

Bristol City Council Equality Impact Relevance Check



This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required. Please read the guidance prior to completing this relevance check.

What is the proposal?	
Name of proposal	Street Trading Policy Amendments
Please outline the proposal.	<p>Street trading can positively contribute to the street scene, local economy and needs of the community. The aim of the City Council Street Trading policy is to balance the needs of street trading, the needs of the area and to protect the city's amenity. The Licensing Service is proposing a number of low-risk changes to how applications are processed and to how applications can be determined, which would require minor amendments to the Street Trading policy. Under current practises, there are a number of steps that must be taken by the Service that are bureaucratic and do not necessarily complement the process. These steps cause a strain on the Licensing Services' ability to determine applications in good time. These proposed changes will improve the efficiency of the Service:</p> <ul style="list-style-type: none"> • Although it is not part of the policy, we do ask that before submitting an application for street trading the applicant should have sought permission from the landowner. This rarely happens and so even after the consultation period the application is likely to be rejected because the landowner has not given consent. • Whenever an applicant submits an application, the Licensing Team must consult with a number of agencies or persons, for a period of fourteen days. This is the case regardless of the likelihood of such an application being granted. • There is nothing to stop an applicant from sending in multiple applications for any number of different places across the city. Every single application must go through its own consultation period. • As part of the consultation the Licensing Team will usually have to send out approximately 300 letters, targeted at local occupiers who are likely to be affected by the operation of that site. • In the event that representations are received an application must be placed before the Public Safety and Protection (PSP) committee for determination, rather than there being an opportunity for an officer with delegated

powers to make such a determination.

The formulation of any amendments to the Street Trading policy is a non-executive function that rests within the terms of reference of the Public Safety and Protection Committee. After a discussion with Licensing Officers, the Chair of PSP has already agreed that since 4th August that prior to any application being processed and moving to the consultation stage, all applications must now be received with evidence of landowner permission.

It is proposed that the following changes are implemented:

Current Policy Provision or Omission	Issue	Revised Provision	Benefit
Requirement to consult with residents/business within 100 m of the application site. 14 days allowed for comments.	Depending on location this can result in large numbers of letters being posted. The situation becomes exacerbated when an applicant submits several applications on a speculative basis	Applicant to place a notice on site setting out details of the application and information on how to object. Licensing Team to add application details to an on line register. Consultation time extended to 21 days. These proposals bring the street trading consultation closer in line with other regulatory requirements as found under, for example, the licensing act 2003 and planning requirements	The revision will speed up the application process for the applicant and reduce inefficiencies in the current process
No requirement to obtain landowners consent prior to submitting	Applications can be progressed to a late stage without	Applicant to provide written confirmation	This revision will inform the applicant prior to submitting an

	application	permission of the landowner only to fail when landowner permission not granted	from the landowner of permission to trade at the application site before the application is processed (unless land owned by BCC)	application whether they will be able to trade at their preferred location.
	Licensing Manager/Licensing Team Leader may determine all applications except where they propose to refuse the application. In such cases the applicant is given the opportunity to go before committee.	Currently the policy does not permit delegated officers to refuse applications without recourse to committee if requested by the applicant.	Licensing Manager may determine all applications or refer to committee for a decision (if this is considered too contentious then the Licensing Manager, when minded to refuse, could consult with Chair of the PSP Committee)	Applications are assessed against policy considerations previously agreed by this committee. Many applications fail to comply with the agreed policy but currently the Licensing Manager cannot refuse without offering the opportunity for a committee appearance. This change would enable be more time efficient.
	On application for a street trading permission a Basic disclosure is required (CRB check)	Currently there is no requirement to undertake a further disclosure once licensed	Applicant to provide a basic disclosure every three years on renewal	This change would increase public safety as any new criminal offences that might question the suitability of the licence holder to continue trading would come to light. This provision would align with similar requirements for taxi drivers
What savings will this proposal achieve?	The proposal ensures that for each application received there will no longer be reason any to send out approximately 300 letters, targeted at local occupiers who would be likely to be affected by the operation of that site. The proposal also 'frees up' officer time and ensures a smoother process for the applicant.			
Name of Lead Officer	Nick Carter, Regulatory Services Manager			

Could your proposal impact citizens from equalities communities?

(This includes service users and the wider community)

Please outline where there may be significant opportunities or positive impacts, and for whom.

The effect of the changes will allow determinations to happen within a time-frame that is more amenable to all citizens who apply for Street Trading. The application and consultation process will be clearer and more streamlined for all applicants.

Please outline where there may be significant negative impacts, and for whom.

All License holders will lose the automatic opportunity to appear a committee if their application has been refused. The largely anecdotal information and observation from officers indicates that holders of street trading consent for premises such as hot food vans are in the majority from the BME community.

There is no data available specifically in respect of the demography of licence holders in Bristol. Measures have now been introduced in order for this information to be collected through the completion of equality monitoring forms as part of the application process.

If someone is unhappy with the rejection of their application they may make a complaint or comment to the licensing team, or via the council's complaints and comments service. There is no right of appeal against decisions made by the council in respect of street trading consent applications.

Could your proposal impact staff from equalities communities?

(i.e. reduction in posts, changes to working hours or locations, changes in pay)

Please outline where there may be significant opportunities or positive impacts, and for whom.

Although there will be no changes in hours, it is anticipated that Licensing Officers will be able to process a great deal more applications, thus improving the service they can provide to Bristol's citizens.

Please outline where there may be negative impacts, and for whom.

No negative impact anticipated.

Is a full Equality Impact Assessment required?

Does the proposal have the potential to impact on equalities communities in the following ways:

- access to or participation in a service,
- levels of representation in our workforce, or
- reducing quality of life (i.e. health, education, standard of living) ?

Please indicate yes or no. If the answer is yes then a full impact assessment must be carried out. If the answer is no, please provide a justification.

No. The formulation of any amendments to the Street Trading policy is a non-executive function that rests within the terms of reference of the Public Safety and Protection

	Committee. The amendments proposed are relatively minor and do not constitute a major change in how applications are decided.
Service Director sign-off and date:	Equalities Officer sign-off and date: Wanda Knight 17/2/17 Patsy Mellor 17/02/17