

Bristol City Council Equality Impact Assessment Form

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



Name of proposal	Statement of Licensing 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?

This is an Equality Impact Assessment of Bristol City Council's draft Statement of Licensing Policy.

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 new policy must be adopted by 1 August

2020.

Function of the policy

The licensing policy may be referred to by officers and members of committees when determining licensing applications and is available for all parties when applying for licences and submitting representations. As mentioned above this policy is relevant to various permissions and authorisations under the Licensing Act relating to alcohol and entertainment, there are separate policies for other areas of licensing e.g. street trading, taxis and sexual entertainment venues.

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 Statement of Licensing 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 Licensing Policy covers the whole of Bristol and the current includes special policies such as Cumulative Impact Areas (CIA's) that relate to particular areas of the city. The proposed policy does not include any CIA's as these must now be contained in a Cumulative Impact Assessment Policy if they are to be adopted.

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 BAME 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

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

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

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 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. 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?

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 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. 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.

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 BAME communities, 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.

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?

The Statement of Licensing Policy's aim is 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.

As stated in the policy itself 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 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.

A robust, well thought out, Statement of Licensing Policy will 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 EqIA has highlighted that a disproportionate number of BAME led 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 EqIA details the potential impacts for equalities groups. The consultation did not raise any further issues and the working group are recommending to Full Council that the policy be adopted.

The Council is under a duty to keep the policy under review and if any subsequent issues are highlighted that give cause for concern appropriate amendments can be made at a future date.

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

The next stage is for the draft policy to be considered at a Full Council meeting on 7 July 2020.

If adopted the policy will be kept under review and must be fully reviewed (and new policy adopted) following a further full public consultation no later than 1 August 2025.

<p>Service Director Sign-Off:</p>  <p>Acting Director, Management of Place</p>	<p>Equalities Officer Sign Off: <i>Reviewed by Equality and Inclusion Team</i></p>
<p>Date: 12/06/20</p>	<p>Date: 9/6/2020</p>