

Equality Impact Assessment

Service Area: Licensing/Environmental Health and Housing

Head of Service: Nina Lake

Lead Officer: Katy Nicholls

Date of Assessment: 24/07/2024

Person responsible for completing the assessment: Katy Nicholls

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Name of policy/function/project/service area to be assessed:

Pavement Licensing Fees and Procedures

Brief description of proposal to be assessed: The proposal is in respect of the amendments to the Pavement Licensing regime made by way of the Business and Planning Act 2020/Levelling Up and Regeneration Act 2023 which have resulted in the necessity for the Council to amend its procedures and introduce a new fee for the renewal of a Pavement Licence and an amended fee for the grant of a Pavement Licence and to consider the variation to the licence duration.

Proposed implementation date of project/proposal: 2 September 2024
implementation/approval of a new fee structure for Pavement Licensing.

Brief description of the anticipated outcomes of the proposal:

Provision	Current Arrangement	Proposed Arrangement	Comment
New fee structure and revised licence period	Existing £100 capped fee for grant of a licence. Licence issued for one year.	New fee for renewal of a licence (£350 – in line with cap), and amended fee for the grant of a licence (£500 – in line with the cap). Licence to be issued for a two year duration.	In line with Business and Planning Act 2020

Impact:

Summarise any positive impacts or benefits, any negative impacts (i.e. potential for discrimination, disadvantage or disproportionate treatment) and any neutral impacts and the evidence you have taken into account to reach this conclusion. Be aware that there may be positive, negative and neutral impacts within each characteristic. (NOTE: please refer to the Equality Strategy for the characteristics) Where an impact is unknown, state so, and identify what steps will be taken to address any gaps in data:

Neutral impact. The proposal provides for a level of equality according to the characteristics detailed. This proposal relates to the fees for a Pavement Licence only and not a policy re the determination of a licence. It is worthy to note that the regulation and associated enforcement of the pavement licensing regime does have a positive impact on those with disabilities based upon the consideration made to minimum pavement widths in the Department for Transport Inclusive Mobility Guide to Best Practice on Access to Pedestrian and Transport, Dec 2021.

Consideration of Alternatives:

Describe what alternatives have been considered and/or what actions will be taken to remove or minimise any potential negative effect identified above (attach evidence or provide link to appropriate data, reports, etc):

Fees have been calculated based upon the officer hourly rates with on-costs, these are set. The Council should be in a position to recover costs. Consultation has not been undertaken. The fees under the BPA 20 are capped at £350 and £500 and thus consultation is not deemed proportionate in contrast to those legislative areas with locally set fee regimes. Members of the Committee may wish to consider

alternatives, for example by way of charging a reduced fee, but would need to be mindful that this would impact the tax payer.

Consultation:

Brief description of any consultation with stakeholders and summarise how it has influenced the proposal. Please attach evidence or provide link to appropriate data or reports:

See above comments. No consultation has been undertaken due to the BPA 20 having capped fee levels. These fees are unlike those locally set for other licensed areas, where consultation is routine e.g. caravan site licensing, and taxi and private hire licensing.

Funding Considerations:

The staff resources required to amend the website, implement new and varied fees, train officers, administer applications and regulate will be met/partially met by way of the fees proposed to be charged as outlined in paragraph 2.3 of the report. If fees are amended in line with paragraph 2.3 additional income to offset costs will be gained, but in light of the difficulty in predicting when applications will be made and at what fee it is not possible to estimate the income expected per annum for 2024-2025.

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Reporting and Publication:

Equality Impact Assessments will be published on North Devon Council's website.

The completion of an Equality Impact Assessment is an ongoing process. Impacts will be continually reviewed during projects and the decision making process and the Assessment will be updated accordingly and published.

A further assessment will also be undertaken between 6 to 12 months following the implementation of the policy, project, decision or service change has been implemented.

Please also confirm the date on which you will be re-considering the project/report and submitting a further EIA if applicable.

The next consideration will be subsequent to the consultation. A further revision to this EIA may well be necessary after consultation has taken place, particularly if relevant comments are received.

Monitoring Arrangements:

Briefly describe the monitoring arrangements/systems that will be put in place to monitor the effects of this proposal.

Fee monitoring on a regular and annual basis in terms of the Council's budgets, this will determine any necessary fee amendments over time.

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Website: Click or tap to enter a date.