



# Scarborough Borough Council Equality Impact Assessment

<b>Service:</b>	<b>Licensing</b>	<b>Date:</b>	<b>21 December 2016</b>
<b>Impact Assessment:</b>	<b>Street Trading Policy 2017</b>		
<b>Name and roles of officers completing the assessment:</b>	Petra Jackson, Performance and Admin Manager Mark Heaton, Licensing Officer Alan Fane, Licensing Officer		
<b>Background Information</b>	<p>Under the Equality Act 2010, Local Authorities have a duty to have regard to three aims</p> <ul style="list-style-type: none"><li>• Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.</li><li>• Advance equality of opportunity between people who share a protected characteristic and those who do not.</li><li>• Foster good relations between people who share a protected characteristic and those who do not.</li></ul> <p>There are nine protected characteristics which <b>employees</b> might have:</p> <ul style="list-style-type: none"><li>• Age</li><li>• Disability</li><li>• Gender Reassignment</li><li>• Marriage or civil partnership</li><li>• Pregnancy and maternity</li><li>• Race</li><li>• Religion and Belief</li><li>• Sex (gender)</li><li>• Sexual Orientation.</li></ul> <p>There are eight protected characteristics of <b>people who use services</b>, which are:</p> <ul style="list-style-type: none"><li>• Age (over 18s only)</li><li>• Disability</li><li>• Gender Reassignment</li><li>• Pregnancy and maternity</li><li>• Race</li><li>• Religion and Belief</li><li>• Sex (gender)</li><li>• Sexual Orientation.</li></ul>		

## **PART 1: AIMS & OBJECTIVES**

### **What is the service / policy / function / project trying to achieve and for who?**

#### **Is this a new service / policy / function / project or a review of an existing one?**

New Policy

#### **What are the Aims, Objectives or Purpose of the service / policy / function / project?**

##### **What is the Council trying to achieve, and what outcomes are sought?**

Please give a brief description of the service / policy / function / project

If you are assessing a proposed change to the service or policy what is the aim of the change?

The overall objectives of this Policy are to:

- (a) regulate the amount of street trading within the Borough;
- (b) ensure that any permitted street trading is properly regulated as to where, when and how it takes place;
- (c) prevent obstruction of the Borough's highways;
- (d) ensure that street traders and those that they employ are 'fit and proper' to hold a permit;
- (e) ensure the safety of the public and of the traders permitted to trade;
- (f) ensure that any activities do not cause nuisance or annoyance to the general public and those traders surrounding the permitted street trader;
- (g) permit temporary or occasional street trading, where appropriate; and
- (h) create a street trading environment that complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice and seeks to enhance the character, ambience, vibrancy and safety of the local environment.
- (i) To ensure that appropriate safeguarding measures are in place for children and vulnerable persons and, where concerns are raised, the North Yorkshire safeguarding procedure will be implemented.
- (j) To balance the needs of the Borough's residents and permanent traders with the need to encourage local business into the community thereby enhancing the image of the Borough.

The Council recognises the importance of local businesses to the local economy and that occasional or community-run events and those of a similar nature are important factors.

**Who are the main stakeholders? What do the stakeholders want?**

E.g. Consider: Employees/potential employees, Members and Councillors, residents of the Borough, visitors & tourists, retailers, businesses, contractors & suppliers, service users etc.

The main stakeholders are:

- Members of the Public
- Residents
- Visitors
- Applicants
- Consent Holders
- Borough Council Services
- Trade Bodies/organisations
- Retailers/Businesses
- Police
- Fire Service
- NYCC Trading Standards
- NYCC Highways Service
- Councillors

Stakeholders want the following:

- a Street Trading regime which is fair, transparent, consistent and is accessible to all.
- adequate protection and safeguarding for the public

## PART 2: EQUALITY DATA – Available data, research and information

**What information is available about the service / policy / function / project?** E.g. usage data, satisfaction data, census data, national statistics, surveys, consultation, focus groups, complaints feedback and other quantitative or qualitative feedback

- Who will be the applicants/consent holders? I.e., breakdown by equalities group
- Does this tell us anything about gaps in or issues with service provision?

This is a new policy therefore limited information is available about prospective applicants.

**What do you need to know about this service / policy / function / project? What information is needed to ensure that all perspectives are taken into account?**

- Are there any barriers to particular groups applying for/gaining consents?
- What are the statutory requirements and do these conflict with any objectives/aims?
- Who are the applicants/consent holders? I.e., breakdown by equalities group
- Does this tell us anything about gaps in or issues with service provision?

**Are there identified gaps in the information needed?** (Actions to collect this data should be included within the action plan)

There are gaps in information as the Policy has not yet been implemented.

## PART 3: ASSESSING NEEDS & IMPACTS

**Consider the particular characteristics of the groups and communities and assess whether there is likely to be a differential impact upon each of the groups because of the way the service / policy / function / project is designed or delivered.**

- How are the current needs of different equalities groups and communities met through the service / policy / function / project?
- Do people from different equalities groups have varying needs and/or expectations of the service / policy / function / project?
- Does it disadvantage or exclude groups?
- Is it likely to affect the relationship between different groups? E.g. Any issues of perceived bias, tension or other issues affecting community cohesion
- Is there any initial evidence that any part of it could discriminate unlawfully, directly or indirectly, against particular groups of people?
- Is there an opportunity to promote equality?
- Is there any evidence that information in relation to it is not accessible to particular groups of people? E.g. Publicity, knowledge, access to information (e.g. languages, large print)

	<b>Are there any impacts?</b>	<b>What evidence do you have?</b>	<b>Are any negative impacts mitigated? If not, actions to mitigate the effects should be include in the action plan</b>
<b>RACE/ ETHNICITY:</b>	None identified		n/a
<b>GENDER</b>	Positive impacts on women who are more likely to be carers – regulation will help control access to footpaths/paved areas etc		n/a
<b>GENDER IDENTITY:</b>	None identified		n/a
<b>DISABILITY:</b>	Positive impacts on wheelchair users through better control of access to footpaths/highways, etc Positive impacts on the visually impaired though better control of access to footpaths/highways, etc		n/a
<b>SEXUAL ORIENTATION:</b>	None identified		n/a

	<b>Are there any impacts?</b>	<b>What evidence do you have?</b>	<b>Are any negative impacts mitigated? If not, actions to mitigate the effects should be include in the action plan</b>
<b>AGE:</b>	Street Trading legislation prevents a child to engage or be employed in Street Trading (unless permitted by Local Authority byelaws, which do not apply to this Authority). The policy supports the view that the interests of young persons should be protected. Consent holders and authorised assistants must be 17 years of age and over The Policy also aims to safeguard young and vulnerable people through requirement for a criminal record disclosure.		<ul style="list-style-type: none"> <li>Justified on grounds of public safety Policy aims to ensure that appropriate safeguarding measures are in place for the public including children and young people.</li> </ul>
<b>RELIGION / BELIEF:</b>	No impacts identified		
<b>OTHER SOCIAL EXCLUDED GROUPS, INC ECONOMIC DEPRIVATION:</b>	Costs of obtaining a consent, insurance and criminal record disclosure, etc, may exclude some individuals from obtaining consents		<ul style="list-style-type: none"> <li>Justified on the grounds of public safety</li> </ul>
<b>ALL GROUPS</b>	Requirement for criminal record disclosure may exclude some individuals for obtaining consents		<ul style="list-style-type: none"> <li>Justified on the grounds of public safety</li> </ul>

## PART 4: MITIGATING ADVERSE IMPACTS

### **Adverse Impacts – “Discriminates or disadvantages one or more groups”**

Summarise any adverse impacts of the service / policy / function / project in the table below. If you have identified that the service / policy / function / project is having, or might be having and adverse impact, is it justifiable or legitimate?

- If the adverse impact **is** justifiable or legitimate, please provide reasons why. Detail what actions could be taken to mitigate the adverse impact on people?
- If the adverse impact **is not** justifiable or legitimate and is therefore illegal, please details what actions are been taken to remedy this immediately?

*(please include all actions within the action plan)*

Any negative impacts identified are considered to be justified to achieve the aims of the policy - Impacts identified are generally positive in seeking to promote public safety and safeguarding.



## PART 5: FORMAL CONSULTATION

**What gaps in knowledge or data have been identified and what further data / consultations are required?** *(Actions to collect this data should also be included within the action plan)*

Data will need to be gathered on applicants when policy is implemented.

## PART 6: DECISION MAKING

A decision will need to be made regarding the adoption of any new and any changes to existing policies, strategies or projects *(e.g. through the Council's Cabinet/Committee or relevant Partnership Board for any partnership and regional strategies and policies)* which should take account of all assessments and consultation. The decision will need to ensure that the strategy or policy complies with the equality legislation including the duty to promote equality.

Please provide details of how the decision to adopt the policy, strategy or project will be made, including who will make the decision, what information will inform the decision-making process and how the decision-making process be recorded

Approval at Cabinet 11 April 2017

Final Approval at Council 8 May 2017

***Please note in line with the Council's Policy Framework, drafts of all new/amended policies and strategies together with the Equality Impact Assessment must be reviewed by Policy & Performance***

## PART 7: EQUALITY MONITORING

**How will the impact of this service / policy / function / project continue to be monitored?**

*(Actions to collect this data should also be included within the action plan)*

Monitored and reviewed on a five yearly basis

## PART 8: AUDIT TRAIL & PUBLICATION

### Officer Completing the Form:

<b>Signed:</b>		<b>Name:</b>	Petra Jackson
		<b>Date:</b>	21/12/16
		<b>Job Title:</b>	Performance and Admin Manager

### Head of Service:

<b>Signed:</b>		<b>Name:</b>	
		<b>Date:</b>	
		<b>Service:</b>	

### Audit Trail: (To be completed by Policy & Performance)

<b>Received by:</b>	
<b>Date:</b>	
<b>Published on Website?</b>	Yes / No