

Equality Impact Assessment / Equality Analysis

Item name	Details
Title of policy	Licencing Policy
Name of directorate and service	Place Management; Community and Compliance
Name and role of officers completing the EIA	Mike Dando. Lead Licensing Officer
Date of assessment	June 2024

Equality Impact Assessment (or ‘Equality Analysis’) is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The main aim is to identify any discriminatory or negative consequences for a particular group or sector of the community, and also to identify areas where equality can be better promoted. Equality impact Assessments (EIAs) can be carried out in relation to services provided to customers and residents as well as employment policies/strategies that relate to staffing matters.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EIA) or Equality Analysis. **Not all sections will be relevant – so leave blank any that are not applicable.** It is intended that this is used as a working document throughout the process, and a final version will be published on the Council’s website.

1.1 Identify the aims of the policy or service and how it is implemented

Key questions	Answers / notes
<p>1.1 Briefly describe purpose of the service/policy e.g.</p> <ul style="list-style-type: none"> ● How the service/policy is delivered and by whom ● If responsibility for its implementation is shared with other departments or organisations ● Intended outcomes 	<p>The policy is a requirement under the Licensing Act 2003 (the Act), with a further requirement that it is reviewed every five (5) years. The Policy was last published January 2020</p> <p>The Policy is delivered through the B&NES Licensing Team regarding the issuing of alcohol licences for premises, as well as enforcement and guidance matters.</p> <p>On a daily basis this is done by Licensing Officers from an administration level up to and including the Environmental Protection and Licensing Manager. Other decisions will be made by Director level or the Licensing Sub Committee.</p> <p>Implementation of the policy and therefore the Act is achieved through partnership working with the Police, Avon Fire & Rescue, the NHS, Trading Standards, Environmental Protection, Planning and Highways.</p> <p>The intended outcome is to have the updated Policy placed before the Licensing Committee and the Full Council for ratification and publishing for use from 2025 to 2030.</p>

<p>1.2 Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> ● Is it a new service/policy or review of an existing one? ● Is it a national requirement?). ● How much room for review is there? 	<p>This is a review of an existing policy that as stated above is a legislative requirement every five (5) years.</p> <p>Yes</p> <p>Review of this Policy is driven by The Licensing Act 2003</p>
<p>1.3 Do the aims of this policy link to or conflict with any other policies of the Council?</p>	<p>No</p>

2. Consideration of available data, research and information

Key questions	Data, research, and information that you can refer to
<p>2.1 What equalities training have staff received to enable them to understand the needs of our diverse community?</p>	<p>All staff in the Licensing Team have received Equalities and Diversity Training provided by B&NES Council. They will be attending refresher courses within the prescribed refresher period.</p>
<p>2.2 What is the equalities profile of service users?</p>	<p>The profile of the service users are members of the general public and are be made up of people who live in, work in or are visiting B&NES.</p>
<p>2.3 Are there any recent customer satisfaction surveys to refer to? What were the results? Are there any gaps? Or differences in experience/outcomes?</p>	<p>Customers of the Licensing Service are encouraged to provide feedback, both positive and negative, through customer surveys and the Council's Corporate Complaint process. All feedback is taken seriously, and processes are adapted to make improvements based upon this feedback.</p>

	The Licensing Policy review will be subject to a public consultation of 12 weeks.
2.4 What engagement or consultation has been undertaken as part of this EIA and with whom? What were the results?	The EQIA is being shared with the Corporate Equalities officer.
2.5 If you are planning to undertake any consultation in the future regarding this service or policy, how will you include equalities considerations within this?	<p>There will be a 12-week consultation period with the partners mention in 1.1 above as well as existing alcohol licence holders, (Owners and Managers of holder’s pubs, clubs, off licences and restaurants etc).</p> <p>The Policy will be sent out to all consulties via e-mail , The Policy itself contains contact details of:</p> <p>Landline numbers e-mail addresses Postal addresse (Lewis House)</p> <p>Alternative formats will be available on request or pre-planned where we are aware of individual need.</p>

3. Assessment of impact: ‘Equality analysis’

Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:

- Meets any particular needs of equalities groups or could help promote equality in some way.
- Could have a negative or adverse impact for any of the equalities groups

Key questions	Examples of what the service has done to promote equality	Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this

<p>3.1 Issues relating to all groups and protected characteristics.</p>	<p>All applications are shared with or colleges within B&NES as well as our external working Partners, these are the Regulated Authorities (RA's) as laid down under the Licensing Act 2003.</p> <p>These RA's are, but not limited to: - The Police Avon Fire and Rescue NHS Children and Young People Social Care Services B&NES Licensing B&NES Public Protection B&NES Health & Safety B&NES Trading Standards</p> <p>These RA's receive and comment on all applications received under the Licensing Act 2003 application process.</p> <p>The Licensing Act 2003 and the s.182 Licensing Guidance follows the legislation laid down in:-</p> <ol style="list-style-type: none"> 1. Section 17 of the Crime and Disorder Act 1988; 2. The Human Rights Act 1998, with particular regard being given to Article 6, Article 8 and Article 1 of the first Protocol; 	<p>B&NES would not anticipate concerns arising. However, any that do arise would be responded to accordingly by us of the measures listed below.</p> <p>All applications must meet the four Licensing Objectives.</p> <p>Those being: -</p> <p>The prevention of crime and disorder. Public safety. The prevention of public nuisance. The protection of children from harm.</p> <p>Even after the issue of a Licence the running of the premises in regard to licensing matters must not breach any of the four Licensing Objectives.</p> <p>Neither should the running of the premises breach any Conditions, which have been attached to the Licence.</p> <p>Any allegations or findings that one or more of the Licensing Objectives are being breached or that there is any breach of conditions applied to the licence would lead to an investigation by Officers from the RAs. Most commonly the RAs that carry out investigations are: -</p>
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	<p>3. The Equalities Act 2010 (Amendment) Regulations 2023.</p> <p>Therefore the RA's have the opportunity to consider known or unknown equality impacts, throughout the consultation and License application process.</p> <p>They should consider people with protected characteristics and seek advice to clarify pro's and con's,</p> <p>Also members of the Public have the 28 day consultation period to raise concerns.</p>	<p>B&NES Licensing Police B&NES Public Protection (Noise) Fire & Rescue B&NES Trading Standards B&NES Health & Safety.</p> <p>The joint working / enforcement by these RAs. But not limited to only these is called the Licensing Enforcement Group (LEG).</p> <p>Any of the RAs can attend or notify the LEG of any equalities concerns they have or allegations that they may have received.</p> <p>The LEG meets once a month, to discuss any received allegations / complaints from members of the Public, as well as any concerns any of the RAs have</p> <p>Any equality issues are recorded in the LEG minutes. As well as in the premises file which is held by B&NES Licensing Section. (if not already in place add an equalities question/section to evidence that this is discussed at each mtg).</p> <p>The LEG Officers also carry out night visits, to various premises throughout the B&NES area, at least once a month.</p>
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<p>3.2 Sex – identify the impact/potential impact of the policy on women and men.</p>	<p>Sex is not recorded as part of the License application process as it may be companies or individuals that apply.</p> <p>The responsible RAs (Police & B&NES Public Protection) will consider issues such as safer streets, city centre surveillance and lighting issues. At the point when the application is sent out for consultation.</p> <p>This Policy supports joint working with, and supports to the Police, through the LEG. Who are the lead for Violence against Women and Girls (VAWG).</p> <p>If an application is received in regards to sex specific licenses, for example men only clubs, the Licensing Act 2003 and</p>	<p>With the above procedures and safeguards mentioned in 3.1 above we do not anticipate potential negative or adverse impacts from this policy. Should any be identified, they will be responded to accordingly.</p>

	<p>the 182 Licensing Guidance follows the legislation set down in:-</p> <ol style="list-style-type: none"> 1. Section 17 of the Crime and Disorder Act 1988; 2. The Human Rights Act 1998, with particular regard being given to Article 6, Article 8 and Article 1 of the first Protocol; 3. The Equalities Act 2010 (Amendment) Regulations 2023. <p>Therefore the RA's have the opportunity to consider known or unknown equality impacts throughout the consultation process. They should consider people with protected characteristics and seek advice to clarify pro's and con's, also members of the public have the 28 day consultation period to raise concerns</p>	
<p>3.3 Pregnancy and maternity</p>	<p>The Policy supports the mandatory conditions, which enforces the provision of free tap water, as well as the allowable measures in which alcoholic drinks may be sold.</p>	<p>With the above procedures and safeguards mentioned in 3.1 (above) we do not anticipate potential negative or adverse impacts from this policy. But any arising would be responded to accordingly.</p>
<p>3.4 Gender reassignment – identify the impact/potential impact of the policy on transgender people</p>	<p>The Licensing Act 2003 and the 182 Licensing Guidance follows the legislation laid down in:-</p>	<p>With the above procedures and safeguards mentioned in 3.1 (above) we do not anticipate potential negative or adverse impacts from this policy. But any</p>

	<p>1. Section 17 of the Crime and Disorder Act 1988;</p> <p>2. The Human Rights Act 1998, with particular regard being given to Article 6, Article 8 and Article 1 of the first Protocol;</p> <p>3. The Equalities Act 2010 (Amendment) Regulations 2023.</p> <p>Therefore the RA's have the opportunity to consider known or unknown equality impacts, throughout the consultation process.</p> <p>Also members of the Public have the 28 day consultation period to raise concerns.</p> <p>Further to this, the Licensing Authority will support the Police in the use of legislation to support prosecutions involving Hate crime.</p> <p>The law recognises five types of hate crime on the basis of:</p> <p>Race Religion Disability Sexual orientation Transgender identity</p>	<p>arising would be responded to accordingly.</p>
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	<p>Also this Policy understands that any crime can be prosecuted as a hate crime if the offender has either:</p> <p>Demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity</p> <p>Or</p> <p>Been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity</p>	
<p>3.5 Disability – identify the impact/potential impact of the policy on disabled people (ensure consideration both physical, sensory and mental impairments and mental health)</p>	<p>The placing of street furniture is not covered in either the Licensing Act 2003 or the 182 Licensing Guidance, however most outside seating areas in Bath are covered by a Pavement Licence, which is a separate Licensing Regime to the Licensing Act 2003.</p> <p>All applications are on line through a designated form by the Home Office or Victoria Forms.</p> <p>People who may need support with the application process can contact us directly through the licencing inbox via licensing@bathnes.gov</p>	<p>With the above procedures and safeguards mentioned in 3.1 (above). We do not anticipate potential negative or adverse impacts from this policy. But any arising would be responded to accordingly.</p>

<p>3.6 Age – identify the impact/potential impact of the policy on different age groups</p>	<p>The Policy supports the “Licensing Objective,” of “Protection of Children from harm.” This is done through the Challenge 25 condition as well as the conditions in regards to Public Nudity and the showing of films in licensed premises.</p>	<p>With the above procedures and safeguards mentioned in 3.1 (above) we do not anticipate potential negative or adverse impacts from this policy. But any arising would be responded to accordingly.</p>
<p>3.7 Race – identify the impact/potential impact on across different ethnic groups.</p>	<p>Whilst each licence application is dealt with on its merits, irrespective of the applicant’s ethnicity, there may be language-differences when communicating with applicants, where required, interpreter or translation services are available.</p> <p>The Licensing Act 2003 states that all applications must be judged and proceed on their own merit</p> <p>However the 28 day consultation period process, allows for representations in support of the application. These supportive Representations can be accepted from both organisations and members of the public.</p>	<p>With the above procedures and safeguards mentioned in 3.1 (above) we do not anticipate potential negative or adverse impacts from this policy. But any arising would be responded to accordingly.</p>
<p>3.8 Sexual orientation – identify the impact/potential impact of the policy on lesbian, gay, bisexual, heterosexual people</p>	<p>The Licensing Act 2003 and the 182 Licensing Guidance follows the legislation laid down in:-</p> <ol style="list-style-type: none"> 1. Section 17 of the Crime and Disorder Act 1988; 	<p>With the above procedures and safeguards mentioned in 3.1 (above) we do not anticipate potential negative or adverse impacts from this policy. But any arising would be responded to accordingly.</p>

	<p>2. The Human Rights Act 1998, with particular regard being given to Article 6, Article 8 and Article 1 of the first Protocol;</p> <p>3. The Equalities Act 2010 (Amendment) Regulations 2023.</p> <p>Therefore the RA's have the opportunity to consider known or unknown equality impacts, throughout the consultation process.</p> <p>They should consider people with protected characteristics and seek advice to clarify pro's and con's,</p> <p>Also members of the Public have the 28 day consultation period to raise concerns.</p> <p>Further to this the Licensing Authority will support the Police in the use of legislation to support prosecutions involving Hate crime.</p> <p>The law recognises five types of hate crime on the basis of:</p> <p>Race Religion Disability Sexual orientation Transgender identity</p>	
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	<p>Also this Policy understands that Any crime can be prosecuted as a hate crime if the offender has either:</p> <p>Demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity Or</p> <p>Been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity</p>	
<p>3.9 Marriage and civil partnership – does the policy/strategy treat married and civil partnered people equally?</p>		<p>With the above procedures and safeguards mentioned in 3.1 (above) we do not anticipate potential negative or adverse impacts from this policy. But any arising would be responded to accordingly.</p>
<p>3.10 Religion/belief – identify the impact/potential impact of the policy on people of different religious/faith groups and also upon those with no religion.</p>	<p>Any known issues or considerations around Religion/belief will be considered during the application process and will be addressed at the 28 day consultation period.</p> <p>Where Representations against the application can be sent in by any of the RA's, or members of the Public. As stated in Sect 3.1 above.</p>	<p>With the above procedures and safeguards mentioned in 3.1 (above) we do not anticipate potential negative or adverse impacts from this policy. But any arising would be responded to accordingly.</p>

	Also if there are concerns arise after the Issue of the Licence a Review of the Licence can be called under the process mentioned above in Sect b3.1, by any of the RAs or members of the public.	
3.11 Socio-economically disadvantaged* – identify the impact on people who are disadvantaged due to factors like family background, educational attainment, neighbourhood, employment status can influence life chances (this is not a legal requirement, but is a local priority).		With the above procedures and safeguards mentioned in 3.1 (above) we do not anticipate potential negative or adverse impacts from this policy. But any arising would be responded to accordingly.
3.12 Rural communities* identify the impact / potential impact on people living in rural communities		With the above procedures and safeguards mentioned in 3.1 (above) we do not anticipate potential negative or adverse impacts from this policy. But any arising would be responded to accordingly.
3.13 Armed Forces Community ** serving members; reservists; veterans and their families, including the bereaved. Public services are required by law to pay due regard to the Armed Forces Community when developing		With the above procedures and safeguards mentioned in 3.1 (above) we do not anticipate potential negative or adverse impacts from this policy. But any arising would be responded to accordingly.

policy, procedures and making decisions, particularly in the areas of public housing, education and healthcare (to remove disadvantage and consider special provision).		
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*There is no requirement within the public sector duty of the Equality Act to consider groups who may be disadvantaged due to socio economic status, or because of living in a rural area. However, these are significant issues within B&NES and have therefore been included here.

** The Equality Act does not cover armed forces community. However, the Armed Forces Bill (which came in on 22 Nov 2022) introduces a requirement to pay 'due regard' to make sure the Armed Forces Community are not disadvantaged when accessing public services.

4. Bath and North East Somerset Council Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment/analysis. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when

5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equalities Team (equality@bathnes.gov.uk), who will publish it on the Council's website. Keep a copy for your own records.

Signed off by:



Aled Williams MCI/EH Environmental Protection & Licensing Manager

Date: 14/06/24