

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 Councils 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.

A Cumulative Impact Assessment is a discretionary policy, and the Council does not have to adopt one. As a result of the consultation undertaken (detailed below) the working group is recommending that it is not appropriate to adopt a Cumulative Impact Assessment Policy at this time. However evidence put forward by Avon and Somerset Constabulary supports a revised policy in respect of the city centre (to now exclude the Broadmead area). It is recommended that the draft policy in respect of the city centre is consulted upon for a two month period to ensure all relevant factors have been considered. The results will then be brought back to Full Council for consideration.

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 Assessment Policy 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 policy 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 was 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. On 16 July 2019 Full Council approved a full public consultation on the draft Cumulative Impact Assessment Policy. The consultation was carried out from 1 August 2019 to 14 November 2019 (the initial deadline of 31 October 2019 was extended by two weeks to allow members of the licensed trade additional time to respond). The policy has been updated following the consultation process.

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 Cumulative Impact Areas (CIAs) located in:

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

The full consultation carried out gathered 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.

It is not recommended to publish a Cumulative Impact Assessment Policy at this time. However information received from Avon and Somerset Constabulary shows that the city centre area is still at saturation point with a high number of incidents of crime or disorder centred around licensed premises, especially at night. However the crime statistics provided do not support the retention of the policy in its present form and Avon and Somerset Constabulary have recommended that the Broadmead area be excluded from the scope of the policy. It is proposed that a further consultation is carried out to seek the views of all parties on this revised area to ensure all relevant factors are considered.

Evidence received in relation to the existing Cumulative Impact Areas located outside of the centre is insufficient to support their retention. In addition, in their response, Avon and Somerset Constabulary state that these Cumulative Impact Areas are no longer a necessary requirement.

General:

Bristol Quality of Life (QOL) survey - Public safety

The 2019-20 QoL Survey indicates that:

- 14.4% of respondents said that they have been victims of crime in the past 12 months - this has reduced in recent years from 18% in 2017-18.
- However a significantly higher proportion of Black Asian and minority ethnic (BAME) people (18.7%), Disabled people (17.9%) and single parents (20.6%) say they have been victims of crime.
- BAME people (29.7%) and disabled people (39.6%) are more likely to agree that anti-social behaviour is a problem in their neighbourhood compared to the average of 33.3% in Bristol.
- 66.9% of respondents feel safe outdoors after dark. However some groups are less likely than average to feel safe outdoors after dark e.g. disabled people (47.1%), females (61.2%), young people aged 16-24 (60.4%) and BAME people (61.3%).

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 BAME 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 mostly 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 (including supermarkets and smaller independent stores/off licences).

Sex

- 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.
- Nationally, 27% of women experience domestic abuse in their lifetimes, with negative impacts on mental and physical health and further impact on families including children. The rate of recorded domestic abuse incidents in

Bristol has shown a significant rise over the last 2 years and 74% of victims were female¹.

- 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

¹ [Bristol Women's Health 2017 JSNA Chapter](#)

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 (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 require abstinence and followers do not visit 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.

The consultation survey provided information from members of the public, business owners and other parties. The survey had a section of questions on each current Cumulative Impact Area. Not all respondents answered all sections. For the City Centre areas we received between 99-101 responses which is the minimum sample size accepted to achieve a meaningful result. For all other areas we received a response rate which was below an acceptable sample size (approximately 50 for each with the exception of one area where only 25 responses were received, and of those only 12 respondents lived in the affected area).

In the case of each policy currently in force the respondents were in favour of retaining the policy. However most respondents also agreed that new venues of a variety of types should be permitted to open in each location which the existing policies may be preventing. It would appear that whilst respondents like the protection a policy may bring it could be said that the policies have been too effective and have prevented the 'right' type of new venues from opening. However due to the limited sample size and Police statistics more evidence is needed to ensure that if a policy is required for any given area it protects the needs of those living or working there but also helps develop a successful night time economy.

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 CIAs 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 CIAs 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. The full consultation took place from 1 August 2019 to 14 November 2019 and in addition to being published on the Council's Consultation and Engagement Hub the following parties were notified of the consultation; premises licence holders, club premises certificate holders, local residents groups, a variety of charities, legal firms, and the Business Improvement Districts.

Responses received show an under-representation of women and young people. Also of note is the under-representation of BAME respondents given what is anecdotally known about relevant trades. Notification of the consultation was sent to a variety of equalities groups, including those representing BAME groups and women. No written responses from these groups were received however 10 responses to the survey were received from a representative of a local community group.

Also interesting is over-representation of White other (16% of respondents) given that census data records this group as 6%. The reason for the over-representation of this group is not known.

Respondents who identified as LGBT made up 8% compared with a census figure of 6%. Respondents who identified as disabled made up 7% of respondents with census data showing 8% (Based on day to day activities limited a lot).

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?

The removal of the CIAs may exacerbate the fear of crime felt as it might be perceived the night time economy is not as strictly managed. This may have a disproportionate impact on some groups who will fear there may be an

increase in anti-social behaviour or harassment etc.

Age

It is not anticipated that the removal of the CIAs will have a negative impact on the basis of age. 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.

The Statement of Licensing Policy will have a Positive impact on age. Actions and objectives are stated in the policy that will help protect vulnerable and young people. Paragraph 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 Statement of Licensing 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

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 Statement of Licensing 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 BAME people. Some aspects of the policy may restrict the ability to gain a licence in some localities with a high BAME 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 proposed removal of the Cumulative Impact Assessment areas will remove the rebuttable presumption against obtaining a licence. This may make it easier for BAME led businesses to obtain a licence in these areas. Applications will still be considered against their impact on the four licensing objectives and the Statement of Licensing Policy still enables the Council to consider cumulative impact. Obtaining a licence is an applicant led process and the policy includes 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).

Sex

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. The removal of the CIAs will not impact on this.

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). The removal of the CIAs does not impact on the management of individual licensed venues.

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. The removal of the CIAs does not impact upon this.

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

See 3.1 above for specific mitigations.

Whilst the removal of the CIAs does remove the rebuttable presumption against obtaining a licence it does not mean the night time economy is any less controlled. Applications will still be considered based on their impact on the four licensing objectives and the cumulative impact of the number of licensed premises can still be considered. The operation of individual venues is not affected by the removal of a CIA.

The retention of the existing CIAs cannot be justified based on the evidence received as a result of the consultation. The necessity for a Cumulative Impact Assessment Policy will be reviewed as required. Paragraph 6.3.7 the Statement of Licensing Policy states:

The absence of a CIA does not prevent any responsible authority or other person making evidence based relevant representations on a new application for the grant of an authorisation on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

This will ensure that where an area may be experiencing issues due to the number of licensed premises objections can still be raised and taken into account by the Council when determining applications.

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

See 3.1 above for specific benefits.

The removal of the CIAs removes the rebuttable presumption against the grant of a licence. This does not impact on the operation of an individual licensed venue. However the removal may mean that a greater number of premises may open which may benefit BAME businesses and result in more LGBT led venues.

3.4 Can they be maximised? If so, how?

The removal of the CIAs may make it easier to obtain a licence however the Council has a duty to 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.

The cumulative impact of licensed premises can still be considered even in the absence of a Cumulative Impact Assessment Policy. 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 Statement of Licensing 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.

The Council's Statement of Licensing 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 adoption of a Cumulative Impact Assessment policy must be supported by evidence. The Council currently holds insufficient evidence to support the adoption of a policy.

4.2 What actions have been identified going forward?

This EqIA details the potential impacts for equalities groups. The consultation did not raise any further issues.

A further public consultation will be carried out in respect of a new Cumulative Impact Assessment Policy for the city centre. The consultation will take place over a two month period and the results brought back to Full Council for consideration.

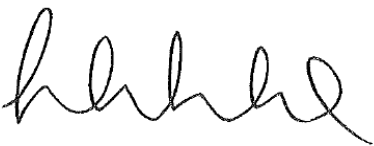
The Council will keep the requirement for a Cumulative Impact Assessment Policy for all other areas of the city under review as required.

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

The next stage is for the matter to be considered at a Full Council meeting on 7

July 2020. If the working group recommendations are approved all current CIAs will be removed on 1 August 2020.

The results of the consultation for the draft city centre Cumulative Impact Assessment Policy will be considered by the Licensing Committee. A decision will then be taken whether to adopt the policy. If adopted a statement summarising the policy will be added to the Council's Statement of Licensing Policy, this will be referred to Full Council for approval. In respect of other areas of the city the Council may decide to adopt a Cumulative Impact Assessment Policy at any time (subject to a further consultation). This will be kept under review and a consultation undertaken if required.

<p>Service Director Sign-Off:</p>  <p>Stephen Peacock</p>	<p>Equalities Officer Sign Off:</p> <p><i>Reviewed by Equality and Inclusion Team</i></p>
<p>Date: 26.6.2020</p>	<p>Date: 26/6/2020</p>