



Scarborough Borough Council Equality Impact Assessment

Service:	Licensing	Date:	30 August 2018
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Impact Assessment:	Licensing Policy 2018 – Licensing Act 2003
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Name and roles of officers completing the assessment:	Petra Jackson, Performance and Admin Manager Mark Heaton, Senior Licensing Officer
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Background Information	<p>Under the Equality Act 2010, Local Authorities have a duty to have regard to three aims</p> <ul style="list-style-type: none"> Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. Advance equality of opportunity between people who share a protected characteristic and those who do not. Foster good relations between people who share a protected characteristic and those who do not. <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>There are nine protected characteristics which employees might have:</p> <ul style="list-style-type: none"> Age Disability Gender Reassignment Marriage or civil partnership Pregnancy and maternity Race Religion and Belief Sex (gender) Sexual Orientation. </div> <div style="width: 45%;"> <p>There are eight protected characteristics of people who use services, which are:</p> <ul style="list-style-type: none"> Age (over 18s only) Disability Gender Reassignment Pregnancy and maternity Race Religion and Belief Sex (gender) Sexual Orientation. </div> </div>
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PART 1: AIMS & OBJECTIVES

What is the service / policy / function / project trying to achieve and for who?

Is this a new service / policy / function / project or a review of an existing one?

Review of existing Policy

What are the Aims, Objectives or Purpose of the service / policy / function / project?

What is the Council trying to achieve, and what outcomes are sought?

Please give a brief description of the service / policy / function / project

If you are assessing a proposed change to the service or policy what is the aim of the change?

Scarborough Borough Council is the Licensing Authority under the Licensing Act 2003. The Licensing Authority is responsible for the licensing of Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in the Borough of Scarborough in respect of the sale and/or supply of alcohol, the provisions of (and provision of facilities for) regulated entertainment and the provision of late night refreshment. The Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its Licensing Policy before the Authority can carry out any licensing or regulatory functions made under the terms of the Licensing Act 2003. This Policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate.

The overriding aim of the Policy is to promote the four licensing objectives, each is of equal importance:

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

Who are the main stakeholders? What do the stakeholders want?

E.g. Consider: Employees/potential employees, Members and Councillors, residents of the Borough, visitors & tourists, retailers, businesses, contractors & suppliers, service users etc.

The main stakeholders are:

- Members of the Public
- Residents
- Visitors
- Applicants
- Licence Holders
- Borough Council Services
- Trade Bodies/organisations
- Retailers/Businesses
- Police
- Fire Service
- NYCC Trading Standards
- NYCC Children and Young People's Service
- Councillors

Stakeholders want the following:

- a licensing regime which is fair, transparent, consistent and is accessible to all.
- adequate protection and safeguarding for the public
- a safe and thriving night time economy
- The promotion of the Licensing Objectives

PART 2: EQUALITY DATA – Available data, research and information

What information is available about the service / policy / function / project? E.g. usage data, satisfaction data, census data, national statistics, surveys, consultation, focus groups, complaints feedback and other quantitative or qualitative feedback

- Enforcement data needs to be considered to assess whether there are issues with non-compliance and lack of understanding of rules/regulations – eg, language barriers, low literacy levels

What do you need to know about this service / policy / function / project? What information is needed to ensure that all perspectives are taken into account?

- Are there any barriers to particular groups applying for/gaining licences?
- Are there any barriers to particular groups accessing the services?
- What are the statutory requirements and do these conflict with any objectives/aims?
- Who are the applicants/Licence holders? I.e., breakdown by equalities group
- Does this tell us anything about gaps in or issues with service provision?

Are there identified gaps in the information needed? (Actions to collect this data should be included within the action plan)

Some gaps, information could be collected through renewals/applications

PART 3: ASSESSING NEEDS & IMPACTS

Consider the particular characteristics of the groups and communities and assess whether there is likely to be a differential impact upon each of the groups because of the way the service / policy / function / project is designed or delivered.

- How are the current needs of different equalities groups and communities met through the service / policy / function / project?
- Do people from different equalities groups have varying needs and/or expectations of the service / policy / function / project?
- Does it disadvantage or exclude groups?
- Is it likely to affect the relationship between different groups? E.g. Any issues of perceived bias, tension or other issues affecting community cohesion
- Is there any initial evidence that any part of it could discriminate unlawfully, directly or indirectly, against particular groups of people?
- Is there an opportunity to promote equality?
- Is there any evidence that information in relation to it is not accessible to particular groups of people? E.g. Publicity, knowledge, access to information (e.g. languages, large print)

	Are there any impacts?	What evidence do you have?	Are any negative impacts mitigated? If not, actions to mitigate the effects should be include in the action plan
RACE/ ETHNICITY:	There may be issues arising from language barriers for applicants for Licences		<ul style="list-style-type: none"> • Licensing Policy and other relevant licensing documents are available on the internet • Offer support to Licence applicants, licence holders and potential objectors – may need assistance with documentation • Language line available • Language may be an issue in Enforcement cases • Language knowledge and ability may be a barrier to some individuals applying for Designated Premises Supervisors/Personal licence holders as a Licensing Qualification is required, however, this is a statutory requirement, justifiable on grounds of public safety.
GENDER	No specific issues identified		
GENDER IDENTITY:	No specific issues identified		

	Are there any impacts?	What evidence do you have?	Are any negative impacts mitigated? If not, actions to mitigate the effects should be include in the action plan
DISABILITY:	<ul style="list-style-type: none"> • Consultation will be undertaken with Disablement Action Groups and disabled residents re the Licensing policy • Interviews under caution are held in the PACE room, in the Customer First Centre which is fully accessible • Hearing loop available in the Council Chamber, but not in Committee Room 2 where most hearings are held. • The Licensing Policy and accompanying background documents are available on the internet, and in other formats upon request – e.g. larger font size, etc. • Applicants for Personal Licences/Designated Premises Supervisors are required to obtain a Licensing qualification, which may restrict applicants with a learning disability 		<ul style="list-style-type: none"> • Requirement to obtain a Licensing Qualification may be a barrier to those with a learning disability but is justifiable on grounds of public safety/legal requirements
SEXUAL ORIENTATION:	<ul style="list-style-type: none"> • None identified 		<ul style="list-style-type: none"> • Ensure that applications for premises specifically for disadvantaged groups are dealt with fairly (e.g. an application for a “gay pub”). • Any objections to a licence application are carefully considered to ensure they are not submitted solely on the grounds of personal prejudice.

	Are there any impacts?	What evidence do you have?	Are any negative impacts mitigated? If not, actions to mitigate the effects should be include in the action plan
AGE:	<ul style="list-style-type: none"> • Promote the protection of children from harm • Under the Licensing Act 2003 there is a restriction on admission to adult entertainment venues (no under 18's). • New legislation will take into account sex encounter venues • Personal Licence Holders are required to be 18 years and over – statutory requirement, justifiable on grounds of public safety • Policies seek to minimise barriers for older people/families with children to using town centres in the evening due to their perception of the fear of crime and antisocial behaviour 		<ul style="list-style-type: none"> • Justified on grounds of public safety • Requirement to undertake safeguarding training • Justifiable where legal requirements
RELIGION / BELIEF:	<ul style="list-style-type: none"> • The Licensing Act 2003 exempts certain premises from the need for licensing e.g. places of public religious worship and places incidental to religious meetings or services 		<ul style="list-style-type: none"> • Justifiable where legal requirement

	Are there any impacts?	What evidence do you have?	Are any negative impacts mitigated? If not, actions to mitigate the effects should be include in the action plan
OTHER SOCIAL EXCLUDED GROUPS, INC ECONOMIC DEPRIVATION:	<ul style="list-style-type: none"> • Applicants for Personal Licences/Designated Premises Supervisors are required to obtain a Licensing qualification which could be a bar to some groups, eg, low levels of literacy, - statutory requirement, • Work with Safer Communities Partnership to promote the safety of vulnerable people in licensed premises • Involved with Night Vision Group which works to ensure Scarborough provides a vibrant and safe town centre experience for residents and visitors. • Night Angels and Street Wardens schemes in place to mitigate effects of crime and disorder and assist with the public safety of people made vulnerable through the effects of excessive alcohol • Cumulative Impact Policies restrict the number of licensed premises in an area to mitigate effects eg crime and disorder etc • Policies take into account of effects on vulnerable groups 		<ul style="list-style-type: none"> • Justifiable on grounds of public safety • Justifiable where legal requirement

	Are there any impacts?	What evidence do you have?	Are any negative impacts mitigated? If not, actions to mitigate the effects should be include in the action plan
	<ul style="list-style-type: none"> Applicants for Personal Licences/Designated Premises Supervisors are required to be DBS cleared which could be a barrier to some people, but is justifiable on the grounds of public safety/reduction of crime and disorder Fees are charged for licences which can be a barrier 		<ul style="list-style-type: none">
ALL GROUPS	<ul style="list-style-type: none"> Requirement for DBS may exclude some groups 		<ul style="list-style-type: none"> Justified on the grounds of public safety

PART 4: MITIGATING ADVERSE IMPACTS

Adverse Impacts – “Discriminates or disadvantages one or more groups”

Summarise any adverse impacts of the service / policy / function / project in the table below. If you have identified that the service / policy / function / project is having, or might be having and adverse impact, is it justifiable or legitimate?

- If the adverse impact **is** justifiable or legitimate, please provide reasons why. Detail what actions could be taken to mitigate the adverse impact on people?
- If the adverse impact **is not** justifiable or legitimate and is therefore illegal, please details what actions are been taken to remedy this immediately?

(please include all actions within the action plan)

- Language knowledge and ability may be a barrier to some individuals applying for Designated Premises Supervisors/Personal licence holders as a Licensing Qualification is required, however, this is a statutory requirement, justifiable on grounds of public safety. This can also be a barrier to those with a learning disability, however, there is a need to understand the regulations and be able to manage
- Language may be a barrier for some ethnic communities in understanding regulations and enforcement issues – assistance is provided, language line is available.
- DBS checks may prevent some from becoming licence holders – justifiable on grounds of public safety
- The fees charged could be a barrier – there are no concessions with regard to Licensing Act and Gambling Act fees as these are statutory.

PART 5: FORMAL CONSULTATION

What gaps in knowledge or data have been identified and what further data / consultations are required? *(Actions to collect this data should also be included within the action plan)*

- Issues have been highlighted by the Licensing Service Impact Assessment and are being addressed
- The Licensing Policy is to be the subject of extensive consultation, including with representatives from vulnerable groups

PART 6: DECISION MAKING

A decision will need to be made regarding the adoption of any new and any changes to existing policies, strategies or projects *(e.g. through the Council's Cabinet/Committee or relevant Partnership Board for any partnership and regional strategies and policies)* which should take account of all assessments and consultation. The decision will need to ensure that the strategy or policy complies with the equality legislation including the duty to promote equality.

Please provide details of how the decision to adopt the policy, strategy or project will be made, including who will make the decision, what information will inform the decision-making process and how the decision-making process be recorded

Approval at Cabinet xxx
Final Approval at Council xxx

Please note in line with the Council's Policy Framework, drafts of all new/amended policies and strategies together with the Equality Impact Assessment must be reviewed by Policy & Performance

PART 7: EQUALITY MONITORING

How will the impact of this service / policy / function / project continue to be monitored?
(Actions to collect this data should also be included within the action plan)

Monitored and reviewed on a five year basis

PART 8: AUDIT TRAIL & PUBLICATION

Officer Completing the Form:

Signed:		Name:	Petra Jackson
		Date:	30/8/18
		Job Title:	Performance and Admin Manager

Head of Service:

Signed:		Name:	
		Date:	
		Service:	

Audit Trail: (To be completed by Policy & Performance)

Received by:	
Date:	
Published on Website?	Yes / No