



REVIEW OF CUMULATIVE IMPACT AREAS IN SOUTHWARK EQUALITY IMPACT AND NEEDS ANALYSIS TEMPLATE

POLICY PROPOSAL	Members of the Licensing Committee are to review the implementation of Cumulative Impact Areas in Southwark. As a result of conducting the Equality Analysis into the continued implementation of CIAs; it does not appear to have any adverse effects on people who share protected characteristics and no further actions are recommended at this stage.
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DEPARTMENT	Environment and Leisure	DIVISION	Licensing
PERIOD ANALYSIS UNDERTAKEN	Started November 2022		
DATE OF REVIEW (IF APPLICABLE)	After completion of consultation		
SIGN-OFF		POSITION	DATE

Guidance notes

Things to remember:

Under the Public Sector Equality Duty (PSED) within the Equality Act 2010, public authorities are required to have due regard to the aims of the general equality duty when making decisions, *including budget related decisions*.

The public sector equality duty (PSED) requires us to find out about and give due consideration to the needs of different protected characteristics in relation to the three parts of the duty:

1. Eliminating discrimination, harassment and victimisation
2. Advancing equality of opportunity, including finding out about and meeting diverse needs of our local communities, addressing disadvantage and barriers to equal access; enabling all voices to be heard in our engagement and consultation undertaken; increasing the participation of under represented groups

3. Fostering good community relations; promoting good relations; to be a borough where all feel welcome, included, valued, safe and respected.

The PSED is now also further reinforced in the two additional Fairer Future For All values: that we will

- a. Always work to make Southwark more equal and just
- b. Stand against all forms of discrimination and racism.

The PSED is also about relevance and proportionality, hence the higher the degree of relevance to equalities an area has, so accordingly the degree of data/information required.

The “protected characteristics” under the Act are: Age, Sex, Disability, Race Religion/Belief, Sexual Orientation, Gender Reassignment, Pregnancy and Maternity Marriage and Civil Partnerships¹. In addition the Council also considers socio-economic status and socio-economic disadvantage.

An equality impact and needs analysis should be completed in respect of key budget proposals where it is identified via screening that there is a significant risk of the decision having an adverse, negative or disproportionate impact on equality groups sharing a “protected characteristic”. Indicate also where the proposal will have a positive impact on our duty to promote equality.

The Council also has a specific duty to publish information showing how it has met its duties under the Act. A full equality impact and needs analysis for all high and medium impact areas must accompany the final Cabinet report on budget proposals in January

Understanding the implications of the council’s budget decisions on people with different protected characteristics is an important part of complying with the general equality duty.

Under the PSED the council must ensure that:

- Decision-makers are aware of the general equality duty’s requirements.
- The general equality duty is complied with before and at the time a proposal is under consideration and when a decision is taken.
- We consciously consider the need to do the things set out in the aims of the general equality duty as an integral part of the decision-making process.
- We have sufficient information to understand all the potential effects of the proposal.
- We consciously consider the need to do the things set out in the aims of the general equality duty not only when a proposal is developed and decided upon, but when the decision is being implemented.
- Importantly an equality analysis informs the decision making process from the start and carries through into implementation stages.

When carrying out the analysis:

- How does the proposal sit with Borough Plan commitments and priorities ?
- Consider all the protected characteristics and all aims of the general equality duty (apart from in relation to marriage and civil partnership, where only the discrimination aim applies).
- In addition, consider impacts and needs arising from socio-economic disadvantage in the borough. Overall will the proposal help to address socio-economic disadvantage in the borough ?

¹ Only the “eliminate unlawful discrimination” part of the duty applies to marriage and civil partnerships

- Under the socio-economic duty we are required to ensure that we do not make conditions worse for those experiencing socio-economic disadvantage and to mitigate possible adverse impacts wherever possible.
- Focus on understanding the effects of a proposal on equality and any actions needed as a result, not just the production of the document.
- It is about finding out about and understanding needs and impacts for diverse groups in relation to the three parts of the duty when developing a specific budget proposal.
- Take a proportionate approach. In practice this means giving greater consideration to the Duty when a proposal has the potential to have a significant effect on discrimination or equality of opportunity, the public or employees, and less consideration when the effect on equality is slight.
- Use good evidence. Where it isn't available, take steps to gather it (where practical and proportionate). Information and data is key to an adequate equality analysis.
- Using insights from engagement with employees, service users and others can help provide evidence for equality analysis.
- Findings from an equality analysis help us to understand needs/impacts and implications for diverse groups in the community. A decision maker then has to weigh up the findings in relation to all material considerations and on balance make the final decision. The Council needs to be able to demonstrate that it has undertaken a reasonable and rational process of decision making.
- Where mitigating actions are identified in the equality analysis, these should then be incorporated into departmental and service business plans.

The public will be able to view and scrutinise any equality analysis undertaken. Equality analysis should therefore be written in a clear and transparent way using plain English. Equality analysis will be published under the council's publishing of equality information.

Equality analysis should be reviewed after a sensible period of time to see if the effects that were expected have occurred. This does not always mean repeating the full equality analysis, but using the experience gained through implementation to check the findings and to make any necessary adjustments.

Engagement with the community is recommended as part of the development of an equality analysis.

Section 1: Description of budget proposal

Brief description of policy/decision/business plan

The Licensing Act 2003 came into effect on 25 November 2005. The Act introduced a regime for the licensing of alcohol, regulated entertainment and late night refreshment, to be administered by the local licensing authority.

Under the Act, cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one geographical area, which goes beyond that which can be dealt with via premises specific enforcement.

The CIA is a location which the Council has identified as experiencing cumulative impact and to which a CIA Policy will apply. The CIA policy placed a presumption that any new licensed premises within the defined areas would have a rebuttable presumption against the grant of the licence or the variation of the licence to increase the capacity or hours of the premises. The policy did allow for an exception if the applicant could demonstrate that the premises operation would not adversely impact the intention of the policy and add to the CIA.

The implementation and assessment of a CIA Policy must be based on data specific to alcohol-related crime. The Policy is to be kept under review, but is statutorily required to be reviewed every 3 years.

The Committee is asked to assess the current CIA Policy, using the data analysis and decide whether or not to maintain the Policy in its current form.

Section 2: Overview of service users and key stakeholders consulted

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 who were/are involved in development of this budget proposal	<ul style="list-style-type: none">• Internal data analysts• The Licensing Committee

Please remember : How does the budget proposal incorporate and consider below:

The public sector equality duty (PSED) requires us to find out about and give due consideration to the needs of different protected characteristics in relation to the three parts of the duty:

1. Eliminating discrimination, harassment and victimisation
2. Advancing equality of opportunity, including finding out about and meeting diverse needs of our local communities, addressing disadvantage and barriers to equal access; enabling all voices to be heard in our engagement and consultation undertaken; increasing the participation of under represented groups
3. Fostering good community relations; promoting good relations; to be a borough where all feel welcome, included, valued, safe and respected.

The PSED is now also further reinforced in the two additional Fairer Future For All values; that we will

- a. Always work to make Southwark more equal and just
- b. Stand against all forms of discrimination and racism

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

Section 3: Pre-implementation equality analysis

This section considers the potential needs and 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. It is about needs and impacts of diverse groups in relation to the three parts of the duty (see pages above).

Age – Older people, young people etc
Potential impacts (positive and negative) of the policy proposal, which includes addressing needs of these groups; This also includes needs/impacts arising from socio-economic disadvantage and age.
Any policy reviews must take into account protected characteristics. There is anecdotal evidence to suggest that younger independent businesses may be run by younger people. The licensing authority looks to encourage the diversity of local businesses, which would include businesses run by younger entrepreneurs. No potential health impacts are identified.
Equality information on which above analysis is based
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. Importamt to also consider impacts on different disabilities.
Possible impacts (positive and negative) of budget proposal, which includes addressing needs of disabled people. A disabled person should not be in a less favourable position to a non-disabled person as a result of this proposal and decision. This also includes needs/impacts arising from socio-economic disadvantage and disability.
No specific impacts have been identified or raised in relation to this. It is acknowledged that businesses should make 'reasonable adjustments' to

accommodate people identifying with having a disability.
No health impacts are identified
Equality information on which above analysis is based
None
Mitigating actions to be taken
N/A

Gender reassignment - The process of transitioning from one gender to another. And Gender Identity – this includes the wide spectrum of all gender identities.
Possible impacts (positive and negative) of budget proposal, which includes addressing needs of these groups.
This project will not specifically benefit or disadvantage non-binary residents.
Equality information on which above analysis is based.
None
Mitigating actions to be taken
N/A

Marriage and civil partnership - (Only to be considered in respect to the need to eliminate discrimination).
Possible needs/ impacts (positive and negative) of budget proposal

CIAs 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.

Equality information on which above analysis is based

N/A

Mitigating actions to be taken

N/A

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 unfavourably because she is breastfeeding.

Possible impacts (positive and negative) of budget proposal, which includes addressing needs of these groups.

This also includes needs/impacts arising from socio-economic disadvantage and pregnancy and maternity.

Licensing Policy must not disadvantage pregnant women or those on maternity leave. No impacts are therefore identified.

Equality information on which above analysis is based

N/A

Mitigating actions to be taken

N/A

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.

Possible impacts (positive and negative) of budget proposal, which includes addressing diverse needs of these groups.

This also includes needs/impacts arising from socio-economic disadvantage and race/ethnicity.

The cultural markup of the Borough is wide and varied. The Licensing Authority would want to encourage this diversity. Policy would never be intended to prevent any particular ethnic group from enjoying alcohol, late night refreshment or regulated entertainment.

It should however be noted that the Borough is continually changing in terms of regenerating community areas. This has had an effect on local amenities.

It has been mooted that some of the late-night economy may face sterilization with either the continuation of CIAs. However, this is a generalisation and not directed at any particular community groups.

This is a potential continuation of an existing policy. No negative impacts are identified.

Paragraph 162 of the Southwark Statement of Licensng Policy 2021 to 2026 states that Members of a Licensing Sub Committee may take into account factors when granting additional licences within a CIA. Members may take steps to grant a premises licence outside of the recommendations of the Policy to promote the use of licensed premises by groups that are not well serviced with licensed premises within the Borough. The groups referenced are those within a protected characteristic.

Equality information on which above analysis is based

N/A

Mitigating actions to be taken

N/A

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.

Possible impacts (positive and negative) of budget proposal, which includes addressing needs of these groups.

CIA policy will have no apparent benefit or disadvantage to any particular religion. It should be noted that places of worship are exempt from licensing restrictions, as long as they are not being used for non-religious, commercial purposes.

Equality information on which above analysis is based

N/A

Mitigating actions to be taken

N/A

Sex - A man or a woman.

Possible impacts (positive and negative) of budget proposal, which includes addressing needs of these groups;

This also includes needs/impacts arising from socio-economic disadvantage and sex.

CIA continuation will have no apparent benefit or disadvantage to any particular sex.

Equality information on which above analysis is based

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

Possible impacts (positive and negative) of budget proposal, which includes addressing needs of these groups

Concerns are ongoing on the impacts that face LGBTIQ+ premises remaining open to provide safe spaces for that community. Significant numbers of premises have closed across London in recent years, yet this is likely to be as a result of commercial redevelopment, rather than a direct intention to reduce the number of such venues. Southwark seeks to protect all such venues.

Licensing Policy changes are not intended to prevent any particular group based on LGBTIQ+ selfidentification from enjoying alcohol or entertainment at night.

Paragraph 162 of the Southwark Statement of Licensng Policy 2021 to 2026 states that Members of a Licensing Sub Committee may take into account factors when granting additional licences within a CIA. Members may take steps to grant a premises licence outside of the recommendations of the Policy to promote the use of licensed premises by groups that are not well serviced with licensed premises within the Borough. The groups referenced are those within a protected characteristic.

Equality information on which above analysis is based

N/A

Mitigating actions to be taken

N/A

SocioEconomic Disadvantage - 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. Please also consider socio-economic disadvantage in relation to age, race, disability, sex, sexual orientation etc.

Possible impacts (positive and negative) of budget proposal, which includes addressing needs of these groups

CIAs are not intended to benefit or disadvantage people because of their socio-economic status. It is however acknowledged that there is a continuing trend for increases in business rates and rent costs to all premises adding an additional financial burden to some businesses, which is likely passed on to customers.

Equality information on which above analysis is based

N/A

Mitigating actions to be taken

N/A

SUMMARY of Equality Impact and Needs Analysis for budget proposal:

Potential impacts (positive and negative) of proposed policy/decision/business plan/ budget proposal

None identified.

Equality information on which above analysis is based

Adherence to Council policy and UK law

Section 5: Further actions

5. Further analysis and actions; including mitigation actions and actions to tackle inequality and promote equality.

Based on the initial analysis above, please detail the key mitigating actions and desired outcomes, or the areas identified as requiring more data or detailed analysis. Please also note interrelations between the different protected characteristics; all of us are made up of many of the protected characteristics.

Number	Description of issue	Action and desired outcome	Timeframe
1	None		
2			
3			
4			
5			
6			
7			