



Equality Impact/Fairer Scotland Duty Assessment Form

(To be completed with reference to Guidance Notes)

Step 1

Name of Proposal: Executive Sub-Committee, Application for Consent to Place Tables and Chairs in a Public Road at The Market Arms, 95 High Street, Montrose

Step 2

Is this only a **screening** Equality Impact Assessment

Yes/No

(A) If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

(i) It does not impact on people

Yes/No

(ii) It is a percentage increase in fees which has no differential impact on protected characteristics

Yes/No

(iii) It is for information only

Yes/No

(iv) It is reflective e.g. of budget spend over a financial year

Yes/No

(v) It is technical

Yes/No

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

(B) If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment

Yes/No

Is this a Fairer Scotland Duty Assessment

Yes/No

If you have answered Yes to either or both of the above, continue with Step 3.

If your proposal is a **strategy** please ensure you complete Step 13 which is the Fairer Scotland Duty Assessment.

Step 3

(i)Lead Directorate/Service:

Infrastructure/Roads & Transportation

(ii)Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

Roads (Scotland) Act 1984, Section 59 Control of obstructions in roads states that “nothing shall be placed or deposited in a road so as to cause an obstruction except with the roads authority’s consent in writing and in accordance with any reasonable conditions which they think fit to attach to the consent.”

(iii)What is the aim of the proposal? Please give full details.

This report is to seek approval to such a consent with reasonable conditions.

(iv)Is it a new proposal? Yes/No Please indicate OR

Is it a review of e.g. an existing budget saving, report, strategy, policy, service review, procedure or function? Yes/No Please indicate

Step 4: Which people does your proposal involve or have consequences for?

Please indicate all which apply:

Employees Yes/No

Job Applicants Yes/No

Service users Yes/No

Members of the public Yes/No

Step 5: List the evidence/data/research that has been used in this assessment (links to data sources, information etc which you may find useful are in the Guidance). This could include:

Internal data (e.g. customer satisfaction surveys; equality monitoring data; customer complaints).

Reference is made to the following approved reports, which set the policy for the consent recommended:

Report No. 334/06 – Charging for Services – Consent to Place Furniture or Other Obstructions on Land Forming Part of a Public Road – Infrastructure Service Committee, 9 March 2006

Report No. 38/14 – Consent to Place Tables and Chairs on Public Roads Adjacent to Licensed Premises in Designated Areas – Communities Committee, 21 January 2014

Internal consultation (e.g. with staff, trade unions and any other services affected).

Not applicable.

External data (e.g. Census, equality reports, equality evidence finder, performance reports, research, available statistics)

Not applicable.

External consultation (e.g. partner organisations, national organisations, community groups, other councils.

This is a new application.

Other (general information as appropriate).

Not applicable.

Step 6: Evidence Gaps.

Are there any gaps in the equality information you currently hold? Yes/No

If yes, please state what they are, and what measures you will take to obtain the evidence you need.

Step 7: Are there potential differential impacts on protected characteristic groups?

Please complete for each group, including details of the potential impact on those affected. Please remember to take into account any particular impact resulting from **Covid-19**.

Please state if there is a potentially positive, negative, neutral or unknown impact for each group. Please state the reason(s) why.

Age

Impact: Placing of tables and chair will occupy part of the pavement area and therefore reduce the amount of space for walking and wheeling, which would have a proportionately negative impact on the elderly. However, the remaining space available is considered to be sufficient for safe passage and does not present an additional risk to road users.

Disability

Impact: Placing of tables and chair will occupy part of the pavement area and therefore reduce the amount of space for walking and wheeling, which would have a proportionately negative impact on the people with disabilities. However, the remaining space available is considered to be sufficient for safe passage and use of electric scooters and wheelchairs, and the occupied space will be barriered off safely and clearly. See Step 12 for mitigation proposed as a condition of the consent.

Gender reassignment

Impact: No impact.

Marriage and Civil Partnership

Impact: No impact.

Pregnancy/Maternity

Impact: Placing of tables and chair will occupy part of the pavement area and therefore reduce the amount of space for parents/carers walking and wheeling. However, the remaining space available is considered to be sufficient for safe passage.

Race - (includes Gypsy Travellers)

Impact: No impact.

Religion or Belief

Impact: No impact.

Sex

Impact: No impact.

Sexual orientation

Impact: No impact.

Step 8: Consultation with any of the groups potentially affected

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

No consultation undertaken.

If you have not consulted with any group potentially affected, how have you ensured that you can make an informed decision about mitigating action of any negative impact (Step 9)?

Experience of the impacts of occupation of the pavement on potentially affected groups has been relied on. The negative impacts of loss of pavement spaces is mitigated by the proposed conditions of the consent – see Step 12.

Step 9: What mitigating steps will be taken to remove or reduce potentially negative impacts?

The occupied area is offset from the main passage along the footway. The area will be barriered to provide safety to users and clearly delineate the remaining width and area of footway for safe passage.

Step 10: If a potentially negative impact has been identified, please state below the justification.

The layout and available road space means that there is not effective reduction in the remaining width of footway for safe passage, which at this location is 3m – more than the minimum widths provided in standards and elsewhere on the road network in Montrose and Angus. The potential negative impacts are therefore relatively low at this location.

The application for the placing of tables and chairs is a commercial one, and therefore there is an economic benefit for all directly and indirectly to provide additional justification for the potential negative impacts.

Step 11: In what way does this proposal contribute to any or all of the public sector equality duty to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?

Not applicable.

Step 12: Is there any action which could be taken to advance equalities in relation to this proposal?

The approval is conditioned on the design of the barriers providing a tapping rail across the top and bottom half, reflective material and colour contrast, which will help blind and partially sighted users to detect the barriers – see Appendix 3 of the report.

Step 13: FAIRER SCOTLAND DUTY

Not applicable.

This step is only applicable to **strategies** which are key, high level decisions. If your proposal is **not** a strategy, please leave this Step blank, and go to Step 14.

Links to data sources, information etc which you may find useful are in the Guidance.

Step 13(A) What evidence do you have about any socio-economic disadvantage/inequalities of outcome in relation to this strategic issue?

Step 13(B) Please state if there are any gaps in socio-economic evidence for this strategy and how you will take measures to gather the evidence you need.

Step 13(C) Are there any potential impacts this strategy may have specifically on the undernoted groupings? Please remember to take into account any particular impact resulting from **Covid-19**.

Please state if there is a potentially positive, negative, neutral or unknown impact for each grouping.

Low and/or No Wealth (e.g. those with enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.

Impact

Material Deprivation (i.e. those unable to access basic goods and services e.g. repair/replace broken electrical goods, warm home, leisure and hobbies).

Impact

Area Deprivation (i.e. where people live (e.g. rural areas), or where they work (e.g. accessibility of transport).

Impact

Socio-economic Background i.e. social class including parents' education, people's employment and income.

Impact

Other – please indicate

Step 13(D) Please state below if there are measures which could be taken to reduce socio-economic disadvantage/inequalities of outcome.

Step 14: What arrangements will be put in place to monitor and review the Equality Impact/Fairer Scotland Duty Assessment?

The placing of the tables and chairs will be subject to conditions, which are included in the report, that will be checked – see Appendix 3 of the report.

Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment be published?

As an appendix to the report to committee on Angus Council's website.

Step 16: Sign off and Authorisation. Please state name, post, and date for each:

Prepared by: **Walter Scott, Service Leader – Roads & Transportation, 28 June 2021**

Reviewed by: **Doreen Phillips, Senior Practitioner (Equalities), 28 June 2021**

Approved by: **Ian Cochrane, Director of Infrastructure, 28 June 2021**

NB. There are several worked examples of separate EIA and FSD Assessments in the Guidance which may be of use to you.
