

EQUALITY ANALYSIS QUALITY ASSURANCE CHECKLIST

Name of 'proposal' and how has it been implemented (proposal can be a policy, service, function, strategy, project, procedure, restructure/savings proposal)	Licensing Policy Review and 'No Casino' Resolution
Directorate / Service	CLC, Safer Communities, Consumer and Business Regulation
Lead Officer	David Tolley
Signed Off By	

Stage	Checklist Area / Question	Yes / No / Unsure	Comment (If the answer is no/unsure, please ask the question to the SPP Service Manager or nominated equality lead to clarify)
1	Overview of Proposal		
a	Are the outcomes of the proposals clear?	Yes	<p>This report submits proposed changes to the Statement of Licensing Policy. The report asks Mayor in the Cabinet to agree:</p> <ul style="list-style-type: none"> • the forward programme for the adoption of the Statement of Licensing Policy • that the Statement of licensing policy will take effect from 1 November 2013 until 31 October 2018 • the adoption of the 'no casino' resolution to go forward to full Council. <p>The Licensing Act 2003 requires all local authorities to review their existing Statement of Licensing Policy and adopt a new policy by the end of 2013. As a Licensing Authority, the Council must review its Licensing Policy every three</p>

			<p>years and publish the outcome of that review. The Council's current Statement of Licensing Policy was adopted by the full Council in December 2010.</p> <p>The policy aims to define how the responsibilities under the Act are going to be exercised and administered. A statutory consultation process took place between 5 April 2013 and 10 May 2013.</p> <p>Cabinet requested that a 'No Casino' resolution be consulted upon. The consultation showed a majority in favour of the resolution. If Cabinet agree, the policy will go to the full Council for adoption.</p> <p>The purpose of the Statement of Licensing Policy is to define how the responsibilities under the Licensing Act 2003 are going to be exercised and administered. The licensing policy and its implementation aim to promote the following four licensing objectives stipulated by the Licensing Act 2003:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm.
b	Is it clear who will be or is likely to be affected by what is being proposed (inc service users and staff)? Is there information about the equality profile of those affected?	Yes	<p>The key proposed changes have arisen from the consultation. These are likely to affect businesses, customers and local residents. The proposed changes to the Statement include:</p> <ul style="list-style-type: none"> • Late Night Levy • Early morning restriction orders • Framework times • Increase the consultation area • Touting

- Health considerations of Licensing.

The following are relevant issues that have been raised in the consultation process and will need to be determined by Members:

Late Night Levy

This would enable a levy to be placed on businesses that operate past a set terminal hour past midnight. 70% of the fund raised would be paid into the MET at a regional level; 30% can be spent on the late night economy in the borough. A consultation exercise needs to be undertaken if this provision was to be used.

If this levy was introduced, the businesses in the borough that decided to operate past a set terminal hour past midnight would need to pay. It is impossible to identify protected characteristics of businesses affected if the levy is introduced, because:

1. It would be unknown which business would set to operate in the late time, and
2. There is currently no data available to the Council on protected characteristics specific to borough businesses and no clear way of securing this accurately. This is a problem faced by all Local Authorities and D&R are reviewing this issue

Early morning restriction orders (EMRO)

The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour (ASB). This would enable the Council to determine if part or all off the Borough could be restricted in selling alcohol from

midnight and 6am. The decision to implement an EMRO should be evidence-based, so a consultation would be required and this would also seek to collect equalities data.

This provision would affect businesses. As above, there is currently no data available on protected characteristics of the businesses. There is also no data on protected characteristics of customers who buy alcohol during the time period. However, some data (e.g. London ambulance calls for binge drinking and enforcement data on street drinking perpetrators in the Whitechapel area) may inform the profile of such customers. Reductions in ASB in the area would benefit residents across all equalities profiles.

Framework hours

Two of the groups have suggested a later start to the framework hour (e.g. On-licences, Mon-Sat: current start time 0600hrs; proposed 1000hrs). The framework hours must be justified why such a change is appropriate.

The later start of on-licenses and off-licenses might affect licensed businesses and their customers. It might limit the businesses' sales and customers' shopping opportunities. It may also help reduce health problems caused by alcohol.

Increase of the consultation area

Three groups have responded that they would like to have a greater consultation area of more than 40 meters from the applicant premises. Residents and businesses that reside/are located around an applicant premises would be affected. Ward based population data is available to support equalities analysis for the general populace in the area.

Touting

The Council has had a significant number of complaints

relating to premises which are substantially or mainly restaurants where "touting" is a problem. The Licensing Authority, where its discretion is engaged, will insert a standard condition that prohibits 'touting' as follows:-

- No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises
- Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

It is recommended that the work around Touting continues and that the conditions on current licences are maintained. The policy is designed to have a positive impact overall for businesses and customers/visitors.

Health considerations

The following conditions have been recommended by the Public Health:

- For off licences, no promotional sales of alcoholic drinks at a price lower than normally sold at the premises (e.g. two for the price of one).
- No sale of alcoholic drinks at a price lower than £0.50 per unit (a unit of alcohol: 10ml by volume or 8g by weight, of pure alcohol (ethanol)).

These conditions cannot be applied to current licences; therefore, new premises could be put at a disadvantage. Business holders of new licensed premises and customers would be affected. The data on customers who buy alcohol on promotion and/or cheap alcohol are unavailable. Data on patients with diseases that can be caused by regular alcohol

			<p>consumption (e.g. heart disease, stroke, liver disease, stomach damage and certain types of cancer) may be an indicator for the equalities profile of those likely to be affected by these measures.</p>
C	<p>Is there a narrative in the proposal where NO impact has been identified? Please note – if a Full EA is not to be undertaken based on the screen or the fact that a proposal has not been ‘significantly’ amended, a narrative needs to be included in the proposal to explain the reasons why and to evidence due regard</p>	No	<p>If the policies stated above are adopted, the following impact might be made. Further evidence/research might be required to establish the impact of the policy:</p> <p><u>Late Night Levy</u></p> <ul style="list-style-type: none"> • businesses in the borough that decided to operate past a set terminal hour past midnight need to pay the levy. • The MET at a regional level would receive 70% of the collected levy. • The borough’s night time economy might be benefitted by the investment using the 30% of the collected levy. • Customers/visitors might benefit from the policy in terms of safety during late night (through the investment funded by the levy). <p><u>Early morning restriction orders (EMRO)</u></p> <ul style="list-style-type: none"> • Restrict businesses’ opening hours • Restrict customers’ alcohol shopping time • Local residents and businesses may have positive impact from the policy through the reduction of alcohol related crime and disorder, nuisance and ASB. <p><u>Framework hours</u></p> <ul style="list-style-type: none"> • Restrict businesses’ opening hours • Restrict customers’ shopping opportunities • Local residents and businesses may have positive impact from the policy through the reduction of alcohol related crime and disorder, nuisance and ASB.

			<p><u>Increase of the consultation area</u></p> <ul style="list-style-type: none"> • More residents and businesses will have opportunities for consultation. <p><u>Touting</u></p> <ul style="list-style-type: none"> • Customers, visitors and residents benefit from the no touting policy, which may have also made positive impact on the local economy. • Some businesses claimed that the touting policy is having a negative impact on business. They may think that touting contributes to their sales. However, the service receives complaints about aggressive touting and 'no touting' may contribute to cohesion in the area and help improve the image of the area. <p><u>Health considerations</u></p> <ul style="list-style-type: none"> • Business holders of new licensed premises will have restriction on promotion sales and prices of alcohol, unlike existing business holders. • Customers of the new licensed premises will not have promotion sales and alcohol priced lower than £0.50, which may help cut down alcohol consumption and reduce health problems caused by alcohol. It is known that higher alcohol prices reduce alcohol consumption in lower socio-economic groups.
2	Monitoring / Collecting Evidence / Data and Consultation		
a	Is there reliable qualitative and quantitative data to support claims made about impacts?	Yes	The responses from the consultation (written and online) held between 5 April 2013 and 10 May 2013 provide respondents' views on the policy and some insight on the current problems, including alcohol and noise and ASB. For example, Thames Reach stated that alcohol from Off Licences with a strength of more than 5.6% has an impact on anti-social behaviour.

	Is there sufficient evidence of local/regional/national research that can inform the analysis?	Yes	The extensive consultation process was held between 5 April 2013 and 10 May 2013 (Appendix 1 shows a list of groups consulted). Comments arising from the consultation have been incorporated in the proposal.
b	Has a reasonable attempt been made to ensure relevant knowledge and expertise (people, teams and partners) have been involved in the analysis?	Yes	The service asked over 250 various organisations, including residents/community groups, youth clubs, advocacy groups and RSLs (Appendix 1) to participate in the consultation. Other professional organisations including the Licensing team, responsible authorities (e.g. MET, Fire authority, health and safety authority, planning authority) informed the policy. The online consultation was also made available on the Council website.
c	Is there clear evidence of consultation with stakeholders and users from groups affected by the proposal?	Yes	Yes. See Appendix 1: List of groups/organisations consulted.
3	Assessing Impact and Analysis		
a	Are there clear links between the sources of evidence (information, data etc) and the interpretation of impact amongst the nine protected characteristics?	Yes	The consultation data do not distinguish the nine protected characteristics. However, the impact on businesses of the policy and residents' concern with alcohol are shown in the data. There was no objection against EMRO and the Late night levy from the residents, residents groups and responsible organisations respondents. Some businesses were not in favour of EMRO (3 out of 11 total responses) and the Late night levy (4 out of 13) (Appendix 2 and 3). It is reasonable to assume that reductions in ASB and potential health improvements are beneficial for all residents and responsible businesses and across the protected characteristics
	Is there a clear understanding of the way in which proposals applied in the same way can have unequal impact on different groups?	Yes	If this policy was endorsed by consultation and adopted, some businesses would have impact from the policy. For example, Late Night Levy will increase financial burden on businesses and EMRO will reduce operating hours of

			<p>businesses. The policy's effect on employment may need to be considered before introducing.</p> <p>From the consultation data and the analysis above, residents may have positive impact from the policy adoption through the prevention of crime and disorder.</p>
b	Has the assessment sufficiently considered the three aims of the Public Sector Equality Duty (PSED) and OTH objectives?	Yes	<p>The licensing policy and its implementation aim to promote the following four licensing objectives stipulated by the Licensing Act 2003:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm. <p>These objectives, if they are achieved, will contribute to help develop cohesion, which are stipulated in both PSED and OTH. They may also contribute to develop equalities in the borough by reducing ASB and crime and disorder that currently take place in a particular area.</p>
4	Mitigation and Improvement Action Plan		
a	Is there an agreed action plan?	NA	No action plan is included in the policy.
b	Are all actions SMART (Specific, Measurable, Achievable, Relevant and Time Bounded)	NA	No action plan is included in the policy.
c	Are the outcomes clear?	NA	No action plan is included in the policy.
d	Have alternative options been explored	NA	No action plan is included in the policy.
6	Quality Assurance and Monitoring		
a	Are there arrangements in place to review or audit the implementation of the proposal?	Yes	The policy has been reviewed every three years. It is proposed that the policy is to be reviewed every five years.
b	Is it clear how the progress will be monitored to track impact across the protected characteristics?	Yes	The policy has been reviewed every three years and it is proposed that the policy is to be reviewed every five years. The policy review will be conducted via consultation.

7			
a	Does the executive summary contain sufficient information on the key findings arising from the assessment?	NA	No executive summary is included in the report.
8	Sign Off and Publication		
a	Has the Lead Officer signed off the EA? Please note – completed and signed off EA and Quality Assurance checklists to be sent to the One Tower Hamlets team	Yes	

Any other comments			
Signature		Date	

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