

# Equality Impact Assessment (EIA) – Licensing Policy

## Introduction

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. The statement must be reviewed and published on a regular basis, and any amendments must be consulted on before publication. The Policy is currently out to consultation.

The purpose of Barnsley's 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. Barnsley 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

The Authority has an ongoing commitment to examine all cases where discrimination of any type is alleged.

## Equality and the Licensing Policy

The policy directly mentions issues of equality in section 32, page 24.

It states that;

- 32.1 The Equality Act 2010 and section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.**
- 32.2 In seeking to support a community in which diversity is encouraged, the Council will expect all applicants to take steps to ensure that no person is treated differently on the grounds of race, colour, religion, ethnic or**

**national origins, age (unless an age-related event), sex (unless a single sex event), sexual orientation (unless a gay or lesbian event), or disability, and that the management and operating practices of licensed premises within the district comply with all race relations, equal opportunities and anti-discrimination legislation.**

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.

In the Policy, no particular group is given priority over another in relation to implementation of the Policy and how any applicant is dealt with. The Act requires that each application is to be assessed on its individual merits, so all groups should be treated equally. All applicants are required to comply with all of the relevant legislation. In general, it is felt that the Policy has a positive effect on all people who live, work or socialise in the Borough.

On consideration, the overall conclusion of the EIA is that there is no negative impact on any characteristic or group as a result of this Policy. However, there are a number of issues concerning certain groups which are related to licensed premises, if not specific to the Policy itself. These are issues concerning licensed premises which cannot be covered by the Policy as they are outside of its remit – however they are issues which could be considered and perhaps be taken forward proactively by the Council and its partners.

These issues are listed below;

### **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.
- It is recognised that hot food takeaways may be attractive places for children and young people to congregate. Licensing officers are therefore planning to visit all premises to discuss safeguarding issues and the protection of children with employees, and to circulate relevant information on how to report any concerns for both staff and customers.

### **Religion/belief**

- All applications are dealt with on their merit, irrespective of the religion or beliefs of the applicants. However, licence holders and their staff may be subject to harassment due to this issue eg. staff from some ethnic minority backgrounds at premises offering late night refreshment.

## **Race**

- The majority of Late Night Refreshment licence holders are thought to be from black or ethnic minorities. Whilst each licence application is dealt with on its merits, irrespective of the applicant's race, there may be language problems in communicating with applicants. Where required, interpreter or translation services are available.
- Late Night Refreshment premises may be the focus of hate crime and harassment against customers and employees. In recognition of this Licensing have visited these premises, spoken to staff and left posters to be displayed in the shop with details as to how customers or employees can report instances of hate crime or harassment.

## **Disability**

- The Licensing Policy requires that new premises comply with legislation and guidance with regards to access issues. However, particularly in existing premises there remains an issue with access for disabled people to all parts of the premises. More assistance could be given proactively to customers in order to make the licensed premises a more inclusive and welcoming environment.

## **Gender/Sexuality**

- 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, especially in the town centre, 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.

## **Conclusion**

The conclusion of the EIA is that the Policy does not have any direct adverse impact on any group of society. However, as a result of consultation on the Policy, an action plan has been produced of issues raised at the In Town equality and diversity forum. These issues will be taken forward for proactive areas to be addressed in partnership between the forum, the Purple flag, Licensing, Public Health and town centre redevelopment.