

## Bristol City Council Equality Impact Assessment Form

(Please refer to the Equality Impact Assessment guidance when completing this form)



Name of proposal	Cumulative Impact Assessment Policy
Directorate and Service Area	Growth and Regeneration – Regulatory Services
Name of Lead Officer	Nick Carter – Regulatory Services Manager

### Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

#### 1.1 What is the proposal?

Bristol City Council (The Council) is the 'Licensing Authority' for all licensable activities under Licensing Act 2003 within Bristol. Licensable activities are:

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

The Licensing Act 2003 (The Act) is prescriptive with regard to how policy should be formulated and guidance is provided by the Secretary of State for local authorities to use when developing licensing policies. The Council are required to have a Statement of Licensing Policy which identifies the Council's approach to meeting the four licensing objectives under the act, namely the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

The last review of the Council's full licensing policy took place in 2014/15 and came into effect in August 2015. The Council's current policy includes reference to a number of Cumulative Impact Areas. When the policy was published in August 2015 cumulative impact was a concept introduced in the Government's Section 182 Guidance issued under the Licensing Act 2003. The

Policing and Crime Act 2017, with effect from 6 April 2018, introduced cumulative impact policies into law so that they now have a legal footing.

The Licensing Act 2003 now states a licensing authority may publish a document (a Cumulative Impact Assessment) stating that it considers that the number of premises licences or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in that area and restrict changes to licensable activities of existing licences.

A Cumulative Impact Assessment must set out the evidence for the authority's opinion and before publishing the assessment the authority must consult with those affected, including the public, businesses and responsible authorities. The assessment must be reviewed every three years.

This is an Equality Impact Assessment of Bristol City Council's Cumulative Impact Assessment Policy.

### **Function of the policy**

The cumulative impact of the number, type and density of premises in particular areas, such as the city centre, may lead to them becoming saturated with premises of a certain type making them a focal point for large groups of people together leading to severe or chronic problems of public nuisance and anti- social behaviour. The licensing authority may consider publishing a cumulative impact policy assessment (CIA) to help limit the number of types of licence applications granted in such areas if it is satisfied that it is appropriate to do so. It will take the decision only after it is satisfied that there is evidence to support such a decision.

The effect of adopting a CIA of this kind is to create a rebuttable presumption if relevant representations to that effect are received, that applications for new premises authorisations or club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will be unlikely to add to the cumulative impact already being experienced. What constitutes a material variation will depend upon the policy in place and the reasons for the area being designated as suitable for adoption of a special policy.

## **Development of the policy**

Only Full Council can make licensing policy decisions, no delegation is permitted to committees or officers of these tasks.

On 7 February 2019 the Licensing Committee approved the establishment of a member /officer working group to commence a review of the Council's Statement of Licensing Policy in order to assist Full Council in connection with the discharge of its' functions under section 5 of the Licensing Act 2003, with the following terms of reference:

- To consider current policy and engage with stakeholders in line with the directions of the Council's licensing committee and produce a draft policy for Full Council consideration by 21 May 2019.
- Subject to Full Council approval, carry out full public consultation on the draft policy. The results of the consultation to be brought back before the member/officer working group for consideration prior to a final policy being presented to Full Council on 11 February 2020, with implementation in August 2020.

The report for Full Council has been delayed to 16 July 2019 to provide more time for the members of the working group to hear evidence from interested parties to inform the draft policy and public consultation.

## **Step 2: What information do we have?**

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

### **2.1 What data or evidence is there which tells us who is, or could be affected?**

The Council's current statement of Licensing Policy includes CIAs located in the following areas:

- City Centre
- Gloucester Road
- Clifton
- Whiteladies Road
- Bedminster and Southville

The full consultation to be carried out will gather evidence to ascertain if the retention of these CIAs is appropriate or if new CIAs are required for other areas.

The operation of a CIA can however impact on those who do not live in its geographical area, for example those impacted may wish to open a business in the area or frequent licensed premises in the area.

### **General:**

Quality of Life (QOL) survey - Public safety

The 2018-19 QOL survey indicates that:

- 14.4% of respondents to QOL survey reported that they have been victims of crime in the past 12 months. This figure has reduced from 18% in 2017-18.
- BME people (39.2%) and disabled people (39.3%) are more likely to agree that anti-social behaviour is a problem in their neighbourhood compared to the average of 35.3% in Bristol.
- 64.2% respondents feel safe outdoors after dark compared to 69.5% in 2015. However some groups are less likely than average to feel safe outdoors after dark e.g. disabled people (46.8%), women (57.6%), young people aged 16-24 (58.4%) and BME people (58.8%).

Of the respondents that considered that public safety was a problem in their neighbourhood disabled people, Black and minority ethnic groups, and people living in deprived areas were more likely to fear for their personal safety.

### **Licence holders**

There are approximately 1,800 holders of Premises Licences in the city, each licence permits a range of regulated activity including the supply of alcohol and provision of regulated entertainment. There is no data available specifically in respect of the demography of licence holders in Bristol. This is primarily because the application forms are prescribed by the Home Office and currently do not request equalities information. Furthermore licence holders are often businesses. Having said that many licences are held by business organisations, particularly large entertainment venues (cinemas, night clubs etc.). The largely anecdotal information and observation from officers indicates that holders of

Licences for premises such as off licences, restaurants and takeaways are in the majority from the BME community. Therefore when considering the impact on licence holders and the public we need to rely on data covering the whole of the city whilst bearing in mind that spatially the demography of Bristol varies.

### **Night time Economy**

We have no data concerning the demographics of who makes use of the night time economy in Bristol.

### **Age**

The 2011 Census tells us that;

- The median age of people living in Bristol is 33 compared to the UK median of 39. The age profile of people using the NTE would be the median age and younger.
- 8.3% of students make up the population in Bristol,

### **Health and lifestyle Related Data**

The Smoking, Drinking and Drug Use survey 2016 estimates that 44% of pupils aged 11-15 had drunk alcohol at least once (15% at age 11, and 73% at age 15 years). 10% of pupils said they drank alcohol at least once a week, of these the mean average was 9.6 units. 38% of pupils said that they drank alcohol at least a few times a year. This increased sharply by age, from 8% of 11 year olds to 68% of 15 year olds, and therefore, the age profile of current drinkers is heavily weighted towards older pupils. Current drinkers were most likely to buy alcohol from friends or relatives (22%), someone else (16%), an off-licence (10%) or a shop or supermarket (8%). 61% of current drinkers said they never buy alcohol. The figures would suggest that a number of young people are attempting to buy alcohol from premises that hold an off licence (inc supermarkets and smaller independent stores/off licences).

### **Gender**

- 49.8% of population of Bristol are male and 50.2% female (Census 2011)
- Anecdotal observations by officers suggest that premises licence holders

are often male.

- There is a link between alcohol and severities of abuse against women. In 2011 98% of MARAC cases were women, 23% were BME women (Equalities and Community Cohesion Annual report 2011). For 2013/14 referrals to MARAC were 97% women.

Alcohol misuse is much more prevalent in men (23%) than women (18%). Males were more likely to be admitted to hospital with alcohol related diseases, injuries and conditions than females, with 65% of the overall admissions being male patients however amongst under 16s, the opposite is true where females were more likely to be admitted to hospital with alcohol related diseases, injuries and conditions than males, with females accounting for 55% of all admissions (Source: 2014, The Health and Social Care Information Centre).

### **Ethnicity**

- The 2011 Census shows us that about 16% of the Bristol population are from minority ethnic groups compared to 8% from the 2001 Census.
- Alcohol misuse is more prevalent (popular) in the White British and White Irish populations than in many of the other ethnic groups. Other ethnicities do not have such high level of alcohol misuse prevalence, and some have very low levels of misuse due to cultural and physiological reasons. Evidence from the World Health Organisation shows us that Eastern Europeans have higher numbers of abstinent people in their populations, but of those who do drink alcohol they consume more alcohol than the UK average.

### **Disability**

- 16.8% of the population of Bristol have a disability or long term health problem (Census 2011).

### **Sexual Orientation**

- Around 4% of respondents to the Bristol Quality of Life survey said they were Lesbian, Gay or Bisexual. Based on city population estimates this suggests there may be around 27,000 LGB adults in Bristol.
- There are two main areas of gay night-time economy (or 'scene') in

Bristol – the ‘Strip’ which is focused around the Frogmore Street area and the ‘Village’ which is in Old Market. These are highly frequented and popular areas for LGB and T people in the city. The level of binge drinking is higher in the LGB community than the UK average level (The Lesbian, Gay, Bisexual and Trans Public Health Outcomes Framework Companion Document 2013)

- Lesbian and bisexual women are considered to drink more alcohol and binge-drink more often than heterosexual women  
[http://www.stonewall.org.uk/documents/prescription\\_for\\_change.pdf](http://www.stonewall.org.uk/documents/prescription_for_change.pdf) (page 4-8)

The Public Health England - Lesbian, Gay, Bisexual and Trans Public Health Outcomes Framework Companion Document 2013 highlights that:

- 42% of gay and bisexual men drink alcohol on three or more days a week compared to 35% of men in general
- 41% of lesbian and bisexual women drink on three or more days in a week compared to 36% of women in general

### **Transgender**

The Public Health England - Lesbian, Gay, Bisexual and Trans Public Health Outcomes Framework Companion Document 2013 highlights that:

- 64% of Trans people have experienced domestic violence and abuse, compared to 29% of non-trans respondents.
- 53% of Trans people have self-harmed at some point, with 11% currently self-harming.
- 62% of transgender people may be dependent or engage in alcohol misuse.

### **Religion and belief**

- Some religions preach abstinence and are not allowed in venues where alcohol is being served. Jainism, Islam, Sikhism, Buddhism generally avoid alcohol; Hinduism, Christianity and Judaism allow modest levels of alcohol consumption.

- 46.8% of the population of Bristol identified as Christian in 2011 Census. Compared to 62.1% 2001 Census.
- 37.4% of population of Bristol identified that they have no religion and 5.0% as Muslim (Census 2011).
- Some events in places of religious worship do not require a licence

## 2.2 Who is missing? Are there any gaps in the data?

As detailed above there is no data available specifically in respect of the demography of licence holders in Bristol. This is primarily because the application forms are prescribed by the Home Office and currently do not request equalities information.

## 2.3 How have we involved, or will we involve, communities and groups that could be affected?

A 'Call for Evidence' was undertaken in respect of the Cumulative Impact Areas included in the Council's current Statement of Licensing Policy. This ran from 21 March until 30 April 2019 and was sent to residents associations, business groups, and a number of equalities groups. A number of parties who had been instrumental in the introduction of the Cumulative Impact Areas were also invited to present their views to the members of the Working Group (made up of Councillors and Council Officers) with a view to informing the full consultation due to take place between August to October 2019 (subject to Full Council approval).

If approved the August to October consultation will seek the views of all parties that could be affected, including, licence holders, residents, equalities groups and trade organisations.

## Step 3: Who might the proposal impact?

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.



**3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?**

**Age**

No negative impact anticipated but each licence application, where representations are made, will be considered against the four key Licensing Act objectives, namely public safety, prevention of public nuisance, protection of children from harm and the prevention of crime and disorder.

This policy will have a Positive impact on age. Actions and objectives are stated in the policy that will help protect vulnerable and young people.

The policy at 6.6 outlines what the licensing authority expects from licence holders in respect of protecting young people from harm. Measures to reduce underage drinking identify the Challenge 25 scheme as a way to protect under-18s. Paragraphs 6.7 and 6.8 of the policy outline expectations from applicants when submitting applications to show films with regard to protecting young people.

The policy makes provision for Children and Young Peoples services to act as the responsible authority for matters relating to the protection of children from harm and enables them to comment on variations/new applications and request reviews of licences.

**Disability**

No positive or negative impact anticipated but each licence application, where representations are made, will be considered against the four key Licensing Act objectives, namely public safety, prevention of public nuisance, protection of children from harm and the prevention of crime and disorder

In the policy applicants are requested to have regard to the type of people that are likely to visit their premises in their application when identifying the steps they will take to promote the licensing objectives. Applicants will be expected to propose steps to ensure that the physical layout of the premises does not present any risks to 'vulnerable' people, some of whom may be disabled.

## **Ethnicity**

Anecdotally licences for a significant proportion of off-licences and food outlets are held by BME people. Some aspects of the policy may restrict the ability to gain a licence in some localities with a high BME population which could have a disproportionate impact on this group. However such provisions will be designed to maximise public safety and will not be as a result of any other factor. The policy includes the setting of a number of cumulative impact zones, including one for the City Centre. The application of this aspect of the policy will generally restrict the granting of new licences unless the offer is different from the prevalent alcohol-led premises that dominate the area, therefore some potential BME businesses may be adversely affected by this provision, but this could be justified on the basis of public safety. The CIA provisions provide an CIA is different and reflects the locality. Obtaining a licence is an applicant led opportunity for a different type of offer in areas such as the city centre and the policy will include a statement of how important it is to promote the diverse life of Bristol (1.12). Each process and each application is considered on its own merits. Decisions must be taken with a view to promoting the four statutory licensing objectives. Applicants may demonstrate in their application how the operation of the premises will not have a negative impact on the objectives. Any person may make a representation in relation to an application and representations can be negative or positive. The policy will ensure that all services are aware of the need to abide by the Equality Act (2010).

## **Gender**

Women will benefit from a better managed NTE environment when the various approaches set out in the policy to restrict alcohol related violence are applied. Women are more severely harmed, emotionally and physically, in alcohol related violence in the NTE and in the home and any activities to lessen such violence is of benefit to women. Better managed premises also benefit women who have drunk harmful amounts of alcohol because such premises will put in place measures to promote a safe drinking environment which restricts serving to people who have consumed harmful levels of alcohol. They will also have procedures in place to assist vulnerable people leaving venues.

Better management of licensed venues will also benefit men who may be deterred from alcohol related violence. Men are more likely to commit crimes when under the influence of alcohol. Nearly a fifth (19%) of all adult binge

drinkers reported committing an offence in the previous year compared with 6% of other regular drinkers and 3% of those who occasionally or never drank alcohol (Source: General Lifestyle Survey, 2011)

### **Pregnancy & maternity**

No impact identified at this stage

### **LGBT**

Old Market has a limited number of drinking-only licensed premises and the overall mix of premises in Old Market is varied. The area has a diverse customer base. Again a well-managed NTE is to the benefit of LGBT customers as the area can be targeted for hate crime.

### **3.2 Can these impacts be mitigated or justified? If so, how?**

Whilst some aspects of the policy may restrict the ability to gain a licence in some localities which could have a disproportionate impact on members of the BME community, this approach can be justified as such provisions will be designed to maximise public safety and will not be as a result of any other factor.

As detailed above the policy includes the setting of a number of cumulative impact zones, including one for the city centre. The application of this aspect of the policy will generally restrict the granting of new licences unless the offer is different from the prevalent alcohol led premises that dominate the area, therefore some potential BME businesses may be adversely affected by this provision, but can be justified on the basis of public safety. The CIA provisions provide an opportunity for a different type of offer in areas such as the city centre and the policy will include a statement of how important it is to promote the diverse life of Bristol (1.12). The policy will ensure that all services are aware of the need to abide by the Equality Act (2010).

### **3.3 Does the proposal create any benefits for people with protected characteristics?**

As set out above a well-managed NTE is to the benefit of LGBT customers who could otherwise suffer from hate crime.

Women will also benefit from a better managed NTE environment when the

various approaches set out in the policy to restrict alcohol related violence are applied. Better managed premises also benefit women who have drunk harmful amounts of alcohol because such premises will put in place measures to promote a safe drinking environment which restricts serving to people who have consumed harmful levels of alcohol. They will also have procedures in place to assist vulnerable people leaving venues.

Better management of licensed venues will also benefit men who may be deterred from alcohol related violence.

### 3.4 Can they be maximised? If so, how?

If adopted the Cumulative Impact Assessment Policy will promote the licensing objectives contained within the Licensing Act 2003, namely;

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

By ensuring that the grant of a new licence will not add to the cumulative impact already being experienced in the area. The Council hopes that residents and visitors to Bristol will be able to enjoy their leisure time safely without fear of violence, intimidation or disorder while at licensed premises. In addition, and in response to concerns about the impact of longer trading hours on behaviour and disturbance at night, we give the protection of local residents a central place in our strategy.

An effective CIA Policy, alongside other initiatives, works to promote the positive aspects of the flexibility afforded to applicants under the Act, such as promotion of tourism, increased leisure provision and encouraging the regeneration of both the city centre and local centres. It also facilitates control of the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder.

A key issue for the Council is to achieve a balance that ensures the promotion of the licensing objectives across a variety of urban settings. Bristol has a rich mix of cultural diversity, epitomised by events such as the Bristol Harbour Festival, which is the largest free event in the South West and attracts over 250,000 visitors, St Pauls Carnival and Bristol Pride which all contribute to a

vibrant leisure scene and night time economy. The Council is keen to promote the cultural life of Bristol and so licensing is approached with a view to encouraging forms of licensable activity consistent with the licensing objectives.

A CIA policy will ensure that any new licences granted will not have an adverse impact on the NTE and as such maximise the benefits highlighted above to those with protected characteristics.

#### **Step 4: So what?**

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

**4.1 How has the equality impact assessment informed or changed the proposal?**

The EqlA has highlighted that a disproportionate number of BME businesses could be affected. This needs to be reviewed regularly by officers responsible for the policy to ensure they are aware of complaints and can review mitigations if needed. This is in line with the council's duty to eliminate discrimination and foster good relations.



**4.2 What actions have been identified going forward?**

This EqlA details the potential impacts for equalities groups that we are currently aware of at this stage. Any subsequent issues that are highlighted as part of subsequent public consultation, or by BME or other businesses when it is considered by the Working Group will be updated prior to final approval of the policy.

**4.3 How will the impact of your proposal and actions be measured moving forward?**

The next stage is for the report to be considered by the Working Group and if the draft policy is approved a report will be presented to Full Council

recommending that the policy be adopted.

Service Director Sign-Off: 	Equalities Officer Sign Off:  Duncan Fleming
Date: 25/6/2019	Date: 3/6/2019