

Equalities and Diversity Impact Assessment

Licensing Act 2003

Statement of Licensing Policy

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Durham County Council – Altogether Better equality impact assessment form

NB: Equality impact assessment is a legal requirement for all strategies plans, functions, policies, procedures and services. We are also legally required to publish our assessments. You can find help and prompts on completing the assessment in the guidance from page 7 onwards.

Section one: Description and initial screening

Section overview: this section provides an audit trail.

Service/team or section: Neighbourhoods and Climate Change - Community Protection – Licensing Services

Lead Officer: Craig Rudman Licensing Manager

Start date: 17.06.24

Subject of the Impact Assessment: (please also include a brief description of the aims, outcomes, operational issues as appropriate)

Licensing Act 2003 - Statement of Licensing Policy

The licensing service works almost exclusively with, through and for people. It is passionate about promoting a just society that gives everyone an equal chance to learn, work and live free from discrimination and prejudice. As a service within a Local Authority it is acting to ensure all aspects of service delivery addresses equality and diversity issues.

The Licensing Authority is required to review its Policy at least every 5 years and at any other time that it may be necessary or required. For the purposes of the review, we will undertake consultation with appropriate residents, businesses and licence holders. The policy is kept under continuous review and where revisions (either technical or strategic) which support the licensing objectives are required, an appropriate level of consultation will always be undertaken.

The Policy is written in accordance with the provisions of the Act and guidance issued by the Home Office and by the Secretary of State for the Department of Culture, Media and Sport (DCMS).

The Licensable activities specified in the Act and covered by this Policy, include:

- The retail sale of alcohol

- Supply of alcohol to club members
- Supply of hot food or drink from premises between 23:00 hours and 05:00 hours (“late night refreshment”)
- Provision of entertainment listed below (known as “regulated entertainment”) to
- the public, to club members or with a view to profit:
 - i. Film exhibitions
 - ii. Performances of a play
 - iii. Indoor sporting events
 - iv. A boxing or wrestling entertainment
 - v. Live music performances
 - vi. Playing of recorded music
 - vii. Dance performances
 - viii. Provision of facilities for making music
 - ix. Provision of dancing facilities

The Act requires that the Licensing Authority carries out its various Licensing functions so as to promote the following four Licensing Objectives:

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

Who are the main stakeholders: General public / Employees / Elected Members / Partners/ Specific audiences/Other (please specify) –

- Responsible Authorities
- the chief officer of police for the area
- the fire and rescue authority for the area
- each local authority's Director of Public Health in England (DPH)¹⁴ or Local Health Board in Wales for an area any part of which is in the licensing authority's area
- persons/bodies representative of local premises licence holders
- persons/bodies representative of local club premises certificate holders
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area
- All persons / bodies throughout the County holding Premises Licences or Club Premises Certificates including pubs, clubs, off licences, supermarkets, takeaways, restaurants and mobile food vendors
- Persons / bodies representative of local holders of Personal Licences
- Persons / bodies representative of businesses and residents in the County
- Safeguarding Children Board
- All Elected Members of Durham County Council
- Clerks of Town and Parish Councils throughout Durham County
- Crime and Disorder Reduction Partnership
- Durham CIU
- The British Beer and Pub Association
- The Federation of Licensed Victuallers
- British Institute of Inn Keeping (BIIB)
- Alcoholics Anonymous
- The Association of Licensed Multiple Retailers
- Equity
- County Durham Primary Care Trust

- North East Musicians Union
- Global Online Assessment for Learning (GOAL)
- NOCTIS
- Security Industry Authority
- Local MP's and MEP's
- Area Action Partnerships
- Citizens Panels
- County Durham Area Taxi Working Groups
- Safety Advisory Groups
- Business Support Managers
- Town Centre Managers
- Residents Associations
- Disability Groups
- North East Chamber of Commerce
- Night Time Economy Managers
- Local Multi Agency Problem Solving Groups
- Streetscene
- Community Safety Team
- Anti Social Behaviour Team
- BALANCE

Is a copy of the subject attached? Yes
 If not, where could it be viewed?

Initial screening

Gender

The legislation, guidance and policy are directed to the consideration and processing of applications from any person and premises that meets the statutorily directed criteria which must be adhered to in the application process. The application process includes all responsible authorities and interested parties. The licensing authority holds a neutral stance in relation to all matters providing the application criteria are met by the applicant. The only reasons for rejecting an application stem from the statutory requirements of the application process and the only representations and objections that may be considered by the licensing authority that may lead to a decision not to grant a licence relate exclusively to the four licensing objectives. An application could not for example be rejected simply on the grounds on an exclusive gender issue.

Age

Underage drinking - protection of children from harm - legal requirements

The primary legislation provides for various offences conditions and requirements associated with the protection of children and the sale and consumption of alcohol by children. The policy reflects this legislation and clearly prescribes the criteria against which the responsible authorities including the police, trading standards and the authority charged with the protection of children should act in relation to both applications, variations and existing licenses associated with licensed premises.

Disability

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Race/Ethnicity

The Licensing Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community. The Licensing Authority will not therefore discourage the promotion of such events but will, when considering such applications for such events and the imposition of conditions on licences or certificates, carefully balance the cultural needs with the necessity of promoting the Licensing Objectives

Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused

Religion or belief

'Licensing Exemptions':

- Secular entertainment in places of public religious worship.
- Religious meetings or services

Prompts to help you:

Who is affected by it? Who is intended to benefit and how? Could there be a different impact or outcome for some groups? Is it likely to affect relations between different communities or groups, for example if it is thought to favour one particular group or deny opportunities for others? Is there any specific targeted action to promote equality?

Is there an actual/potential negative or positive impact on specific groups within these headings?

Indicate: Y = Yes, N = No,=Unsure

Gender	N	Disability	N	Age	Y	Race/ethnicity	N	Religion or belief	N	Sexual orientation	N
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How will this support our commitment to promote equality and meet our legal responsibilities?

Reminder of our legal duties:

- Eliminating unlawful discrimination & harassment
- Promoting equality of opportunity
- Promoting good relations between people from different groups
- Promoting positive attitudes towards disabled people and taking account of someone’s disability, even where that involves treating them more favourably than other people
- Involving people, particularly disabled people, in public life and decision making

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In formulating this Policy, the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, Human Rights Act 1998, Equality Act 2010, Crime and Disorder Act 1998, and the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000. The Government’s National Alcohol Strategy has been considered in relation to crime and anti-social behaviour and the effect of binge drinking on the health of the population. The Licensing Authority has also considered the Home Office ‘Safer Clubbing Guide’.

The licensing service works almost exclusively with, through and for people. It is passionate about promoting a just society that gives everyone an equal chance to learn, work and live free from discrimination and prejudice. As a service within a Local Authority it is acting to ensure all aspects of service delivery addresses equality and diversity issues.

What evidence do you have to support your findings?

The legislation, guidance and policy are all directed to the consideration of applications from any person and premises that meets the statutorily directed criteria which must be adhered to in the application process. The application process includes all responsible authorities and interested parties. The licensing authority holds a neutral stance in relation to all matters providing the application criteria are met by the applicant. The only reasons for rejecting an application stem from the statutory requirements of the application process and the only representations and objections that may be considered by the licensing authority that may lead to a decision not to grant a licence relate exclusively to the four licensing objectives.

In adopting this Licensing Policy, the Licensing Authority recognises that residents need to live and work in a safe and healthy environment. Also, that it is important licensed premises are safe and well run, and that they add both to the local economy and vibrancy of the County. The Licensing Authority's aim is to facilitate well managed premises with licence holders displaying sensitivity to the impact of their premises on residents. The Licensing Authority wishes to encourage the provision of a wide range of entertainment activities within Durham County throughout the opening hours of any licensed premises, and to promote live music, dance, theatre, circus and street arts etc. for the wider cultural benefit of the community, taking into consideration the County Durham Cultural Strategy.

The Licensing Policy considers all shared priorities and plans, for instance the Community Strategy, the Alcohol Harm Reduction Strategy, the 'Nightsafe' Strategy, Crime & Disorder Reduction Strategy and key ambitions in terms of national, regional and local priorities. (The Policy will also take into consideration the new Authority's Corporate Plan Objectives once formed.)

The Policy does not seek to undermine the rights of any person to apply under the Act for a variety of permissions, or have their application considered on its individual merits. Nor does it override the rights of any person making representations on any application or seeking a review of a licence where they are permitted to do so under the Act. The Licensing Authority will only depart from the Policy if the individual circumstances of any case merits such a decision in the interests of the promotion of the Licensing Objectives

Decision: Proceed to full impact assessment – No	Date: 17.06.24
If you have answered ‘No’ you need to pass the completed form for approval & sign off.	

Section two: Identifying impacts and evidence- Equality and Diversity

Section overview: this section identifies whether there are any impacts on equality/diversity/cohesion, what evidence is available to support the conclusion and what further action is needed.

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
Gender			
Age			

Disability			
Race/Ethnicity			
Religion or belief			
Sexual orientation			

How will this promote positive relationships between different communities?

Section three: Review and Conclusion

Summary: please provide a brief overview, including impact, changes, improvements and any gaps in evidence.

Action to be taken	Officer responsible	Target	In which plan will this
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	Date	action appear
When will this assessment be reviewed?	Date: June 2028	
Are there any additional assessments that need to be undertaken in relation to this assessment?	No	
Lead officer - sign off:	Date:	
Service equality representative - sign off:	Date:	

Please email your completed Impact Assessment to the Equality team - equalities@durham.gov.uk.