

Colchester Borough Council

Equality Impact Assessment Form - An Analysis of the Effects on Equality

Section 1: Initial Equality Impact Assessment

Name of policy/ decision to be assessed:

- Street Trading Policy

1. What is the main purpose of the policy/decision

- The policy sets out the framework for the management of street trading within the borough.

2. What main areas or activities does it cover?

- Street trading

3. Are there changes to an existing policy being considered in this assessment? If so what are they?

- There are many changes. See Policy which has been drafted afresh based on best practice, legal guidance and as a result of wide consultation. The new policy reflects the aims set out in 5 below.

4. Who are the main audience, users or customers who will be affected by the policy?

- Borough residents and visitors to Colchester
- Street traders and potential street traders
- Shop and business owner
- Council staff

5. What outcomes do you want to achieve from the policy?

- Greater clarity around rules and regulations
- Ground markings for all pitches
- Detailed plan showing exact locations of stalls
- Regular meetings between Council officers and street traders to ensure good communication and support

6. Are other service areas or partner agencies involved in delivery? If so, please give details below:

- CBC – Waste Service
- Essex County Council
- Emergency Services.

7. Are you aware of any relevant information, data, surveys or consultations¹ which help us to assess the likely or actual impact of the policy upon customers or staff?

The following were consulted as part of the review which led to the drafting of the new policy:

- Essex Police
- Essex Fire and Rescue
- East of England Ambulance Service
- Street Traders
- CBC – Waste Services
- 137 local businesses
- Street traders' customers

8. The 'general duty' states that we must have "due regard" to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation?
- (b) advance equality of opportunity between people who share a 'protected characteristic'² and those who do not?³

¹Click on [surveys or consultations](#) for more information. The Council's surveys and consultations include 'equality monitoring information' to help us identify any particular concerns or views expressed by any particular group or 'protected characteristic'. It can also help us to assess how representative of our customers the respondent group is. Local Data on the Protected Characteristics is available [on this page](#) of the Hub.

²The Equality Act's 'protected characteristics' include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

(c) foster good relations between people who share a protected characteristic and those who do not?⁴

Not all policies help us to meet the ‘general duty’, but most do.

Where applicable, explain how this policy helps us to meet the ‘general duty’:

The policy helps us to ‘eliminate unlawful discrimination, harassment and victimisation’ in the following way(s):

- The policy helps to protect traders and the public from discrimination and harassment.

The policy helps us to ‘advance equality of opportunity...’ in the following way(s):

- A fair and transparent process determines how street traders apply for a pitch and how a decision is made. This helps to advance equality of opportunity.

The policy helps us to ‘foster good relations...’ in the following way(s):

- None identified

9. This section helps us to identify any disproportionate impacts. Please indicate in the table below whether the policy is likely to particularly benefit or disadvantage any of the ‘protected characteristics’.

‘Protected characteristic’ group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
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³ This involves having due regard, in particular, to the need to: (a) remove or minimise disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it, and (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

⁴ This involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Age	Older people (60+)		The policy is designed to be as fair and as open as possible to all potential traders and their customers. No specific and disproportionate benefits have been identified for this group.		None identified
	Younger people (17-25) and children (0-16)	X	Young entrepreneurs may be particularly able to benefit from the opportunities offered by street trading.		None identified
Disability	Physical		The policy is designed to be as fair and as open as possible to all potential traders and their customers. No specific and disproportionate benefits have been identified for this group.		None identified
	Sensory		As above		None identified
	Learning		As above		None identified
	Mental health issues		As above		None identified
Ethnicity ⁵	White	X	The policy is designed to be as fair and as open as possible to all potential traders and their customers. No specific and disproportionate benefits have been identified for this group.		None identified
	Black		As above		None identified
	Chinese		As above		None identified
	Mixed Ethnic Origin		As above		None identified
	Gypsies/ Travellers		As above		None identified

⁵ National Census 2011 categories are: Bangladeshi, Indian, Pakistani, Other Asian (Asian or Asian British), African, Caribbean, Other Black (Black or Black British), White and Black African, White and Asian, White and Black Caribbean (Mixed), British, Irish, Other White (White), Chinese, Other (Other Ethnic Group).

'Protected characteristic' group		Positive Impact	Explain how it could particularly benefit the group	Negative Impact	Explain how it could particularly disadvantage the group
Language	English not first language		As above		None identified
Pregnancy and Maternity	Women who are pregnant or have given birth in last 26 weeks		As above		None identified
Religion or Belief	People with a religious belief (or none)		As above		None identified
Sex	Men		As above		None identified
	Women		As above		None identified
Gender Reassignment ⁶	Transgender/ Transsexual		As above		None identified
Sexual Orientation	Bisexual, Heterosexual, Gay or Lesbian		As above		None identified
Marriage and Civil Partnership	People who are married or in a civil partnership		As above		None identified

10. If you have identified any negative impacts (above) how can they be minimised or removed? **Not applicable**

11. Could the policy discriminate⁷ against any 'protected characteristic', either directly or indirectly⁸? **No**

⁶ The protected characteristic of gender reassignment is defined by the Equality Act 2010 as “a person proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.” This is a personal process that may involve medical interventions such as counselling, psychotherapy, hormone therapy or surgery, but does not have to. NB: It is generally held that transgender people disguise their features or clothing to resemble their preferred sex, whereas transsexual people wish to change their body to completely resemble their preferred sex.

⁷ The Council has a general duty to 'eliminate unlawful discrimination, harassment and victimisation'. Direct discrimination occurs when a person is treated less favourably than another in a comparable situation because of their 'protected characteristic' whether on grounds of age, disability, pregnancy and maternity,

Summary and findings of Initial Equality Impact Assessment

12. Please put a tick in the relevant box to confirm your findings, and what the next step is:

Findings	Action required
No negative impacts have been identified X	Sign off screening and finish.
Negative impacts have been identified but have been minimised or removed <input type="checkbox"/>	Sign off screening and finish.
Negative impacts could not be minimised or removed <input type="checkbox"/>	Sign off screening and complete a full impact assessment – Section 2.
There is insufficient evidence to make a judgement. <input type="checkbox"/>	Sign off screening and complete a full impact assessment – Section 2.

13. Name and job title of person completing this form:

- Andrew Harley and Cass Clements

14. Date of completion:

- November 2015

15. Date for update or review of this screening:

- November 2018

ethnicity; religion or belief; sex (gender), sexual orientation, or marriage and civil partnership. Indirect discrimination occurs when an apparently neutral provision or practice would nevertheless disadvantage people on the grounds of their 'protected characteristic'.

⁸ If you answer 'yes' to question 11 (above) you will need to complete this section *and* go on to complete Section 2 in order to conduct a full Equality Impact Assessment.