

# **EQUALITY IMPACT ASSESSMENT AND ANALYSIS (EqIAA)**

## **Street Trading Policy and Application Guidelines 2019 - 2022**

### **SECTION 1 - INTRODUCTION**

The Street Trading Policy and Application Guidelines 2019 – 2022 have been developed to assist persons applying for Street Trading Consents in South Gloucestershire. The Policy and associated guidelines set out the Council's standards for determining applications for, and enforcement of, street trading activities in the South Gloucestershire area.

The Council has designated all streets in South Gloucestershire as Consent Streets for street trading purposes. The effect of this designation is that street trading in any street in South Gloucestershire is prohibited, subject to the legal exemptions, without first obtaining a consent to trade from the Council.

### **SECTION 2 –RESEARCH AND CONSULTATION**

This section is intended to raise information which links to and which has potential impacts in relation to equality. Section 3 of this EqIAA will discuss the issues with the intention of highlighting issues with the potential to be addressed via the Street Trading Policy and Application Guidelines 2019 - 2022.

Consultation on this revised policy is proposed for 12 weeks beginning in January 2019 with the results to be reported back to the Council's Regulatory Committee following this.

The current policy consultation was conducted between 23rd September 2015 and 16th December 2015. Consultation feedback did not raise any particular equalities issues pertaining to the proposed policy and application guidelines. It is expected that the results will be similar on this occasion but no final determination on this will be made until the results of the consultation are known.

In respect of determining the equalities issues pertaining to the Policy and associated guidelines, there are two broad areas to consider:-

1. Implications for applicants
2. Implications for members of the public

#### **Implications for applicants**

The key issues for consideration in respect of this broad area are:-

- Issues of accessibility to the application process and its associated activities (such as lodging an appeal);
- The criteria used during determination of an application and its associated activities (such as lodging an appeal).

#### **Implications for Members of the Public**

The main issues for consideration in respect of this broad area are:-

- Ensuring that street trading activity does not hinder accessibility to public areas;
- Ensuring that street trading is conducted professionally (for example, ensuring that members of the public are treated with an absence of discrimination, harassment, victimisation and any other conduct prohibited by The Equality Act 2010).

## SECTION 3 - IDENTIFICATION AND ANALYSIS OF EQUALITIES ISSUES AND IMPACTS

Equalities Implications for Consideration	Consideration
<b>Implications for applicants</b>	
<p>Issues of accessibility to the application process and its associated activities (such as lodging an appeal)</p>	<p>The issue pertaining to this point surrounds the application process and its associated activities being accessible to all applicants. In respect of this, the Policy is clear that assistance is available to complete the application form from the Council's Trading Standards and Licensing Team. Any assistance provided, whether this is in relation to the application process or any other associated activity, is always subject to the Council's Equality &amp; Diversity Communications Toolkit which provides direction to all staff on ensuring equality of access in both written and spoken communications.</p> <p>It is noted that during the life of the Policy currently under review, there have been no complaints received in relation to the application process which pertain to accessibility/equalities issues.</p> <p>There have been issues raised around the process, particularly for community groups, and the lack of clarity and ease of understanding for groups applying. The proposals for consultation and in the report to Regulatory Committee look to address these concerns.</p>
<p>The criteria used during determination of an application and its associated activities (such as lodging an appeal)</p>	<p>Determination of applications utilises the following requirements:</p> <ul style="list-style-type: none"> <li>• Public Safety</li> <li>• Public Order</li> <li>• Avoidance of Nuisance</li> <li>• Compliance with legal requirements</li> <li>• Consultees Observations</li> <li>• Permitted Trading Hours</li> <li>• Officer decisions on applications</li> <li>• Proof of eligibility to work in the United Kingdom</li> <li>• A Basic Criminal Background Check on the applicant from either Disclosure Scotland (on line) or a Subject Access Disclosure from the local police station</li> <li>• The hearing of any objections which are assessed on: potential, or actual, nuisance to a property occupier from noise, fumes or smells; concern of public order problems resulting from the proposed street trading activity; any other valid reason raised that would affect the occupier of a property as a result of the application made.</li> </ul> <p>Issues pertaining to equalities are:-</p> <ul style="list-style-type: none"> <li>- Proof of eligibility to work in the UK is governed by the Immigration, Asylum, and Nationality Act 2006 and this is set out clearly within the Guidelines.</li> <li>- In respect of the criminal background checks, the Policy takes account of the tables as stated in the Rehabilitation of Offenders Act 1974 (as amended 2012) when determining applications.</li> </ul>



Equalities Implications for Consideration	Consideration
<b>Implications for Members of the Public</b>	
Ensuring that street trading activity does not hinder accessibility to public areas	<p>Consultation with the South Gloucestershire Low Vision Services Committee has raised the issue of ensuring that desired walk lines are free from obstruction in order to ensure that no barriers exist for people who are Blind or have low vision. In response to this, the Policy clearly sets out (section 6, points 7 and 8) that Street Trading Consents from static locations will not normally be granted where:</p> <ul style="list-style-type: none"> <li>- The trading unit obstructs the safe passage of users of the footway or carriageway, or</li> <li>- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities,</li> </ul> <p>There have been issues raised around the process, particularly for community groups, and the lack of clarity and ease of understanding for groups applying. The proposals for consultation and in the report to Regulatory Committee look to address these concerns.</p>
Ensuring that street trading is conducted professionally (for example, ensuring that members of the public are treated with an absence of discrimination, harassment, victimisation and any other conduct prohibited by The Equality Act 2010)	<p>The Street Trading Consent Conditions set out within the Policy state:-</p> <ul style="list-style-type: none"> <li>• The Consent Holder shall observe and comply with any directions in relation to the use of the street or public place by a duly Authorised Officer of the Council.</li> <li>• Nothing contained in these conditions shall relieve the Consent Holder or his/her employees or agents from any legal duty or liability and the Consent Holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this Consent</li> </ul> <p>This includes the requirement on all street traders to comply with the requirements of The Equality Act 2010.</p>

In response to the issues raised in the above table, Section 5 of this document (below) states actions to be taken to ensure robust delivery and implementation of the Policy requirements.

## SECTION 4 - EqIAA OUTCOME

Outcome	Response	Reason(s) and Justification
Outcome 1: No major change required.	<input checked="" type="checkbox"/>	In respect of implications for applicants and members of the public, the analysis has raised issues pertaining to equalities. In respect of these issues, robust practices are in place which ensure the proactive systems are in place which demonstrate and ensure equality of opportunity for all.
Outcome 2: Adjustments to remove barriers or to better promote equality have been identified.	<input type="checkbox"/>	
Outcome 3: Continue despite having identified potential for adverse impact or missed opportunities to promote equality.	<input type="checkbox"/>	
Outcome 4: Stop and rethink.	<input type="checkbox"/>	

## SECTION 5 - ACTIONS TO BE TAKEN AS A RESULT OF THIS EqIAA

- Deliver a refreshed information session or all staff involved in any aspect of the Street Trading function in relation to equalities issues covering:-
  - The use of the Council's Equality & Diversity Communications Toolkit
  - Understanding and implementing the Immigration, Asylum, and Nationality Act 2006 (proof of identity and eligibility to work in the UK requirements).
  - Understanding and implementing the Rehabilitation of Offenders Act 1974 (as amended 2012).
  - Understanding barriers that exist for people who are Blind or have low vision in negotiating streets.
- Update the guidance to provide explicit coverage of the key requirements set out within the Equality Act 2010.

## SECTION 6 - EVIDENCE INFORMING THIS EqIAA

- South Gloucestershire Council complaints data relating to Street Trading.