

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 appropriate to adopt a policy covering an area of the city centre only.

The Council's Statement of Licensing Policy was adopted by Full Council on 7 July 2020. At this time no Cumulative Impact Assessment was published. This resulted in the previous Cumulative Impact Areas ceasing to exist. However Full Council approved a further consultation in relation to a draft Cumulative Impact Assessment to cover an area of Bristol city centre. The consultation was carried out between 2 September and 28 October 2020.

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 decision with regard to the Council's Statement of Licensing Policy. No delegation is permitted to committees or officers of these tasks.

The publication of a Cumulative Impact Assessment can be determined by the Council's Licensing Committee.

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.

As referred to above the results of the consultation were referred to Full Council on 7 July 2020. Full Council approved the adoption of a new Statement of Licensing Policy but did not publish a Cumulative Impact Assessment. Evidence supplied by Avon and Somerset Constabulary with regard to crime statistics showed that an Assessment to cover an amended area of the city centre only may be justified.

Full Council considered it appropriate to give the public an opportunity to comment on the amended draft Cumulative Impact Assessment. The consultation was carried out between 2 September and 28 October 2020.

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 full consultation carried out gathered evidence to ascertain if the adoption of a new Cumulative Impact Assessment for the city centre was justified.

The operation of a Cumulative Impact Assessment 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 recommended that a Cumulative Impact Assessment Policy is published in respect of the city centre. The information received from Avon and Somerset Constabulary shows that the area is still at saturation point with a high number of incidents of crime or disorder centred around licensed premises, especially at night. The assessment largely mirrors the one that was previously in place for the city centre. However a revised boundary which excludes the Broadmead area is recommended as the crime statistics do not support its inclusion.

Evidence gained from the consultation showed that 71% of respondents agreed or strongly agreed with the proposal to publish the Cumulative Impact Assessment.

Written responses received separately from representatives of the licensed trade recommended a decision be deferred until the impact of the Covid-19 pandemic is known. This has been considered, and it is recognised that the full impact of the Covid-19 pandemic on the licensed trade in Bristol is not yet evident. However the evidence currently held warrants the publication of an Assessment. Should the number of venues decrease the impact on the crime and disorder currently evidenced by Avon and Somerset Constabulary will need to be assessed. If further evidence shows the city centre is no longer at saturation point and therefore it would be possible to grant further licences without it being likely to be inconsistent with the council's duty to promote the licensing objectives then the need for a Cumulative Impact Assessment should then be reconsidered.

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 Black, Asian and minority ethnic communities. 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

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

- 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 (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. A total of 314 responses (including partial responses and two additional written responses) were received to the consultation. The majority of respondents (71%) agreed or strongly agreed with the proposal to publish a Cumulative Impact Assessment for the city centre

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

- The consultation took place between 2 September and 28 October 2020.
- 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 showed an under-representation of women and young people.
- Also of note was the under-representation of Black, Asian and minority ethnic respondents (4% of respondents) given what is anecdotally known about relevant trades and compared to 16% for Bristol citizens overall.
- Notification of the consultation was sent to a variety of equalities groups and five responses to the survey were received from a representative of a local community group.
- Only 13 respondents held a premises licence. However one of the additional written responses was from the Bristol at Night Panel who represent Bristol's night time economy venues. This may explain why so few direct responses were received from venues that hold a premises licence.
- Respondents who identified as Lesbian, Gay or Bisexual made up 7% compared with a census figure of 6% for Bristol overall.
- 7% of consultation responses were from disabled people, compared to census data showing 8% of Bristol citizens who said their day to day activities were 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?		
For the purposes of comparison the table below highlights the potential issues that we are aware of for both the implementation and non-implementation of a city centre cumulative impact area		
Protected Characteristic	Implement CIA	Do not implement CIA
All / General	<ul style="list-style-type: none"> Implementing a CIA will make it harder for people to obtain licences which could have a disproportionate impact on smaller SME businesses, as only larger business / chains are likely to have the resources to legally challenge CIA restrictions. This may inadvertently increase reduce the diversity of the night time economy or increase the proportion of discount alcohol sale in the city centre. The rationale for reintroducing a CIA is be based on wider city centre crime statistics, including out-of-scope 'hot-spots' such as Castle Park. Therefore there is a risk that underlying issues will not be fully addressed. 	<ul style="list-style-type: none"> The Cumulative Impact Area that was previously in place for the city centre was removed on 7 July 2020. Since that time, due to the Covid-19 pandemic the night time economy has not been in full operation. Once the pandemic is over the absence of a Cumulative Impact Assessment 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. This risk would need to be mitigated through other aspects of licensing policy.
Age	<ul style="list-style-type: none"> It is not anticipated that the absence or publication of a Cumulative Impact Assessment will have a negative impact on the basis of age at this stage. 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. 	<ul style="list-style-type: none"> We have not identified any significant negative impact on the basis of age at this stage. In the absence of a Cumulative Impact Assessment the Council's Statement of Licensing Policy will still be in force which includes actions and objectives to 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

		<p>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.</p> <ul style="list-style-type: none"> • 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	<p>It is not anticipated that the absence or publication of a Cumulative Impact Assessment will have a negative impact on the basis of 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</p> <p>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.</p>	
Sex	<ul style="list-style-type: none"> • Women may 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 	<p>As 'general' above - absence of a Cumulative Impact Assessment may exacerbate the fear of crime felt as it might be perceived the night time economy is not as strictly managed. This risk would need to be mitigated through other aspects of licensing policy.</p>

	<p>have consumed harmful levels of alcohol. They will also have procedures in place to assist vulnerable people leaving venues. The publication of a Cumulative Impact Assessment will not impact on this.</p> <ul style="list-style-type: none"> • Better management of licensed venues may 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 publication of a Cumulative Impact Assessment in respect of the city centre does not impact on the management of individual licensed venues. 	
Sexual Orientation	<p>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 proposed Cumulative Impact Assessment does not cover this area.</p> <p>The Cumulative Impact Assessment will cover the Frogmore Street area. This may make it more difficult for more LGBT led venues to open.</p> <p>However as stated above this may be justified by the negative impact the saturation of licensed premises is having on the city centre. Applications that will cause no additional negative</p>	<p>As 'general' above - absence of a Cumulative Impact Assessment may exacerbate the fear of crime felt as it might be perceived the night time economy is not as strictly managed. This risk would need to be mitigated through other aspects of licensing policy.</p>

	impact can still be granted as an exception to the policy.	
Pregnancy/Maternity	No negative impact identified at this stage.	
Gender reassignment	See issues identified under 'Sexual Orientation'	
Race	<p>Anecdotally licences for a significant proportion of off-licences and food outlets are held by Black, Asian and minority ethnic people. The adoption of the city centre Cumulative Impact Assessment may have a negative impact on Black, Asian and minority ethnic premises licence holders, or applicants for a licence as the policy will restrict their ability to extend their licence for late night uses.</p> <p>However this may be justified by the negative impact the saturation of licensed premises is having on the city centre. Applications that will cause no additional negative impact can still be granted as an exception to the policy.</p> <p>Equally the adoption of an Assessment may benefit Black, Asian and minority ethnic licence holders as it will restrict the ability for new businesses to open in their area which will reduce competition.</p>	No negative impact identified at this stage.
Religion or Belief	No impact identified at this stage	
Marriage and Civil Partnership	No impact identified at this stage	
Socio-economic (deprivation)	See 'general' above – there may be a disproportionate impact on SME businesses and traders	No impact identified at this stage

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

See 3.1 above for specific mitigations where identified. The negative impacts that some licence holders may experience in the city centre may be justified on the basis that there would overall be a reduction in any potential negative impact the saturation of licensed premises on the city centre.

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

See 3.1 above for specific benefits.

81% of consultation respondents to the survey who lived in BS1 (where the Assessment would cover) were broadly supportive of the publication of a CIA for Bristol City Centre. No specific benefits are identified. The aim of a Cumulative Impact Assessment is to promote the four licensing objectives and prevent further saturation of licensed premises in the defined area. The licensing objectives are;

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

3.4 Can they be maximised? If so, how?

Whilst no specific benefits are identified the proper management of the night time economy via Cumulative Impact Assessment(s) and the Statement of Licensing Policy will benefit all residents and visitors. The Council hopes that all 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 and Cumulative Impact Assessment, 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 and proposed Cumulative Impact Assessment 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 evidence presented by Avon and Somerset Constabulary shows that the city centre area continues to have a high number of Police related incidents and other related crime and disorder including public nuisance and risk to public safety. These are linked to the significant concentration of alcohol led late night venues in the area. As such it is likely that it would be inconsistent with the authority's duty under section 4(1) of the 2003 Act (duty to promote the four licensing objectives) to grant any further relevant authorisations in this area.

The EqIA has highlighted that Black, Asian and minority ethnic led businesses within the city centre area could be adversely affected. However any negative impact may be justified as the Council must uphold its duty to promote the licensing objectives.

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 and the Full Licensing Committee are recommended to publish the Cumulative Impact Assessment. The Assessment, if published, will be in force for three years. It must be reviewed before the end of this three year period.

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 meeting of the Full Licensing Committee on 8 March 2021.

Service Director Sign-Off:



Date:

Equalities Officer Sign Off:

Reviewed by Equality and Inclusion Team

Date: 12/1/2021