



# Equality Impact Analysis

<b>Title of policy, function or service</b>	Licensing Act 2003 Statement of Licensing Policy
<b>Lead officer</b>	Austen Young
<b>Person completing the EIA</b>	Austen Young
<b>Type of policy, function or service:</b>	Existing (reviewed) <input type="checkbox"/> New/Proposed <input checked="" type="checkbox"/>
<b>Version &amp; Date</b>	Version 3 September 2023

## 1. Background

Under the Licensing Act 2003, Watford Borough Council, in its role as licensing authority, is required to determine and publish a Statement of Licensing Policy (“policy”) every 5 years. The current policy, which was approved in 2018 and amended in 2021, is due to expire on 19 November 2023. The policy sets out the council’s approach to processing and determining applications submitted under the Licensing Act 2003.

The purpose of the policy is to ensure that all licence applications received are treated fairly and in a consistent manner, provide advice and information for all about how the council will enforce, administer and make decisions under the Licensing Act 2003 and support licensable activities for the wider benefit of the community. The council must have regard to the licensing objectives as set out in the Licensing Act 2003, which are;

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

The policy is being reviewed because it expires later this year, and being a statutory policy the council must ensure that it has a policy in force in order to carry out its functions under the Licensing Act 2003.

The Licensing Act 2003 requires that each application is considered on its own merits. It does not permit certain groups or applicants to be treated differently, and all applications are to be processed in the same manner. Licence applications can be submitted by individuals aged 18 or older, statutory bodies, non-commercial organisations and commercial companies. Objections against licence applications can be made submitted by any person or one or more of the prescribed responsible authorities.

The policy specifically mentions, on page 45, that the licensing authority must implement the policy in a manner which is consistent with equalities legislation.

A draft policy was sent out for consultation between 20 July and 31 August 2023. The Licensing Act 2003 prescribes the groups who need to be consulted.

## 2. Focus of the Equality Impact Analysis

The policy determines the council’s approach to processing and determining applications made under the Licensing Act 2003. This EIA, therefore, considers the potential equality related impacts, both positive and negative of the policy on the people in the groups or with the characteristics protected in the Equalities Act 2010.

These are:

1. Age
2. Disability
3. Gender Reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex (gender)
8. Sexual Orientation
9. Marriage and Civil Partnership

### 3. Engagement and consultation

The consultation on the policy took place between 20 July and 31 August 2023, during which time we consulted:

- the statutory responsible authorities
- 326 licence and club premises certificate holders
- 52 licensing agents, who had acted for licence holders since the last policy review, as representatives of all licence holders
- 21 residents' associations and community groups, as representatives of residents
- Watford Town Centre BID
- Economic Development team of Watford Borough Council
- Watford Community Safety Partnership
- Watford & West Herts Chamber of Commerce

All parties were offered the option to contact us should they have any queries or should they require a hard copy of the documents.

The consultation was advertised on our website during this time, with people invited to participate in a survey on the proposed changes.

The survey asked questions on the proposed policy and allowed parties to submit their own comments. We advised that while we will prefer responses to be submitted through the online survey or by email, we would accept any comments in writing.

In total the online survey received more than 80 visitors and 3 responses were received. Two responses were received directly from the responsible authorities.

### 4. What we know about licence holders

There were 360 premises licence and club premises certificate holders in Watford at the time of consultation. Some licence holders hold more than one licence which is why 326 consultation letters were sent out to premises licence holders. Specific information on the sex or ethnicity of applicants is not collected during the application process. Applicants do not have to live within the Borough, but the premises must be located within the Borough. The application forms are set by the Government as part of national regulations. We are required to carry out immigration checks on individual applicants but not record their ethnicity or nationality.

131 of the licence and club premises certificate holders are individuals.

The following parties may apply for a premises licence or club premises certificate, and the provisions for who can apply are set out in the national legislation:

- (a) a person who carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates,
- (b) a person who makes the application pursuant to—
  - (i) any statutory function discharged by that person which relates to those licensable activities, or
  - (ii) any function discharged by that person by virtue of Her Majesty's prerogative,
- (c) a recognised club,

- (d) a charity,
  - (e) the proprietor of an educational institution,
  - (f) a health service body,
  - (g) a person who is registered under Part 2 of the Care Standards Act 2000 (c. 14) in respect of an independent hospital [F2in Wales],
  - (ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England,]
  - (h) the chief officer of police of a police force in England and Wales,
  - (i) a person of such other description as may be prescribed.
- (2) an individual may not apply for a premises licence unless he is aged 18 or over.
- (2A) An individual who is resident in the United Kingdom may not apply for a premises licence authorising premises to be used for a licensable activity within section 1(1)(a) or (d) unless the individual is entitled to work in the United Kingdom.

The policy does not implement any other criteria for applicants because this would be counter to the legislation.

## **4. What we know about passengers, residents and visitors to Watford**

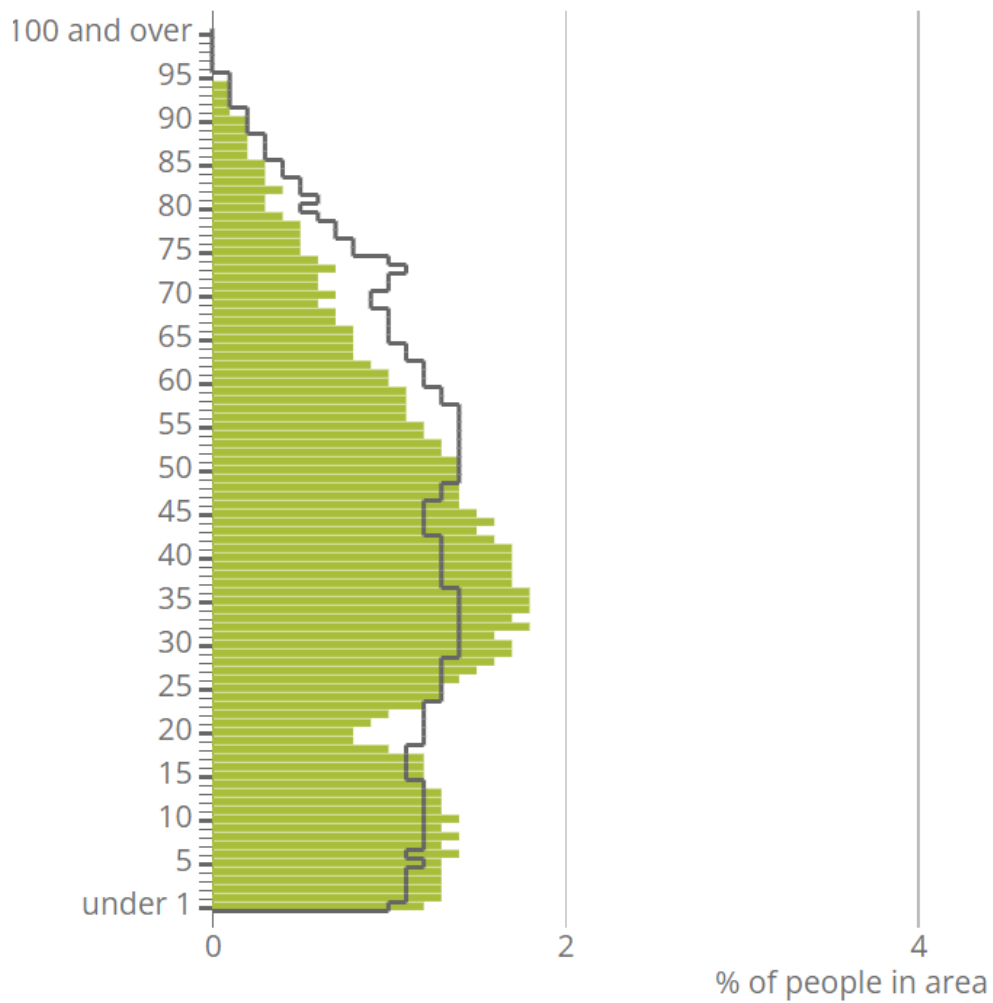
### **What we know about the Watford population**

#### **Population and age**

The population of Watford comprises 102,000 residents.

Watford is a town with a growing population. The census data 2021 indicates that Watford has a population of 102,300, an increase of 13.3% since the previous census in 2011. This is higher than the overall increase for England (6.6%), where the population grew by nearly 3.5 million to 56,489,800

The chart below shows Watford's age ranges between 0 – 100 and over in percentage of the population (green) compared with the England / Wales percentages (black line).



**Ethnicity data:**

- 48.4% identify as White British, White Irish, White Gypsy or Irish Traveller or White Roma
- 12.6% identify as Other White
- 8.0% identify as Pakistani
- 9.7% identify as Indian
- 0.5% identify as Bangladeshi
- 1.4% identify as White and Asian
- 5.3% identify as Other Asian
- 3.9% identify as African
- 1.7% identify as Caribbean
- 1.3% identify as White and Black Caribbean
- 0.7% identify as White and Black African
- 0.8% identify as Other Black
- 1.4% w identify as Other Mixed or Multiple ethnic groups
- 1.0% identify as Chinese
- 0.7% identify as Arab
- 2.8% identify as other ethnic group

**Sex**

- 50.8% of the Watford population are female

**Gender identity**

92.36% of residents over 16 have a gender identity the same as birth, 0.68% have a different gender identity, which equates to 247 people. 6.96% of people did not answer

**Disability**

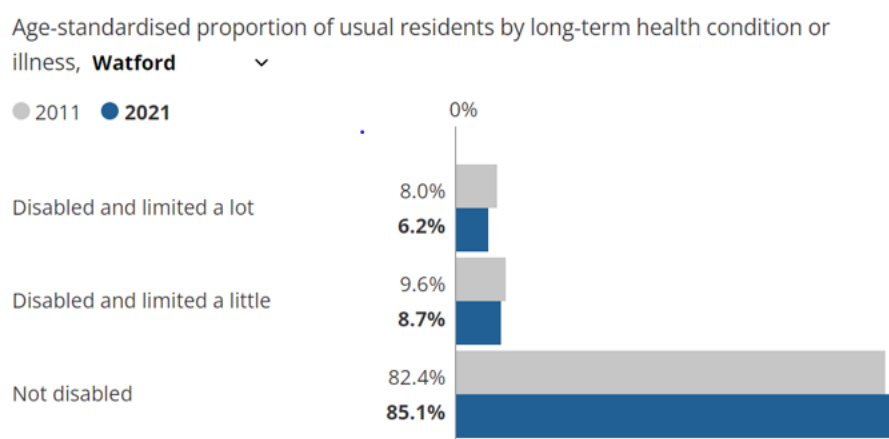
85.1% not disabled under the equality act, 6.2% disabled under the equality act, day to day activities limited **a lot**, 8.7% disabled under the equality act, day to day activities limited **a little**

**Health**

48.2% in very good health, 34.7% in good health, 12.4% in fair health, 3.6% bad health and 1.0% in very bad health

**Disability in Watford**

Watford saw the East of England's second-largest percentage-point fall in the proportion of residents who were identified as disabled and limited a little (from 9.6% in 2011 to 8.7% in 2021). proportions.



**6. What we know from the consultation feedback?**

**From the online survey**

Of the three people who completed the survey, we know that all three stated that they lived in the Borough, and supplied Watford postcodes.

One respondent stated that they were aged between 25-34, one was 55-64 and the third was 65-74. One respondent stated that they were retired and the other two were employed. All three stated that they spoke English.

No other information relating to the characteristics of the respondents was requested.

Although there was not unanimous support of our proposals, no other alternatives were supplied or suggestions provided as to how we should amend our proposals. In the absence of substantial data upon which to base any amendments to policy, it is suggested to approve the policy as proposed.

## 7. How will the council ensure equality is promoted through the introduction of this policy?

The council is not in a position where it can proactively affect the profile of licence holders, or objectors against licence applications, but the policy ensures that the process of obtaining a licence is fair and free of discrimination. The policy informs prospective applicants what is expected of them and what specific areas a licensing sub-committee will take into account when determining an application. The policy also informs objectors how their objections will be considered, and again these must be considered in a fair manner, against legal requirements, and free of discrimination.

There are no local barriers to anyone making an application.

It must be noted that the sub-committee may depart from policy when determining an application, although such departures should be explained with detailed reasons upon the conclusion of a hearing.

Information people will need to know about the application process, and the legislation, can be accessed via the council's webpage and this feature provides additional support and help to those with a range of equalities related issues such as those for whom English is not the first language, those with visual impairment or learning difficulties.

The council's website features 'browsealoud' which allows people to:

- translate pages into a range of different languages
- enlarge web pages
- activate voice over for web pages
- simplify web page content

Should an applicant's characteristics make it difficult to use this channel then face-to-face and telephone contact is still possible.

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the Corporate Plan:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it
3. **foster** good relations between people who share a relevant protected characteristic and people who do not

### A. Positive impacts

The council has not identified any positive effects from the analysis of the consultation responses, the makeup of the Borough, and the way that applications are processed and licences issued.

By ensuring that Watford is a borough where alcohol licensing is well regulated the principles also ensure that it is a place where communities can live safely and peacefully together, thus fostering the good relations that are also part of the council's equality duty.

The aim of the licensing policy is to encourage the effective regulation of alcohol, regulated entertainment and late night refreshment. Through this it will help create a safe and attractive environment across the borough for all communities to enjoy. This, therefore, promotes an active and vibrant community which helps meet the council's duty to foster good relations between people who share a protected characteristic and those who do not.

It is also noted that it is a licensing objective to protect children from harm, and this is relevant when considering licensing applications. There were no specific comments received suggesting that the council's current policy and factors to consider with regards to protecting children from harm require change.

### **B. Negative impacts**

The council has not identified any negative impacts from the analysis of the consultation responses, the makeup of the Borough and the way that applications are processed and licences issued. The consultation has not identified any substantial positive or negative impacts from the responses themselves.

### **6. Overall conclusion**

On consideration, the overall conclusion of the EIA is that there is no negative impact on any specific characteristic or group as a result of this Policy.

In the policy, no particular group is given priority over another in relation to implementation of the policy and how any applicant is dealt with. The Act requires that each application is to be assessed on its individual merits, so all groups should be treated equally. All applicants are required to comply with all of the relevant legislation.

In general, it is felt that the policy has a positive effect on all people who live, work or socialise in Watford

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**This EIA has been approved by: Kathryn Robson Director of Performance**