

## SSA EQUALITY IMPACT AND NEEDS ANALYSIS

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| <b>Directorate</b>   | <b>Environment and Community Services</b>          |
| <b>Service Area</b>  | <b>Licensing – Regulatory Services Partnership</b> |
| <b>Service/policy/function being assessed</b>                      | <b>Street Trading Licensing Policy</b>             |
| <b>Which borough (s) does the service/policy apply to</b>          | <b>Richmond</b>                                    |
| <b>Staff involved in developing this EINA</b>                      | <b>Caroline Sharkey, Tony Hawkes</b>               |
| <b>Date approved by Directorate Equality Group (if applicable)</b> |  |
| <b>Date approved by Policy and Review Manager</b>                  |  |
| <b>Date submitted to Directors’ Board</b>                          |  |

- **Summary**

This Equality Impact and Needs Analysis (EINA) is subject to consultation. It is intended to be reviewed and updated post consultation to take into account any additional relevant factors raised.

The purpose of the exercise is to create a new policy of the Council in respect of Street Trading Licensing and how it carries out functions under the London Local Authorities Act 1990 (as amended), (“the Act”).

The Council has previously adopted the legislation and is currently licensing Street Trading under this Act, and the Council has previously adopted regulations under this Act that set out the application requirements and Standard Conditions to be applied to licences granted. There is no statutory requirement for a Policy to be in place, and the previously adopted regulations have been adequate for purpose.

It is now considered that some changes are required to Standard Conditions (via Council regulations), and publishing a Policy to include revised regulations and criteria for application assessment will give greater clarity, transparency and consistency for the Councils Street Trading functions.

The most significant change to the current Street Trading scheme is the introduction of new conditions and assessment criteria for vehicle emissions, generators and power sources, with an emphasis placed on low emissions.

There is not proposed to be any other significant change to how the Council’s Street Trading scheme currently operates or application assessment. The proposed Policy is formalising arrangements and guidance for applicants that is already followed, and amending current conditions to simplify those conditions where appropriate.

The groups that are likely to be affected by the proposed policy include local residents, businesses, tourists/visitors to the borough, and Street Traders.

The key findings have identified the following issues:

- There may be a negative impact for some people due to potential for obstructions on the street, and the proposed policy seeks to address this through site assessment criteria and licence conditions
- The proposed policy seeks to create a positive impact for Street Traders by making allowance for Street Traders who may not be able to use their licence due to pregnancy or ill health. In addition, the proposed Policy does not impose an upper age limit for Street Traders, and specifies succession arrangements should a person choose to retire.

• **Evidence gathering and engagement**

**a. What evidence has been used for this assessment? For example, national data, local data via DataRich or DataWand**

| <b>Evidence</b>   | <b>Source</b>                              |
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| <p>Licence Holder and Applicant data, which shows that there are:</p> <ol style="list-style-type: none"> <li>1. Approximately 100 current licence holders with permanent Street Trading Licences</li> <li>2. Approximately 250 people who have applied for a temporary and short term Street Trading Licences in the past year.</li> </ol> <p>N.B. This data does not include information on Licence Holders with protected characteristics. This information is not asked for by the Council as it is not relevant or required to determine a licence application, with the exception of checking that a person is above the legal minimum age of 17 to be granted a Street Trading Licence.</p> <p>Licences may be applied for and granted in any location within the borough and has potential to impact on all residents. However, by the very nature of Street Trading, licences are typically for sites with high footfall in high street or town centre locations, and locations where residents</p> | <p><b>Richmond’s Licensing Records</b></p> |

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| <p>living in any part of the borough may travel to. Therefore Street Trading has potential to impact on all residents during the course of their daily lives, but not necessarily in the immediate locality where they live. The main concentrations of permanent Street Trading pitches are in Twickenham and Richmond town centres, with other sites across the borough, including market sites in Ham and Kew.</p> |  |
| <p>Other data has been used from DataRich for area profile information and data on protected groups within Richmond.</p> <p>This data shows that Richmond has a total population of 195,000 people as of the 2021 Census. Not all data from the 2021 Census is available at present, and some data is from the 2011 Census.</p>   | <p><b>DataRich, including ONS data</b></p> |

**b. Who have you engaged and consulted with as part of your assessment?**

*Consultation has not yet been carried out, this section will be completed post consultation, as identified in Section 6*

| Individuals/Groups | Consultation/Engagement results | Date | What changed as a result of the consultation |
|--------------------|---------------------------------|------|--|
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- Analysis of need**

**Potential impact on this group of residents and actions taken to mitigate impact and advance equality, diversity and inclusion**

| Protected group   | Findings   |
|-------------------|--|
| <p><b>Age</b></p> | <p>Of the total population of 195,000 in the 2021 Census, the age profile in broad groups is as follows:</p> <ul style="list-style-type: none"> <li>● 0-19 = 24%</li> <li>● 20-44 = 31%</li> <li>● 45-64 = 28%</li> <li>● 65+ = 16%</li> </ul> |

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| <p><b>Disability</b></p>                     | <p>Information on people with disabilities in Richmond is available from a variety of sources, which focus on particular disabilities and measure different aspects of disability, the key figures are:</p> <ul style="list-style-type: none"> <li>• 21,447 (11.5%) of people in Richmond report that they have some form of disability or health problem that affects their day-to-day activities a lot or a little. This compares to 17.6% in England as a whole</li> <li>• 2802 (2%) of people in Richmond aged 16-74 years consider themselves to be economically inactive due to a permanent sickness or disability, compared to 4% in England as a whole.</li> <li>• Population estimates based on Census data and research suggest that among Richmond residents aged 18-64 years 9,180 people have a moderate physical disability and 2,673 a severe physical disability</li> <li>• Registration data for Richmond show that in 2011 370 people were blind, 260 were partially sighted, and in 2010 550 were deaf or hard of hearing</li> </ul> |
| <p><b>Sex</b></p>                            | <p>According to the 2021 Census, the population of Richmond by sex is:</p> <ul style="list-style-type: none"> <li>• Male population = 94,000 (48%)</li> <li>• Female population = 101,000 (52%)</li> </ul>  |
| <p><b>Gender reassignment</b></p>            | <p>No data has been provided around gender reassignment.</p>  |
| <p><b>Marriage and civil partnership</b></p> | <p>According to the 2011 Census, the breakdown of Marriage and civil partnerships in Richmond is:</p> <ul style="list-style-type: none"> <li>• Divorced or formerly in a same-sex civil partnership which is now legally dissolved = 7.9%</li> <li>• In a registered same-sex civil partnership = 0.4%</li> <li>• Married = 47.3%</li> <li>• Separated (but still legally married or still legally in a same-sex civil partnership) = 2.2%</li> <li>• Single (never married or never registered a same-sex civil partnership) = 36.7%</li> <li>• Widowed or surviving partner from a same-sex civil partnership = 5.4%</li> </ul>   |
| <p><b>Pregnancy and maternity</b></p>        | <p>In 2011 there were 3,477 conceptions in Richmond borough – an annual conception rate of 85 per 1000 women of childbearing age (15-44 years).</p> <p>In 2012, there were 2,916 live births to women living in Richmond borough. This live birth rate of 72 per 1000 women aged 15-44 years in the borough.</p>  |

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|  | The proposed policy caters for Street Traders who may not be able to use their licence due to pregnancy and maternity. However no recorded requests have ever been made to the Council for special allowance in these circumstances, and no data is held on how many Street Traders this might be relevant to.   |
| <b>Race/ ethnicity</b>   | According to the 2011 Census, the breakdown of ethnicity in Richmond is: <ul style="list-style-type: none"> <li>• White =86%</li> <li>• Mixed/multiple ethnic group = 3.6%</li> <li>• Asian/Asian British = 7.3%</li> <li>• Black: African/ Caribbean/Black British = 1.5%</li> <li>• Other ethnic group = 1.6%</li> </ul>   |
| <b>Religion and belief, including non belief</b>   | According to the 2011 Census, the breakdown of religion and belief in Richmond is: <ul style="list-style-type: none"> <li>• Buddhist = 0.8%</li> <li>• Christian = 55.3%</li> <li>• Hindu = 1.6%</li> <li>• Jewish = 0.8%</li> <li>• Muslim = 3.3%</li> <li>• Other religion = 0.5%</li> <li>• Sikh = 0.8%</li> <li>• No religion= 28.4%</li> <li>• Religion not stated= 8.5%</li> </ul> |
| <b>Sexual orientation</b>  | According to the Annual Population Survey by the ONS, the sexual identity in Richmond is (estimated, 2013-2015): <ul style="list-style-type: none"> <li>• Heterosexual or straight = 93.2%</li> <li>• Lesbian, gay or bisexual (LGB) = 1.8%</li> <li>• Don't know or refuse and Other = 5%</li> </ul>  |
| <b>Across groups i.e older LGBT service users or Black, Asian &amp; Minority Ethnic young men.</b> | No specific data has been provided on cross group users who will be specifically impacted.   |

**Data gaps**

| <b>Data gap(s)</b>   | <b>How will this be addressed?</b>  |
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| <p>There are data gaps for details of Licensed Street Traders and applicants with Protected Characteristics, and this information is not known, aside from knowing that every Licence Holder is over the age of 17. Other personal information about a Street Trader is not required and would not be a factor that may be taken into account when determining an application and the suitability of a proposed location for Street Trading.</p> | <p>It is not proposed to address this data gap. The General Data Protection Regulation (GDPR) contains a principle of Data Minimisation, and Article 5 (1)(c) says: <i>“1. Personal data shall be:(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (data minimisation)”</i></p> <p>Currently there are no known issues with the Street Trading processes with regards to discrimination against any person or group of persons with Protected Characteristics when applying for licences. Should this change, either through complaints or other information becoming known, then it may become necessary to collect the data. This will be reviewed if and when necessary, and if it can be justified under GDPR to collect this data.</p> |

- **Impact**

| <b>Protected group</b> | <b>Positive</b>   | <b>Negative</b>   |
|------------------------|---|---|
| <b>Age</b>             | <p>The proposed Policy does not contain any upper age limit for Street Traders, any person above the age of 17 may be granted a licence. The proposed Policy also details succession arrangements allowed for under the Act, where a person may nominate a relative to be granted the licence should they choose to retire, and other circumstances where they can not continue to operate the licence.</p> | <p>The Act contains a restriction that a licence can not be granted to a person under the age of 17. The application form required by the Council will ask for an applicants age or date of birth in order to verify that an applicant is old enough to be granted a licence, but will not be used for any other purpose. The Council has no discretion to amend the statutory restriction to a lower age, and does not propose any alternative age in the Policy</p> |
| <b>Disability</b>      | <p>The proposed Policy aims to mitigate any impact by specifying assessment criteria for applications, and suitable</p>   | <p>There is a potential negative impact as a result of street trading for people with some forms of disabilities. This impact</p>   |

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|  | conditions to ensure that sufficient space is left in the street without causing undue interference or obstruction to other users of the street.  | occurs due to space being used on the street for trading purposes and which may cause an obstruction.   |
| <b>Sex</b>                                       | None identified   | None identified   |
| <b>Gender reassignment</b>                       | None identified   | None identified   |
| <b>Marriage and civil partnership</b>            | None identified   | None identified   |
| <b>Pregnancy and maternity</b>                   | <p>The proposed Policy aims to mitigate any impact by specifying assessment criteria for applications, and suitable conditions to ensure that sufficient space is left in the street without causing undue interference or obstruction to other users of the street.</p> <p>In addition to addressing potential impacts on street users, the proposed Policy has specific arrangements to cater for Licensed Street Traders who are absent due to maternity (along with other health/sickness or care needs). This includes fee waivers or allowing a named assistant to run the business in their absence.</p> | There is a potential negative impact as a result of street trading for people with infants (i.e. using pushchairs). This impact occurs due to space being used on the street for trading purposes and which may cause an obstruction. |
| <b>Race/ethnicity</b>                            | None identified   | None identified   |
| <b>Religion and belief, including non belief</b> | None identified   | None identified   |
| <b>Sexual orientation</b>                        | None identified   | None identified   |

- **Actions to advance equality, diversity and inclusion**

| <b>Action</b>  | <b>Lead Officer</b> | <b>Deadline</b> |
|--|---------------------|-----------------|
| The results of the consultation will be considered by the Regulatory Committee before the Policy is agreed | Caroline Sharkey    | January 2023    |
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- **Further Consultation (optional section – complete as appropriate)**

| Consultation planned   | Date of consultation   |
|--|--|
| <p>The Council is required by the Act to consult with licence holders on regulations (i.e. licence conditions), and by publishing a notice in a local newspaper giving persons a period of at 28 days to make representations on those regulations. This statutory consultation is planned to start by the end of October 2022</p> <p>In addition to the statutory requirements, it is proposed to consult more widely on the entire Policy and to include publishing an online consultation on the Richmond Council Consultation Hub. It is proposed to allow for an extended period of consultation to be approximately 2 months instead of 28 days.</p> <p>The consultation will be open to all persons, and responses received will be considered by the Councils Regulatory Committee in January 2023 before a final Policy is approved.</p> <p>This draft EINA will be published with the consultation documents, and all persons participating in the consultation will have an opportunity to review this EINA and provide comment on the data used and analysis of that data.</p> | <p>October 2022 to December 2022, exact dates to be confirmed.</p> |
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