

# **EQUALITY IMPACT ASSESSMENT AND ANALYSIS (EqIAA)**

## **Statement of Licensing Policy 2016 - 2021**

### **SECTION 1 - INTRODUCTION**

South Gloucestershire Council is the Licensing Authority for South Gloucestershire under the Licensing Act 2003. This means the Council is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

The Legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. 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.

The legislation also supports a number of other key aims and purposes which include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

The Draft Statement of Licensing Policy sets out the policies that the Licensing Authority will apply when making decisions upon applications for: -

- Premises Licences;
  - Club Premises Certificates;
  - Personal Licences;
- and when considering notifications made in respect of:-
- Temporary Event Notices.

The above introduction serves to highlight the statutory objectives, the other key aims and purposes which legislation also supports, and provide a brief background to the discussion and analysis of equalities issues pertaining to the Policy.

## SECTION 2 –RESEARCH AND CONSULTATION

This section is intended to raise information which links to and which has potential impacts in relation to equality. Section 3 of this EqIAA will discuss the issues with the intention of highlighting issues with the potential to be addressed via the Statement of Licensing Policy.

### Equalities Issues Emerging from Research and Consultation

Issue Identified	Protected Characteristic(s)
<b>HEALTH</b>	
It is known that drinking at home still has a negative impact on health. This can include young drinkers pre-loading prior to going out and poor health outcomes in the older population such as alcohol-related chronic diseases	Age (both younger and older ages)
The South Gloucestershire Alcohol Needs Assessment, 2013 provides the following information:	
<ul style="list-style-type: none"> <li>Deaths in England due to alcohol-related causes have risen 30% between 2001 and 2010, with a quarter of deaths among 16-24 year old males being attributable to alcohol.</li> </ul>	Young Males
<ul style="list-style-type: none"> <li>Nine million adults drink alcohol at levels that increase the risk of harm to their health, with 1.6 million adults showing signs of alcohol dependence. Nationally, alcohol is the third biggest risk factor for illness or death.</li> </ul>	Those over 18 years
<ul style="list-style-type: none"> <li>Half of violent assaults can be attributed to alcohol and it has an impact amongst domestic violence victims and perpetrators as well as causing physical, psychological and behavioural problems for children of parents with alcohol problems.</li> </ul>	Proportionately more Females. Children
<ul style="list-style-type: none"> <li>27% of serious case reviews mention alcohol misuse.</li> </ul>	Children and Young People
South Gloucestershire Alcohol Needs Assessment, 2013 also identifies the following groups within South Gloucestershire who may be at a higher risk of harm caused by alcohol:	
<ul style="list-style-type: none"> <li>Females in relation to the prevention and early diagnosis of chronic liver disease;</li> </ul>	Females
<ul style="list-style-type: none"> <li>Those living in the most deprived areas of South Gloucestershire in relation to the prevention and management of alcohol specific and alcohol related admissions;</li> </ul>	All
<ul style="list-style-type: none"> <li>45-49 year-old males and females in relation to the prevention and management of alcohol-specific admissions;</li> </ul>	Those aged 45 - 49
<ul style="list-style-type: none"> <li>Males aged 60-64 and females aged 85+ in the prevention and management of alcohol attributable conditions;</li> </ul>	Males aged 60 – 64 Females aged 85+

Issue Identified	Protected Characteristic(s)
<ul style="list-style-type: none"> <li>Children and young people, including those identified through the Families in Focus Initiative;</li> </ul>	Children and Young People
<ul style="list-style-type: none"> <li>Residents with or at risk of developing chronic conditions such as hypertensive diseases, cardiac arrhythmias and mental health and behavioural disorders;</li> </ul>	Disability
<b>DOMESTIC ABUSE AND OTHER VULNERABLE GROUPS</b>	
<ul style="list-style-type: none"> <li>South Gloucestershire Alcohol Needs Assessment, 2013 also identifies vulnerable groups, such as those experiencing domestic abuse.</li> </ul>	Proportionately more Females
<b>DRUG USE</b>	
The Policy recognises the issues of drug use by young people in a club environment.	Young People

## **HATE CRIME**

The Home Office Statistical Bulletin: “Hate Crimes, England and Wales, 2013/14”<sup>1</sup> provides the following information in relation to hate crime:

- In 2013/14, there were 44,480 hate crimes recorded by the police, an increase of five per cent compared with 2012/13, of which:
  - 37,484 (84%) were race hate crimes;
  - 4,622 (10%) were sexual orientation hate crimes;
  - 2,273 (5%) were religion hate crimes;
  - 1,985 (4%) were disability hate crimes; and
  - 555 (1%) were transgender hate crimes.
- There were increases in all five of the monitored hate crime strands (race, religion, sexual orientation, disability and transgender identity) between 2012/13 and 2013/14.

Updated information published in October 2015 “Hate Crime, England and Wales, 2014/15” shows that in 2014/15, there were 52,528 hate crimes recorded by the police, an increase of 18 per cent compared with the 44,471 hate crimes recorded in 2013/14, of which:

- 42,930 (82%) were race hate crimes;
- 5,597 (11%) were sexual orientation hate crimes;
- 3,254 (6%) were religion hate crimes;
- 2,508 (5%) were disability hate crimes; and
- 605 (1%) were transgender hate crimes.

The Equality and Human Rights Commission has published a research report entitled: “*Rehabilitation of hate crime offenders*”, Spring 2011<sup>2</sup>. This Research Report provides the following information to be taken into account:

*Males account for the great majority of those accused of hate crimes. Similarly, the great majority (79%) of known perpetrators of racist incidents in Scotland in 2008/09 were male. However, the data also show that hate crime offending is not an exclusively male activity.*

<sup>1</sup> See Section 6 – Evidence Informing this EqiAA

<sup>2</sup> See Section 6 – Evidence Informing this EqiAA

*While there are some differences in the age profile patterns and between the different types of hate crimes, it is clear that offenders are more likely to be concentrated in the younger age range, with over half of offenders aged under 25 in sectarian and racially aggravated offences and half under 30 for homophobic offences. This pattern is not dissimilar to the age profile of offenders in general, as under 21 year olds accounted for 30 per cent of all those found guilty or cautioned for indictable and summary offences (excluding motoring offences) in England and Wales. Over a fifth (22%) of male perpetrators of racist incidents in 2008-09 were aged under 16, and under twenty one year-olds accounted for almost half (46%) of the male perpetrators. The same was the case for female perpetrators of racist incidents as just over a quarter (26%) were aged under 16 and nearly half (46%) aged under 20.*

*The great majority of accused hate crimes offenders classified themselves as 'white', as is the case with prosecuted hate crime offenders in England and Wales according to data published by the Crown Prosecution Service. But the data also indicate ethnic group diversity among offenders.*

*Unemployed offenders constitute substantial proportions of the accused and for each type of hate crime, ranging from 24.5 per cent of those accused of sectarian offences in Northern Ireland to 59.5 per cent of accused homophobic hate crime offenders recorded by the Metropolitan Police Service.*

*The term 'hate crime' arguably conjures up an image of hate-fuelled individuals who consciously act out their 'hate' in the offences they commit. But it is a misnomer as most offenders don't hate their victims. They offend for other reasons. And practitioner experience in the case of race-hate crime also suggests that many offenders are generalists who are involved in a range of offending activity rather than specialists in racist crime. This understanding has been informed by a small research literature which suggests that hate crime offenders' actions are fuelled by a variety of impulses — shared by offenders in other crimes — of which hate, prejudice or bigotry is just a part. Such impulses were influentially illuminated by a typology constructed by US scholars Jack Levin and Jack McDevitt using police records of hate crimes reported to the Boston (US) police department in the 1990s. One observation stood out from their typology: hate, prejudice, or bigotry commonly play a minor role in prompting hate crime offending, as other impulses are often at work. Levin and McDevitt (1993; 2002) suggested that many incidents appear to be committed for the fun of it, for the thrill, and other reasons such as resentment, retaliation and revenge (1993: 7).*

*These attitudes issue in acts of overt hostility or violence in situations of emotional arousal and threat. While the data show that there is no single type of offender, there is a tendency for offenders to be young males for whom violence and aggression are acceptable and normal modes of interaction and problem-solving, and the translation of hostility into action is often fuelled by a sense of grievance, perceived slights, or the dynamics of acting out in front of friends and peers.*

*Promoting Human Dignity (UK) is a programme for racially aggravated offenders funded by the Merseyside Probation Trust and delivered mainly as a group work programme, with one-to-one provision for offenders for whom group work is impractical. The programme consists of 14 weekly two-hour sessions. About 200 offenders have undertaken the programme since 2008. Reconviction rates for racially aggravated offences are believed to be very low. Notably, the evaluation revealed that offenders initially failed to see the relevance of the programme when it was suggested to them, as they believed that they*

*were not 'racists' and instead saw the expressions of racism in their offences as the product of a variety of factors: the taken for granted racist attitudes in their localities; ignorance; upbringing; the use of alcohol; and the loss of control.*

The above evidence, as well as providing data and information in terms of offenders, provides some evidence of a linkage between hate crime and alcohol and thus is relevant to raise as part of an equalities assessment in relation to licensing activity.

Public consultation was conducted in relation to the draft Statement of Licensing Policy 2016 – 2021. This commenced between 7th August 2015 and 28th October 2015. The consultation conducted included a full Initial EqIAA for comment. In respect of the feedback received, no equalities issues were raised by consultees and the initial assessment of equalities impacts received no feedback in relation to any of the potential impacts raised.

## **SECTION 3 - IDENTIFICATION AND ANALYSIS OF EQUALITIES ISSUES AND IMPACTS**

Section 2 (above) has raised a number of equalities issues which have some links to licensing activity. This section highlights those issues pertaining to the Statement of Licensing Policy and provides discussion of how the Policy may ensure the proactive delivery of sound equalities practices.

All protected characteristics have been identified via the research information shown in Section 2. It is also worth noting that the following protected characteristic groups in particular have been highlighted:

- Young Males
- Young Females
- Females generally
- Children and Young People
- Those aged 45 - 49
- Males aged 60 – 64
- Females aged 85+
- People with Disabilities

In respect of the equalities issues raised, it is important that this EqIAA explores:-

1. How equalities issues are taken account of when discharging the responsibilities of the Licensing Authority; and
2. The work which Licensing activity can undertake which will contribute to the work of multi-agency groups and thus robustly achieve the four statutory objectives, key aims and purposes and the requirements of The Public Sector Equality Duty.

The Policy is clear on what will be done by the Licensing Authority. The Policy clearly states actions to be taken, from application stage through to continual monitoring. These actions specifically note the link to the Council's vision ("A Great Place to Live and Work"), which itself states a clear priority to "Promote Equality of Opportunity and Reduce Disadvantage". The Policy states its intention to be balanced and show the willingness of the Council and its partners to promote and encourage entertainment and its enjoyment whilst also being willing to tackle problems where they exist. Examples of actions which may be taken at any stage when issues pertaining to equalities are highlighted by the Policy and include:-

- Consideration of whether the grant of an application will result in an increase in crime and disorder.
- Consideration of options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children.
- Attaching conditions to licences.
- Allowance for variations to Licences or revocation of a licence
- Requiring applicants for Premises Licences and Club Premises Certificates to set out how they will promote the Licensing Objectives and what measures they intend to employ to ensure compliance with them.
- Actively working with the police in enforcing licensing legislation.

- The employment of licensing enforcement officers and targeting enforcement work, in line with the principles set out in the Hampton Review, to agreed problem and high risk premises which require greater attention, while providing a lighter touch for low risk premises which are well run.
- Acknowledgement of the Portman Code of Practice in relation to the naming, packaging and promotion of alcoholic drinks within premises in the district.
- Continual working with the Licensing Enforcement Group, using intelligence, targeting multi agency visits at the problem premises and providing advice and guidance to other licensed premises.

The delivery of these planned actions and criteria will contribute to addressing the equalities issues raised within Section 2 of this EqIAA. In addition, the research information has highlighted the following four broad areas which can link to licensing activity:-

### **Hate Crime**

The research information shown indicates a link between alcohol and hate crime. It also shows an increasing trend in the amount of hate crime being reported.

This tells us that it will be important to continue to monitor hate crimes as well as their proximity to licensed premises and alcohol use in general.

### **Health**

The research information shown indicates a link between alcohol and reduced/poor health.

This tells us that it will be important to continue to work with partners to monitor the impact of alcohol on health and identify any links to licensing activity.

### **Vulnerable groups, such as those experiencing domestic abuse**

The research information shown indicates a link between alcohol and vulnerable groups, particularly highlighting domestic abuse.

This tells us that it will be important to continue to work with partners to monitor the impact of alcohol on domestic abuse and identify any links to licensing activity.

### **Drug Use**

This impacts on the above three identified areas as well as being an issue in its own right.

As well as imposing conditions and working with the local Drugs Action Team and the Police, this tells us that it will be important to continue to work with all partners to monitor the impact of drug use in relation to the above three areas and identify any links to licensing activity.

## SECTION 4 - EqIAA OUTCOME

Outcome	Response	Reason(s) and Justification
Outcome 1: No major change required.	<input checked="" type="checkbox"/>	<p>The analysis has shown links between alcohol and a range of issues (e.g. hate crime). In addition, the analysis has highlighted a number of protected characteristic groups more likely to be affected by those issues.</p> <p>These issues have implications for a wide number of Council activities, and Licensing activity is one such Council activity.</p> <p>In response to this, Section 5 of this EqIAA sets out carefully considered actions to closely monitor the issues raised. Maximum effectiveness of these actions is to be gained by undertaking these works in close partnership with relevant partners (e.g. the Police). This allows for issues to be approached in the most comprehensive ways, where Licensing may be one component in successfully tackling issues emerging.</p> <p>Where monitoring outcomes highlight issues to be addressed, the Statement of Licensing Policy covers a full range of responses including enforcement action.</p>
Outcome 2: Adjustments to remove barriers or to better promote equality have been identified.	<input type="checkbox"/>	
Outcome 3: Continue despite having identified potential for adverse impact or missed opportunities to promote equality.	<input type="checkbox"/>	
Outcome 4: Stop and rethink.	<input type="checkbox"/>	

## **SECTION 5 - ACTIONS TO BE TAKEN AS A RESULT OF THIS EqIAA**

Review the systems in place to monitor hate crimes and their proximity to licensed premises as well as alcohol use in general.

Continue to work closely with partners to monitor the impact of alcohol on health with a view to ensuring full identification of any links to licensing activity.

Continue to work with partners to monitor the impact of alcohol on domestic abuse and identify any links to licensing activity.

Continue to work with all partners to monitor the impact of drug use in relation to Hate Crime, Health and Domestic Abuse and identify any links to licensing activity.

The above monitoring would allow intelligent responses to be implemented which can and do address the issues raised within this EqIAA.

Conduct a review on the requirement for specific equalities training for those involved in activities pertaining to licensing, including partners.

Ensure that communications with all individuals (such as Designated Premises Supervisors etc.) is in line with council policy on Accessible Communications.

## **SECTION 6 - EVIDENCE INFORMING THIS EqIAA**

The South Gloucestershire Alcohol Needs Assessment, 2013

Home Office Statistical Bulletin: Hate Crimes, England and Wales, 2013/14 - <https://www.gov.uk/government/statistics/hate-crimes-england-and-wales-2013-to-2014>

Rehabilitation of hate crime offenders, Research Report, Spring 2011 - <http://www.equalityhumanrights.com/about-us/devolved-authorities/the-commission-in-scotland/research-in-about-us/devolved-authorities/the-commission-in-scotland/the-rehabilitation-of-hate-crime-offenders-an-international-study>