

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<p>What is the proposed decision that you are asking the Council to make:</p>	<p>Licensing authorities are required by the Licensing Act 2003 to publish a statement of the principles that they will apply when exercising their functions under the Act.</p> <p>The statement must be reviewed and published on a regular basis (at least every five years), and any amendments must be consulted on before publication.</p> <p>The revised Draft Policy has recently been consulted on.</p> <p>The purpose of Licensing Policy is to ensure all licence applications received are treated fairly and in a consistent manner, provide advice and information for all about how the Council will enforce, administer and make decisions under the Licensing Act 2003 and support licensable activities for the wider benefit of the community.</p> <p>West Berkshire Council must, as the Licensing Authority, have regard to the licensing objectives as set out in section 1 of the Act. These are; 1. The prevention of crime and disorder 2. Public safety 3. The prevention of public nuisance 4. The protection of children from harm</p> <p>Council is being asked to consider the comments received during the consultation on the Statement of Licensing Policy and then to adopt the policy with or without further modifications.</p>
<p>Summary of relevant legislation:</p>	<p>In addition to the Licensing Act requirements as set out above the Council must also have regard to the following legislative requirements:</p> <p>The policy must be considered alongside the current revised Section 182 guidance issued in August 2023;</p> <p>This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the Health and Safety at Work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.</p> <p>In addition to the Council's enforcement policy, the Licensing Authority will also have</p>

	<p>regard to the Regulators' Code and the Enforcement Concordat and any decision to instigate legal proceedings will take account of the criteria set down in the Code for Crown Prosecutors and Attorney General Guidelines.</p> <p>The policy directly mentions issues of equality in sections 1.10 and 1.11</p>
Does the proposed decision conflict with any of the Council's key strategy priorities?	No. It is noted that there is often an overlap between planning and licensing applications, but each are dealt with as distinct entities governed by distinct policies.
Name of assessor:	Julia O'Brien
Date of assessment:	06 November 2023

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	The main purpose of this policy is to provide clarity to applicants, Responsible Authorities, Councillors and other persons on how the Council will determine applications made under the Licensing Act 2003. It will also inform Councillors of the parameters within which licensing decisions can be made
Objectives:	<p>The Licensing Policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting leisure provision and encouraging the regeneration of town centres as well as controlling any negative impacts such as increase in crime and disorder, noise, nuisance and anti-social behaviour.</p> <p>The policy also seeks to support a community in which diversity is encouraged and the Council will therefore expect all applicants to take steps to ensure that no person is treated differently on the grounds of any of the protected characteristics.</p>

Outcomes:	All parties involved in the application process will have clarity about the process and the requirements expected of them.
Benefits:	Improved decision making, a smoother application process, reduced risk of challenge to decisions made.

2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	Age is mentioned throughout the document with regards to the sale of alcohol to children. Protecting children from being harmed by alcohol is a key objective of the policy.	
Disability	The Licensing Policy requires that new premises comply with legislation and guidance with regards to access issues. Existing premises are encouraged to ensure access for disabled people to all parts of the premises.	See paragraph 3.5
Gender Reassignment	Hate crime and harassment based on gender, sex or sexuality remains an issue, particularly in premises where alcohol is being consumed. As a condition of licence, many premises, are required to have suitable trained door staff. However, more could be done proactively to support victims in these premises, ensuring that the licensed premises are safe places for all.	See paragraph 5.3 and 6.4
Marriage and Civil Partnership	Not specifically addressed	

Pregnancy and Maternity	Not specifically addressed	
Race	Hate crime and harassment based on gender, sex or sexuality remains an issue, particularly in premises where alcohol is being consumed. As a condition of licence, many premises, are required to have suitable trained door staff. However, more could be done proactively to support victims in these premises, ensuring that the licensed premises are safe places for all.	See paragraph 5.3 and 6.4
Religion or Belief	Not specifically addressed	
Sex	Hate crime and harassment based on gender, sex or sexuality remains an issue, particularly in premises where alcohol is being consumed. As a condition of licence, many premises, are required to have suitable trained door staff. However, more could be done proactively to support victims in these premises, ensuring that the licensed premises are safe places for all.	See paragraph 5.3 (requires applicants to demonstrate that they have procedures for dealing with harassment, discrimination and inappropriate behaviour;) and 6.4 (procedures to ensure the safety of women and vulnerable persons)
Sexual Orientation	Hate crime and harassment based on gender, sex or sexuality remains an issue, particularly in premises where alcohol is being consumed. As a condition of licence, many premises, are required to have suitable trained door staff. However, more could be done proactively to support victims in these premises, ensuring that the licensed premises are safe places for all.	See paragraph 5.3 and 6.4

Further Comments relating to the item:	
<p>The consultation was undertaken in accordance with the Council's Consultation Policy.</p> <p>We did not receive any comments relating specifically to the protected characteristics. One of the respondents did however comment on the need to ensure that the policy is written in plain and simple English wherever possible to assist dyslexic readers and for readers whose first language is not English.</p> <p>The Council is not in a position where it can proactively affect the profile of licence holders but the policy ensures that the process of obtaining a licence is fair and free of discrimination.</p> <p>The policy does not give any particular group priority over another in relation to implementation of the policy and how each applicant is dealt with. The Act requires that each application is assessed on its individual merits so all groups should be treated equally.</p>	

3. Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
<p>The Council is not in a position where it can proactively affect the profile of licence holders but the policy ensures that the process of obtaining a licence is fair and free of discrimination.</p>	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	
<p>The policy does not give any particular group priority over another in relation to implementation of the policy and how each applicant is dealt with. The Act requires that each application is assessed on its individual merits so all groups should be treated equally.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4. Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	N.a
Timescale for Stage Two assessment:	N.a

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Name: Julia O'Brien

Date: 06/11/2023

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