

Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)

Name of service change: Street Trading Policy

Contextual Notes 2016

The What and the Why:

The Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA) approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

The How:

The guidance and the evidence template are combined into one document for ease of access and usage, including questions that set out to act as useful prompts to service areas at each stage. The assessment comprises two parts: a screening part, and a full report part.

Screening (Part One) enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A **full report (Part Two)** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. Where there is some uncertainty as to what decision to reach based on the evidence available, a full report is recommended, as it enables more evidence to be collected that will help the service area to reach an informed opinion.

Shropshire Council Part 1 ESIIA: initial screening and assessment

Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.

Name of service change

Street Trading Policy

Aims of the service change and description

Context

Street trading is controlled through Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'). The legislation is adoptive, which means that for it to take effect across the Shropshire Council administrative area, Shropshire Council ('the Council') must take certain formal steps to adopt the legislation. Once the legislation is adopted, the Council can then determine which streets if any, within its area are to be designated as licence, consent or prohibited streets.

Street trading means the selling or exposing or offering for sale of any article (including a living thing) in a street. Streets are designated as either prohibited, licenced or consent and they are defined as:

- 'Prohibited Street' means a street in which street trading is prohibited.
- 'Licence Street' means a street in which street trading is prohibited without a licence granted by the council.
- 'Consent Street' means a street in which street trading is prohibited without the consent of the council

On the 26 January 2017, Shropshire Council, through delegated authority to its Strategic Licensing Committee, adopted the street trading provisions of the 1982 Act for the whole of the Shropshire Council administrative area. The relevant report can be found in the papers for the Committee meeting held on the 25 January 2017 at Agenda Item 7

<http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3406&Ver=4>.

The confirmed minute of this decision is available in the papers for the Committee meeting held on the 22 March 2017 at Agenda Item 2.

<http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3407&Ver=4>

A further meeting of the Strategic Licensing Committee, held on the 4 October 2017, led to the publishing and serving of notices, in accordance with the 1982 Act, in order to finalise the designation of relevant streets across the county. The new designations will take effect from 1 April 2018. The relevant report can be found in the papers for the Committee meeting held on the 4 October 2017 at Agenda Item 5 <http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3470&Ver=4>. The minute of this decision will not be available until after the next Strategic Licensing Committee meeting, which is due to be held on the 13 December 2017.

The administration of street trading includes not only the determination of prohibited, licensed and consent street applications but also the setting of fees, the administration of licences and consents, and enforcement in the event of non-compliance.

Prior to the adoption of the street trading provisions by Shropshire Council, the control was based on the regimes that existed within the previous District and Borough Councils. The former South Shropshire District Council, North Shropshire District Council, Oswestry Borough Council and Shrewsbury & Atcham Borough Council adopted the provisions and designated specific streets as prohibited and consent. The streets that were specifically designated as prohibited and consent streets by the previous Councils have remained designated as such. Bridgnorth District Council did not adopt the provisions and hence there are no designated streets in what was the Bridgnorth District Council area.

On the 1 April 2009, each of the District and Borough regimes (including the 'no regime' in what was the Bridgnorth District Council area) transferred to Shropshire Council by virtue of the legal process that created Shropshire Council as the new unitary council.

Historically, the District and Borough Councils opted to designate streets as consent rather than licence streets. As a consequence, there are no licenced streets in the Shropshire Council administrative area; this will change on the 1 April 2018 in line with the decision made by the Strategic Licensing Committee on the 4 October 2017. Consent street provisions are administratively more straightforward and less burdensome on both the Council and applicants. However, they limit the street traders' right to challenge decisions that are made by the Council and potentially limits the Council's ability to adequately scrutinise the suitability of applicants.

Where a street has not been designated as either prohibited, licenced or consent, the Council has no regulatory responsibility under street trading legislation and, therefore, no permissions are required from the Council. However, street traders must always seek permission to use the land from the relevant land owner. This includes Shropshire Council's Highways Service or Highways England where the land is a highway.

It is illegal to trade in those streets designated as prohibited streets and the Council cannot subsequently give permission without removing the prohibition. In order to trade legally in a licence or consent street, traders must apply for a street trading licence or consent and be granted permission to trade. Within the Council, this process is undertaken by the Licensing Team. The permission to use land is separate from gaining permission to trade and as a result, prior to submitting an application a street trader must ensure they have permission to use the land from the land owner.

Whilst street trading is a function of Shropshire Council, under provisions in the Local Government Act 1972, the Council may delegate the responsibility for the function to Town and Parish Councils. On the 9 December 2010 the Council delegated to Bishops Castle, Ludlow and Shifnal Town Councils all of its powers emanating from the 1982 Act in respect of street trading. Similarly, on the 18 July 2013, the Council delegated these powers to Oswestry Town Council. The powers delegated to Oswestry Town Council relate to the administrative area of the former Oswestry Borough Council; however, current practice is such that the delegation relates only to the area for which Oswestry Town Council has responsibility.

Where street trading provisions are delegated, the decision on where and when street trading should be permitted can be exercised more locally. Should additional Town and Parish Councils express an interest in taking on responsibility for the street trading function, this has the potential to enhance the localism of service provision. Enabling street trading controls to be exercised at the most local level has clear benefits for Shropshire communities, allowing

more informed decisions regarding how street trading is conducted according to the nature of the local area.

There is now a desire to rationalise and align street trading controls across the whole administrative area of the Council. Whilst the preparation and publishing of a policy is not a legal requirement under street trading legislation, it is a practical way forward to achieve the desired rationalisation and alignment. It will also enable the Council to seek to ensure that safeguarding and environmental issues and any likely equality impacts are considered alongside economic factors and considerations to be made in pursuing efficiencies in our service delivery processes.

Aims of the new Policy

The proposed Street Trading Policy aims to:

- create a street trading environment which compliments premises based trading, is sensitive to the needs of the public, provides diversity and consumer choice, and enhances the character, ambience and safety of local environments for people who live, work and visit in Shropshire;
- encourage applications from street traders that aim to promote a healthy lifestyle;
- ensure public safety, prevent public nuisance, prevent crime and disorder and protect children, young persons and adults with care and support needs from harm;
- reduce potential harm or exploitation which could occur through street trading by embedding safeguarding principles into the street trading regime, including setting out processes to enable the Council to adequately scrutinise the suitability of applicants;
- provide street traders with a fairer opportunity to challenge Council decisions;
- assist street traders to correctly apply for a street trading licence/consent;
- assist street traders to comply with relevant requirements once a licence/consent is granted;
- encourage local Town and Parish Councils to seek delegated authority to undertake the street trading function where they have a desire to do so;
- rationalise and align pre-unitary street trading controls so that a single regime operates for the whole administrative area of the Council;
- provide a clear, transparent and consistent approach to the control of street trading;
- provide a key reference document setting out the Council's position on street trading;
- assist Council officers to administer the application process fairly and efficiently;
- assist the Council to properly regulate street traders; and
- assist Council officers to enforce compliance with street trading controls more effectively.

Intended audiences and target groups for the service change

The intended audiences and target groups are considered to be:

- The communities of Shropshire, including those who live here, visit here, and work here, regardless of whether they may or may not purchase goods from street traders.
- Persons who wish to apply to undertake street trading
- Persons who hold existing licences or consents, including those that are the subject of review
- The Council, in its capacity as the licensing authority, including licensing officers, members of the relevant licensing committees

- Licensing consultants, solicitors and barristers advising and/or representing applicants and licence/consent holders
- Magistrates and judges hearing appeals or judicial reviews against Council decisions
- Shropshire based Town and Parish Councils
- Premises based traders and market stall holders, particularly those in areas where street trading is likely to occur
- National Association of British Market Authorities
- National Farmers' Retail and Markets Association
- National Market Traders Federation
- Federation of Small Businesses
- Shropshire Chamber of Commerce
- Shropshire Safeguarding Children Board
- Keeping Adults Safe in Shropshire Board
- Shropshire Council Highways, including Environmental Maintenance
- Highways England
- Chief inspector of West Mercia Police
- Police and Crime Commissioner
- Shropshire Fire and Rescue Service
- Shropshire Business Board
- Shropshire MPs
- Shrewsbury BID
- Shropshire Tourist Board
- The Marches Local Enterprise Partnership
- Voluntary Groups/Organisations
- Government Departments and Agencies

The above list is not intended to be exhaustive or in order of priority. It may be added to and amended as and when appropriate.

Evidence used for screening of the service change

- Ad hoc feedback to Licensing Officers from consent street applicants and street traders indicating a lack of consistency in the application of the street trading regime.
- Officer feedback in relation to the difficulties encountered when administering and enforcing the street trading regime.
- The Council's drive to increase the robustness of safeguarding practices, particularly with respect to children and vulnerable adults.
- Ongoing discussions with Town and Parish Councils that indicate there may be a desire from some to take on the street trading function at a more local level.
- The Government's localism agenda.
- The lack of a proper review of street trading prior to and following the transition from the two-tier council system to the unitary council.

Specific consultation and engagement with intended audiences and target groups for the service change

The Council's Strategic Licensing Committee has overseen the review of the Street Trading Policy. This is a group of Councillors drawn from across the whole of the Shropshire area. The Members of the Committee considered and approved a draft Policy for formal public

consultation through the Council's website and directly with relevant stakeholders. The relevant report can be found in the papers for the Committee meeting held on the 25 January 2017 at Agenda Item 8 <http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3406&Ver=4>.

The confirmed minute of this decision is available in the papers for the Committee meeting held on 22 March 2017 at Agenda Item 2 <http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3407&Ver=4>

The public consultation in respect of the Policy was undertaken over an 8 week period from 30 January 2017 to the 26 March 2017. Full details of the consultation responses received, together with officer comments and explanatory notes, are included in the report that was considered by the Strategic Licensing Committee on the 4 October 2017. The relevant papers can be found at Agenda Item 5 <http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3470&Ver=4>.

In addition to the general information about the consultation that was made available on the Council's 'Get involved' section of its website, direct engagement by email, hand delivered letters and/or face-to-face discussion was undertaken with:

- Street traders who currently have or have previously held street trading consents
- Street traders who currently trade on non-designated streets where there are proposals to implement new designations
- Parish and Town Councils (via Shropshire Association of Local Councils)
- Highways England
- Shropshire Council Highways
- Shropshire Council Adult Services
- Shropshire Partners in Care
- National Association of British Market Authorities
- National Farmers' Retail and Markets Association
- National Market Traders Federation
- Federation of Small Businesses
- Shropshire Chamber of Commerce
- Shrewsbury BID
- Shropshire Tourist Board
- The Marches Local Enterprise Partnership

Both Shropshire Council's Adult Social Care and Children Services, together with Shropshire Partners in Care, contributed to the draft Policy prior to the public consultation. This led to improvements in the language used across the Policy in terms of referring to adults with care and support needs and safeguarding, as well as emphasising the public protection priority in Shropshire. Improvements were also made to the way in which Disclosure Scotland/DBS checks were referenced and the definition of child sexual exploitation was updated.

Details of the consultation were also circulated, through a newsletter, by the Shropshire Voluntary and Community Sector Assembly (VCSA) to around 250 different voluntary groups/organisations.

The draft Policy aims to demonstrate a clear and consistent approach to the control of street trading. Feedback on this general aspect was welcomed as part of the consultation but there was also a focus to generate feedback in relation to:

- the further delegation of the street trading function to Town and Parish Councils;
- a proposal to move from consent to licence streets; and
- the increased focus on safeguarding.

Despite the steps taken to publicise the consultation, the response was limited with submissions received from Woore Parish Council, Ellesmere Town Council, Oswestry Town Council, Shrewsbury Town Council, Shropshire Fire and Rescue Service, Highways England, Shropshire Council Highways and two street trading businesses. This followed proactive follow-ups with key stakeholders and included accepting submissions after the formal consultation period had ended.

Street trading provisions are local in nature. Currently delegations exist in relation to Bishops Castle, Ludlow, Shifnal and Oswestry Town Councils. As a result, the consultation process specifically explored the opportunity to further delegate the responsibility for the street trading function to Parish and Town Councils. The feedback indicated there was very little appetite from Town and Parish Councils to take on responsibility for the street trading function. Oswestry Town Council requested that Shropshire Council resumes responsibility for the function in the future despite the previous delegation that took effect in July 2013. As a result, the Council will resume the function in the Oswestry area and continue to be responsible for the function across Shropshire except in relation to Bishops Castle, Ludlow and Shifnal.

Views have also been sought to determine whether the existing prohibited and consents streets are fit for purpose given the very different economic climate within which street trading is now undertaken compared with the climate that existed when the legislation was originally adopted over thirty years ago by the previous District and Borough Councils.

Following feedback from Ellesmere Town Council, Oswestry Town Council and Shrewsbury Town Council, Highways England and Shropshire Council Highways, existing street designations have been amended and new streets designated in accordance with Schedule 4 of the 1982 Act. This includes, on safety grounds, all trunk roads managed by Highways England, together with A and B roads under the control of Shropshire Council Highways. The draft Policy has been amended to reflect these changes.

Given the safeguarding responsibilities that the Council has, it has been recognised that the consent street provisions potentially limit the Council's ability to undertake sufficient checks for safeguarding purposes. Consequently, as part of the consultation process active consideration was given to converting consent streets to licence streets and to amending the draft Policy to discourage the designation and use of consent streets in the future. All responses received were silent in this respect; no direct support was offered but equally no opposition was expressed.

Consequently, the drive for this change came solely from officers of the Council based on the positive impact that the change will bring in relation to the human rights of both applicants and their customers, including The Right to Life (Article 2), Right to a Fair Trial (Article 6) and Right to Respect for Private and Family Life (Article 8). As a result, these changes have been made in accordance with Schedule 4 of the 1982 Act (following the Strategic Licensing Committee meeting held on 4 October 2017 and will take effect on 1 April 2014) and the draft Policy has been amended to reflect this position, i.e. any street already designated as a consent street will be designated as a licensed street and this includes the newly designated streets proposed as part of the consultation responses.

The Policy has been further amended to discourage the designation and use of consent

streets and makes it clear that any request to designate a street as a consent street will require evidence of exceptional circumstances before the Council will consider such a request.

The draft Policy that was subject to consultation set out that the application process and requirements to obtain a street trading consent would mirror those required by the legislation in respect of a street trading licence. It was recognised that this approach would be important if the decision is made to retain consent streets as the Council may face challenge over the robust position taken as part of the consent application process; however, the 1982 Act sets out that ‘the Council may grant a Consent if they think fit’ and in order to make this judgement the approach is deemed necessary and proportionate given the need to ensure applicants are suitable under the Councils safeguarding responsibilities. In this particular respect, the consultation responses provided no opposition or support.

Potential impact on Protected Characteristic groups and on social inclusion

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:
 - their current needs and aspirations and what is important to them;
 - the potential impact of this service change on them, whether positive or negative, intended or unintended;
 - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have their representatives or people with specialist knowledge been consulted, or has research been explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
 - monitor the impact, positive or negative, intended or intended, for different groups;
 - enable open feedback and suggestions from a variety of audiences through a variety of methods.
5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on:
 - fostering good relations?
 - social inclusion?

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>

Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				✓
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				✓
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				✓

Guidance on what a negative impact might look like

High Negative	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
Medium Negative	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers,

	general public, workforce
Low Negative	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change

For all the groups, the impact of the proposed Policy is rated as 'low positive'. However, in practice, with the exception of 'age' and 'disability' and those with caring responsibilities, thus potentially encompassing gender and pregnancy and maternity, the impact in reality is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact beyond common sense considerations that will benefit all groupings.

This would include consideration of sightlines where street traders are in operation to aid those with caring responsibilities, whether of young children or of people with mental health problems or learning disabilities, and consideration of practical accessibility matters for people with physical disabilities or those who may be pregnant.

In addition, as street traders may unintentionally cause intimidation or distress to vulnerable children and adults through the methods that they may choose to employ to attract business, such as loud voices, guidance will need to be given on this matter to people applying for licences. Once traders are in operation, there is potential for any officer of the Council to help, e.g. attending social workers, by being made aware of the new policy and by being encouraged to act as the eyes and ears of the Council in helping feedback to the service area. This could help ensure effectiveness as well as efficiency of the new policy.

The proposed Policy stems from provisions within the Local Government (Miscellaneous Provisions) Act 1982 and is intended to benefit the community as a whole by generally improving the street trading regime operated by the Council. This will naturally lead to benefits for the Protected Characteristic Groups simply because they are part of the wider community. The Policy will be a key tool that will drive street trading standards up for everyone.

The public consultation has already helped the Council to modify the Policy. Members of the Strategic Licensing Committee will consider the revised Policy on the 13 December 2017 and

will decide whether further consultation is necessary or whether they are in a position to agree that the Policy is adopted by the Council. The aim is for the Policy to be adopted no later than 1 April 2018.

Actions to review and monitor the impact of the service change

With respect to ‘age’ and ‘disability’ groups and people with caring responsibilities, in particular around the Council’s safeguarding responsibilities, there will be ongoing dialogue with the Shropshire Children Safeguarding Board and the Keeping Adults Safe in Shropshire Board. Use will be made of the Communications team to aid knowledge sharing about the arrangements and about the safeguarding measures that are in place.

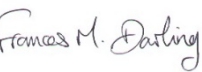
The Policy will be the subject of continuous evaluation based on ongoing feedback from stakeholders and, if necessary, formally reviewed and considered by the Council’s Strategic Licensing Committee and Council every 5 years. At the time of review all relevant stakeholders will again be consulted. Anyone may request a review of the Policy at any time.


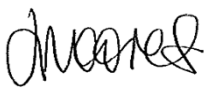
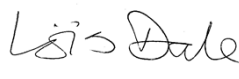

There will be ongoing dialogue with street traders through direct contact as a result of the application process. This will provide the opportunity for the trade to provide feedback to the licensing team. A generic licensing telephone number and email address is and will continue to be generally publicised on the Council’s website for stakeholders, including members of the public, to provide feedback on the impact of the changes made to the Policy. In addition, street traders must display their licence/consent on their stall; this will highlight to members of the public that Shropshire Council is the issuing authority and can be contacted in the event of any complaint or other issue that they wish to raise. All feedback will be recorded either on the licensing database used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing & Safety Sub-Committee, with issues brought before these Committees as appropriate. Professional leads within the licensing team will have a key role to play in understanding the impact of the Policy on street traders. Feedback will be sought from Members and Officers to inform the ongoing informal and, where necessary, any formal review of the Policy that will be undertaken in the future.

Whilst it is not currently very likely to occur, if the street trading function is delegated to any Town or Parish Council, the primary role to review and monitor the impact will rest with those Councils; however, Elected Members and MPs, in their role as community representatives/leaders will have a key role to play in understanding the impact of this particular element of the Policy on their communities. Feedback will be sought from Members and MPs to inform the review of any delegations. Any such delegation will require formal consideration and resolution by full Council and will be the subject of a separate ESIA.

Scrutiny at Part One screening stage

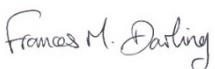

People involved	Signatures	Date
<p><i>Lead officer carrying out the screening</i> Frances Darling – Trading Standard & Licensing Operations Manager</p>		<p>27 November 2017</p>

<i>Any internal support*</i> Mandy Beever – Transactional and Licensing Team Manager Jessica Moores – Public Protection Officer (Professional)	 	28/11/17 28/11/17
<i>Any external support**</i> Lois Dale – Rurality and Equalities Specialist		26 May 2017
<i>Head of service</i> Rod Thomson – Director of Public Health		27.11.17

**This refers to other officers within the service area*

***This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority*

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i> Frances Darling - Trading Standard & Licensing Operations Manager		27 November 2017
<i>Head of service's name</i> Rod Thomson - Director of Public Health		27.11.17

Shropshire Council Part 2 ESIIA: full report

Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, eg rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**

This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, eg needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

Evidence used for assessment of the service change: activity record

How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?

And what did it tell you?

Specific consultation and engagement with intended audiences and target groups for the service change: activity record

How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?

And what did it tell you?

Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record

What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.

Full report assessment for each group

Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individuals may face.

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				

ESIIA Full Report decision, review and monitoring

Summary of findings and analysis - ESIIA decision

You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

Please add any brief overall comments to explain your choice.

You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:

- *mitigate negative impact or enhance positive impact of the service change,*
AND
- *review and monitor the impact of the service change*

Please try to ensure that:

- *Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;*
- *The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.*

Scrutiny at Part Two full report stage

People involved	Signatures	Date
<i>Lead officer</i>		
<i>Any internal support</i>		
<i>Any external support</i>		
<i>Head of service</i>		

Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)
Date:	Date:

Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

Note: Shropshire Council has referred to good practice elsewhere in refreshing previous equality impact assessment material in 2014 and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIs) material and associated documentation.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 255684, or email lois.dale@shropshire.gov.uk.