



Equality Impact Assessment (EqIA) Screening Template

April 2020

Proposal/Brief Title: Adoption of a new statement of licensing policy in accordance with the Licensing Act 2003

Date: 2nd July 2021, updated 11th October 2021

Type of strategy, policy, project or service:

Please tick one of the following:

- Existing
- New or proposed
- Changing, update or revision
- Other (please explain)

This report was created by

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Briefly describe the aims and objectives of the proposal below:

The Licensing Authority has a legal obligation to publish a licensing policy statement, 'Policy', which set out its approach to promoting the licensing objectives when performing its licensing functions. The licensing objectives are:

- preventing crime and disorder;
- public safety;
- preventing public nuisance;
- protecting children from harm.

The Policy is also an opportunity to promote and encourage adherence to other council policies, priorities and strategies.

A Policy must be published every five years under the Act, following a period of formal consultation and review. The Council's licensing service is currently operating under separate legacy policies reflecting the four former district council areas. Under the terms of the transitional legislation, Buckinghamshire Council has two years to prepare and publish a new single licensing policy under the Act and align service provision. The deadline for publication and implementation of the new Policy is no later than 1 April 2022.



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What outcomes do we want to achieve?

The adoption and publication of a formal Policy helps ensure that all parties to the licence application process are treated fairly and in a consistent manner. A published Policy provides clear guidance, advice and information about Council decision making and enforcement under the Licensing Act 2003. Through the promotion of the licensing objectives and the wider objectives of the Council, the Policy supports the provision of licensable activities that can benefit the whole community. The Policy helps ensure that licence conditions and requirements are transparent, easily understood and unambiguous which benefits both licence holders and members of the public.

1) Screening Questions

1.1 Does this proposal plan to withdraw a service, activity or presence? ~~Yes~~/No

Please explain your answer: The Council in its role as Licensing Authority is obliged to accept and consider all valid applications on their own merit. The processes and procedures for making valid applications is largely determined by statutory requirements. The Policy principally focuses on the Council's discretionary powers which arise when the Council is required to determine contested applications. The Licensing Act is generally permissive in nature, the purpose of the Policy is to encourage licensed premises that promote the licensing objectives. The new Policy will not impact on any parties right to make an application or representation. **Wording updated 11th October 2021.**

1.2 Does this proposal plan to reduce a service, activity or presence? ~~Yes~~/No

Please explain your answer: For the same reasons as given in 1.1.

1.3 Does this proposal plan to introduce, review or change a policy, strategy or procedure? ~~Yes~~/No

Please explain your answer: The Policy will replace the existing legacy policies of the former Buckinghamshire Districts. The Policy introduces several new policy areas which link to the Council's key priorities of strengthening communities, improving the environment, protecting the vulnerable and increasing prosperity. The Policy has removed reference to historic policies relating to special consideration of Aylesbury town centre and Buckingham which created presumptions that late licences applications in those areas would be refused. Importantly these area specific blanket policies are difficult to justify from a legal perspective based on current available evidence and all concerned parties retain the right to make representation and have their concerns heard before any application is determined in the affected areas. The new policies received significant support across the spectrum of stakeholders both at pre-consultation and full public consultation. The majority of respondents were supportive of the removal of the Aylesbury policy, while opinion was more evenly split over removal of the Buckingham policy. **Wording updated 11th October 2021.**

1.4 Does this proposal affect service users and/or customers, or the wider community? ~~Yes~~/No

Please explain your answer: The Policy sets out the Council's approach to decision making and will be of interest to those engaged in the licensing process who may be affected positively or negatively by licensing decisions. It is believed that overall the Policy will have a positive effect by facilitating greater community engagement in decision making through the wider consultation of applications



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and encouraging applicants to submit well considered applications. **Wording updated 11th October 2021.**

1.5 Does this proposal affect employees? Yes/~~No~~

Please explain your answer: A small number of staff connected to the licensing and responsible authorities may be affected by new policy requirements.

1.6 Will employees require training to deliver this proposal? Yes/~~No~~

Please explain your answer: Staff connected to the licensing service and responsible authorities may require some training and guidance in relation to new policy requirements.

1.7 Has any engagement /consultation been carried out? Yes/~~No~~

Please explain your answer: A pre-draft Policy consultation exercise was carried out involving key stakeholders between 14 May and 8 June 2021 and 107 responses were received. A full public consultation exercise was carried out between 27th August and 26th September 2021 and 110 responses were received. Respondents included residents, local businesses, the licensed trade and Ward, Town and Parish Councillors. There was high levels of support for the proposed policies and no significant changes have been made to the draft version of the policy. 90% of respondents rated the policy either easy or ok to understand. **Wording updated 11th October 2021**

2) Are there any concerns at this stage which indicate that this proposal could have negative or unclear impacts on any of the group (s) below? (*protected characteristics). Please include any additional comments.

- A) Age* No
- B) Disability* No
- C) Gender Reassignment* No
- D) Pregnancy & maternity* No
- E) Race & Ethnicity* No
- F) Religion & Belief* No
- G) Sex* No
- H) Sexual Orientation* No
- I) Marriage & Civil Partnership* No
- J) Carers No
- K) Rural isolation No
- L) Single parent families No
- M) Poverty (social & economic deprivation) No
- N) Military families / veterans No
- O) Gender identity No

Additional comments (please indicate which of the protected groups you are commenting on):

Age. The Policy mitigates against concerns in relation to licensable activities and persons under 18 years. Licenced premises are encouraged to promote the statutory provisions not to sell alcohol to persons under 18 years and to have appropriate ID verification measures in place. The Policy encourages all licensed operators to put in place safeguarding policies. Operators of high-risk



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premises are expected to have written safeguarding policies and procedures including records of staff training.

As a result of this screening, is an EqIA required?

(If you have answered yes to any of the screening questions or any of the group (above), a full EqIA should be undertaken)

Yes

No

Briefly explain your answer:

The Policy sets out the Council's approach to performing its licensing functions. Its application is generic in nature applying the same policies to all parties wishing to engage in the licensing process. All applications are dealt with on a case by case basis and all parties have the same right to make representation. Enforcement activities associated with the policy will be conducted in accordance with the regulator's code and not targeted in respect of any particular group.

There are no concerns that the Policy will impact negatively on any group. Conversely the Policy contains positive measures to promote the Equalities Act generally, with specific measures designed to promote child protection. On this basis it is deemed that a full EQIA is not necessary.

EqIA Screening Sign off

Officer completing this Screening Template: Simon Gallacher Date: 2nd July 2021, reviewed and updated 11th October 2021.

Equality Lead: Maria Damigos Date: 5th November 2021

Buckinghamshire Corporate Board sign off (Please insert name) Date: (Please insert Date)

Not applicable