

APPENDIX C to Cabinet report of 26 October 2021

Equality Impact Assessment

| Version | Date | Author | Name of report assessed: | Comments |
|---------|------------|--------|--------------------------|---------------------------|
| 0.0 | 24.05.2021 | JS | | First draft |
| 0.1 | 27.07.2021 | JS | | Revised |
| 0.2 | 29.09.2021 | JS | | Revised post consultation |
| 0.3 | 07.10.2021 | JS | | Revised post consultation |

| Question | Response |
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| 1. What are the aims, objectives and expected outcomes of the activity? | <p>The purpose of the document is to determine the impact of the proposed new draft Market Regulations Handbook and the proposed changes to Fees and Charges for markets trading the district of South Holland to aid the essential community facility of markets for traders, residents and visitors. https://www.mission4markets.uk/</p> <p>The primary focus of the review is to:</p> <ul style="list-style-type: none"> • Ensure the service fees and charges are “Hemming” compliant; • Levying Fees and Charges that better reflect the cost to SHDC of providing the Markets operation; • Fairer and more consistent fees and charges across all individual markets; • Facilitate an online application process to support SHDC’s digital transformation programme; • Facilitate and run an on-line booking system to secure traders have a standing position on the market; • Build a sustainable and equitable market provision throughout the district for traders addressing regulation in the draft Market Regulation Handbook; • Provide an on-hand markets team to help with any queries or issues 7.30am – 5pm Monday to Friday; an out of hours service at all other times. • Provide welcoming and safe environments for traders and market visitors. |
| 2. What involvement and consultation has been done in relation to this activity? (e.g. with relevant stakeholders) | <p>We consulted internally and externally on the draft handbook and proposed fees and charges. Pre-consultation discussions took place on a face to face basis with all regular and casual traders and representative(s) of the National Market Traders Federation. Benchmarking to measure competitive fees, best working practices and processes took place with neighbouring districts including North Norfolk, East Lindsey, Boston, South Kesteven, Fenland, Kings Lynn, West Norfolk, Huntingdon and West Lindsey.</p> <p>The draft Market Regulations Handbook and proposed fees and charges were publically consulted upon from 9.00am Friday 18 June 2021 to 5.00pm 30 July 2021 for a period of 6 weeks.</p> <p>On completion of the consultation a review of all submissions, comments and feedback received was undertaken and considered and any amendments were made in accordance with the responses received; a formal decision to</p> |

implement revised conditions will be required. It is anticipated that the draft Market Regulations Handbook and proposed Fees and Charges will be considered for approval by Cabinet on 29 October 2021 and adopted immediately thereafter if approved.

All known traders, parish and ward councillors, MP and non-statutory consultees including national and local bodies representing society, hard to reach groups and businesses received a copy of the consultation pack, including a copy of the draft Market Regulations Handbook, proposed fees and charges, paper questionnaire and signposting to SHDC website and online questionnaire. The consultation documents were emailed and posted where necessary on 18 June 2021 and ongoing when requests for the same were received or consultees identified.

The proposals were advertised on the South Holland District Council website and copies were held at the Council building at Priory Road, Spalding from 18 June 2021 to 30 July 2021.

Following the removal of national restrictions on 19 July 2021 relating to the Coronavirus pandemic, allowing for the free movement of people, consultation packs were distributed to 13 community centres across the district on 21 July 2021.

A programme of communications took place throughout the consultation period via social media; Facebook, Twitter and LinkedIn. Throughout the duration of the consultation the printed and online press covered the consultation in editions of the Spalding Voice and Spalding Today.

Consultees could take part in six (6) ways:

- Paper questionnaire – A paper questionnaire was emailed to all stall holders together with all the supporting information including the consultation documents and summary of proposed changes.
- Online questionnaire – An online questionnaire was available from the South Holland District Council website via questionnaire monkey.
- Further copies were also available at the engagement events or on request from the Markets Team either via telephone or email or via the environmental services staff member attending at each market.
- Attendance at public engagement Sessions (see below for details)
- During on-site engagement with traders and the public by Officers of the Environmental Service team at the opening and closing of each market.
- Email reminder sent to all stall holders on 23 July 2021 reminding them of the dates for closure of the consultation, provided links to the online consultation document(s).

Public Engagement Sessions

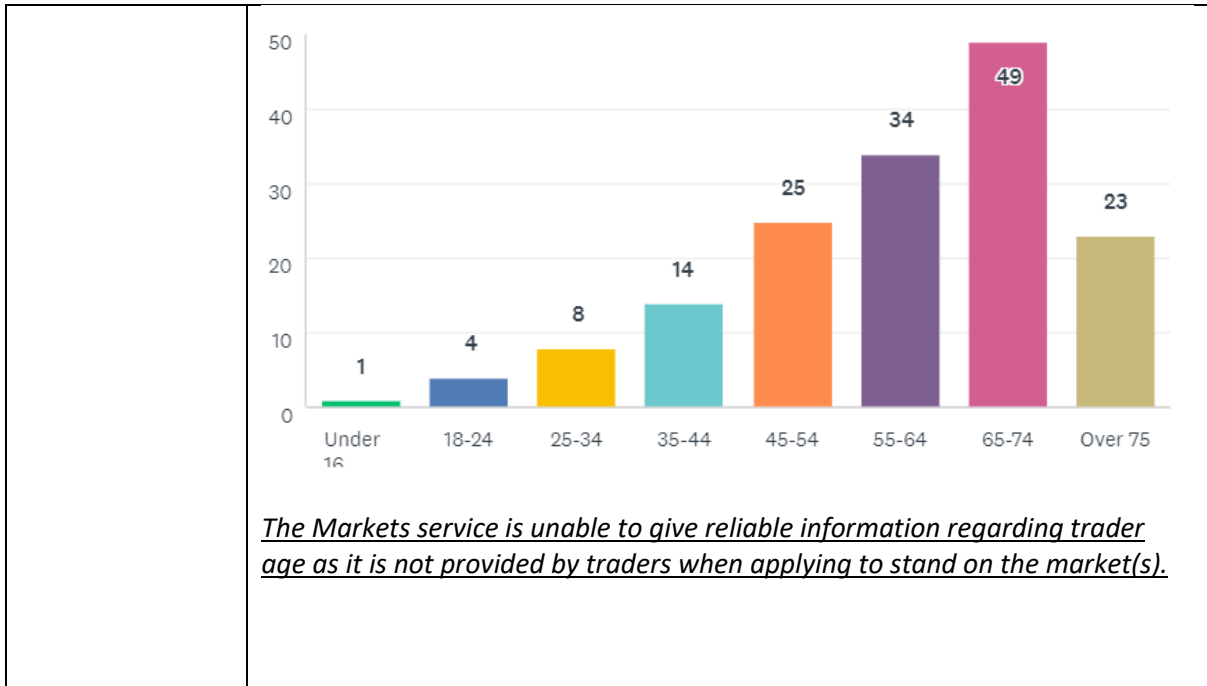
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| | <p>Five on-site engagement sessions were held across the district attended by Officers of Environmental Services and SHDC Elected Members. The sessions offered the opportunity for anyone who wished so to do to discuss the consultation and complete a questionnaire. Officers completed the questionnaire for those people who wished to participate but did not have the means to complete the questionnaire themselves.</p> <p>The engagement sessions took place at:</p> <ul style="list-style-type: none"> • Tuesday 6 July 2021 - Spalding • Thursday 8 July 2021 - Holbeach • Friday 09.07.2021 - Crowland • Friday 16 July 2021 – Long Sutton • Saturday 17 July 2021 - Spalding <p>Officers and Councillors were available between 9.00am and 2.00pm on the days shown above. These times coincided with the normal market operating hours.</p> |
| <p>3. Who is affected by this activity?</p> | <p>Those people that will be directly impacted by the proposals include all regular and casual market traders operating in the South Holland district. At the time of this report 246 pitches are available within the district. As of October 2020, 73 pitches were let and assumed let for 2021 is 117.</p> <p>Demographic data has not historically been kept and there is currently no readily available accurate or reliable data sources upon which we can rely to inform and provide detail of personal demographics.</p> |
| <p>4. What are the arrangements for monitoring and reviewing the actual impact of the activity?</p> | <p>It is important to monitor the effect of the draft handbook and proposed fees and charges on protected groups because this will identify if the handbook and provision of service therein has the impact anticipated and that the mitigating actions identified in this report have been effective.</p> <p>Quarterly review meeting will take place between Officers and Trades to facilitate the smooth running of the markets in the South Holland District, this is an anticipatory action to identify ways equality is being promoted by SHDC and ways it could do more to promote equality. It should also identify any unintended consequences or barriers that might prevent participation by some groups.</p> |
| <p>5. Do the outcomes of the activity complement or hinder other policies, values or objectives of Environmental Services?</p> | <p>This framework will assist Environmental Services to provide a positive impact across all protected characteristics by ensuring that South Holland District Council treats everyone on a fair and equal basis.</p> |
| <p>6. What positive equality</p> | <p>A fairer and more transparent fees and charges system and regulation by way of a Market Regulations Handbook.</p> |

| <p>outcomes could there be overall?</p> | <p>The proposed fees and charges are <i>Hemming compliant</i> and fairer because fees and charges have been kept low / expanding trading opportunities.</p> <p>The markets will have the opportunity to play a part in boosting trade to local shops by attracting people to the area and encouraging residents to shop locally.</p> <p>Research shows those in lower income groups use the markets as an affordable and convenient local way of shopping https://www.ncbi.nlm.nih.gov/books/NBK219682/</p> <p>Research shows markets are sites to promote social interaction https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/1940-markets-social-interaction.pdf</p> <p>Market trading remains an affordable option for retail opportunities and start-up businesses. South Holland District Council is committed to growing and supporting the markets within its district.</p> <table border="1" data-bbox="459 907 1410 1167"> <thead> <tr> <th>Markets</th> <th>Current Charges</th> <th>Proposed New Charges</th> <th>Difference from Current Charges</th> </tr> </thead> <tbody> <tr> <td>Crowland</td> <td>£5.10</td> <td>£7.00</td> <td>37%</td> </tr> <tr> <td>Long Sutton</td> <td>£5.10</td> <td>£8.50</td> <td>67%</td> </tr> <tr> <td>Holbeach</td> <td>£5.10</td> <td>£7.00</td> <td>37%</td> </tr> <tr> <td>Spalding Sat</td> <td>£19.00</td> <td>£7.00</td> <td>-63%</td> </tr> <tr> <td>Spalding Tue</td> <td>£19.00</td> <td>£7.00</td> <td>-63%</td> </tr> </tbody> </table> <p>The main purpose of having a Handbook is to set out the matters the South Holland District Council will take into account when considering and undertaking its duty to provide and manage its markets.</p> | Markets | Current Charges | Proposed New Charges | Difference from Current Charges | Crowland | £5.10 | £7.00 | 37% | Long Sutton | £5.10 | £8.50 | 67% | Holbeach | £5.10 | £7.00 | 37% | Spalding Sat | £19.00 | £7.00 | -63% | Spalding Tue | £19.00 | £7.00 | -63% |
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| <p>7. What negative equality outcomes could there be overall?</p> | <p>The markets team is committed to the opportunity to promote and grow its market occupancy rates. The markets continue to be a cheaper alternative for trading and potentially growing the jobs market with a new generation of traders.</p> <p>Identifying issues which may adversely affect protected groups may be easier to do with existing policies and procedures however a prediction can be made about the impact of the new draft Market Regulations Handbook and proposed fees and charges.</p> <p>Increases in fees and charges for traders could be unaffordable for some traders resulting in reduced trader occupancy.</p> <p>However, market trading in the district is still very affordable when considering the alternatives of entering into the retail shop environment and benchmarking against other local authorities. Fees have been kept low and free in recent months to encourage traders to stand on any of the markets in the district.</p> | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <p>Some disabilities, depending on their nature and severity, will have little or no impact on the access to and provision of this public service. The requirement for traders to erect and dismantle their own stalls suggests however that those most likely to have issues accessing the service are individuals with a visual impairment and any range of physical impairments that make it difficult for them put up their own stalls.</p> <p>Various forms of learning or physical disability could impact on the ability to understand guidance and / or use computers, keyboards or any of the digital offering to access the online book and pay system. Around 15% of the overall population have dyslexia / dyspraxia or other specific learning difficulties. https://www.bdadyslexia.org.uk/</p> |
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| Protected Characteristic Group | Please explain and give example of any evidence/data used |
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| | <p><u><i>The Markets service is unable to give reliable information regarding trader Nationality, Ethnicity, Disability or sexual orientation as it is not provided by traders when applying to stand on the market(s).</i></u></p> <p>As a public sector body South Holland District Council has a legal duty to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not and foster good relations between people who share a protected characteristic and those who do not. While we shall ensure compliance with the public sector duty under the Equality Act 2010 we cannot anticipate all situations and we cannot be responsible to the provision or adaptation of equipment that may be supplied by SHDC.</p> |
| Disability | <p>The Equality Act 2010 recognises that bringing about equality for disabled people may mean changing the way in which services are delivered, providing extra equipment and / or removal of physical barriers. The duty to make reasonable adjustments aims to make sure that a disabled person can use a service as close as it is reasonable practicable to do so to the standard usually offered to non-disabled people. When the duty arises SHDC is under a positive and proactive duty to take steps to remove or prevent these obstacles.</p> <p>The Equality Act 2010 provides that a person has a disability if he / she has a physical or mental impairment and the impairment has a substantial and long term adverse effect on their ability to carry out normal day to day activities.</p> <p>Possible negative impact on individuals who are unable erect their own stalls. Possible negative impact for individuals who are unable to use online services.</p> <p>It is difficult to obtain definitive figures as estimates vary, the average is between 15% - 20% of the UK population are disabled. Of South Holland's total population 88270, 79.38% (70073) are not limited by disability in their day to day activities. 9.4% (8376) are limited a lot and 11.13% (9821) are</p> |

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| | <p>limited a little, below the national average https://www.ons.gov.uk/census/2011census/2011censusdata</p> <p><u>Stall Erection and Online services – Book and Pay.</u> The service provided should be capable of being adjusted to ensure maximum accessibility.</p> <p>Based on the evidence received through the consultation 81.29% of respondents did not consider themselves as having a long term illness or impairment.</p> <p>We consider from these results those persons who identify themselves to have a physical or mental impairment that would impair their ability to put up their own stall to be low.</p> <p>SHDC will offer reasonable adjustment and assistance to those person who identify as requiring assistance by way of physical support for stall erection and by way of offering an assisted digital support option.</p> <p>Organisations and charities provide specialist advice and support to disabled users and SHDC can signpost to these in addition to providing accessibility to the service.</p> |
| Gender reassignment | No impact relating to gender reassignment has been identified. |
| Marriage or civil partnership | No impact relating to marriage or civil partnership has been identified. |
| Pregnancy and maternity | No impact relating to pregnancy and maternity has been identified. |
| Race | No impact relating to race has been identified. |
| Religion or belief | No impact relating to religion or belief has been identified. |
| Sexual orientation | No impact relating to sexual orientation has been identified. |
| Sex (gender) | No impact relating to gender has been identified. |
| Age | <p>The average (median) age in South Holland is 45 year old. 2011 census. 16.6% of South Holland’s population is under 16 years old. 60.5% of South Holland’s population fall within the working age bracket (16-64) and 22.9% of South Holland’s population is 65 or over. 2011 census.</p> <p>Markets are accessed by people of a wide range of ages and traditionally used by the older generation who may benefit from a centrally located market. They provide a safe outdoor area for shopping and add a social benefit within the community, particularly so in rural areas. The highest proportion of respondents were ages between 65-74yrs:</p> |



Evaluation

| Question | Evaluation/Justification | |
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| Is it possible the proposed activity could discriminate or unfairly disadvantage people | Due regard to the public sector equality duty must be had and considered in relation to online access, stall erection and pop up stall provision and erection as it is may disadvantage disabled users or those with long term health conditions. | |
| Final Decision: | Tick the relevant box | Include any explanation / Justification |
| 1. No barriers identified; therefore the activity will proceed. | | |
| 2. You can decide to stop the activity practice at some point because the data shows bias towards one or more groups | | |
| 3. You can adapt or change the activity in a way which you think will eliminate the bias | X | Continue with the policy (functions, activities and decisions) and introduce initial screening to improve access to the service and identify those persons who require additional support to promote equality in line with the duty to have due regard. Reasonable steps to anticipate and accommodate the needs of disabled individuals where the self-serve model does not meet the requirements of |

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| | | <p>the EqA 2010 by offering a digital assist service.</p> <p>Offer a proactive customer service offering support for service users by way of a call back, digital assist to those individuals who have a neurodivergent disability to offer help to process the information and complete the booking system.</p> <p>Pop –up Stalls - providing personal assistance for persons identifying themselves as needing assistance via the booking platform. Ensuring due regard to that duty in consideration of pop up stall provision and erection so as meet the needs of service users and reduce inequality.</p> <p>Offer third parties (PSPS) access to the book and pay system to act as a first line customer support.</p> <p>Signposting to external support services such as access to work and NHS services.</p> <p>https://www.nhs.uk/conditions/social-care-and-support-guide/money-work-and-benefits/work-and-disability/</p> <p>https://www.gov.uk/access-to-work</p> |
| <p>4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the activity. Therefore you are going to proceed with caution with this activity knowing that it may favour some people less than others, providing</p> | <p>X</p> | <p>The proportion of society affected is considered to be low and safeguards are to be put in place to adjust procedure to support individuals in accessing the service.</p> <p>Quarterly review meetings will take place with traders and their trade representative bodies to ensure continued review and compliance with the public sector equality duty.</p> |

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| justification for this decision. | | |
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| Will this EIA be published | Yes with report |
| Date completed | |
| Review date | |