

## Appendix 2

# London Borough of Brent

## Statement of Licensing Policy - Equalities Impact Assessment (EqIA)

<b>Department:</b>
Environmental and Neighbourhood Services
<b>Service Area:</b>
Alcohol
<b>Person Responsible:</b>
Yogini Patel
<b>Timescale for Equality Impact Assessment:</b>
n/a
<b>Name of service/policy/procedure/project, etc.</b>
Statement of Licensing Policy
<b>Is the service/policy/procedure/project:</b>
Old
<b>Predictive or Retrospective</b>
Predictive
<b>Adverse Impact/Not found/Found</b>
Not Found
<b>Service/policy/procedure/project etc, amended to stop or reduce adverse impact</b>
n/a
<b>Is there likely to be a differential impact on any group?</b>
No
<b>1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers</b>
No
<b>2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities</b>
No
<b>3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability</b>
No
<b>4. Grounds of faith or belief: Religion/faith including people who do not have a religion</b>
No
<b>5. Grounds of sexual orientation: Lesbian, Gay and bisexual</b>
No
<b>Consultation concluded</b>
No
<b>Person responsible for arranging the review</b>
Yogini Patel
<b>Person responsible for publishing results of Equality Impact Assessment:</b>
Yogini Patel
<b>Person responsible for monitoring</b>
Yogini Patel
<b>Date results due to be published and where</b>
<b>1. What is the service/policy/procedure/project etc to be assessed?</b>

**2. Briefly describe the aim of the service/policy etc? What needs or duties are it designed to meet? How does it differ from any existing services/policies in this area**

Brent Council is the licensing authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the London Borough of Brent.

Activities covered by legislation and this policy include:

- the retail sale of alcohol
- supply of alcohol to, by or on behalf of a club or to the order of a club member
- supply of hot food or drink between 11pm and 5am the following day
- provision of entertainment for profit, including charity, where the entertainment involves:
  - a) theatrical performance
  - b) film exhibition
  - c) indoor sporting event
  - d) boxing or wrestling (indoor and outdoor)
  - e) live music performance
  - f) playing of recorded music
  - g) dance performance
  - h) provision of facilities for making music
  - i) provision of dancing facilities.

The Licensing Act 2003 requires the council to publish a "Statement of Licensing Policy" that sets out the policies that the council will generally apply to meet the licensing objectives when determining applications. This policy will guide the authority when considering personal licences, premises licences (including provisional statements), variations, transfers, interim authorities and reviews, club premises certificates, designated premises supervisors and temporary event notices.

The existing policy sets out the general approach the council will take when considering applications for licences. The Licensing Act provides a clear focus on the 4 statutory objectives that the council must seek to promote when determining an application. These objectives are:

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

This review is to consider and address changes required to the current policy based on changes in the licensing regime introduced in April 2012, through the Police Reform and Social Responsibility Act 2011, the Guidance issued by the Home Office (Amended Guidance Issued under section 182 of the Licensing Act 2003 – 2013) and identify gaps and omissions, and the most current changes which were brought in in October 2014. The scope of the reviewed policy will cover the following:

- retail sales of alcohol
- the supply by or on behalf of a club or to the order of a member of the club
- the provision of regulated entertainment
- the provision of late night refreshment

It also considered the need for general policies across the borough and specific area-based policies as a tool for licensing authorities to limit the growth of licensed premises in a

problem area. These areas were:

- Ealing Road
- Harlesden
- Kilburn
- Kingsbury
- Neasden
- Sudbury
- Wembley
- Willesden

### **3. Are the aims consistent with the Council's Comprehensive Equality Policy?**

This policy is consistent with the Council's aim to ensure that the services we provide are relevant to the needs of all sections of the communities. The proposals are not expected to adversely affect any of the protected equalities groups highlighted in this assessment. An additional aim of the policy was to take into consideration the Council's Alcohol Harm Reduction Strategy (2014-17) and broader public health aims.

### **4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?**

The SLP is a review and update to the existing policy, based on changes to national statutory legislation and the guidance from the Secretary of State. While it sets out a range of amendments, e.g. the introduction of evidence-informed Area-based policies and a separate Health Appendix, we do not anticipate that these will have a significant impact on the defined equalities groups as there is a strong degree of consistency between the existing and revised documents. It is also important to note that this policy statement sits within the wider context of the Local Authority's duties under the Equality Act 2010. These require us to have due regard to:

- Eliminating unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it
- Fostering good relations between people who share a protected characteristic and people who do not share it

Our predictive initial equality impact assessment (conducted in line with the corporate guidelines, has concluded that the amendments to the SLP will not affect our ability to meet our duties under the Equality Act. Overall there is no evidence to suggest that the wider Policy will negatively impact on any of the defined equalities groups as there is no evidence that any of the groups are identified in any statistically significant way with problematic drinking or as licensees.

Additionally, individual licensing applications are unlikely to have an impact on groups, organisations or associations in respect of their race, gender, age, disability, sexuality or religious beliefs and with, a view to eliminating unlawful discrimination. Applicants will be expected (where appropriate) to address these concerns in their application.

There is the potential for minor positive impacts on the following groups:

- Disability - the SLP sets out the policies that the council will generally apply to meet the licensing objectives when determining new or reviewed applications. This includes a policy that states applicants will be encouraged and expected (where appropriate) to address the needs of disabled persons in their operating schedules, and adherence to this will be considered as part of the decision making process.
- Children – the SLP sets out the policies that the Council will generally apply to meet the licensing objectives when determining new or reviewed applications. This includes a

policy that states the Council will encourage the adoption of best practices toward addressing children and young people that are susceptible for mental health issues as related to alcohol.

However, our consultation showed that there may be some impacts on groups outside the defined equalities groups that it worth noting:

#### Business community

For the business community, the Statement of Licensing policy outlines the procedure for applying for a business licence and sets out the responsibilities of Brent Council as the 'Licensing Authority' and business owners undertaking licensable activities. On the whole, the amendments proposed have been designed to clarify and make suggestions for ongoing monitoring of licensing activity. The principles governing the Statement of Licensing policy remain consistent with the previous policy statement and recognise the wider community impacts that the Local Authority, business community and other stakeholders must be aware of when undertaking licensing activities.

The statement recognises the need for a balance between the rights of businesses and the community of which they are a part. One example of where this is reflected is in the conditions which include restrictions on the sale of beer, lager and cider above 6.0% ABV; restrictions applying to major event days at Wembley Stadium (including restricting the sale of cans to 4 per customer, closing 1 hour before event start times, restricting the sale of alcohol in glass bottles, restrictions on the numbers of people congregating at a licensed premises), and irresponsible drinks promotions. These conditions may have a limited negative effect on the profitability of a small number of premises but are intended to tackle crime and anti-social behaviour as well as addressing potential health related issues for consumers. Officers are of the view that the benefits will outweigh any adverse impact and the premises still have the option to market and sell beer, lager and cider below 6.0% ABV

#### **5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by gender, race, disability etc).**

The initial screening on the policy review found that there was no adverse impact on any of the protected equalities groups from the implementation of this policy, or the changes/amendments under consideration as part of the review.

The evidence that has been used to make this judgement has been taken from several sources (see Appendix 1 for further detail):

- Police data, e.g.
  - All crime
  - Alcohol related crime
  - Violent crime
  - Sexual offences
- Health data, e.g.
  - Hospital admissions – alcohol related harm
  - Hospital admissions – alcohol related illnesses
  - Ambulance call out – alcohol flagged
  - A&E attendances – alcohol related
- Premises data
  - Licensed premises
  - Licenses revoked
  - Licenses refused
- Consultation with key stakeholders (see: Appendix 2 for further detail)

Twenty-five key stakeholders were invited to take part in an early stage consultation which gathered views, experience and perceptions on problematic areas for alcohol supply and consumption, groups at risk from alcohol, influence of alcohol on crime, influence of alcohol on health, cumulative impact zones and any other relevant information. Stakeholders ranged from Licensing officers, Police, health experts, community representatives and licensees.

- Public consultation (see: Appendix 3 for further detail)  
A four week public consultation was held on the Issues and Options paper for the proposed changes to the Statement of Licence Policy. This included members, statutory consultees, residents and business representatives groups, key stakeholders (see above), all licensed premises, Wembley Stadium and concert venues

#### Race

None of the evidence reviewed highlighted any adverse impacts concerning race. The borough's Alcohol Harm Reduction Policy (2014-17) identified a large number of abstainers in the borough (31%), which could be attributed to the borough's diverse communities. However the research is not of sufficient depth to be defined as directly attributable, it is a contributing factor albeit a strong contributing factor. The consultation with key stakeholders identified anecdotes and assumptions of Eastern European, Somali and Irish communities as experiencing problems with heavy drinking and potentially causing a disturbance via street drinking activities and other anti-social behaviour which is often closely associated with alcohol misuse. Again, the high prevalence of these communities in Brent has to be noted and as such the reports of these communities involvement in alcohol related anti-social behaviour does not represent statistical certainty for these particular ethnic groups. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the grounds of ethnicity or nationality.

#### Gender

None of the evidence reviewed highlighted any adverse impacts concerning gender. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the grounds of gender.

#### Disability

None of the evidence reviewed highlighted any adverse impacts concerning disability. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the grounds of disability.

#### Faith/Belief

None of the evidence reviewed highlighted any adverse impacts concerning faith/belief. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the ground of faith/belief.

#### Sexual orientation

None of the evidence reviewed highlighted any adverse impacts concerning sexual orientation. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting

anyone on the ground of sexual orientation.

Age

None of the evidence reviewed highlighted any adverse impacts concerning age. The implementation of this policy is to meet the licensing objectives when determining applications and to protect residents from disturbance, which considers all communities within the borough and therefore is not considered to be adversely impacting anyone on the ground of age.

**6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable).**

No.

**7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?**

There has been consultation with key stakeholders, and a public consultation undertaken as part of the policy review).

Key Stakeholders were asked to answer a number of questions from a pro-forma. Each stakeholder was asked the same questions, and responses were given over the phone or by email (depending on availability). The results of these consultations informed the Issues and Options paper for the policy review that was put out to public consultation.

Public consultation was conducted via the online consultation portal on the LB Brent website. The results of this consultation informed the final draft of the SLP published.

**8. Have you published the results of the consultation, if so where?**

A formal analysis of the public consultation data was drafted and sent to the licensing authority contact, Yogini Patel. However, this has not been published to any external audience and is only available to Brent licensing authority officers.

**9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner**

No.

**10. If in your judgement the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations**

There is no adverse impact.

**11. If the impact cannot be justified, how do you intend to deal with it?**

N/A

**12. What can be done to improve access to/take up of services?**

The policy is supportive of ongoing treatment and support for alcohol use.

**13. What is the justification for taking these measures?**

The Licensing Act 2003 requires the council to publish a Statement of Licensing Policy that sets out the policies that the council will generally apply to meet the licensing objectives

when determining applications.

This review is to identify any gaps in the current policy and consider the need for cumulative impact zones, or alternative alcohol control measures to address public nuisance, disturbance, anti-social behaviour and crime associated with the misuse of alcohol, in turn associated with the number of licensed premises.

**14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible on the front page**

The Council will continue to use the Equality Monitoring Forms. Any further changes or action to be determined by licensing officer, Yogini Patel.

**15. What are your recommendations based on the conclusions and comments of this assessment?**

**Should you:**

1. **Take immediate action - No**
2. **Develop equality objectives and targets based on the conclusions? No**
3. **Carry out further research? No**

**16. If equality objectives and targets need to be developed, please list them here**

N/A

**17. What will your resource allocation for action comprise of?**

N/A

## Appendix 1

### Data Sources:

<b>POLICE DATA</b>	<b>LEVEL</b>
All crime with a alcohol flag	Postcode Level
Grouped crime with a alcohol flag	Postcode Level
Crime by day of the week	Postcode Level
Crime by hour - two hour intervals	Postcode Level
Change in the levels of violence against the person - 2006/07-2010/11	Police Beat level
Change in the level of violence against the person by location/venue and area - 2006/07-2010/11	Police Beat level
Total Proportion of PP Violence Against The Person offences perceived to have taken place under the influence	Police Beat level
levels of Robbery per Beat - 2006/07-2010/11	Police Beat level
Public Place Sexual Offences	Police Beat level
Any crime between night time hours that contain an alcohol related flag 'buzzword'	SPA Area Levels
Any crime between night time hours that falls within night time economy (NTE) related crime types	SPA Area Levels
population and geographical data was extracted from the Camden.gov.uk website and ambulance call out data was taken from the safer stats website	SPA Area Levels
Alcohol related 999 calls	SPA Area Levels
Alcohol related crime	SPA Area Levels
densities of alcohol related crime and NTE related offences	SPA Area Levels
<b>HEALTH</b>	
Hospital stays for alcohol related harm	LSOA Level
local alcohol data profile – UK comparison	Borough Level
Map - model based estimate for binge drinking	Ward Level
Map - Hospital admissions for alcohol attributed illnesses	Ward Level
All ambulance calls outs- alcohol flagged	Postcode Level
All ambulance calls outs- assaults	Postcode Level
Alcohol related illness/incident ambulance activity	SPA Area Levels
Number of ambulance service call outs which are alcohol related, April 2010 to January 2011	Electoral Ward
Number of A&E attendances (all ages) which are alcohol-related, 2008 to 2010	Electoral Ward
Age-standardised hospital admission rate (per 100,000) for alcohol-related harm 2002/03 to 2009/10)	Borough
Number of ambulance service call outs which are alcohol related, April 2010 to January 2011	Electoral Ward
Number of ambulance service call outs which are alcohol related, April 2010 to January 2011 in the city centre area	Output Area
Number of A&E attendances which are alcohol related, 2008 to 2010	Electoral Ward

Rate of hospital admissions per 100,000 for alcohol related harm 2002/03 to 2009/10 (age standardised)	Borough
Data related to young people	Borough
<b>PREMISES</b>	
All licenced premises	Postcode Level
Premises licences revoked	Postcode Level
refused licence applications	Postcode Level
<b>ENVIRONMENTAL HEALTH</b>	
Noise Complaints	Borough
number of noise complaints relating to licensed premises	Borough
Public Perceptions of Drunk and Rowdy Behaviour	Borough

## Appendix 2

### Key Stakeholders:

ORGANISATION	REMIT	ROLE
LB Brent	Alcohol Harm Reduction Strategy	Substance Misuse Commissioner
LB Brent	Community Safety & Emergency Planning	Department Head
LB Brent	Community Safety & Emergency Planning	Community Safety Analyst
LB Brent	Cabinet Member for Adults, Health and Wellbeing	Member
LB Brent	Alcohol & Entertainment Licensing Committee	Member
LB Brent	Alcohol & Entertainment Licensing Committee	Member
LB Brent	Alcohol & Entertainment Licensing Committee	Member
MPS	Brent Community Safety Partnership Team	Police Constable
MPS	Licensing Police	
Safer Neighbourhood Group	Representative Group	Chair
LB Brent	Public Health	Director
Sudbury Town Residents Association	Representative Group	Deputy Chair
Age UK Brent	Advocacy & support	Head of Advocacy
Westminster Drug Project (WDP)	Advocacy & support	Manager
Crime Reductions Initiative (CRI)	Advocacy & support	Manager
The Green Man	Pub	Owner
The Torch	Pub	Manager
Wembley Arena	Major Venue	TBC
Premier Inn - Wembley	Hotel	Operations Manager
Hilton - Wembley	Hotel	General Manager