



Equalities Impact Assessment

Late Night Levy

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates	Introduce a Late Night Levy (LNL) to charge premises that operate premises that sell alcohol between 00:00 (midnight) and 06:00. As a result of conducting the Equality Analysis the implementation of the Late Night Levy does not appear to have any adverse effects on people who share protected characteristics and no further actions are recommended at this stage.
---	--

Equality analysis author	Andrew Heron				
Strategic Director:	Mick Lucas				
Department	Environment and Leisure	Division	Licensing		
Period analysis undertaken	November 2018 - May 2019				
Date of review (if applicable)	x				
Sign-off	x	Position	x	Date	x

Section 2: Brief description of policy/decision/business plan

1.1 Brief description of policy/decision/business plan

The Police Reform and Social Responsibility Act 2011 permits licensing authorities to charge a Late Night Levy (LNL) on persons who operate premises selling alcohol between 00:00 (midnight) and 06:00hrs. The resultant income must be spent on policing, regulating and providing support services within the late night levy period.

The Council currently funds a Night Time Economy Team (NTET) consisting of both Police and Council Officers who visit and inspect licensed premises both day and night, dealing with incidents arising from late night alcohol premises. The service currently costs approximately £280,000/yr. The Levy charge is set nationally by government and depends on the rateable value of the licensed premises. The maximum potential annual revenue in Southwark could be £419,000/yr.

Southwark is considering implementing a LNL. The revenue collected could sustain the current service and allow for its extension. The additional revenue would:-

- Reduce or prevent crime and disorder
- Promote public safety
- Reduce or prevent public nuisance
- Ensure services in the late night levy period continue
- Extend and increase current service provision
- Add new services and facilities
- Ensure those late night economy businesses causing the public spend contribute to their cost, the polluter pays principle.

Should the LNL be approved, it is intended to implement it on 1st September 2019.

An equalities analysis was conducted in August 2018 as part of the proposal to initiate the consultation. This is an update based on the responses received from consultees.

Public and statutory consultation of the introduction of a Late Night Levy within the Borough has been undertaken in accordance with section the Police Reform and Social Responsibility Act 2011. The consultation ran from 25 February for a period of 12 weeks to 19 May 2019.

The consultation was displayed on the council web site and was conducted via an online questionnaire. Links to previous reports to the Licensing Committee on taking the decision to initiate the consultation were appended. The consultation was advertised in the local press and Council buildings.

The consultation consisted of 7 questions on the potential implementation of the Levy with opportunities to make comments on each:

1. Who are you?
2. To what extent do you agree that a Late Night Levy is an appropriate way to fund the work of the Council and the Police to deal with issues caused by the late night economy in the Borough?
3. Do you agree that the joint relationship between the Police and Council Enforcement Officers plays a role in ensuring a safe night time economy?
4. If you had a late night business affected by the proposed Levy, please indicate how likely it would be that you would apply to vary your opening hours to avoid paying the Levy? (see attached document for potential Levy rates)
5. There is the option to apply a 30% discount for businesses in certain categories. How do you think this discount should be applied?
 - No discount for any business selling alcohol late at night
 - A discount for businesses receiving small business rate relief
 - A discount for businesses already paying a levy due to their location within a business improvement district

6. What is your preferred option for the allocation of potential money received through the Levy?
- 70% to Met Police and 30% to Council
 - 100% to Council (with 70% to be spent on local policing)
7. Do you think that the introduction of a levy would be unfair to any particular group of people?

The consultation is now complete with the majority of respondents in favour of the introduction of the LNL. A recommendation is therefore being made to proceed with the LNL.

As a result of performing the QA checklist, the policy, project or function does not appear to have any adverse effects on people who share *Protected Characteristics* and no further actions are recommended at this stage. This proposal is to ask Cabinet to consider whether a Late Night Levy (LNL) should be adopted in the Borough.

The majority of the license holders are companies, who may be owned by people in different equality strands from those who operate the business premises in the Borough.

Outside of the QA checklist, it is noted that some respondents think that the implementation of the LNL would potentially be unfair towards the cultural diversity of the Borough, by putting restrictions on the types of night life available. Appendix I lists recommendations to exemptions from the LNL. Recommendations have been made to exempt theatres, cinemas and hotels that the Authority believes add to the variety of cultural venues throughout the Borough.

In addition, some consultees state that they believe the imposition of a LNL on well-run premises to control premises that are not well-run, to be disproportionately unfair. If the Levy were to be imposed, this would be applied across all premises selling alcohol after midnight.

It has also been suggested by respondents that there should be an additional sliding scale of fees for premises open after midnight, but not all the hours between midnight and 06:00. At this time, the legislation does not provide the Authority the ability to offer such discounts.

Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
Key users of the department or service	<ul style="list-style-type: none">• Premises licence holders• personal licence holders• members of the public
Key stakeholders were/are involved in this policy/decision/business plan	<p>The consultation was introduced by email and circular letter and sent to:</p> <ul style="list-style-type: none">• All Premises Licence holders• All Personal Alcohol Licence holders,• Representatives of businesses and residents,• Amenity groups,• Community associations,• Ethnic group associations,• Faith groups,• Traders' associations,• People and parties who responded to previous consultations on the Policy Statement and the Cumulative Impact Policy Areas,• Neighbouring Licensing Authorities, and• Responsible Authorities.

Section 4: Pre-implementation equality analysis

This section considers the potential impacts (positive and negative) on groups with 'protected characteristics', the equality information on which this analysis is based and any mitigating actions to be taken.

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
There can be a perception that new licensed businesses may be owned by younger adults.	None
Equality information on which above analysis is based	Health data on which above analysis is based
n/a	n/a
Mitigating actions to be taken	
No mitigation is necessary.	

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
No specific impacts have been identified or raised in relation to this.	None identified.
Equality information on which above analysis is based	Health data on which above analysis is based
None	None
Mitigating actions to be taken	
N/A	

Gender reassignment - The process of transitioning from one gender to another.	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
This project will not specifically benefit or disadvantage non-binary residents.	None
Equality information on which above analysis is based.	Health data on which above analysis is based
None	N/A
Mitigating actions to be taken	
N/A	
Marriage and civil partnership – In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples and must be treated the same as married couples on a wide range of legal matters. (Only to be considered in respect to the need to eliminate discrimination.)	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
This LNL will have no particular impact on marital status and does not treat same sex couples or those in civil partnerships less or more favorably than anyone else.	None
Equality information on which above analysis is based	Health data on which above analysis is based
N/A	N/A
Mitigating actions to be taken	
N/A	

<p>Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavorably because she is breastfeeding.</p>	
<p>Potential impacts (positive and negative) of proposed policy/decision/business plan</p>	<p>Potential health impacts (positive and negative)</p>
<p>This LNL will not disadvantage pregnant women or those on maternity leave.</p>	<p>None</p>
<p>Equality information on which above analysis is based</p>	<p>Health data on which above analysis is based</p>
<p>None</p>	<p>N/A</p>
<p>Mitigating actions to be taken</p>	
<p>N/A</p>	
<p>Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. N.B. Gypsy, Roma and Traveller are recognised racial groups and their needs should be considered alongside all others</p>	
<p>Potential impacts (positive and negative) of proposed policy/decision/business plan</p>	<p>Potential health impacts (positive and negative)</p>
<p>A consultee has raised a concern that the Latin/Hispanic community may be negatively affected by a LNL as there is a tendency for later drinking/entertainment.</p>	<p>None – the LNL is not intended to prevent any particular ethnic group from enjoying alcohol or entertainment at night. The LNL is not intended to restrict premises from opening, rather than to finance policing of the night time economy Borough-wide.</p>
<p>Equality information on which above analysis is based</p>	<p>Health data on which above analysis is based</p>
<p>None</p>	<p>N/A</p>
<p>Mitigating actions to be taken</p>	
<p>N/A</p>	

Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
The LNL will have no apparent benefit or disadvantage to any particular religion.	None
Equality information on which above analysis is based	Health data on which above analysis is based
None	N/A
Mitigating actions to be taken	
N/A	
Sex - A man or a woman.	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
The LNL will have no apparent benefit or disadvantage to any particular sex.	None
Equality information on which above analysis is based	Health data on which above analysis is based
None	N/A
Mitigating actions to be taken	
N/A	

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
A concern has been raised as part of the consultation that LGBTIQ+ premises operating in the late night economy may be negatively affected, but encouraging the reduction of later opening hours. It is accepted that the numbers of premises catering the community continues to fall throughout London.	None – the LNL is not intended to prevent any particular group based on LGBTIQ+ self-identification from enjoying alcohol or entertainment at night. The LNL is not intended to restrict premises from opening, rather than to finance policing of the night time economy Borough-wide.
Equality information on which above analysis is based	Health data on which above analysis is based
None	N/A
Mitigating actions to be taken	
N/A	

<p>Socio-economic disadvantage – although the Equality Act 2010 does not include socio-economic status as one of the protected characteristics, Southwark Council recognises that this continues to be a major cause of inequality in the borough. Socio economic status is the measure of an area's, an individual's or family's economic and social position in relation to others, based on income, education, health, living conditions and occupation.</p>	
<p>Potential impacts (positive and negative) of proposed policy/decision/business plan</p>	<p>Potential health impacts (positive and negative)</p>
<p>The LNL will not benefit or disadvantage people because of their socio-economic status. A recommendation of the Licensing Authority is to offer a 30% reduction in LNL fees to premises already operating under reduced Business Rates.</p> <p>It is however acknowledged that there is a continuing trend for increases in business rates and rent costs to all premises and that this may add an additional financial burden to some businesses, who will likely pass that cost on to their customers. This may mean that some customers may be negatively impacted by increased costs of drinking, but this is not considered to be a detrimental disadvantage.</p> <p>The LNL fee is based on a sliding scale according to the rateable value of the premises; therefore smaller businesses are likely to pay less.</p>	<p>None</p>
<p>Equality information on which above analysis is based</p>	<p>Health data on which above analysis is based</p>
<p>N/A</p>	<p>N/A</p>
<p>Mitigating actions to be taken</p>	
<p>N/A</p>	

Human Rights There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol
Potential impacts (positive and negative) of proposed policy/decision/business plan
None identified.
Information on which above analysis is based
N/A
Mitigating actions to be taken
Adherence to council policy and UK law.

Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.			
Number	Description of issue	Action	Timeframe
1	None		

6. Equality & Health objectives				
Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.				
Objective and measure	Lead officer	Current performance (baseline)	Targets	
			Year 1	Year 2