

## Equality Impact Analysis Screening Tool

### Section 1: Introduction

<b>Name of proposal</b>
For the purpose of this document, 'proposal' refers to a policy, function, strategy or project
Statement of Licensing Policy 2023 Review
<b>Service area and Directorate responsible</b>
Place/Public Realm
<b>Name of completing officer</b>
Tom Lewis, Team Leader, Licensing and Safety, Environmental Health and Trading Standards
<b>Head of Service</b>
David Tolley, Head of Service, Environmental Health and Trading Standards

**The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to the need to:**

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between those with 'protected characteristics' and those without them
- Foster good relations between those with 'protected characteristics' and those without them

This Equality Impact Analysis provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above. For more information about the Council's commitment to equality, please visit the Council's [website](#).

### Section 2: Summary of proposal being screened

Describe the proposal including the relevance of proposal to the general equality duties and protected characteristics under the Equality Act 2010

This is a Policy that the Council has a legal requirement to adopt under the Licensing Act 2003. The Council must prepare and publish a Statement of Licensing Policy at least every 5 years. The

policy sets out in detail how the licensing authority (Council) will discharge its licensing functions under the Licensing Act 2003.

There are four licensing objectives set out in the Licensing Act 2003, as follows:

1. the prevention of crime and disorder,
2. the prevention of public nuisance,
3. public safety,
4. the protection of children from harm.

In considering the policy in view of the Equality Act 2010, though there could be a view that there may be an effect on religious/believe the reason for the policy is statutory. Therefore, in view of this and the new addition of "Equality and Inclusion in Licensed Venues" section, which discusses PSED and links the policy to the Council's Equality Policy, it does not appear that there are likely to be any adverse effects on people who share Protected Characteristics as defined by the 2010 Act.

### Section 3: Equality Impact Analysis screening

Is there a risk that the policy, proposal or activity being screened disproportionately adversely impacts (directly or indirectly) on any of the groups of people listed below?	Yes	No	Comments
<p>Please consider the impact on overall communities, residents, service users and Council employees.</p> <p>This should include people of different:</p>			
<ul style="list-style-type: none"> <li>▪ Sex</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>More females than men are prone to sexual harassment in the nighttime economy. The policy sets out our expectations of licence holders relating to sexual harassment in the Night Time Economy by encouraging licensed venues to sign up to the Mayor of London's Women's Night Safety Charter. As well as the Women's Night Safety Charter we encourage applicants and license holders to discuss applications with the Council's Violence Against Women and Girls Service, who can provide advice and training to venues on preventing misogyny within licensed premises. In addition, License Holders are expected to take a zero-tolerance approach misogyny within their</p>

			<p>venues where this is towards customers or employees. Refusal in the first instance of acts of sexual harassment and reporting to the metropolitan police is expected. The policy states that it is expected that all Licensed venues who sell alcohol for consumption on their premises should train their staff in WAVE and adopt Ask for Angela or similar initiatives aimed at assisting vulnerability within alcohol licensed venues. Females and gay men are more prone to drinks spiking than other groups. A YouGov poll in 2022 identified that nationally 10% of females said they had their drink spiked compared to 5% of males. 48% of those aged between 18-24 said they have had a drink spiked or know someone who has. However, it is those aged between 25 and 49 who are the most likely to say they have personally had a drink spiked (11%).</p> <p>The policy makes an expectation on licence holders and applicants to have a zero-tolerance policy towards drinks spiking. This involves as a minimum ensuring all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. Applicants for new and variations of existing licences as well as those submitting TENs are expected to work with the Metropolitan Police in order to consider actions needed to prevent drinks spiking in their venues/events.</p>
<ul style="list-style-type: none"> <li>▪ Age</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The policy states the types of criminal activity that may arise with licensed premises which the Licensing Authority will treat particularly seriously that relate to children and young people. This includes illegal purchase and consumption of alcohol by minors which impacts health, educational attainment, employment prospects and propensity for crime of young people; relating to grooming children; and relating to criminal activity particularly relating to gangs.</p> <p>Teenagers and young adults are more likely to use psychoactive substances such as nitrous oxide (NOx). Misuse of nitrous oxide is associated with increased antisocial behaviour including littering, noise nuisance and vandalism, all of which are detrimental to residents quality of life and feelings of safety. Use of nitrous oxide is also a health concern</p>

			and has other associated harms. The policy places an expectation on License Holders to refuse entry to any person seen use or selling NOx as a psychoactive Substance. Refusals should also be entered into License Holders refusals logs.
▪ <b>Race</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals to residents on the grounds of different gender identities.
▪ <b>Religion or Philosophical belief</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals to residents on the grounds of different gender identities
▪ <b>Sexual Orientation</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Females and gay men are more prone to drinks spiking than other groups. A YouGov poll in 2022 identified that nationally 10% of females said they had their drink spiked compared to 5% of males. 48% of those aged between 18-24 said they have had a drink spiked or know someone who has. However, it is those aged between 25 and 49 who are the most likely to say they have personally had a drink spiked (11%). The policy makes an expectation on licence holders and applicants to have a zero-tolerance policy towards drinks spiking. This involves as a minimum ensuring all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. Applicants for new and variations of exiting licences as well as those submitting TENs are expected to work with the Metropolitan Police in order to consider actions needed to prevent drinks spiking in their venues/events.
▪ <b>Gender re-assignment status</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals to residents on the grounds of different gender identities
▪ <b>People who have a Disability</b> (physical, learning difficulties, mental)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All business have a duty under the Equality Act 2010 to provide reasonable adjustment. The policy references that applicants and licence holder must make themselves

health and medical conditions)			familiar with the law and their responsibilities set out within the Equality Act 2010.
<ul style="list-style-type: none"> <li>▪ <b>Marriage and Civil Partnerships</b> status</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals to residents on the grounds of different gender identities
<ul style="list-style-type: none"> <li>▪ People who are <b>Pregnant</b> and on <b>Maternity</b></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals to residents on the grounds of different gender identities
<p>You should also consider:</p> <ul style="list-style-type: none"> <li>▪ <b>Parents and Carers</b></li> <li>▪ <b>Socio-economic</b> status</li> <li>▪ People with different <b>Gender Identities</b> e.g. Gender fluid, Non-binary etc.</li> <li>▪ Other</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no estimated direct or indirect disproportionate impact of these proposals to residents on the grounds of different gender identities

If you have answered **Yes** to one or more of the groups of people listed above, **a full Equality Impact Analysis is required**. The only exception to this is if you can 'justify' the discrimination (Section 4).

## Section 4: Justifying discrimination

Are all risks of inequalities identified capable of being justified because there is a:	
(i) <i>Genuine Reason</i> for implementation	<input type="checkbox"/>
(ii) The activity represents a <i>Proportionate Means</i> of achieving a <i>Legitimate Council Aim</i>	<input type="checkbox"/>
(iii) There is a <i>Genuine Occupational Requirement</i> for the council to implement this activity	<input type="checkbox"/>

## Section 5: Conclusion

Before answering the next question, please note that there are generally only two reasons a full Equality Impact Analysis is not required. These are:

- The policy, activity or proposal is likely to have **no or minimal impact** on the groups listed in section three of this document.
- Any discrimination or disadvantage identified is **capable of being justified** for one or more of the reasons detailed in the previous section of this document.

### Conclusion details

Based on your screening does a full Equality Impact Analysis need to be performed?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have answered **YES** to this question, please complete a full Equality Impact Analysis for the proposal

If you have answered **NO** to this question, please detail your reasons in the 'Comments' box below

Comments

The decision making body is recommended to:

- Agree the proposed Licensing Policy

All local authorities have to prepare and publish a Statement of Licensing Policy at least every 5 years. This policy defines how they will administer and exercise their responsibilities under the Licensing Act 2003.

The Statement of Licensing Policy is prescribed by central government in its guidance to Local Authorities, issued by the Secretary of State under section 182 of the Act. The policy must comply with this guidance. The current policy is compatible with this guidance.

This policy covers the following:

- How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
- The main licensing objectives for the authority which are set by legislative requirements.
- The Licensing Authority approach to regulation
- The scheme of delegation

Licence holder must promote the licencing objectives, and applicants must show how their application promotes these objectives in their applications.

1. the prevention of crime and disorder,
2. the prevention of public nuisance,
3. public safety,
4. the protection of children from harm.

Responsible Authorities and residents etc. can object to applications where they fail to properly promote the licensing objectives.

The new policy contains expectations on applicants and licence holders to undertake Welfare and Vulnerability Engagement Training and take zero tolerance to sexual harassment. Thus, it seeks to raise the profile of protecting vulnerable persons, and encourage a safer more inclusive licensed trade within the borough.

A statutory consultation process commenced on 19<sup>th</sup> January and 13<sup>th</sup> April 2023. The comments received have been analysed and incorporated into the policy where necessary.

The policy will be agreed by the full Council.

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