

APPENDIX 5

Tameside Council Equality Impact Assessment Form

Subject / Title	Adoption of 3 X revised/new licensing policies
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Service Unit	Service Area	Directorate
Licensing	Environmental Services	Place

Start Date	Completion Date
15 August 2015	23 February 2016

Lead Officer	John Gregory
Service Unit Manager	Sharon Smith
Assistant Executive Director	Ian Saxon

EIA Group (lead contact first)	Job title	Service
Ian Saxon	Assistant Executive Director	Environmental Service
Sharon Smith	Service Unit Manager	Public Protection
John Gregory	Environmental Services Manager	Licensing

PART 1 – INITIAL SCREENING

An Equality Impact Assessment (EIA) is required for all Key Decisions that involve changes to service delivery. All other changes, whether a Key Decision or not, require consideration for the necessity of an EIA.

The Initial Screening is a quick and easy process which aims to identify:

- *those projects, policies, and proposals which require a full EIA by looking at the potential impact on any of the equality groups*
- *prioritise if and when a full EIA should be completed*
- *explain and record the reasons why it is deemed a full EIA is not required*

A full EIA should always be undertaken if the project, policy or proposal is likely to have an impact upon people with a protected characteristic. This should be undertaken irrespective of whether the impact is major or minor, or on a large or small group of people. If the initial screening concludes a full EIA is not required, please fully explain the reasons for this at 1e and ensure this form is signed off by the relevant Service Unit Manager and Assistant Executive Director.

1a.	What is the project, policy or proposal?	Three amended / new licensing policies, in respect of the Licensing Act 2003, the Gambling Act 2005 and the licensing of sexual entertainment venues.
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APPENDIX 5

Tameside Council Equality Impact Assessment Form

1b.	What are the main aims of the project, policy or proposal?	<p>In the case of the Licensing Act and the Gambling Act, to update the existing statements of licensing policy as required by the relevant legislation and in order to keep the policies relevant and up-to-date.</p> <p>In respect of sexual entertainment venues, to introduce a policy and standard licence conditions following the adoption of new legislation which allows the council to licence such venues.</p>
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1c. Will the project, policy or proposal have either a direct or indirect impact on any groups of people with protected equality characteristics?

Where a direct or indirect impact will occur as a result of the policy, project or proposal, please explain why and how that group of people will be affected.

Protected Characteristic	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Age			✓	
Disability			✓	
Race			✓	
Sex / Gender			✓	
Religion or Belief			✓	
Sexual Orientation			✓	
Gender Reassignment			✓	
Pregnancy & Maternity			✓	
Marriage & Civil Partnership			✓	

Are there any other groups who you feel may be impacted, directly or indirectly, by this project, policy or proposal? (e.g. carers, vulnerable residents, isolated residents)

Group (please state)	Direct Impact	Indirect Impact	Little / No Impact	Explanation

Wherever a direct or indirect impact has been identified you should consider undertaking a full EIA or be able to adequately explain your reasoning for not doing so. Where little / no impact is anticipated, this can be explored in more detail when undertaking a full EIA.

1d.	Does the project, policy or proposal require a full EIA?	Yes	No
		✓	

APPENDIX 5

Tameside Council Equality Impact Assessment Form

1e.	What are your reasons for the decision made at 1d?	Although the assessment of these policies resulted in a decision that a full EIA was not necessary, a decision was made to submit a full EIA in order to ensure that all equality issues have been fully considered and that no potential equality issues have been missed.
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If a full EIA is required please progress to Part 2.

PART 2 – FULL EQUALITY IMPACT ASSESSMENT

2a. Summary
<p>The Licensing Act and Gambling policies are being renewed because it is a legal requirement for local authorities to revise these policies every 5 years (Licensing Act) and 3 years (Gambling Act) The Sexual entertainment Policy is being introduced because the Authority has recently adopted the legislation which allows such premises to be licensed and a policy is now required. The draft policies have all been subject to a full 12 week public consultation and all responses to the consultation have been considered and included in the final decision report.</p>

2b. Issues to Consider
<p>With reference to the Licensing Act and Gambling Act policies, these are updates to existing policies. The policies affect existing licensed premises and gambling premises and anyone who wishes to apply for a new licence. As such, the policies are designed to provide opportunities for all applicants and licence holders so that no group of people (protected or otherwise) will be adversely affected by the contents of the policies.</p> <p>The policies are designed to encourage licence holders and applicants to promote clear and unambiguous licensing objectives which are intended to protect all members of the public from the potential adverse effects of licensed premises or gambling premises.</p> <p>The primary legislation for both of these policies (The Licensing Act 2003 and the Gambling Act 2005) have both been subject to comprehensive equality impact assessments and there is only limited scope within the statements of licensing policy to add additional local requirements.</p> <p>Following the consultation on the Gambling Act policy, a representation was submitted by a firm of solicitors acting on behalf of the Association of British Bookmakers (ABB). In their representation, they drew attention to an entry in the policy which required operators to make risk assessments for their premises and suggested that, as part of this process, they may wish to take into account the proximity of places of worship. It was suggested that matters of faith were not a relevant consideration in the licensing of gambling premises and this should be removed.</p> <p>As a result, the relevant section has been removed, and no reference is now made to matters of faith.</p> <p>Taking all the above points into consideration, although the Licensing and Gambling policies do not require a full EIA, one has been completed to ensure that no equality issues have been missed.</p> <p>With reference to the sexual entertainment premises policy & conditions, the first key point is that there are none of these types of businesses currently operating within Tameside, and a low likelihood that any will look to apply to open in the foreseeable future. The policy supplements an amendment to the Local Government (Miscellaneous Provisions) Act 1980 in allowing local authorities to licence such premises and as such, a policy on how to apply for a licence and standard conditions for such premises is desirable.</p> <p>The policy lays out the councils very stringent expectations of operators and applicants and these expectations are consistent and do not discriminate against any group (protected or otherwise).</p>

APPENDIX 5

Tameside Council Equality Impact Assessment Form

As such, the sexual entertainment venue licensing policy and conditions do not require a full EIA, but again, a full EIA has been submitted to ensure that no equality issues have been missed.

2c. Impact

The evidence suggests that there will be little or no disproportionate adverse impact on any of the identified groups.

2d. Mitigations *(Where you have identified an impact, what can be done to reduce or mitigate the impact?)*

N/A

2e. Evidence Sources

The relevant legislation for these draft policies is:
The Licensing Act 2003
The Gambling Act 2005
The Local Government (Miscellaneous Provisions Act) 1980

In addition, full 12 week public consultations were carried out in relation to all three licensing policies and all responses were fully considered and included in the final decision report.

2f. Monitoring progress

Issue / Action	Lead officer	Timescale
As per section 2b, a small amendment has been made to the draft gambling policy to reflect a representation to the trade. The applications of the policies will be regularly monitored to ensure no unexpected equality issues are allowed to develop.	John Gregory	Ongoing