

IMPACT & NEEDS/REQUIREMENT ASSESSMENT

Licensing Sub-Committee Procedure

(Requirement of the Race Relations (Amendment) Act 2000 and the Equality Standard for Local Government)

Directorate: Finance, Legal & Democratic Services	Service Area: Legal		Contact/Person responsible for the review: Legal Assistant		
Name of the Policy to be assessed: Licensing Sub-Committee Procedure	Date of Review: June 2009 (updated August 2009)		Others involved in the assessment – peer review/external challenge: Head of Legal Services Principal Environmental Health Officer		
1. In what areas are there concerns that the policy could have a differential impact (positive, neutral or negative) (please tick/circle)	Race <input type="checkbox"/>	Gender <input type="checkbox"/>	Disability <input checked="" type="checkbox"/>	Age <input type="checkbox"/>	Sexual Orientation <input type="checkbox"/>
	Religious Belief <input type="checkbox"/>	Dependents <input type="checkbox"/>	Offending past <input checked="" type="checkbox"/>	Transgendered or Transsexual <input type="checkbox"/>	Other <input type="checkbox"/>
2. What are the concerns that the policy could have a differential impact on relevant groups. Please explain. In providing your answer please think about: <ul style="list-style-type: none"> ▪ How does current policy currently meet needs around race/gender/disability etc? ▪ Are there obvious barriers to accessing the service (e.g. Language, physical access)? ▪ Where do you think improvements can be made? ▪ Have issues of equality been identified in this area of service within other local authorities? ▪ What do other officers in the service area think? (please continue on a separate piece of paper if necessary)	<p><u>What are the aims of the Licensing Sub-Committee?</u></p> <ul style="list-style-type: none"> ▪ The Sub-committee has delegated powers in relation to dealing efficiently, fairly and openly with licensing issues and applications. ▪ Licensing policies promote and protect good practice and balance the needs of interested parties. <p><u>How does it meet needs?</u></p> <ul style="list-style-type: none"> ▪ By providing a smaller forum for discussion and determination of licensing issues and applications. <p><u>Who is affected by the procedure?</u></p> <ul style="list-style-type: none"> ▪ The applicant who is the subject of the sub-committee hearing for a license application. <p><u>Officers involved?</u></p> <ul style="list-style-type: none"> ▪ Licensing Officer; ▪ Democratic Services Officer; ▪ Legal Officer; and ▪ Members of the Licensing Sub-Committee. <p><u>Licensing Sub-Committee and the Disability Discrimination Act (DDA):</u></p> <ul style="list-style-type: none"> ▪ It is the responsibility of the Owner/Operator of a Premises to ensure that their premises comply with the DDA. ▪ The Licensing Sub-committee members can only consider the Licensing Objectives and representations made by Interested Parties or Responsible Authorities when making a determination on an application. ▪ It is only following such a representation that a condition could be considered/attached to a licence. 				

	<p><u>Barriers identified:</u></p> <p>(1) <u>Pre-Committee Stage</u></p> <ul style="list-style-type: none"> ▪ Report usually provided in English - if required could be translated into other languages or Braille, or Read SpeakerXT service (problems if computer is not available) other queries could be raised with Licensing Officer. ▪ Information relating to the Sub-committee procedure are only provided as part of the committee report and on day of committee. ▪ Problems understanding the content of the report/policies/procedures if have learning difficulties and/or limited literacy skills. <p>(2) <u>Sub-Committee Meeting</u></p> <ul style="list-style-type: none"> ▪ Access to committee meeting room - access around the council building/and meeting rooms all DDA compliant, lift access, large room, refreshments available. ▪ Applicant not being able to understand the sub-committee procedure - The Applicant can have a person assisting them/providing support and if necessary translator may be required. ▪ Public Speaking - This is a matter for the Chairman of the Sub-Committee to regulate who can speak at meetings and what length of time they are allowed in each individual circumstances ▪ Limited literacy/cognitive skills which may cause difficulties in understanding proceedings and presenting their case. <p>(3) <u>Decisions made by Councillors</u></p> <ul style="list-style-type: none"> ▪ Councillors informed on discrimination matters - training provided on matters/decision making process, advice can be sort from Legal Officers. Members provided with disability awareness training from the Papworth Trust, however further training could be provided on the other areas of discrimination including: sex/race/gender/age/sexual orientation/religious belief. <p><u>Offenders past conduct</u></p> <ul style="list-style-type: none"> ▪ Offenders past conduct (when relevant) may be taken into consideration in determining a matter that has been taken to Licensing Committee, this could potentially mean some individuals not being granted a licence or others losing their licence however each case would be determined on its own individual circumstances and merits.
<p>3a. Are you aware of any unmet customer needs/requirements that affect specific groups within the community?</p>	<p>No.</p>

<p>3b. Please list any expert groups who you have approached to explore their views on these issues.</p>	<p>Legal Services, Environmental Services, Democratic Services and consultation with a proportion of licence holders and individual's on East Cambridgeshire District Council's consultee register.</p>										
<p>3c. How <u>did you</u> obtained the views of these groups?</p>	<p>Review of Complaints <input checked="" type="checkbox"/></p>		<p>3d. Do you experience any problems with this method of consultation?</p> <p>The only problem experienced was that some of the names and addresses for the licensees provided by Environmental Services were not correct so 9 of the 255 letters were returned by the Royal Mail unable to be delivered.</p>								
<p>User Feedback <input type="checkbox"/></p>											
<p>Letter <input checked="" type="checkbox"/></p>											
<p>Meetings <input checked="" type="checkbox"/></p>											
<p>Interviews <input type="checkbox"/></p>											
<p>Telephone <input type="checkbox"/></p>											
<p>Workshops <input type="checkbox"/></p>											
<p>Forum <input type="checkbox"/></p>											
<p>Questionnaires <input checked="" type="checkbox"/></p>											
<p>Other (please specify)</p>											
<p>3e. Please explain in detail the views of the relevant groups/experts who you have consulted on the issues involved. (please use a separate sheet if necessary)</p>	<p>3 responses were received out of the 255 letters that were sent out. All 3 responses agreed that the structure, format and content of the Licensing Sub-committee procedure is clear and understandable. 2 of the responses neither agreed or disagreed with the barriers that were identified in relation to the Sub-Committee procedure. The other response failed to select a response relating to the barriers that were identified in relation to the Sub-Committee procedure.</p>										
<p>3f. Are there any expert groups who you could approach to explore their views on these issues? Please seek advice from the Corporate Strategy Team if necessary.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>3g. Please list expert groups</p>	<p>N/a</p>								

<p>3h. How <u>could you</u> obtained the views of these groups?</p> <p>(please tick, having reference to the guidance notes provided)</p>	Review of Complaints	<input type="checkbox"/>	<p>3i. Do you envisage any problems with these methods of consultation?</p>	<p>N/a</p>
	User Feedback	<input type="checkbox"/>		
	Letter	<input type="checkbox"/>		
	Meetings	<input type="checkbox"/>		
	Interviews	<input type="checkbox"/>		
	Telephone	<input type="checkbox"/>		
	Workshops	<input type="checkbox"/>		
	Forum	<input type="checkbox"/>		
	Questionnaires	<input type="checkbox"/>		
	Other (please specify)			
<p>4. What are the risks associated with the policy in relation to differential impact and unmet needs/requirements?</p> <ul style="list-style-type: none"> ▪ Reputation ▪ Financial ▪ Breach of legislation ▪ Service exclusion ▪ Lack of resources ▪ Lack of co-operation ▪ Insufficient budget 	<p>REPUTATION - as a Local Authority the Council must comply with all legislation relevant to Licensing and committee meetings including those that relate to the prevention of discrimination in any form. As such the Council must ensure that committee meetings must be physically accessible to all individuals and that the reports are provided in a format that the applicant can understand.</p> <p>FINANCIAL - cost for translators etc. and financial implications if the council were prosecuted for any breach in legislation or the decision of the committee Members is appealed.</p> <p>BREACH OF LEGISLATION - the Sub-Committee would be acting under a delegated authority, there may be a small risk that members may act outside their authority.</p> <p>LACK OF RESOURCES - reports not being received by the Applicant of the Sub-Committee, this means that the Applicant may not understand the process or the consequences of the Licensing Sub-committee decision. When reports are "exempt" and should not be seen by the public there may be a risk that these reports are lost or released into the public domain accidentally.</p> <p>LACK OF CO-OPERATION - by staff in relation to the Sub-Committee hearing process.</p> <p>INSUFFICIENT BUDGET - resulting in a lack of resources/adequate secure storage/destruction facility for Committee Reports.</p>			

<p>5. What are the main conclusions from the assessment?</p> <ul style="list-style-type: none"> ▪ Is there evidence of adverse impact? ▪ Is there evidence of unmet needs/requirements ▪ Has adequate consultation taken place? 	<p>The Licensing Sub-Committee process may provide two adverse impacts:</p> <ol style="list-style-type: none"> (1) Accessibility of the Sub-Committee (to and from and around the building); and (2) Language barriers - in terms of the applicants understanding of the Sub-Committee process and consequences of any decision made by the Sub-Committee. <p>But measures are in place to control any impact that arises.</p> <ol style="list-style-type: none"> (1) Accessibility to the Council building, the building is DDA compliant, lift access available, room provided is well lit and heated and refreshments available on self-service basis. There is a hearing/audio loop for individuals who are have hearing impairment. (2) If a language barrier is identified, Agenda's can be provided in a format appropriate for the Applicant (translations of reports and decision letters into different lauguages/large type/braille/audio tape, can be provided. Also applicants may have a representative to attend the Sub- Committee to provide support and assistance as and when required. <p>There is no evidence to suggest that the procedure would directly or indirectly discriminate any equality groups.</p>
<p>6. What action have you taken to address any of the issues identified?</p>	<p>N/a A recommendation to Management Team to ensure that members receive equalities training on all aspects of dicrimination</p>
<p>7. What future action would you recommend to Management Team?</p>	<ul style="list-style-type: none"> ▪ To continue to review and update Licensing Sub-Committee procedure as and when required. ▪ To recommend that Members receive equalities training that covers all areas of potential discrimination.
<p>8. What equality objectives and targets would you incorporate into your service plan to measure improvement in any of the areas identify?</p>	<p>Specific - Carry out review of Licensing Sub-committee process. Contact individuals who have been involved in the process for feedback on experience.</p> <p>Measurable - Applicants could provide feedback if they felt they could.</p> <p>Achievable - If Applicants are willing to provide feedback on their experience, this may be achieved it would not be appropriate to force individuals to provide feedback .</p> <p>Relevant - This would highlight if there were any issues from Applicants who have been through the Sub-Committee process whether there were any issues that could be improved.</p> <p>Time Frame: 6 months</p>

Signed (Completing Officer): Sarah Burns, Licensing Assistant Date: 23/06/2009

Head of Service: Jeanette Thompson, Head of Legal Services Date: 02/07/2009