

# Swindon Borough Council - Diversity Impact Assessment for the Adoption of the Street Trading Policy 2018

## 1 What's it about?

Refer to equality duties

### What is the proposal? What outcomes/benefits are you hoping to achieve?

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 has been adopted by Swindon Borough Council. Under this Schedule Swindon Borough Council can manage Street Trading by designating streets as Consent Streets, Licence Streets or Prohibited Streets. Street Trading is defined as the selling or exposing or offering for sale any article in a street subject to a number of exemptions. The Street Trading policy aims to ensure that Street Trading units/pitches and/or kiosks within Swindon Borough are of a high quality, make a positive contribution to the diversity, vitality and vibrancy of the local area and to protect and enhance the appearance and amenity of existing land uses and public realm.

### Who's it for?

The Street Trading Policy is used to provide a context to licence applications and to enable us to develop procedures for the purposes of Street Trading. It will provide a consistency of approach towards the issuing of licences promoting parity and fairness through consistency of decision making on the impact of granting or refusing licences with consideration given to safety impact and protection of all users and those who may be affected by it. A full consultation process was carried out prior to the adoption of this Policy and the comments received have been taken into account in formulating the Policy.

### How will this proposal meet the equality duties?

The proposals seek to review and introduce a standard Policy applicable to all Street Trading licence applications. Licensing Policies can address a wide range of issues associated with Street Trading activities such as: -

- Crime and Disorder;
- Public Safety;
- Public Nuisance;
- Protection of Children and Vulnerable Persons, and
- Partnership Working.

The Street Trading Policy cannot address issues beyond the scope of the relevant licensing legislation. The adoption of a clear policy removes the Council's discretion in determining licence applications obviating any possibility of applicants not being treated fairly, or of harmful impacts occurring that could be injurious to other interests including the security, health education, well being and quality of life of affected individuals.

### What are the barriers to meeting this potential?

The Street Trading Policy has been the subject of a period of public consultation, where representations were invited from a range of stakeholders. The response rate was fairly low, but those that did respond had their comments considered by the decision makers and the final Policy will reflect any comments that would be considered appropriate. Once adopted, the Policy will be used in the development of procedures and inform the determination of the licence applications. It is important that equalities groups have had the opportunity to comment on this document, and are aware of its implications.

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## 2 Who's using it?

Refer to equality groups

What data/evidence do you have about who is or could be affected (e.g. equality monitoring, customer feedback, current service use, national/regional/local trends)?

Licensing affects not only licensees but also all users of a facility, all people living or spending time nearby. Certain groups may be more sensitive to the impacts of licensed street traders, particularly in the more densely pedestrianised areas. This may typically include persons with disabilities whose mobility and access around certain areas may be affected meaning that they spend more time at home. The consultation process involved with each application will ensure that those people with sensitivities to the impacts of licensed street trading stalls are properly protected through the licensing regime. The Council has data on licence applications/holders but this data does not extend to protected characteristics. Similarly, we cannot hold this data for any other person or commercial enterprises use.

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How can you involve your customers in developing the proposal?

A full consultation process took place prior to the adoption of the Street Trading Policy and any comments received have been considered and included where appropriate in the adopted Street Trading Policy.

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Who is missing? Do you need to fill any gaps in your data?

There are no gaps in the data that we can collect that would have a material impact on the content of the policy for adoption.

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## 3 Impact

Refer to dimensions of equality and equality groups

Show consideration of: age, disability, sex, transgender, marriage/civil partnership, maternity/pregnancy, race, religion/belief, sexual orientation and if appropriate: financial economic status, homelessness, political view

Using the information in parts 1 & 2:

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a) Does the proposal create an adverse impact which may affect some groups or individuals?  
Is it clear what this is? How can this be mitigated or justified?

The proposed Street Trading Policy does not create any adverse impact on any equality group who would be affected by adopting this Policy. In particular the Policy provides for the protection from the following issues: -

**TBC depending on final Policy**

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What can be done to change this impact?

The Policy can only address considerations that apply in relation to Street Trading but it does so with the objective of providing public protection from potentially adverse impacts of Street Trading and licensed street traders.

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Does the proposal create benefit for a particular group? Is it clear what this is? Can you maximise the benefits for other groups?

The proposal creates a benefit for all users of the service and those living/working nearby, or those who could be materially affected by them, by minimising adverse impacts through appropriate control and enforcement of Street Trading.

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**Does further consultation need to be done? How will assumptions made in this assessment be tested?**

The base of the Policy has already been consulted upon and amendments made where appropriate to do so, ensuring that the document remains in accord with the relevant legislation and where they address specific concerns that are not already covered. The robustness of the Policy will be tested with each decision made on an application for a Street Trading Licence, and in the monitoring and enforcement regime of Street Trading. This will include an assessment of any complaints or breaches of the relevant legislation and any successful prosecutions that may occur. Insight on the success of the Policy, application process and licences granted subsequent to the Policy will be monitored and used in any review of the conditions.

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**4 So what?**

**What changes have you made in the course of this DIA?**

The scope and extent of the Policy is controlled by the extent of the legislation. The DIA has assisted in ensuring that we have covered all issues that are likely to affect Street Trading and the impacts that they have on all sectors of the Community, including those who may have protected characteristics. As such, the DIA has provided a useful check to the Street Trading Policy, ensuring that all potential impacts are considered in it.

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**What will you do now and what will be included in future planning?**

The Street Trading Policy will now be considered by the Licensing Committee on behalf of Swindon Borough Council and recommended for adoption by Full Council. There are no statutory requirements for a Policy to be in place or if in place how often it is to be reviewed. The Policy will be regularly monitored to ensure that it remains fit for purpose. It is anticipated that the Policy will be reviewed within 5 years, however, if there is a requirement then an early review will be instigated.

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**When will this be reviewed?**

The Street Trading Policy will be reviewed within 5 years or sooner if complaints are received that follow a pattern or are of a particular concern.

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**How will success be measured?**

By the amount of complaints arising in regard to Street Trading.

For the record	
Name of person leading this DIA – Kathryn Ashton	Date completed 12 <sup>th</sup> November 2018
Names of people involved in consideration of impact – Kathryn Ashton, Alison Waine, Ashley Peachey	
Name of manager signing DIA -	Date signed -

# Diversity Impact Assessment – an inclusive business planning tool

## 1. What's it about? refer to equality duties

- What is the proposal? What outcomes/benefits are you hoping to achieve
- Who's it for?
- How will this proposal meet the equality duties?
- What are the barriers to meeting this potential?

## 2. Who's using it? consider all equality groups

- What data/evidence do you have about who is or could be affected? (e.g. equality monitoring, customer feedback, current service use, national/regional/local trends)?
- How can you involve your customers in developing the proposal?
- Who is missing? Do you need to fill any gaps in your data?

## 3. Impact consider dimensions and equality groups

Using information in parts 1 & 2:

- a) Does the proposal create an adverse impact which may affect some groups or individuals? How can this be mitigated or justified?  
> What can be done to change this impact?
  - b) Does the proposal create benefit for particular groups or individuals. Is it clear what this is? Can you maximise the benefits for other groups?
- Does further consultation need to be done? How will assumptions made in this assessment be tested?

## 4. So what?

- What changes have made in the course of this DIA?
- What will you do now and what will be included in future planning?
- When will this be reviewed?
- How will success be measured?

## Considerations

### Our equality duties

1. Eliminate discrimination, harassment and victimisation
2. Advance equality of opportunity
3. Foster good relations

### Equality groups

For the following equality groups: age, disability, sex, transgender, marriage/civil partnership, maternity/pregnancy, race, religion/belief and sexual orientation.

Extended by SBC policy to include: financial economic status, homelessness, political view.

## Dimensions of equality

How will the proposal affect Human Rights and life chances of different groups? Consider how the proposal affects

1. Longevity.
2. Physical security.
3. Health.
4. Education.
5. Standard of living.
6. Productive and valued activities.
7. Individual, family and social life.
8. Participation, influence and voice.
9. Identity, expression and self-respect.
10. Legal security.