

## Equality Analysis Form

By completing this form you will provide evidence of how your service is helping to meet Stroud District Council's General Equality duty:

The Equality Act 2010 states that:

*A public authority must, in the exercise of its functions, have **due regard** to the need to:*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The protected characteristics are listed in Question 9

Stroud District Equality data can be found at: <https://www.stroud.gov.uk/council-and-democracy/corporate-plans-and-policies/equality-diversity-and-inclusion/equality-impact-assessments>

[Guidance available on the HUB](#)

### 1. Persons responsible for this assessment:

Name(s): Rachel Andrew	Telephone: 01453 754401
	E-Mail: rachel.andrew@stroud.gov.uk
Service: Licensing Team	Date of Assessment: 6 <sup>th</sup> June 2023

### 2. Name of the policy, service, strategy, procedure or function:

Street Trading Policy

Is this new or an existing one? Existing

### 3. Briefly describe its aims and objectives

Review of current policy with the main proposed change to introduce a new decision-making process for contentious applications, or cases where a consent may be revoked, to enable them to be considered by a licensing hearing panel. Currently all decisions including appeals against Officers decisions, are made by Council Officers. The review also proposes a few minor changes to the policy which will have little or no impact on equalities.

#### 4. Are there external considerations? (Legislation / government directive, etc)

Yes.

Street Trading is regulated under the Local Government Miscellaneous Provisions Act 1982. There is no right of appeal to the Magistrates Courts for decisions made by the Council under street trading legislation.

Regard should also be taken of the Council Local Government Act 1972 which states that Council meetings must be held in public. There has been some challenge whether this also applies to licensing hearings and whether hearings can be held remotely. (During the Covid Pandemic there was temporary legislation allowing remote meetings, this has now ended). Recent case law has held that hearings under the Licensing Act 2003 can be held remotely. This could potentially also apply to street trading hearings.

#### 5. Who is intended to benefit from it and in what way?

Street trading consent holders, new applicants for street trading consent and persons and agencies that are objecting to an application or consent will all benefit from the new process.

Introducing licensing hearings for contentious decision making, rather than all decisions being made by Officers, will give these parties the opportunity to put forward their case or objections in the open forum of a hearing with opportunity for questions and discussion before a decision is made. The decision will be made by a panel of three Councillors who will take account of all the facts before making an unbiased and fair decision. The panel will have the support of a Legal Officer who will advise on legal scope and matters.

Having a published procedure for hearings will make the process clear.

#### 6. What outcomes are expected?

It is expected that contentious applications for street trading consent, where local residents or businesses have made objections; or cases where an existing consent needs to be reviewed; or where a party wants to appeal an Officer decision, will be considered by a hearing panel. For other cases, including short term street trading consents, decisions will continue to be made by Officers.

It is predicted that there is likely to be no more than 1 or 2 street trading hearings a year.

**The main outcomes are that there will be greater impartiality, objectivity and fairness in the decision-making process, and a published procedure for hearings.**

**In terms of the EHRC, the main outcome is 'Outcome 1: No major change'.**

**7. What evidence has been used for this assessment?: (eg Research, previous consultations, Inform (MAIDEN); Google assessments carried out by other Authorities)**

Internet search to identify good practice in other local authorities. This revealed that street trading decisions are usually made by a hearing panel of the Licensing Committee rather than by individual officers.

**8. Has any consultation been carried out? See list of possible consultees**

Public consultation which included all current street trading consent holders between 3<sup>rd</sup> April 2023 to 19<sup>th</sup> May 2023

**9. Could a particular group be affected differently in either a negative or positive way?**

*(Negative – it could disadvantage and therefore potentially not meet the General Equality duty;  
Positive – it could benefit and help meet the General Equality duty;  
Neutral – neither positive nor negative impact / Not sure)*

<b>Protected Group</b>	<b>Type of impact, reason and any evidence (from Q7 &amp; 8)</b>
<b>Age</b>	Neutral – No specific impacts have been identified either through consultation or through equality analysis.
<b>Disability</b>	Neutral - Persons who have a disability may have difficulty attending a hearing at The Council Offices at Ebley Mill. If appropriate, it will be ensured that the hearing is held in a part of the building that has wheelchair access and/or hearing loop. Consideration must be made of Council protocol and legislation around Council meetings and whether they can be held remotely or must be in person. However, where all parties agree and legal advice is that a meeting can be held remotely, there can be an option whereby the hearing could be held through Zoom, if this means that parties, that wish to attend from their home or other setting, can do so. Where a party cannot attend a hearing, their representation will still be considered by the hearing panel.
<b>Gender Re-assignment</b>	Neutral – No specific impacts have been identified either through consultation or through equality analysis.
<b>Pregnancy &amp; Maternity</b>	Neutral - Persons that are pregnant or have very young children may not be able to attend a hearing at the Council Offices at Ebley Mill. Provision for hearings to be remote can be considered taking into account the points mentioned in the Disability section. Where a party cannot attend their representation will still be considered by the hearing panel
<b>Race</b>	Neutral – No specific impacts have been identified either through consultation or through equality analysis.
<b>Religion – Belief</b>	Neutral – No specific impacts have been identified either

	through consultation or through equality analysis.
<b>Sex</b>	Neutral – No specific impacts have been identified either through consultation or through equality analysis.
<b>Sexual Orientation</b>	Neutral – No specific impacts have been identified either through consultation or through equality analysis.
<b>Marriage &amp; Civil Partnerships</b> (part (a) of duty only)	Neutral – No specific impacts have been identified either through consultation or through equality analysis.
<b>Rural considerations:</b> ie Access to services; transport; education; employment; broadband;	Neutral - Persons that do not have their own transport may not be able to attend a hearing at Ebley Mill, particularly if they live in a rural location with no or limited public transport. Conversely persons that do not have broadband, or are not comfortable using online meeting facilities, may not be able to attend an online hearing and would prefer an in-person hearing. Provision for hearings to be in person or online (depending on legal advice and if all parties agree) would ensure that hearings can be adapted to ensure that all parties that wish to attend a hearing to put their case forward can attend and so are not disadvantaged by the process. Where a party cannot attend their representation will still be considered by the hearing panel

10. If you have identified a negative impact in question 9, what actions have you undertaken or do you plan to undertake to lessen or negate this impact?


Please transfer any actions to your Service Action plan on Excelsis.

Action(s):	Lead officer	Resource	Timescale

### Declaration

I am satisfied that an Impact Assessment has been carried out on this policy, and where a negative impact has been identified, actions have been developed to lessen or negate this impact.

We understand that the Equality Impact Assessment is required by the District Council and that we take responsibility for the completion and quality of this assessment.

<b>Completed by: Rachel Andrew</b>	<b>Date: 6<sup>th</sup> June 2023</b>
<b>Role: Licensing Manager</b>	
<b>Countersigned by Head of Service/Director:</b>  	<b>Date: 6<sup>th</sup> June 2023</b>

Date for Review: Please forward an electronic copy to [eka.nowakowska@stroud.gov.uk](mailto:eka.nowakowska@stroud.gov.uk)