

## Equality Impact Assessment Part 1: Screening Form

<b>Title of report or proposal:</b>
Statement of Licensing Policy – Consultation Proposal

<b>Department:</b>	Place
<b>Section/SIAP unit:</b>	Licensing, Neighbourhood and Regulatory Services
<b>Date:</b>	January 2016

This report is for decision and is therefore subject to an Equality Impact Assessment. The following questions have been completed to ensure that this proposal, procedure or working practice does not discriminate against any particular social group. Details of the outcome of the Equality Impact Assessment have also been included in the main body of the report.

# Equality Impact Assessment Questions

**1. Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes:**

Bolton Council is the 'Licensing Authority' for all licensable activities within the borough of Bolton. The licensable activities are:

- The sale of alcohol by retail
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

The Council carries out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives, namely:

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

The aims of the Statement of Licensing are to:

- Help build a fair and prosperous society that properly balances the rights of businesses and the communities of which they are a part
- Encourage greater diversity in the range of entertainment available in the borough and to widen the choice and appeal of licensed premises
- Integrate with other initiatives that will:
  - reduce crime and disorder
  - encourage tourism
  - reduce alcohol misuse
  - encourage the self sufficiency of local communities
  - reduce the burden of unnecessary regulation on business
  - ensure a managed and consistent approach to the establishment and operation of licensed premises

Bolton Council has reviewed the Statement of Licensing Policy in response to changes in legislation and Secretary of State Guidance and as required by the Licensing Act 2003.

Consultation will be undertaken with statutory consultees and the wider community.

## **2. Who are the main stakeholders in relation to the proposal?**

The new Statement of Licensing Policy will be considered by the following statutory consultees as part of the consultation exercise:

- Greater Manchester Police Service
- Greater Manchester Fire Service
- Environmental Health – Pollution Control and Health & Safety
- Trading Standards
- Planning
- The Local Authority Director of Health
- Child Protection
- Persons considered to be representatives of:
  - Existing Premises Licence holders
  - Existing Club Premises Certificate holders
  - Existing Personal License holders
  - Businesses and residents in the Council area

Elected Members will be consulted through the appropriate internal processes.

## **3. In summary, what are the anticipated (positive or negative) impacts of the proposal?**

The new Statement of Licensing policy is not anticipated to have a significant impact as there is a strong degree of consistency between the old and new document, it is merely reflecting updates to legislation and Secretary of State guidance. It is also important to say that this policy statement sits within the wider context of the Local Authority's duties under the Equality Act 2010. These require us to have due regard to:

- Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it
- Fostering good relations between people who share a protected characteristic and people who do not share it

Given the above and the associated impact detailed below, we do not anticipate that the changes will affect our ability to meet our duties under the Equality Act.

### **Impact for the business community**

For the business community, the Statement of Licensing policy outlines the procedure for applying for a business licence and sets out the responsibilities of Bolton Council as the 'Licensing Authority' and business owners undertaking licensable activities. On the whole, the amendments proposed have been designed to clarify, formalise and, in some cases, simplify the processes governing licensing activity. The principles governing the Statement of Licensing policy remain consistent with the previous policy statement and

recognise the wider community impacts that the Local Authority, business community and other stakeholders must be aware of when undertaking licensing activities.

The statement recognises the need for a balance between the rights of businesses and the community of which they are a part.

### **Impact for the wider community**

The changes proposed in the revised Statement of Licensing policy are not anticipated at this time to impact significantly on the wider community. However Community Impact Policies (CIP), Late Night Levy's and Early Morning Restriction Orders are included in the report and although there are currently none in the Borough, these are something any responsible body can request and this would have an impact on the wider community which would be considered as part of the process of considering whether to approve such a policy.

**4. With regard to the stakeholders identified above and the diversity groups set out below:**

	<b>Is there any potential for (positive or negative) differential impact?</b>	<b>Could this lead to adverse impact and if so what?</b>	<b>Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason?</b>	<b>Please detail what measures or changes you will put in place to remedy any identified adverse impact</b>
<b>Race</b>	It is not anticipated that the proposed policy will have an effect on the grounds of race.	It is not anticipated that the proposed policy will have an adverse impact on the grounds of race.	Not applicable at this time. The policy proposed is designed to clarify, formalise and, in some cases, simplify the processes governing licensable activity.	As with Bolton's community as a whole, Bolton's business community is very diverse. The Local Authority has established procedures for engaging with the diverse range of businesses within the borough.  Consultation on the new Statement of Licensing policy will be undertaken with statutory consultees, including representatives from the business community.
<b>Religion</b>	It is not anticipated that the proposed policy will have an effect on the grounds of faith.	It is not anticipated that the proposed policy will have an adverse impact on the grounds of faith.	Not applicable at this time. The policy proposed is designed to clarify, formalise and, in some cases, simplify the processes governing licensable activity.	As with Bolton's community as a whole, Bolton's business community is very diverse. The Local Authority has established procedures for engaging with the diverse range of businesses within the borough.

				Consultation on the new Statement of Licensing policy will be undertaken with statutory consultees, including representatives from the business community.
<b>Disability</b>	<p>It is not anticipated that the revised statement will have an impact on the grounds of disability.</p> <p>Businesses have obligations under national equality legislation, which can include the requirement to make reasonable adaptations for people who have a disability. They also have an obligation to ensure that appropriate evacuation arrangements are in place in the event of an emergency, and that patrons who have a disability are made aware of these arrangements.</p>	<p>It is not anticipated that the proposed policy will have an adverse impact on the grounds of disability.</p>	<p>Not applicable at this time. The policy proposed is designed to clarify, formalise and, in some cases, simplify the processes governing licensable activity.</p>	<p>As the Licensing Authority Bolton Council has responsibilities under equality legislation, which includes eliminating discrimination, promoting equality of opportunity and fostering good relations. As such, we work with the business community to fulfil these duties. For example, a recent campaign has been undertaken to raise awareness of and tackle disability hate crime within the town centre.</p> <p>Consultation on the new Statement of Licensing policy will be undertaken with statutory consultees, including representatives from the business community.</p>

<p><b>Gender (including gender reassignment)</b></p>	<p>The Statement of Licensing policy has clear links to wider social outcomes such as health and wellbeing and crime and disorder, which may manifest themselves differently in men and women. It is not anticipated that the new statement will have a particular impact on the grounds of gender.</p>	<p>It is not anticipated that the proposed policy will have an adverse impact on the grounds of gender.</p>	<p>Not applicable at this time. The policy proposed is designed to clarify, formalise and, in some cases, simplify the processes governing licensable activity.</p>	<p>Consultation on the new Statement of Licensing policy will be undertaken with statutory consultees, including representatives from the business community.</p>
<p><b>Age</b></p>	<p>The Statement of Licensing policy clearly recognises the need to protect children from harm, and is therefore relevant to the borough's young people. The new statement should not significantly alter how safeguarding is delivered under the policy.</p>	<p>It is not anticipated that the proposed policy will have an adverse impact on the grounds of age, since the protection of children from harm remains a fundamental principle of the policy.</p>	<p>Not applicable at this time. The policy proposed is designed to clarify, formalise and, in some cases, simplify the processes governing licensable activity. Safeguarding of children remains a fundamental principle of the policy.</p>	<p>Consultation on the revised Statement of Licensing policy will be undertaken with statutory consultees, including representatives from the business community.</p>

<b>Sexuality</b>	It is not anticipated that the new policy will have an effect on the grounds of sexuality.	It is not anticipated that the proposed policy will have an adverse impact on the grounds of sexuality.	Not applicable at this time. The new policy proposed is designed to clarify, formalise and, in some cases, simplify the processes governing licensable activity.	Consultation on the revised Statement of Licensing policy will be undertaken with statutory consultees, including representatives from the business community.
<b>Caring status (including pregnancy &amp; maternity)</b>	Please see the section on age, above, for considerations around children. It is not anticipated that the new statement will have a specific impact in relation to pregnancy and maternity, although amendments around irresponsible drinks promotion and the provision of free drinking water may indirectly benefit pregnant women.	Please see the section on age, above.	Please see the section on age, above.	Consultation on the new Statement of Licensing policy will be undertaken with statutory consultees, including representatives from the business community.
<b>Marriage and civil partnership</b>	It is not anticipated that the new statement will have an effect on the grounds of marriage and civil partnership.	It is not anticipated that the proposed policy will have an adverse impact on the grounds of marriage and civil partnership.	Not applicable at this time. The new policy proposed is designed to clarify, formalise and, in some cases, simplify the processes governing licensable activity.	Consultation on the new Statement of Licensing policy will be undertaken with statutory consultees, including representatives from the business community.



<p><b>Socio-economic</b></p>	<p>The Statement of Licensing policy has clear links to wider social outcomes such as health and wellbeing and crime and disorder, for which there may be particular considerations in areas of socio-economic disadvantage. It is not anticipated that the new policy will have a specific impact in relation to socio-economic issues at this time.</p>	<p>It is not anticipated that the proposed policy will have an adverse impact on the grounds of socio-economic disadvantage..</p>	<p>The new policy proposed is designed to clarify, formalise and, in some cases, simplify the processes governing licensable activity.</p>	<p>Bolton Council works with its partners to deliver the aims of the Community Strategy, which includes a focus on narrowing the gap. The Licensing Authority Bolton Council also has a responsibility to work with the business community to ensure responsible licensing activity, for example through the restriction of irresponsible drinks promotions.</p> <p>Consultation on the new Statement of Licensing policy will be undertaken with statutory consultees, including representatives from the business community.</p>
<p><b>Other comments or issues</b></p>	<p>As set out in the sections above, the proposed new Statement of Licensing policy is designed to clarify, formalise and, in some cases, simplify the processes governing licensing activity. In this respect, it is not anticipated that the proposed changes will have a significant effect on any particular diversity group.</p> <p>It is important to stress that the principles governing the Statement of Licensing policy remain consistent and continue to recognise the need to balance the rights of businesses and the communities of which they are a part. This is important for diversity groups such as children and young people, and for vulnerable people who may, for example, be experiencing socio-economic disadvantage. The principles also link to wider community outcomes such as crime and disorder, health and community wellbeing.</p>			

**Please provide a list of the evidence used to inform this EIA, such as the results of consultation, service take-up, service monitoring, surveys, stakeholder comments and complaints where appropriate.**

**If you have undertaken consultation as part of the proposal, the consultation manager will upload it on to the corporate database.**

- The existing Statement of Licencing policy
- National legislative frameworks and guidance
- Engagement with key internal stakeholders

**5.a Are there any gaps in your evidence or conclusions that make it difficult for you to quantify the potential adverse impact?**

Consultation is required to be undertaken with statutory consultees, as set out earlier in this EIA. This will inform the final Statement of Licensing policy.

**5.b If so, please explain how you will explore the proposal in greater depth or please explain why no further action is required at this time.**

**You may wish to consider undertaking secondary data analysis, further consultation or research or investigating best practice. If you are planning to undertake further consultation or research as a result of this EIA, please contact the Consultation Manager on ext. 1083.**

**This EIA form and report has been checked and countersigned by the Departmental Equalities Officer before proceeding to Executive Member(s)**

Please confirm the outcome of this EIA:

No major impact identified, therefore no major changes required – proceed	<input checked="checked" type="checkbox"/>
Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed	<input type="checkbox"/>
Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
Stop and rethink - the EIA identifies actual or potential unlawful discrimination	<input type="checkbox"/>

**Report Officer**

Name:

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Signature:

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Date and Contact No:

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**Departmental Equalities Lead Officer**

Name:

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Signature:

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Date and Contact No:

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# Equality Impact Assessment

## Part 2: Consultation Form

(To be completed where consultation has been undertaken)

This report is for decision and is therefore subject to an Equality Impact Assessment. The proposal was also subject to consultation and this Equality Impact Assessment (Consultation Form) provides details of the consultation results.

The following questions have been completed to ensure that this proposal, procedure or working practice does not discriminate against any particular social group. This has been ensured by undertaking consultation. Details of the outcome of the consultation have also been included in the main body of the report.

**This form asks you to provide details of all the consultation undertaken specific to the proposal you are making, either prior to the EIA or as part of it and the results of this.**

### 1. Consultation with staff

- a. Please summarise the consultation undertaken with staff and their Trades Unions regarding this proposal.

It has not been necessary to consult with staff on the policy changes, except where they represent a service which is a statutory consultee e.g. Planning. The results of the consultation with these stakeholders are set out in section 2, below.

- b. Please summarise the results of this consultation, including key issues arising and any changes being made to the proposal as a result of the consultation

N/A

### 2. Consultation with customers and other stakeholders

- a. Please summarise the consultation undertaken with customers and other stakeholders regarding this proposal (refer back to the stakeholders identified in your screening form)

Consultation on the proposed changes to the Statement of Licensing Policy ran from 17 February to 16 March 2016. The following organisations were invited to comment on the proposed amendments:

- 2 Pub Watch Chairs
- 4 clubs with certificates for alcohol
- 9 premises with off-licence for alcohol
- 6 premises with on-licence for alcohol
- Elected Members and Town Councils
- General residents – via elected Members and Town Councillors
- Greater Manchester Police
- Greater Manchester Fire and Rescue Service
- Environmental Health
- Trading Standards
- Planning
- Child Protection
- British Beer and Pub Association
- Association of Convenience Stores (ACS)
- Association of licensed Multiple Retailers (ALMR)
- Bolton Town Centre Manager
- British Institute of Inn Keeping (BIL)
- British Retail Consortium (BRC)
- Licensed Victuallers Association (LVA)
- National Association of Local Government Arts Officers
- National Pub Watch
- SIA
- NHS
- Bolton Interfaith Council
- Bolton CVS

- b. Please summarise the results of this consultation, including key issues arising and any changes being made to the proposal as a result of the consultation

CVS provided the following comments during the consultation period:

### **Our views**

Bolton CVS are fully committed to working in partnership, engaging the voluntary and community sector and ensuring that communities are informed and aware of changes, actions and strategies which affect them.

Bolton CVS welcomes the council's commitment to;

*“work creatively and innovatively by making full use of all available powers and legislation in its approach to administering licences and licensed premises within the borough.”*

We note with interest point **1.28** *“In order to ensure compliance with this legislation, an equality impact assessment will be conducted”* and would welcome further information on how equality impact assessments are undertaken within licensing. We believe that engaging with diverse communities on the impact of licensing would be a positive approach and would be happy to support that with sector colleagues.

Furthermore, with regards to partnership working under point **1.29**, we would like to see a partnership approach that fully involves the voluntary and community sector in local decision making.

We are particularly keen to see positive action taken around ‘The Protection and Improvement of Public Health’.

Bolton CVS believes that a clear and positive public health campaign could have significant impact on reducing harmful alcohol intake across the borough, particularly considering that we have access to around 32,000 volunteers as a sector – we’re happy to help.

We believe that a clear investment in engaging individuals in responsible drinking that is borough wide is something that we could support.

With reference to ‘the prevention of crime & disorder’ alongside ‘the protection and improvement of public health’, Bolton CVS believes that work could be taken around new initiatives and spaces such as ‘safe drinking space’ in Bolton where people can go to drink in a safe place and there be clear access for seek medical advice from health professionals.

This could reduce crime and disorder if well managed and could also reduce the risk of abuse to vulnerable young adults being abused by others and it would hopefully give the opportunity for those individuals to learn more about the impact drink is having on their bodies and seek help. This idea comes from the popular model for safer drug use, which has been used in other European countries:

<http://www.emcdda.europa.eu/topics/pods/drug-consumption-rooms>.

No comments were received from other stakeholders.





**This EIA form and report has been checked and countersigned by the Departmental Equalities Officer before proceeding to Executive Member(s)**

Please confirm the outcome of this EIA:

No major impact identified, therefore no major changes required – proceed	<input checked="checked" type="checkbox"/>
Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed	<input type="checkbox"/>
Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
Stop and rethink - the EIA identifies actual or potential unlawful discrimination	<input type="checkbox"/>

**Report Officer**

Name: Sarah Schofield

Signature: \_\_\_\_\_

Date and Contact No: 18<sup>th</sup> March 2016 x6718

**Departmental Equalities Lead Officer**

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date and Contact No: \_\_\_\_\_