

EQUALITY ANALYSIS (EA)

POLICY/PROPOSAL:	Statement of Licensing Policy
DEPARTMENT:	Neighbourhoods and Regeneration
TEAM:	Licensing
LEAD OFFICER:	Anu Prashar
DATE:	14/10/2024

NB: Please ensure you have read the accompanying EA guidance and instructions in full.

SECTION A – INITIAL SCREENING

1. Please provide a description of the policy, proposal, change or initiative, and a summary its objectives and the intended results.

Section 5 of the Licensing Act 2003 (hereafter termed ‘the 2003 Act’) requires all Licensing Authorities to prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the five year period to which the policy applies. The current policy expires in January 2025 and therefore a new policy will need to be adopted. The Statement of Licensing Policy is the primary document for setting out the Council’s local approach to regulation of the Licensing Act 2003 and ensuring that the licensing objectives are met.

The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

Before the Statement of Licensing Policy can be adopted Section 5(3) of the 2003 Act requires the licensing authority to undertake a statutory consultation.

This requires the authority to consult with:

- The chief officer of police for the licensing authority’s area
- The fire and rescue authority for that area
- The Local Health Board for an area
- Each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority’s area.
- Such persons as the licensing authority considers to be representatives of holders of premises licences issued by that authority

- Such persons as the licensing authority considers to be representatives of holders of club premises certificates issued by that authority
- Such other persons as the licensing authority considers to be representative of businesses and residents in its area.

The Authority undertook a consultation which was open for ten weeks, closing on 11 October 2024. The consultation received 21 responses. The licensing team considered all responses carefully and each was responded to as part of the report. Where appropriate the policy was updated further to take account of the comments made. Once approved by Cabinet the Statement of Licensing Policy will then go to Full Council for final approval.

2. Who may be affected by this policy or proposal?

Those that use, work in and live near to premises licensed under the Licensing Act 2003. Premises that require a licence are those offering:

- Sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the Club
- Regulated entertainment
- Late night refreshment

The main stakeholders affected are:

- Members of the public including residents and visitors
- Applicants
- Licence holders
- Borough Council Services
- Trade Bodies/organisations
- Retailers/Businesses
- Police
- Fire Service
- Health Service
- Councillors
- Organisations that deal with alcohol misuse

It is recognised that if licensed premises are well run that they can build community cohesion and cultural development. There are also negative impacts can also occur if good management practices are not followed. Potential negative impacts may arise in the form of noise, nuisance, disturbance and crime and disorder problems. With alcohol sales there are also risks of individual addiction.

The revised policy include new policies to outline expectations in the following areas:

- a. Addressing risks and harms to women and vulnerable people in the night time economy;
- b. Responding to the proposed Martyn's Law by outlining event and large venue safety and risk assessment;
- c. Highlighting expectations for 'dark kitchens' and their premises to improve the operation and oversight of alcohol sales.
- d. Ensuring licenses are aware of their responsibilities in relation to drink spiking.
- e. Policies outlining expectations on delivery services and the dispersal of patrons from premises.

3. Is there relevance to equality and the council's public sector equality duty? Please explain why. If your answer is no, you must still provide an explanation.

It is unlikely that the new Statement of Licensing Policy will have any impact on the equalities or of the protected characteristics. The application of the Statement of Licensing Policy is universally applied to all residents, visitors and businesses in Brent regardless of the protected characteristics.

The Statement of Licensing Policy does provide a policy framework for the application of the Licensing Act 2003 which includes a restriction on any sales of alcohol to those under the age of 18 years old.

4. Please indicate with an "X" the potential impact of the policy or proposal on groups with each protected characteristic. Carefully consider if the proposal will impact on people in different ways as a result of their characteristics.

Characteristic	Impact Positive	Impact Neutral/None	Impact Negative
Age	X		
Sex		X	
Race		X	
Disability *		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage		X	

5. Please complete **each row** of the checklist with an "X".

Screening Checklist

	YES	NO
Have you established that the policy or proposal <i>is</i> relevant to the council's public sector equality duty?	X	
Does the policy or proposal relate to an area with known inequalities?		X
Would the policy or proposal change or remove services used by vulnerable groups of people?		X
Has the potential for negative or positive equality impacts been identified with this policy or proposal?	X	

If you have answered YES to ANY of the above, then proceed to section B.

If you have answered NO to ALL of the above, then proceed straight to section D.

SECTION B – IMPACTS ANALYSIS

- Outline what information and evidence have you gathered and considered for this analysis. If there is little, then explain your judgements in detail and your plans to validate them with evidence. If you have monitoring information available, include it here.

The evidence of impact only relates to age, the legislation underlying the SLP has a restriction on the sale of alcohol to only those 18 years old and over. There is a body of research evidence that indicates that people under the age of 18 are more at risk of harms from alcohol purchase and consumption than those over the age of 18. As such the restriction is justified on these grounds.

- For each “protected characteristic” provide details of all the potential or known impacts identified, both positive and negative, and explain how you have reached these conclusions based on the information and evidence listed above. Where appropriate state “not applicable”.

AGE

Details of impacts identified	Those under the age of 18 are restricted from purchasing alcohol by the underlying legislation. The SLP outlines approaches to ensure that this legislation is being upheld.
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DISABILITY

Details of impacts identified	None have been identified.
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RACE

Details of impacts identified	None have been identified.
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SEX

Details of impacts identified	None have been identified.
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SEXUAL ORIENTATION

Details of impacts identified	None have been identified.
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PREGANCY AND MATERNITY

Details of impacts identified	None have been identified.
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RELIGION OR BELIEF

Details of impacts identified	None have been identified.
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GENDER REASSIGNMENT

Details of impacts identified	None have been identified.
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MARRIAGE & CIVIL PARTNERSHIP

Details of impacts identified	None have been identified.
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3. Could any of the impacts you have identified be unlawful under the Equality Act 2010?

No. The impacts are mandated by the Licensing Act 2003, which is itself compliant with the Equalities Act 2010.

4. Were the participants in any engagement initiatives representative of the people who will be affected by your proposal and is further engagement required?

Not Applicable

5. Please detail any areas identified as requiring further data or detailed analysis.

Not Applicable

6. If, following your action plan, negative impacts will or may remain, please explain how these can be justified?

No negative impacts have been identified.

7. Outline how you will monitor the actual, ongoing impact of the policy or proposal?

The Licensing Policy will be reviewed prior to the end of its 5 year life span.

SECTION C - CONCLUSIONS

Based on the analysis above, please detail your overall conclusions. State if any mitigating actions are required to alleviate negative impacts, what these are and what the desired outcomes will be. If positive equality impacts have been identified, consider what actions you can take to enhance them. If you have decided to justify and continue with the policy despite negative equality impacts, provide your justification. If you are to stop the policy, explain why.

The only equality impact is: a) a positive impact improving the likelihood that people under the age of 18 will have less risk of alcohol related harm by the implementation of the SLP; and, b) it is an age differentiation set out in the Licensing Act 2003, the SLP only implements the legislation.

SECTION D – RESULT

Please select one of the following options. Mark with an "X".

A	CONTINUE WITH THE POLICY/PROPOSAL UNCHANGED	X
B	JUSTIFY AND CONTINUE THE POLICY/PROPOSAL	
C	CHANGE / ADJUST THE POLICY/PROPOSAL	
D	STOP OR ABANDON THE POLICY/PROPOSAL	




SECTION E - ACTION PLAN

This will help you monitor the steps you have identified to reduce the negative impacts (or increase the positive); monitor actual or ongoing impacts; plan reviews and any further engagement or analysis required.

Action	Expected outcome	Officer	Completion Date

SECTION F – SIGN OFF

Please ensure this section is signed and dated.

OFFICER:	Anu Prashar 14/10/24 
REVIEWING OFFICER: <i>* the manager with oversight of the project</i>	 Simon Legg 15/10/24
HEAD OF SERVICE / Operational Director:	 Chris Whyte 16/10/24