

**London Borough of Hackney
Equality Impact Assessment Form**

Title of this Equality Impact Assessment:

Statement of Licensing Policy

Purpose of this Equality Impact Assessment:

To assess any equalities impacts arising from the development of the revised draft Statement of Licensing Policy

Officer Responsible: *(to be completed by the report author)*

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Directorate: Climate, Homes and Economy	Department/Division: Community Safety, Enforcement and Business Regulation

Director: Aled Richards

Date: 29/06/23

Aled Richards

Comment :

PLEASE ANSWER THE FOLLOWING QUESTIONS:

In completing this impact assessment, you should where possible, refer to the main documentation related to this decision rather than trying to draft this assessment in isolation. Please also refer to the attached guidance.

STEP 1: DEFINING THE ISSUE

1. Summarise why you are having to make a new decision

The Licensing Act 2003 requires each local authority to publish a Statement of Licensing Policy and review it at least once every five years. This Statement must establish the principles to be applied when determining applications under the Act for licensable activities. 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 Act specifies that the Policy must promote the four licensing objectives, which are:

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

2. Who are the main people that will be affected?

- Any persons, businesses or organisations making applications under the Licensing Act 2003 for premises licences, club premises certificates, provisional statements, personal licences, or review of premises licence or club premises certificate.
- Responsible authorities under the Licensing Act 2003 and “other persons” when making representations on applications.
- Any person giving a standard temporary event notice that has received an objection from the Police and/or Environmental Health.
- Residents, visitors and other businesses.
- Licensing Committee members, along with all other Ward Councillors.
- Local Magistrates’ in the event of an appeal.

STEP 2: ANALYSING THE ISSUES

3. What information and consultation have you used to inform your decision making?

- Licensing Act 2003.
- Guidance issued by the Home Office under section 182 of the Licensing Act 2003.
- Data held by the Licensing Service.
- Licensing Operational Enforcement Group.
- Night Time Economy Tasking Group.
- Previous iterations of the draft Statement of Licensing Policy.
- Internal consultation with colleagues, the Licensing Chair and partner authorities.

Equality Impacts

4. Identifying the impacts

4 (a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

The Licensing Policy sets out expectations for how the Council, Responsible Authorities such as the Police and Planning Authority, applicants for license/certificates will promote the licensing objectives; namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. As a result of this review there is likely only to be a positive impact across all equality groups by promoting inclusion and balancing the needs of the wider community.

4 (b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?

The Licensing Act 2003 is generally permissive. However, in areas where the number, type and density of premises selling alcohol are high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from the licensed premises. Guidance under the Act sets out that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider within its licensing policy and that local authorities may as a consequence adopt special local saturation policies. There should always be an evidential basis for a decision to include a special policy within the statement of licensing policy. A Cumulative Impact Assessment must set out this evidence and before publishing the assessment the authority must consult with those affected, including the public, businesses and responsible authorities. The assessment must be reviewed every three years.

In the areas defined as Special Policy Areas, it has been the Council's policy that where a relevant representation is made to any application, the applicant will need to demonstrate that the proposed activity and the operation of the premises will not add to the cumulative impact that is being experienced in these areas.

A Special Consideration Area will require an applicant for a premises license, club premises certificate or variation of these authorisations to demonstrate that they have an understanding of the issues and concerns arising from cumulative impact in defined area as identified in a Cumulative Impact Assessment, and include measures within their operating schedule to mitigate those issues and concerns.

Paragraph 14.52 of the Home Office guidance states that "...Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area..."

The 'Core Hours' have been designed to be generally aligned with hours of activity that have been deregulated by recent legislative measures, such as the Live Music Act 2012 and the Deregulation Act 2015. The hours are also based on the Council's own experience since the commencement of the Act. Furthermore, 23:00 to 07:00 are generally considered to be the 'night-time' hours, hence the desire to place activities during late hours under more scrutiny whilst acknowledging that there may be slightly more tolerance at weekends.

The proposed Core Hours' policy should not be seen as a blanket approach. It should instead be treated as a guide for all parties involved in any license application process.

Applications are always considered on a case by case basis, assessing the merit of the application having regard to the Licensing Act 2003, the Home Office Guidance, the Licensing Policy and the four licensing objectives.

Concerns were raised during the previous consultation about a potential impact of the Policy on the opportunities for young people to socialise. This was due to the Policy placing restrictions on new sites opening and as a result, there would be less places for younger adults to go out. There were also suggestions that the Policy would create a barrier for young people to start hospitality business. However, no evidence was provided to support these suggestions. And, in promoting the licensing objectives, the Policy seeks to protect young people, for example, from becoming victims of crime by asking applicants to demonstrate that appropriate measures are in place where relevant..

The Council has considered the potential impact of the Statement of those with protected characteristics as defined by section 4 of the Equality Act 2010. This impact is summarised in the table below:

Age	A person of a particular age or being within an age group
	Any impact on all of the community, including the elderly, young people and children, has been taken into account in developing the statement. The statement seeks to strike a balance between the needs of all age groups whilst seeking to promote the licensing objectives, most notably the protection of children from harm.
Disability	A person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities.
	As set out above, the impact on all members of the community has been considered. However, it is recognised that some members of this group may be less able than others to use many licensed premises due to limitations relating to accessibility in certain buildings and spaces. However, the Statement reflects the Licensing Authority's desire to promote inclusivity and diversity within the licensed offer.
Gender reassignment	This is the process of transitioning from one sex to another. This includes person who consider themselves to be trans, transgender, transsexual.
	The Statement is expected to have a neutral effect on this group.
Marriage and civil partnership	Marriage: a union between a man and a woman, or of the same sex, which is legally recognised in the UK as a marriage. Civil partnership: civil partners must be treated the same as married couples on a range of legal matters.
	The Statement is expected to have a neutral effect on this group.
Pregnancy and maternity	Pregnancy: being pregnant. Maternity: the period after giving birth linked to maternity leave in the employment context, In the non-work context protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding
	The Statement is expected to have a neutral effect on this group.
Race	A group of people defined by their colour, nationality (including citizenship), ethnic origins or race

	All members of the community have been considered when developing the Statement. As stated the Statement reflects the Licensing Authority's desire to promote inclusivity and diversity within the licensed offer.
Religion or belief	Religion means any religion. Belief includes religious and philosophical beliefs including lack of belief (for example Atheism)
	The Statement is expected to have a neutral effect on this group.
Sex	Someone being a man or a woman
	The Statement seeks to promote the inclusivity and diversity within the licensed offer. The Statement reflects the aim of the Council to promote the safety of women and girls as well as other Council campaigns and activities such as Hackney Nights.
Sexual orientation	A person's sexual attraction towards his or her own sex, the opposite sex or to both sexes
	The Statement is expected to have a neutral effect on this group.

STEP 3: REACHING YOUR DECISION

5. Describe the recommended decision

The Licensing Act 2003 requires the policy to be reviewed at least once every 5 years. There was no option but to carry out this review of the policy.

Staff within the Licensing Service and at partner agencies/authorities have been involved in the development of the Policy which will be delivered in the usual way; development of the draft policy, public consultation, recommendation to be approved by the Licensing Committee following consultation, and finally approval by the Council. The application of the Policy will be managed within existing resources.

The Licensing Act 2003 is permissive legislation. However, where an application is within a special policy area there will be a presumption to refuse (subject to applications in certain exemption categories).

Monitoring of decisions over the life of the Policy via monthly reports to the Chair of the Licensing Committee and the Cabinet Member for Community Safety and Regulatory Services along with annual reports to the Licensing Committee and the biennial statistical return to the Home Office.

STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS

6. Equality and Cohesion Action Planning

Please list specific actions which set out how you will address equality and cohesion issues identified by this assessment.

N o	Objective	Actions	Outcomes highlighting how these will be monitored	Timescales / Milestones	Lead Officer
1	Maintain/enhance positive impacts	Have regard to the policy and Home Office guidance in all decisions where relevant	Licensing Sub-Committees, and delegated decisions. Annual reporting to the Licensing Committee	Life cycle of the policy (up to 5 years)	David Tuitt - Business Regulation Team Leader (Licensing and Technical Support)
2	Mitigate any negative impacts	Consider all applications on a case-by-case basis	Licensing Sub-Committees, and delegated decisions. Annual reporting to the Licensing Committee	Life cycle of the policy (up to 5 years)	David Tuitt - Business Regulation Team Leader (Licensing and Technical Support)
3	Maintain/improve information and evidence about a specific client group	Annual reporting and monitoring of data and statistics	Annual reporting to the Licensing Committee	Annually	David Tuitt - Business Regulation Team Leader (Licensing and Technical Support)
4					
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