

Equality Impact Assessment

Introductory Information

Budget/Project name

Licensing Act 2003 - Statement of Licensing Policy

Proposal type

- Budget
- Project

Decision Type

- Cabinet
- Cabinet Committee (e.g. Cabinet Highways Committee)
- Leader
- Individual Cabinet Member
- Executive Director/Director
- Officer Decisions (Non-Key)
- Council (e.g. Budget and Housing Revenue Account)
- Regulatory Committees (e.g. Licensing Committee)

Lead Cabinet Member

Cllr Robert Johnson

Entered on Q Tier

- Yes
- No

Year(s)

- | | | | | | | | |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|--|-----------------------------|
| <input type="radio"/> 14/15 | <input type="radio"/> 15/16 | <input type="radio"/> 16/17 | <input type="radio"/> 17/18 | <input type="radio"/> 18/19 | <input checked="" type="radio"/> 19/20 | <input checked="" type="radio"/> 20/21 | <input type="radio"/> 21/22 |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|--|-----------------------------|

EIA date

11/05/2020

EIA Lead

- | | |
|---|--|
| <ul style="list-style-type: none"> <input type="radio"/> Adele Robinson <input checked="" type="radio"/> Annemarie Johnston <input type="radio"/> Bashir Khan <input type="radio"/> Beth Storm <input type="radio"/> Diane Owens | <ul style="list-style-type: none"> <input type="radio"/> Ed Sexton <input type="radio"/> Louise Nunn <input type="radio"/> Michael Bowles <input type="radio"/> Michelle Hawley <input type="radio"/> Rosie May |
|---|--|

Person filling in this EIA form

Javne Gough

Lead officer

Steve Lonnia

Lead Corporate Plan priority

- | | | | | |
|--|---|---|---|---|
| <input type="radio"/> An In-Touch Organisation | <input checked="" type="radio"/> Strong Economy | <input type="radio"/> Thriving Neighbourhoods and Communities | <input type="radio"/> Better Health and Wellbeing | <input type="radio"/> Tackling Inequalities |
|--|---|---|---|---|

Portfolio, Service and Team

Cross-Portfolio

Yes No

Portfolio

Place, BS&R

Is the EIA joint with another organisation (eg NHS)?

Yes No

Brief aim(s) of the proposal and the outcome(s) you want to achieve

In developing the Statement of Licensing Policy, the Licensing Authority will ensure it is meeting its obligations as defined under Section 5 of the Licensing Act 2003.

The policy will help the Licensing Authority in:

- Providing applicants with a clear, consistent basis for submitting applications and notices in Sheffield;
- Providing a clear, consistent basis for determining licence applications in Sheffield;
- Ensuring the relevant views of those affected by licensed premises are taken into consideration;
- Ensuring local area issues are taken into account by licensed premises; and
- Supporting wider strategies of the City Council and the approach to gambling in the city

It will help in guiding the Licensing Committee in determining applications that may be placed before it.

The policy will also enable our customers, partners and stakeholders to understand Sheffield's approach to the Licensing Act 2003, whilst taking into account other integrating strategies and policies.

It is hoped that the implementation of this policy will assist in tackling inequalities to increasing fairness and social cohesion across Sheffield, reduce health problems which could be a result of the provision of alcohol and help people to have independence and control over their lives.

Operators who are licensed or who want to be licensed will be able to use this policy to assist them to operate responsibly, risk assess their local area and adopt the necessary and most appropriate measures to ensure the promotion of the licensing objectives.

Impact

Under the [Public Sector Equality Duty](#) we have to pay due regard to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

More information is available on the [Council website](#) including the [Community Knowledge Profiles](#).

Note the EIA should describe impact before any action/mitigation. If there are both negatives and positives, please outline these – positives will be part of any mitigation. The action plan should detail any mitigation.

Overview

Briefly describe how the proposal helps to meet the Public Sector Duty outlined above

The Statement of Licensing Policy is a cohesive document which provides framework that encompasses and enables positive ways of working across all aspects of the Sheffield community so that there is a high quality provision of accessible licensed services that deliver what matters most to our diverse communities in Sheffield.

It supports a fair and equal approach in upholding the four Core Licensing Objectives which guides in concise decision making including a clear commitment to meet the Public Sector Equality Duty in the exercise of all functions under the Licensing Act 2003.

The policy is intended to be a key means of facilitating compliance with all of the Council's obligations, including the Equality Act 2010.

It is structured to ensure that it does not discriminate against any protected groups, and as such encourages proportionate legislative regulation so that all services are accessible at all times, whilst also protecting the public in an appropriate and even way. The content and structure of this policy shows our commitment to challenging inequality and promoting a fair and inclusive City for all who live, work and enjoy it.

In order to help facilitate decision making, the Licensing Committee members undertake equality and diversity training and review their learning on a regular basis to ensure their knowledge and understanding of all matters concerning equality and diversity are implemented and considered when any decision making is undertaken. This is referenced within the policy.

Impacts

Proposal has an impact on

<input checked="" type="radio"/> Health	<input type="radio"/> Transgender
<input checked="" type="radio"/> Age	<input type="radio"/> Carers
<input checked="" type="radio"/> Disability	<input type="radio"/> Voluntary/Community & Faith Sectors
<input type="radio"/> Pregnancy/Maternity	<input checked="" type="radio"/> Cohesion
<input type="radio"/> Race	<input type="radio"/> Partners
<input type="radio"/> Religion/Belief	<input type="radio"/> Poverty & Financial Inclusion
<input type="radio"/> Sex	<input type="radio"/> Armed Forces
<input type="radio"/> Sexual Orientation	<input type="radio"/> Other

Give details in sections below.

Health

Does the Proposal have a significant impact on health and well-being (including effects on the wider determinants of health)?

Yes No *if Yes, complete section below*

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Alcohol is a legally recognised substance that has a detrimental effect on health and wellbeing. It is therefore vital that legislation and associated local policies are adopted and implemented to ensure the highest level of protection of all who choose to enjoy it in a safe and sensible way, and safeguard children and vulnerable adults in this area.

The Department for Public Health is the responsible authority under the Licensing Act 2003 and is focused on matters pertaining to activities that can have impacts on the health and wellbeing of the general public. This statement of Licensing Policy positively supports the core objective of public safety by outlining expectations on operators in this regard.

Although public health itself is not one of the licensing objectives in the Act, applicants are required to demonstrate what steps they intend to take with regard to patrons who may be in a state of incapacity through excess alcohol. It is also expected that consideration should be given to sign posting individuals to intervention or referral policies, including the option of licence holders displaying paraphernalia in premises toilets promoting support services which can be clearly seen by all patrons.

Glass drinking vessels and bottles have the potential to cause accidental or deliberate injury ("glassing"). The type of injuries sustained – blunt force trauma or cuts – can be serious, with long term implications for the individual, and high treatment costs for the National Health Service.

Evidence has been provided from Public Health colleagues that outlines higher levels of risk and associated alcohol related crime and disorder in premises that fit the following profile:

- Pubs, Clubs, crowded venues with "pinchpoints", vertical drinking establishments and public spaces
- Friday and Saturday nights into the early hours 22:00 - 03:00 hours
- Younger males under 30 years old

This policy considers this evidence and expects there to be a common sense approach to requesting a licence to be conditioned appropriately in relation to the use of glass alternatives. A targeted approach is preferred by the industry rather than a blanket approach, with the request for the replacement of glassware with polycarbonates or alternatives to glass to be determined on a case by case basis in association with the calculated level of risk. By implementing this condition it will not necessarily reduce alcohol related violence but will reduce the severity of the injuries sustained, in turn reducing the impact and unnecessary cost to the National Health Service in dealing with the casualties as a fall out to the use of glass wear in higher risk premises/areas.

In addition to alcohol related harm, there is also the requirement for operators to display and execute zero tolerance policies to drug use and make every effort to provide contact details to relevant services such as the Drugs and Alcohol Co-ordination Team (DACT) to facilitate this.

The policy refers to positive links with the Sheffield Joint Health & Wellbeing Strategy 2019-2024 and other associated plans and strategies.

Age

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

The Licensing Act 2003 specifically promotes the protection of children from harm objective and the Statement of Licensing Policy reinforces that with a number of local expectations of licence holders to mitigate risk.

For the purpose of this EIA, a child is anyone under the age of 18.

The policy will assist in protecting children under the age of 18 from being sold alcohol themselves or via proxy sales, whilst also ensuring that licensed establishments are places where children and young people can learn to integrate and socialise safely and in a responsible and appropriate environment.

Any operators of premises who are licensed to sell alcohol for consumption both on and off the premises are expected to implement a strict age verification scheme such as 'Challenge 21' or 'Challenge 25'. This is standard practice outlined by the Sheffield Children's Safeguarding Partnership and South Yorkshire Police, and operators should expect to comply with this section of the policy to reinforce them as being responsible operators and providing safe premises for children of all descriptions across Sheffield.

Sheffield Children's Safeguarding Partnership help operators with their child protection responsibilities, by providing free training that operators are expected to attend. It is deemed a sensitive area of risk so operators should expect to apply extra measures to mitigate associated risks and apply the necessary safeguarding tools to allow them to carry out their choice of licensed trade in a proactive and responsible way.

It is clearly set out under this objective within the policy what actions would be taken if operators do not meet or uphold their responsibilities within this area of risk.

Whilst this EIA is connected to the Statement of Licensing Policy, it is understood

that gambling matters must also be addressed in relation to alcohol premises and activities, as they often are provided together. To this end, the age verification schemes and levels of risk in relation to gambling must also be addressed and actively managed to ensure that children are protected from the harms of gambling.

Disability

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

The Statement of Licensing Policy refers to direct links with the Accessible Sheffield project which is where Sheffield City Council works cohesively in partnership with AccessAble, Disability Sheffield and Nimbus Disability to support Sheffield being an accessible and fairer city for all who live, work, study and/or visit.

The Access Guides from AccessAble, have detailed access information for over 2,000 venues in Sheffield, including shops, community halls, places of worship, Council buildings, hospitals, universities, bus and train stations, hotels, and more - a lot of which would benefit from the provision of a type of licence.

An Access Guide includes information about a venue's facilities, including wheelchair access, automatic doors, accessible changing rooms, large print, sign language, and parking.

Developed by disabled people for disabled people, the Access Guides improve choice, control, independence and inclusivity.

Public Safety is a core licensing objective and there are minimum standards imposed on operators to ensure they provide the necessary facilities in licensed premises to address the needs of disabled and vulnerable customers to this end. The Health Protection Service are the responsible authority for all matters involving the health and safety of customers, and there is a clear expectation for operators to work closely and proactively with this service when ensuring that the licensed facilities that they provide are done so in line with legal requirements whilst allowing for fair and available accessibility to all who wish to frequent their premises.

The licensing offering in Sheffield is fully inclusive and available to all people of the city, regardless of their physical, mental or social disability. The Council is keen to promote this through the provision of a carefully constructed policy, and encourages high levels of equality by operators to encompass a wide variety of service provision to the required standard.

The policy document has been written in simple terminology so it can be easily understood by all who need to use it, and is freely available in different formats

such as large print, Braille etc.

Cohesion

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

The policy encourages applicants to create a positive impact on the local community where their business is operating by ensuring the upkeep of the four core licensing objectives.

It is expected that applicants and licence holders must cooperate with responsible authorities in a cohesive and proactive way to ensure conditions of operation and the type of licensable activities being provided, do not negatively impact on these objectives and subsequently reduce the quality of life of the local community in any way.

The policy gives local residents a voice if they experience problems with existing licensed premises, and also the opportunity to have their say against any new premises which they fear may negatively impact on their lives. This policy is a helpful tool for these residents, and should be used to assist them if they have any difficulties or problems.

It is detailed within the policy how it links with other Council strategies such as the Sheffield City Partnership and the Safer and Sustainable Communities Partnership Plan 2018-2020, which reinforces the positive development of Sheffield, making it a place where people want to be.

Through partnership working and fostering positive links with other strategies and neighbouring groups, it is expected that operators, customers and residents can be supported in a cohesive way to strike the right balance in developing the local economy appropriately through the licensed trade whilst safeguarding the needs of the communities of Sheffield making the licensing offer successful and fruitful for all people.

All communities should find the content of this policy reliable, constructive and a useful tool in assisting to build and positively facilitate well run community events, large scale festivals of different arts and genres and innovative use of new and existing premises, and open spaces. It is built with a strong emphasis on facilitating, educating and supporting communities to thrive, and relies on a collaborative approach by all operators, responsible authorities, stakeholders and residents of Sheffield.

Cumulative Impact

Proposal has a cumulative impact

Yes No

<input type="radio"/> Year on Year	<input type="radio"/> Across a Community of Identity/Interest
<input type="radio"/> Geographical Area	<input type="radio"/> Other

If yes, details of impact

Proposal has geographical impact across Sheffield

Yes No

If Yes, details of geographical impact across Sheffield

Local Partnership Area(s) impacted

All Specific

If Specific, name of Local Partnership Area(s) impacted

Action Plan and Supporting Evidence

Action Plan

This policy aims to mitigate the impact from licensed premises and activities to all people living in and visiting Sheffield.

Health

Public Safety is a core licensing objective, and it is expected that operators provide the necessary measures to ensure that premises and the overall operation of the business is in line with Health and Safety regulations to ensure safe and equal access to all users.

Alcohol is a risk to health both directly and indirectly. It is therefore expected that operators undertake and implement the necessary risk assessments in regards to the provision of SIA registered security, glass alternatives and the overall style/time of operation of the business to assist in mitigating the risk of alcohol related harms, and proactively promoting support services and stringent practices in regards to vulnerable customers. The use of alcohol cannot be prohibited, but safely controlled to ensure the impact on health and wellbeing is minimal and carefully supported.

Age

There is a risk that the sale of alcohol will have a negative impact on children under the age of 18 if they are able to obtain alcohol from a licensed premises themselves or by proxy sale. In order to mitigate this risk, the policy expects licence holders to have an age verification policy in place and stringent child protection procedures, with records of refusals and any action taken.

There is a test purchase strategy which South Yorkshire Police and Sheffield Children's Safeguarding Partnership undertake to assist licensees to operate legally and ensure safe practices are being undertaken at all times. Within this strategy is the offer of safeguarding training and further support to any operators who need it to improve their level of compliance in this area of operation.

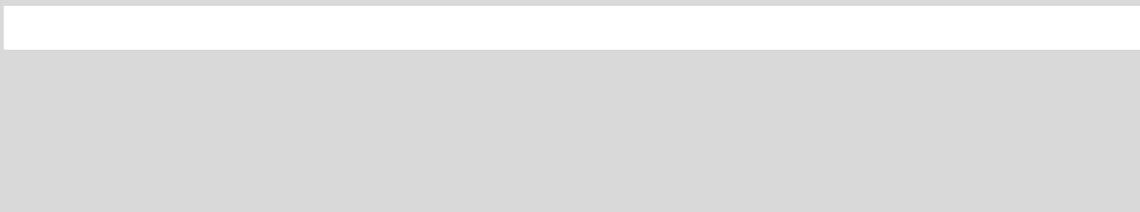
Disability

There should be little or no impact on disability in Sheffield by the implementation of this policy, as it ensures that operators adhere to regulations for disability access, and works in partnership with the relevant authorities to care for and promote the wide ranging needs of the Sheffield community. A joined up approach in facilitating and supporting key strategies within Sheffield to help support and guide new and existing licensees to meet the needs of the community allows for a fair and inclusive licensing provision across Sheffield without prejudice.

Cohesive

The structure and content of this policy enables a positive impact on the communities of Sheffield by assisting people who wish to operate in the licensed trade to do so successfully, fairly and in a manner which meets the various interests and needs of the Sheffield Community.

The policy gives the general public a method of voicing their opinion and assist in modelling the licensing provision in their local area to ensure successful communities can be created whilst safeguarding people who live, work and enjoy socialising in and around that community.



Supporting Evidence (Please detail all your evidence used to support the EIA)



Consultation

Consultation required

- Yes No

If consultation is not required please state why

17/2/2020 – 11/05/2020

Are Staff who may be affected by these proposals aware of them

- Yes No

Are Customers who may be affected by these proposals aware of them

- Yes No

If you have said no to either please say why

Summary of overall impact

Summary of overall impact

Overall, this policy is of universal positive benefit to everyone. It has a particular benefit to young people, and clearly supports positive cohesion of our varied communities. The policy has a positive impact on equalities by promoting awareness and reminding licensees of their responsibilities. It outlines expectations which the Council will adhere to and reinforce, whilst educating operators in due diligence and best practice.

It aims to protect the safety and wellbeing of the public, whilst encouraging business to grow and succeed in a manner that helps the economy of Sheffield to flourish.

It is a comprehensive guide to local residents to give them freedom of speech to enable them to positively contribute to developments in their local area or support them if they suffer issues or problems with existing problem premises or licensed activity.

There is a clear focus on balancing informed decision making for Responsible Authorities and Councillors, whilst meeting the changing needs of the people of Sheffield.

The policy provides licence applicants with a clear, consistent basis for submitting fair applications and notices in Sheffield whilst providing the Licensing Authority with a robust foundation for determining those applications in the most appropriate way.

There are no negative impacts identified from the introduction of this policy.

This EIA will be reviewed and updated following the 12 week consultation, which ends on 11th May 2020.

Summary of evidence

Changes made as a result of the EIA

Escalation plan

Is there a high impact in any area?

Yes No

Overall risk rating after any mitigations have been put in place

High Medium Low None

Review Date

05/10/2020

This page is intentionally left blank