

Equality Impact Assessment

Licensing Act 2003 -
Statement of Licensing
Policy

- **Background**

An Equality Impact Assessment is an improvement tool. It will assist you in ensuring that you have thought about the needs and impacts of your service/policy/function in relation to the protected characteristics. It enables a systematic approach to identifying and recording gaps and actions.

- **Legislation- Equality Duty**

As a local authority that provides services to the public, Charnwood Borough Council has a legal responsibility to ensure that we can demonstrate having paid due regard to the need to

- ✓ Eliminate discrimination, harassment, victimisation.
- ✓ Advance Equality of Opportunity
- ✓ Foster good relations

For the following protected characteristics:

- ✓ Age
- ✓ Disability
- ✓ Gender reassignment
- ✓ Marriage and civil partnership
- ✓ Pregnancy and maternity
- ✓ Race
- ✓ Religion and belief
- ✓ Sex (Gender)
- ✓ Sexual orientation
- ✓ Socially excluded groups

What is prohibited?

- ✓ Direct Discrimination
- ✓ Indirect Discrimination
- ✓ Harassment
- ✓ Victimisation
- ✓ Discrimination by association
- ✓ Discrimination by perception
- ✓ Pregnancy and maternity discrimination
- ✓ Discrimination arising from disability
- ✓ Failing to make reasonable adjustments

Complete this action plan as you go through the questions

- **Step 1 – Introductory information**

Title of the policy	Statement of Licensing Policy
Lead officer and others undertaking this assessment	Grace Dowson, Licensing Manager Alan Twells, Head of Regulatory Services
Date EIA started	January 2022
Date EIA completed	January 2022

- **Step 2 – Overview of policy/function being assessed**

Outline: What is the purpose of this policy? (Specify aims and objectives)

Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its Licensing Policy, reviewed 5 yearly. Such a policy must be published before the authority carries out any function in respect of individual applications and notices made under the terms of the Licensing Act 2003. The policy sets out the general approach to make licensing decisions whilst remaining consistent with provisions of the Licensing Act 2003.

What specific group/s is the policy designed to affect/impact and what is the intended change or outcome for them?

The policy statement acts as the main vehicle for setting out the Licensing authorities approach to regulation. It aims to control operators of licensed premises within the local area to help protect the community, i.e. children and relevant vulnerable groups, and to guide those Operators as to how the Council wishes them to run their premises.

The licensing objectives are set out in the Act and are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Which groups have been consulted as part of the creation or review of the policy?

On reviewing the Statement of Licensing Policy, the Council consults with:

- All existing licensees
- Local responsible authorities under the Act such as the Police
- Persons representing holders of existing licences for the sale of alcohol, public entertainment, theatres, cinemas and late-night refreshment
- Persons representing holders of clubs registered under the Licensing Act 1964
- Persons/bodies representing the interests of people likely to be affected by the Policy

- **Step 3 – What we already know and where there are gaps**

List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation etc.

Data/information such as:

- Consultation
- Previous Equality Impact Assessments
- Demographic information
- Anecdotal and other evidence

- The previous Statement of Licensing Policy was approved by the Council in June 2017 for a 5 year period. The Licensing Service has issued relevant Licences, undertaken enforcement checks and responded to complaints during this period. No significant risks have been identified which will impact on the development of this new Policy Statement. Part of this Policy, the Cumulative Impact Policy was reviewed and consulted upon in 2021 as required by the 182 guidance. The Consultees were the Responsible Authorities (including Charnwood Borough Council Licensing, Fire, Health and Safety, Health and Safety Executive, Planning, Police, Pollution, Trading Standards, Public Health, and the Home Secretary), Business and residents .e.g. relevant residents groups, Local Councillors, British Beer and Pub Association, Pub Watch, Licensing Solicitors, Premises Licence Holders, Premises Licence Holders of premises in the Cumulative Impact Zone (CIZ area), Premises Licence Holders of Late Night Refreshment premises in the CIZ area and Club Premises certificate holders. . No comments were raised on this consultation.

What does this information / data tell you about diverse groups? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (Please list)

The current Licensing Database system is being updated and will be used to monitor relevant complaints regarding Licensed Premises. This will include any specific complaints made by relevant vulnerable groups.

• **Step 4 – Do we need to seek the views of others? If so, who?**

Considering the answers given in Step 2, do you need to consult with specific groups to identify needs / issues? If not explain why.

No further consultation required as per the requirements of the Licensing Act 2003.

• **Step 5 – Assessing the impact**

Considering any data/consultation/information and your own knowledge, identify whether the policy has a positive or negative impact on the individuals or community groups who identify with any ‘protected characteristics’ and provide an explanation for your decision. Please refer to the general duties on the front page.

Age	<p>Positive impact - As there are limitations on the age when a person can enter licensed premises and the policy has elements for the protection of children and young persons. Rules and regulations are clearly communicated to all licensees through the policy and advice is readily available to the public and the licensees.</p> <p>All licensees are required to include an operating schedule to show elements they would put into place to promote the Licensing Objective.</p>
<p>Disability</p> <ul style="list-style-type: none"> • Physical • Visual • Hearing 	<p>Positive impact - Responsible and transparent licensing policies, both for the premises licensed and the personal licensee, make a contribution to ensuring that venues and staff of those venues are aware of vulnerable groups.</p>

<ul style="list-style-type: none"> • learning disabilities • mental health 	Businesses have obligations under the national equality legislation, this can include the requirement to make reasonable adaptations for people who have a disability. It also includes appropriate evacuation arrangements in case of an emergency.
Gender Reassignment (Transgender)	No Impacts identified/ Neutral Impact
Race	No Impacts identified/ Neutral Impact
Religion or Belief (Includes no belief)	No Impacts identified/ Neutral Impact
Sex (Gender)	The Council promotes campaigns such as Drink Aware and Ask Angela for Licensed premises.
Sexual Orientation	No Impacts identified/ Neutral Impact
Other protected groups <ul style="list-style-type: none"> • Pregnancy & maternity • Marriage & civil partnership 	No Impacts identified/ Neutral Impact
Other socially excluded groups <ul style="list-style-type: none"> • Carers • Low literacy • Priority neighbourhoods • Health inequalities • Rural isolation • Asylum seeker and refugee communities 	Positive impact - Responsible and transparent licensing policies, both for the premises and the personal licensee, make a contribution to ensuring that venues and staff of those venues are aware of vulnerable groups, i.e., those overly intoxicated.

Where there are potential barriers, negative impacts identified and/ or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.

- If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.
- Additionally, if you have identified adverse impact that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

Not relevant- no negative impact or potential barriers identified.

Summarise your findings and give an overview as to whether the policy will meet Charnwood Borough Council's responsibilities in relation to equality and diversity (please refer to the general duties on the front page).

The proposed Statement of Licensing Policy, to be issued under the Licensing Act 2003, will outline how Charnwood will implement the relevant provisions for the Licensing of premises within the Borough. This is in line with the national Guidance issued under Section 182 of the Licensing Act 2003, which is designed to promote the four statutory licensing objectives. With relevant enforcement and monitoring this will assist in the protection of the four Licensing Objectives and will be in line with the Council's Equality & Diversity responsibilities.

● **Step 6- Monitoring, evaluation, review**

Are there processes in place to review the findings of this Assessment and make appropriate changes? How will you monitor potential barriers and any positive/ negative impact?

The Statement of Licensing Policy is used as the basis for the licensing of premises within the local area covered by Charnwood Borough Council and compliance visits will be carried out where complaints are received or where advice is required.
How will the recommendations of this assessment be built into wider planning and review processes? e.g. policy reviews, annual plans and use of performance management systems.
The Licensing Committee of the Council are provided with update reports on the work undertaken by the Licensing Service, which includes the number of Premises Licences approved, complaints received and enforcement inspections undertaken at Licensed Premises, which are the responsibility of the Council.

- **Step 7- Action Plan**

Please include any identified concerns/actions/issues in this action plan. The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan			
Reference Number	Action	Responsible Officer	Target Date
1	Continue to monitor relevant complaints regarding Licensed Premises, via the Licensing Database System, including any specific complaints made by relevant vulnerable groups.	GD	Ongoing
2.	Follow up any changes to premises which may result in lack of compliance, such as a change to the Designated Premises Supervisor or lack of payment of annual maintenance	GD	Ongoing

- **Step 8- Who needs to know about the outcomes of this assessment and how will they be informed?**

	Who needs to know?	How they will be informed (we have a legal duty to publish EIA's)
Employees	✓	The revised Statement of Licensing Policy and this EIA will be published on the Councils website for information and transparency.
Service users	✓	
Partners and stakeholders	✓	
Others	✓	
To ensure ease of access, what other communication needs/concerns are there?		

- **Step 9- Conclusion (to be completed and signed by the **Service Head**)**

[Title]

Delete as appropriate
I agree with this assessment
I disagree with this assessment
If <i>disagree</i> , state action/s required, reasons and details of who is to carry them out with timescales below.
Signed (Service Head): Alan Twells, Head of Regulatory Services
Date: 11 th February 2022

Please send completed & signed assessment to **Vicky Brackenbury** for publishing.