section, including the service of notices, shall be taken in accordance with the council's Compliance Policy.

Any licence that is being considered for revocation shall be referred to either the Group Head of Community & Environmental Services or the Head of Community Protection.

## **Miscellaneous**

There is no provision to transfer a pavement licence granted under this policy. Should the premises be taken over by a new operator, that operator must apply for, and obtain, a new pavement licence. No tables and chairs or other such furniture may be placed outside of the relevant premises until pavement licence has been granted or deemed to have been granted.

A pavement licence may be surrendered by the licence holder at any time. Notice of surrender must be provided to the council in writing. Email confirmation of surrender is acceptable.

The fee paid upon submitting an application is an application fee. If the licence is refused, or the application is withdrawn before a decision is made, the applicant is not entitled to a refund of the fee. If a licence holder stops trading or surrenders a licence they are not entitled to any refund.

Furniture can only remain in the licensable area during the licensed hours of use plus 30 minutes before and after the licensed times to allow for set up and close down. Furniture must be capable of being removed from the highway once the terminal hour of the licence has been reached. The legislation does not allow permission to be granted for any furniture that is fixed to the highway.

Any damage to the highway by licence holders must be repaired by the licence holder at their own expense.

Licence holders are reminded that any outside areas must be taken into account when setting their maximum permitted capacity under their fire risk assessment, or under any risk assessments concerning infection control.

### **Pavement Licence Standard Conditions**

1. A summary of this licence, as provided by the licensing authority, must be displayed on the premises where it can be seen from outside of the premises at all times that the premises are open to the public. Should the licence summary be lost or damaged, a replacement licence summary must be requested from the council as soon as possible.
2. This permission shall run until 30 September 2021.
3. This licence permits the holder to use the licensed area, as defined on the licence plan delineated in red attached to the licence summary, only for the activities and furniture permitted by this licence during the licensed days and times.
4. The licence holder shall not place on the highway any furniture or equipment or advertisement other than as specified in this licence and shall maintain the same in a neat tidy and safe condition and shall not place them so as to obstruct the access to or exit from any premises.
5. No furniture shall remain on the highway outside of the permitted hours under this licence or when the premises are closed to the public. The only exception to this is for thirty minutes prior to or after the permitted hours when set up or clearing of the area is occurring. The Public must not have access to the area during this time.
6. The licence holder shall leave the highway in a neat and tidy condition after removing all furniture from the highway at the end of permitted hours.
7. The licence holder shall not cause any unnecessary obstruction of the highway or danger to persons using it.
8. The licence holder shall not permit persons to cause a public nuisance or anti-social behaviour. Where the licence holder employs any person to ensure the safety and security of the premises and its customers, such persons must be licensed by the Security Industry Authority.
9. The licence holder shall not permit persons to gather so as to breach The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (or similar Health Protection Regulations) or fail to comply with the Government's Guidance "Staying alert and safe (social distancing)" or any subsequent Government's social distancing Guidance.
10. The licence holder shall not use or permit any public playing music reproduction or sound amplification apparatus or any musical instruments radio or television receiving sets whilst exercising privileges granted by this licence.
11. The Licence holder shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix equipment of any description in the surface of the highway.
12. The Licence holder shall maintain the licensed area in a clean and tidy condition during the permitted hours and shall provide litterbins or similar receptacles for the disposal of rubbish within the licensed area.

13. Nothing herein contained shall be construed as the grant or purported grant by the council or any tenancy protected by the Landlord and Tenant Act 1954 or any statutory modification or re-enactment thereof for the time being in force save as for those set out in the Business and Planning Act 2020 or other relevant legislation.
14. If so requested in an emergency by an authorised officer of the council, Police officer, Fire Brigade officer, paramedic, statutory undertaker, or communications network operator, the licence holder shall remove the furniture permitted under this licence from the highway.
15. If so requested by the highway authority where use of the area is required for maintenance or other purpose the licence holder shall remove the furniture permitted under this licence from the highway.
16. The council may remove and store or dispose of:
  - (i) Any structures placed by the Licence holder in the highway but not authorised by this Licence, and
  - (ii) Any structures authorised by this Licence but placed by the Licence holder in the highway outside the permitted hours or outside the permitted area and the Council shall not be responsible to the Licensee for the safe-keeping thereof.
17. The licence holder shall observe and comply with any reasonable directions in relation to the use of the highway given from time to time by or on behalf of the council.
18. The licence holder shall provide suitable barriers around the licensed area. The barriers must have been approved by the Council prior to use.
19. The licence holder shall comply with the “no-obstruction condition” set out in section 5(5) of the Business and Planning Act 2020 and all conditions made under section 5(6) of the Business and Planning Act 2020.

The following “no-obstruction condition” applies to this licence:

To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility, the licence is granted subject to those requirements.

To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.

20. The licensee shall indemnify and keep indemnified the Council against all actions proceeding claims demand and liability in respect of personal injury, damage to goods or property, or any loss arising out of the grant of this licence and the licensee’s use of the land and for this purpose must take out at the licensee’s expense a policy of insurance approved by the council in the sum of at least £5 million in respect of any one event.



# Equality Impact Analysis

|   |  |
|---|--|
| <b>Title of policy, function or service</b> | Pavement Licence Policy  |
| <b>Lead officer</b>                         | Jamie Mackenzie  |
| <b>Person completing the EIA</b>            | Jamie Mackenzie  |
| <b>Type of policy, function or service:</b> | Existing (reviewed) <input type="checkbox"/><br>New/Proposed <input checked="" type="checkbox"/> |
| <b>Version &amp; Date</b>                   | Version 1.1<br>06 July 2020  |

## **1. Background**

Watford Borough Council (The Council) is the licensing authority for placing tables and chairs on the highway at premises serving food and drink. Licences are granted following application to the authority.

The Council has created a Pavement Licence Policy (The Policy) to ensure that decisions on how licences are granted are fair and consistent.

The Policy provides comprehensive information about requirements and restrictions over where, when and how tables and chairs and other associated furniture can be placed on the highway. The Policy provides a starting point for any decision by the authority but it is important to remember that each case must be decided on its own merit.

Watford is a small town geographically. The road layout is historic and many streets are narrow.

There are a number of historic private frontages to shops which do not require any permission for use as table areas.

Where permission is sought, applicants must provide detailed information on the size of the area required, the number of tables and chairs, the types of barriers to be used and they must abide by standard conditions.

## **2. Focus of the Equality Impact Analysis**

This Equality Impact Analysis is focussed on any potential impact of The Policy upon new and existing licence holders, other businesses and residents and visitors to Watford.

## **3. Engagement and consultation**

The Policy has been developed quickly following the introduction of the Business and Planning Bill 2020. Consultation has therefore been limited by time. However, consultation with businesses has still taken place. Consultation with Disability Watford, the town's primary pan-disability charity, has also taken place.

Following these engagement activities a draft policy was written.

Consultation centred on the following issues:

- The size of licensed area that should be permitted
- The type of barrier to a licensed area that is necessary to ensure clear demarcation
- Placing of table and chair in front of adjacent properties that may not be in use
- The amount of clear pavement space that should be available once a licensed area is in use.

Objection to, and refusal of, the grant of a pavement licence can only be made on grounds of obstruction.

It is most likely that obstruction will be caused to some disabled people, people with children in pushchairs or prams, and older people who have difficulty walking or use an aid to walk.

The council is conducting a survey to ascertain people's views on their experience of returning to the town centre. This survey contained demographic questions. Whilst this is currently small sample size, the survey indicates of those responding about their experiences:

- Two thirds (66%) are female
- A third (33%) are ages 45-54 years
- 18% had a disability
- 77% were White British, 13% White non British and 8% Indian

The relatively high number of people going to the town centre with a disability is interesting. It is a higher percentage than responds to other surveys and indicates that the town centre is an important destination for this demographic.

#### **4. What we know about Watford.**

##### **Population**

The current population of Watford is 96,600 (ONS mid-2019 estimate). This was slightly less than estimated in 2018 (96,800 rounded). The slowing of population growth across the UK (marked by a fall in Watford) is attributed to the lowest number of births for 14 years alongside an increase in emigration and a fall in international immigration.

Watford's population is currently projected to increase to 105,000 by 2025 and 110,300 by 2035, a rise from 2016 of 14.2%. This growth will be a challenge for Watford, given our tight borough boundaries and is recognised within the Council Plan, shaping a number of our commitments and areas for action in the Delivery Plan.

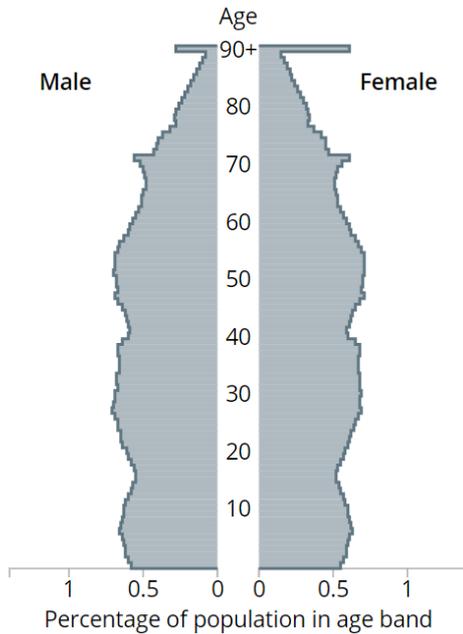
The graphs below show a comparison between the sex and age profile of England's population with that of Watford. (ONS 2018).

## ENGLAND

**55,977,178** people in 2018

All ages

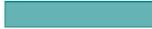
**27,667,942** males 49.4%   
**28,309,236** females 50.6% 

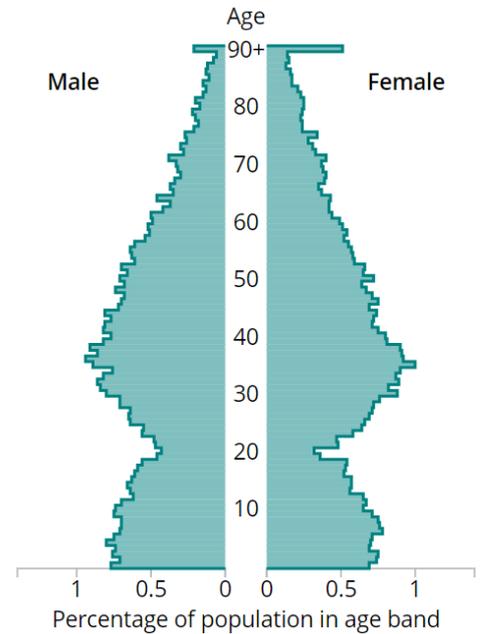


## WATFORD

**96,767** people in 2018

All ages

**48,011** males 49.6%   
**48,756** females 50.4% 



Overall, this comparison shows that Watford is a relatively young town. This is particularly the case in the 0 to 19 age range where 26.5% of the population are between those ages, compared with 23.6% nationally. Similarly the 30 to 49 cohort accounts for a significantly higher proportion of the Watford population at 32.1%, compared to 26.1% nationally. This means that we are a town which is popular with families and, whilst we are a town for all, we recognise that our plans need to reflect our large number of young people and families.

### Population density

The population density for Watford is circa 4,600 people per square kilometre. This makes it the most densely populated district area in Hertfordshire and in the country (432 per square kilometre). This is a reflection that we are an urban district, with many characteristics of a metropolitan borough. In comparison with many metropolitan boroughs, particularly those in and around the outskirts of London, our density is relatively low.

### Ward level populations (mid-year 2018 estimates)

The ONS publishes experimental data on ward level populations. The last release date was for mid-year 2018. This showed Central ward had the highest population (9,447) and Tudor the lowest (6,825). Further analysis shows that Nascot ward had a significantly higher number of elderly residents than other wards in Watford, whilst Central a significantly higher number of under 20s. The age profile of Nascot ward was recently highlighted by the COVID-19 crisis, when it experienced the highest death rate of any ward in Watford.

| Ward       | Mid-year 2018 |
|------------|---------------|
| Callowland | 7,928         |
| Central    | 9,447         |
| Holywell   | 8,610         |
| Leggatts   | 7,757         |
| Meriden    | 7,972         |
| Nascot     | 8,815         |

| Ward        | Mid-year 2018 |
|-------------|---------------|
| Oxhey       | 6,847         |
| Park        | 8,698         |
| Stanborough | 7,403         |
| Tudor       | 6,825         |
| Vicarage    | 8,854         |
| Woodside    | 7,611         |

ONS experimental data (Ward Level Mid-Year Population Estimates (experimental), Mid-2018)

## Households

### Number of households

The ONS data, based on the census, says that there were 36,681 households in Watford at the time of the Census; as of 31 May 2020 the figure was 40,275 (council tax base).

The average household size in Watford is currently 2.45. This is currently average for the region. Nationally, there is downward trend in household size projected over the next 20 years. The Watford average household size is envisaged to drop to 2.33 person household in 2039, which this is larger than that projected for the English average (2.21 in 2039) and the Hertfordshire average (2.29 in 2039). These projections have implications for Watford in terms of development and growth.

### Household size

The 2014 projections estimate that, between 2014 and 2039:

- Watford's average household size will decrease from 2.45 to 2.33
- Hertfordshire's average household size will decrease from 2.42 to 2.29
- England's average household size will decrease from 2.35 to 2.21

### Household Composition

From the 2016 projections, one person households see the biggest increase in household growth in Watford, representing 44% of the total household growth.

However, households with dependent children see the next biggest rise, with 35% of household growth; couples with other adults make up 9%; other (multi-person adult) households make up 7% and couple households (without children or other adults) make up the remaining 6% of all estimated growth.

### Ethnicity

Watford has a very diverse population, more so than the rest of Hertfordshire; it is one of the strengths of our town and what makes us such a vibrant and d

For Watford, the Census 2011 shows the following breakdown in terms of ethnicity: White British (61.9%), White other (7.7%), Pakistani (6.7%), British Indian (5.5%) and British other Asian 4.4%.

**National insurance registration:** Census information is now nearly 10 years old and it is likely that the ethnic profile of the borough has changed during this time. For example, it would not have captured the more recent EU arrivals to the borough (EU2 countries – Romania and Bulgaria, who

were given residency rights in 2014). We know from other data such as National Insurance Registration that Watford has experienced a relatively high increase in nationals from the EU2 countries applying for National Insurance registrations as Watford residents. This follows a period of a high number from EU8 countries (including Poland, Latvia, Lithuania) who were given freedom of movement to the UK from 2004. Throughout the period the arrival of new residents from south Asia (e.g. Pakistan / India) has remained relatively constant.

The National Insurance Registrations for January – March 2020 shows there were 2,194 registrations in Watford, of which 640 were from Romania and Bulgaria, 527 from South Asia and 395 from Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden

**Language spoken at home:** Other data sources, including school language survey on the languages spoken by Watford school children at home, endorse the National Insurance findings that Watford remains a town with a diverse community with English still the predominant language (at around 60%) followed by (in order of self-selection by Watford families): Urdu, Polish, Tamil, Romanian, Gujarati, Pahari, Gujarati and Hindi.

**Births and origin of parents:** In 2018, nearly 60% (59.6%) of children born to Watford based parents, had one or both parents born outside of the UK, with 42% having both parents born outside of the UK. 52% of new mothers in Watford were born outside of the UK (1397 births in total, with 667 to mothers born in the UK and 730 born outside of the UK. Of these 257 mothers were born in the ‘new’ EU countries – those that had joined since 2004) and 252 in the Middle East and Asia.

**Electorate:** The electorate on the electoral register (as published on 1 December 2018 was 70,544, with a further 3,642 identified as potential electors. The main ethnicity groups have been identified as:

| <b>Ethnicity</b> | <b>2018/19</b> |
|------------------|----------------|
| British          | 58,329         |
| Romanian         | 1,842          |
| Polish           | 1,560          |
| Rep of Ireland   | 1,289          |
| Indian           | 1,062          |
| Italian          | 805            |
| Portuguese       | 703            |
| Pakistani        | 652            |
| Sri Lankan       | 418            |
| Spanish          | 364            |
| French           | 337            |
| Bulgarian        | 215            |

### **Age**

The largest populations by age band in Watford are:

- 35-39 years (8,537)
- 30-34 years (7,921)
- 40 -44 years (7,458)
- 5 -9 years (7,027)

Compared with other districts in Hertfordshire, Watford has fewer 65+ years residents. The age profile of the borough is more comparable with cities who have younger age profiles and where younger people are attracted by lifestyle opportunities, affordable housing and good transport links.

As a town with a younger population and more families, we know that people with pushchairs and prams will be disadvantaged by tables and chairs being placed on the highway and that the majority of those who use pushchairs or prams are likely to be women.

**Median age:** the median age in Watford is 37 years. This compares to 40 for England (mid-year 2019 population estimates)

### **Disability / Health**

Around 85% of the population of Watford state that they have 'good health' and just under 14% record a disability. We do not have details as to what these disabilities are but they will include a wide range of physical and mental health disabilities or impairment (Census 2011).

The 2019 NHS Health Profile's summary conclusion is that the health of people in Watford is 'varied' compared with the England average. About 12% (2,300) of children live in low income families – this is an improvement on 2016 (14% / 2,700). Life expectancy for men at 65 is similar to the England average but for women it is significantly worse (2016-18).

The profile also shows that Watford is below average for a number of important health indicators, which may have had some impact on the town's rate of deaths from COVID-19. These include: residents eating the recommended 5 a day portions of fruit and vegetables, over-18s who are obese and physically active adults. All reported cancer screenings were below average for Watford and emergency admissions for falls from the age of 65 plus were worse than for the England average. We know that some disabled people, particularly those who are blind, visually impaired, ambulant disabled or who use a wheelchair are likely to be impacted by tables and chairs placed on the highway.

### **Religion / belief**

The religious breakdown in the Census 2011 of the main religions in Watford was: Christian (54.1%), Muslim (9.8%), Hindu (4.8%), with no religion stated at 21.4%.

### **Sexual orientation / Transgender**

Watford has no specific data on the transgender community within the borough or for the sexual orientation of its community. It is anticipated that these questions will be asked in the Census 2021.

### **Education and skills**

A skilled workforce supports the economic development and employment aspirations for Watford. There has been a mostly increasing trend in educational attainment in Watford over the last few years. Watford's working age population has the fourth highest percentage (44.4%) in Hertfordshire of those with qualifications at NVQ 4 and above (Three Rivers is the highest with 63.5%, St Albans the second highest at 58.5% and East Herts third highest with 45.7%); this is close to the Hertfordshire average of 42% average but higher than the Great Britain average of 40.3%.

83.7% of Watford residents have achieved 5 A\*-C or equivalent. This is the better than the England average of 75.6 (Jan – Dec 2019)

## **Homelessness**

Whilst this is not a protected characteristic under the Equality Act 2010, the council recognises that the particular circumstances of people without their own home might be a factor in their taking an active role in our community. We currently have 15 statutory homeless (March 2020) and 153 households in temporary accommodation (March 2020).

## **Deprivation**

The English Indices of Deprivation (IoD) 2019 were published by the Government in September 2019, and updates the previous 2015 Indices, published in September 2015. The Indices of Deprivation measure relative levels of deprivation in 32,844 small areas or neighbourhoods, called Lower-layer Super Output Areas, in England

The IoD2019 is based on 39 separate indicators, organised across seven distinct domains of deprivation which are combined and weighted to calculate the Index of Multiple Deprivation 2019

In the IMD 2019, Watford is ranked 195 out of 317 authorities, putting it in the 7<sup>th</sup> decile nationally. This means that, overall, Watford is less deprived than half the authorities in England.

Watford is the third most deprived authority in Hertfordshire. (Stevenage and Broxbourne are the most deprived.) However, three Hertfordshire authorities are among the 10% least deprived authorities in England (Three Rivers, East Herts and St Albans).

Overall, Watford is not an area with significant deprivation issues and the majority of the LSOAs within the town are in the bottom 50% of LSOAs nationally for deprivation; the borough's position has improved relative to that of 2015.

The combined deprivation index, which weights income and employment more heavily than the other domains, obscures the more deprived areas in Watford, which are affected by crime, living environment deprivation, health and disability, and education, skills and training deprivation in particular. This is, at least in part, because income and employment deprivation are less of an issue for Watford than for other areas.

The ten most deprived LSOAs in Watford, as ranked in the IMD 2019 are as follows (the ranking for the last IMD data in 2015 is shown in brackets in the first column). Deprivation has also been identified as an indicator for poorer COVID-19 outcomes so understanding our areas of deprivation, particularly if we apply greater granularity around health and income deprivation. The LSOA, which contains some of Whippendell Road, Chester Road and Durban Road West is within the second most deprived health and disability quartile does not feature in the top 10 most deprived LSOAs

| Watford rank | Ward   | LSOA code           | Hertfordshire |  | England          |                                 |
|--------------|--|---------------------|---------------|--|------------------|---------------------------------|
|              |  |                     | Rank          | Decile in Herts<br>(1st = most deprived) | Rank             | Decile<br>(1st = most deprived) |
| 1 (1)        | <b>Central</b><br>(Water Lane, Gladstone Road, Grosvenor Road, part of Radlett Road, Brockleberry Close, Raphael Drive, top part of Queens Road) | E01023860<br>(009B) | 5 (5)         | 1st (1st)                                | 5055<br>(5005)   | 2nd (2nd)                       |
| 2 (3)        | <b>Holywell</b><br>(Caractacus Green, part of Charlock Way, Moor View, Jellicoe Road, Stripling Way, Rose Gardens)                               | E01023865<br>(011C) | 21 (22)       | 1st (1st)                                | 7239<br>(7800)   | 3rd (3rd)                       |
| 3 (2)        | <b>Meriden</b><br>(Garsmouth Way, Aldbury Close, Harvest End, part of York Way)  | E01023876<br>(003D) | 26(19)        | 1st (1st)                                | 7924<br>(7590)   | 3rd (3rd)                       |
| 4 (4)        | <b>Holywell</b><br>(Ascot Road, Greenhill Crescent, Caxton Way, Croxley View)  | E01023866<br>(011D) | 27 (30)       | 1st (1st)                                | 8294<br>(9203)   | 3rd (3rd)                       |
| 5 (7)        | <b>Woodside</b><br>(Haines Way, Queenswood Crescent, Sheriff Way, Nottingham Close)  | E01023906<br>(001C) | 61 (41)       | 1st (1st)                                | 10719<br>(10062) | 4th (4th)                       |
| 6 (10)       | <b>Oxhey</b><br>(Deacons Hill, Blackwell Drive, Riverside Road, Eastbury Road, Thorpe Crescent)  | E01023883<br>(012B) | 62 (49)       | 1st (1st)                                | 10758<br>(10710) | 4th (4th)                       |
| 7 (13)       | <b>Callowland</b><br>(Maude Crescent, St George's Road, Breakspere Close, Nicholas Close)  | E01023857<br>(006C) | 67 (56)       | 1st (1st)                                | 10894<br>(10812) | 4th (4th)                       |
| 8 (9)        | <b>Meriden</b><br>(Gaddesden Crescent, Bovingdon Crescent, Garston Lane)   | E01023877<br>(003E) | 73 (75)       | 2nd (2nd)                                | 11225<br>(11837) | 4th (4th)                       |
| 9 (12)       | <b>Leggatts</b><br>(The Harebreaks, Chestnut Walk, Foxhill, Brushrise, Elm Grove)  | E01023870<br>(004C) | 78 (52)       | 2nd (1st)                                | 11515<br>(10734) | 4th (4th)                       |
| 10 (5)       | <b>Stanborough</b><br>(Clarke Way, Rushton Avenue, Orbital Crescent, Harris Road)  | E01023891<br>(002B) | 92 (31)       | 1st (1st)                                | 11970<br>(9377)  | 4th (3rd)                       |

### MOSAIC profile

Our MOSAIC profiling of the borough enhances our understanding of our population and provides valuable context for our decision-making as well as underpinning our communications and engagement. It confirms we are a young and diverse borough.

|    | Mosaic Code | Name                  | Description   | Number of Household | 2017 Watford % | 2016 Watford % | Difference | Trend   | Rank (last year) |
|----|-------------|-----------------------|---|---------------------|----------------|----------------|------------|---|------------------|
| 1  | J40         | Career Builders       | Singles and couples in their 20s and 30s progressing in their field of work from commutable properties          | 4,045               | 12.5%          | 11.9%          | 0.6%       |  | 1                |
| 2  | I36         | Cultural Comfort      | Thriving families with good incomes in multi-cultural urban communities   | 3,321               | 10.3%          | 8.7%           | 1.6%       |  | 2                |
| 3  | D14         | Cafes and Catchments  | Affluent families with growing children living in upmarket housing in city environs                             | 2,499               | 7.7%           | 8.0%           | -0.3%      |  | 3                |
| 4  | D17         | Thriving Independence | Well-qualified older singles with incomes from successful professional careers living in good quality housing   | 2,422               | 7.5%           | 5.4%           | 2.1%       |  | 7                |
| 5  | M56         | Solid Economy         | Stable families with children renting better quality homes from social landlords                                | 2,172               | 6.7%           | 6.4%           | 0.3%       |  | 6                |
| 6  | J44         | Flexible Workforce    | Young renters ready to move to follow worthwhile incomes from service sector jobs                               | 1,954               | 6.0%           | 7.0%           | -1.0%      |  | 4                |
| 7  | H35         | Primary Ambitions     | Forward-thinking younger families who sought affordable homes in good suburbs which they may now be out-growing | 1,550               | 4.8%           | 6.8%           | -2.0%      |  | 5                |
| 8  | B08         | Premium Fortunes      | Influential families with substantial income established in large, distinctive homes in wealthy enclaves        | 1,237               | 3.8%           | 3.2%           | 0.6%       |  | 10               |
| 9  | I37         | Community Elders      | Established older households owning city homes in diverse neighbourhoods  | 1,128               | 3.5%           | 4.1%           | -0.6%      |  | 8                |
| 10 | I39         | Ageing Access         | Older residents owning small inner suburban properties with good access to amenities                            | 1,099               | 3.4%           | 3.4%           | 0.0%       |  | 9                |

Watford's MOSAIC profile (2018)

#### Key issues identified from our borough profile for our Council Plan 2020-24:

- A young population with a higher proportion of those under 50, which, given the higher proportion of under 20s indicates Watford is a town with a high number of families
- A growing population where there will be more smaller households but where there will still be a need for family homes
- A very diverse population and a town that continues to attract people from across the globe and with a high proportion of BAME residents
- Some underlying health related issues, particularly around preventative health measures and healthy living
- Areas where residents are experiencing less positive outcomes – often as a result of multiple issues but which could be impacting on life chances and opportunities

## 5. How will the council ensure equality is promoted through the introduction of this policy?

Watford Borough Council is committed to championing equality and embracing diversity across the full range of our services, whether we deliver the service ourselves or through partnership, and in our role as an employer.

To ensure the policy promotes equality WBC has pro-actively sought the views of stakeholders where possible given the extremely short turnaround time of this policy and the necessity to have the policy in place quickly. The final policy proposal presented for information to Cabinet on 6 July 2020 has taken in to account these views.

The Council must ensure that any new policy allows for pedestrians to continue to use the highway in a safe and unencumbered fashion and this is clear is the intention of the law which makes obstruction the only means of objection to the grant of a licence.

The Council must ensure that any new policy allows for independent businesses to survive and to grow to support the local community and Watford as a town.

Accordingly, the council has made the decision to ensure at least 2.5m of pavement space must remain unencumbered in front of any pavement licence areas and this is more than is given in guidance as the minimum distance.

In order to ensure a fair approach to business, where an applicant wishes to apply for a larger pavement licence space, this will be considered up to a maximum of allowing 2m clear pavement space, if social distancing allows, and will be subject to further scrutiny to ensure the highway is not obstructed.

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the Corporate Plan:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

## A. Positive impacts

- By ensuring the input from the consultations the council is ensuring that opportunities for all those with protected characteristics are advanced in terms of influencing the development of a policy that directly impacts a person's ability to get out and about in Watford.
- By ensuring the maximum clear space is 2.5m the council has gone beyond the minimum distance given in national guidance
- By allowing for flexibility in this approach the council has ensured local businesses can provide services that local people need.
- By ensuring consistency in applications the council has attempted to create navigable 'straight lines' of open highway where pedestrians can feel confident that they do not have to weave in and out of varying and changing pavement licence areas.
- By ensuring that pavement licence holders must use suitable barriers the council has reduced the risk of tables and chairs being a hazard to pedestrians.
- By placing clear conditions on a licence, the council has ensured businesses will be certain about their responsibilities and clear that enforcement action may lead to the loss of the licence if these conditions are breached.

## **B. Negative impacts**

There is likely to be a negative impact on those businesses who cannot afford to buy the correct suitable barriers.

There could be a negative impact on some pedestrians if a licence is granted with only 2m clearance although this is still the limit provided for in guidance.

## **6. Overall conclusion**

Improvements to the ability to regulate barriers more effectively, and to standardise pavement licence areas to ensure consistency in shape standards will lead to positive impacts on pedestrians.

Any decision must weigh any impact, particularly the impact on the population of Watford who are disabled, have age related mobility issues or who use pushchairs and prams against the desired outcomes of improved safety and health gained from outdoor eating at this current time.

## Summary of potential positive and negative impacts on protected characteristics

| Protected Characteristic | Positive | Negative | None | Reasons for decision   |
|--------------------------|----------|----------|------|--|
| Age                      | X        | X        |      | <p>The new policy takes in to account the needs of an aging population by providing the framework within which a safe and clearly laid out provision can operate.</p> <p>Any placement of tables and chairs on the highway is likely to cause some obstruction to those who have difficulty walking</p>  |
| Disability               | X        | X        |      | <p>The new policy takes in to account the needs of an aging population by providing the framework within which a safe and clearly laid out provision can operate.</p> <p>The new policy should ensure better barriers are in place to clearly demark the edge of pavement licence areas.</p> <p>The new policy provides greater distance than guidance recommends for two wheelchair users to pass one another.</p> <p>Any placement of tables and chairs on the highway is likely to cause some obstruction to those who have difficulty walking</p> <p>Any placement of tables and chairs on the highway is likely to cause some obstruction to those who are blind or visually impaired.</p> <p>Any placement of tables and chairs on the highway is likely to cause some obstruction to those who use a wheelchair</p> |
| Ethnicity                |          |          | X    | There is no specific positive or negative impact on ethnicity.   |
| Sex                      |          | X        |      | It is likely that the majority of people using prams and pushchairs are female. This means the policy will disproportionately impact women.  |

| Protected Characteristic | Positive | Negative | None     | Reasons for decision  |
|--------------------------|----------|----------|----------|---|
| Sexual orientation       |          |          | <b>X</b> | There is no specific positive or negative impact on sexual orientation. |
| Religion                 |          |          | <b>X</b> | There is no specific positive or negative impact on religion.           |
| Pregnancy/maternity      |          |          | <b>x</b> | There is no specific positive or negative impact on pregnancy/maternity |
| Gender orientation       |          |          | <b>X</b> | There is no specific positive or negative impact on gender orientation. |

### Summary of potential positive impacts and ways in which they can be ensured

| Positive Impact  | Protected characteristics | Ways to ensure the positive impact |
|--|---------------------------|------------------------------------|
| <p>General increase in reputation of local trade</p> <p>Improvements in vehicle standards</p> <p>Increase in visibility and therefore business and reputation</p> <p>Increase in number of wheelchair accessible hackney carriages</p> | All                       | Introduction of the new policy     |

### Summary of potential negative impacts and ways in which they can be removed or mitigated

| Negative Impact   | Protected characteristics                         | Ways to mitigate the negative impact   |
|---|---|--|
| <p>Cost of any changes to vehicle requirements to be borne by existing proprietors</p> <p>Changes may deter new proprietors from licensing vehicles.</p> <p>Potential initial reduction in availability of wheelchair accessible vehicles</p> | <p>Ethnicity/sex</p> <p>All</p> <p>Disability</p> | <p>Amend timescales for introduction of some requirements (such as euro 5/6 vehicle emissions standards).</p> <p>Explore possibility of vehicle purchase and lease programs supported by the council, particularly wheelchair accessible vehicles in the first instance.</p> |

**This EIA has been approved by:**

..... **Date** .....