

Equality Impact Analysis Full Tool with Guidance

Full Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2012/2013, Q2
Name and details of policy, strategy, function, project, activity, or programme	<p>Renewal of the Council's Statement of Gambling Principles</p> <p>Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of gambling principles that they propose to apply in exercising their functions under the Act during three year period to which the gambling policy applies.</p> <p>A Statement of Principles provides advice and guidance to local authorities when exercising their functions under the Act. The Policy also provides guidance to applicants and objectors.</p> <p>The Council's current Statement of Gambling Principles 2009 took effect in January 2010, The draft revised Statement of Gambling Principles 2013 is our third and must be published at least 28 days before it comes into effect in January 2013.</p> <p>The Licensing team is responsible for enforcing licensing legislation and to promote the three licensing objectives which are;-</p> <ul style="list-style-type: none"> ▪ Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime; ▪ Ensuring that gambling is conducted in a fair and open way; and ▪ Protecting children and other vulnerable persons from being harmed or exploited by gambling.

	<p>If the proposed policy is to be considered for adoption, a formal consultation will take place between 30th April 2012 and 23rd July 2012. After this consultation period the policy will need to be taken to Full Council for a decision on whether or not to adopt.</p> <p>UPDATED 30/04/2012</p> <p>The renewed gambling policy went out for formal consultation today 30/04/2012. The consultation closes on the 23rd July 2012 and after this point the EQIA will be updated and completed before the report goes to Full Council on the 24/10/2012</p> <p>UPDATED 03/08/2012: A total of 13 consultees responded to the consultation and the equalities data has been analysed within the individual protected characteristics.</p>
Lead Officer	<p>Name: Adrian Overton Position: Licensing Officer Email: adrian.overton@lbhf.gov.uk Telephone No: 020 8753 3081</p>
Date of completion of final EIA	<p>Start date for draft EQIA –March 2012</p> <p>Updated – 30th April 2012</p> <p>Completion date for the draft EQIA – October 2012</p>

Section 02	Scoping of Full EIA
Plan for completion	<p>The Council's statement of gambling principles expires in January 2013. To ensure that a revised policy is approved by a full committee on the 24th October 2012 a 12 week consultation will need to commence in April 2012. Before the policy is put out for a public consultation a questionnaire is intended to be circulated to responsible authorities to see what changes they would like to see in the revised policy. This questionnaire is due to be sent out in March 2012 giving consultees 4 weeks to respond. The results of the questionnaire will form basis of the 12 week consultation.</p>

	<p>Timing: A questionnaire will be sent to responsible authorities in March 2012 . We will use the results of the questionnaire to create a draft policy which will be subject to a the full consultation which starts in April 2012. Taking into account the information received during the consultation period the draft policy will be amended for members consideration at Full Council meeting in October 2012</p> <p>Resources: Officer time</p> <p>Lead Officer: Adrian Overton (Licensing Officer)</p>
<p>What is the policy, strategy, function, project, activity, or programme looking to achieve?</p>	<p>Aim: To seek views on the proposed policy. If the proposed policy is adopted, it would allow the Licensing Authority to consider all gambling application in line with the revised policy. The Policy would also be used by residents and businesses when making or objecting to an application.</p> <p>Objective: Once approved, the statement of Gambling Principles will be the key document which the Licensing Committee will use to assist in the determination of applications under the new regime.</p> <hr/> <p>Public Sector Equality Duty</p> <p>The public sector equality duty (PSED) states that in the exercise of our functions, we must have due regard to the need to:</p> <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment, and victimisation and other conduct that is prohibited under the Act. • Advance equality of opportunity between people who share a protected characteristic and those who do not; and • Foster good relations between people who share a protected characteristic and those who do not. <p>Having due regard for advancing equality involves;</p> <ul style="list-style-type: none"> • Removing or minimising disadvantages suffered by people due to their protected characteristics; • Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and

- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Equality Act 2010 states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

Assessment

If the Policy is adopted, it will affect businesses, residents, responsible authorities, trade representatives, and other stakeholders

The Policy is assessed against the protected characteristics. L/M/H suggests a low, medium and high relevance to equality, and '+' '-' 'N' suggests whether it is positive, negative, or neutral.

Age	<p>The overall aim of the policy is to ensure that all gambling premises promote the licensing objectives. These objectives, which include protecting children and other vulnerable people from harm along with preventing gambling from being a source or crime or associated with crime, are in the interest of all age groups in the borough.</p> <p>In relation to the consultation, the authority follows government issues guidance and will consult statutory and non statutory consultees which include the Area Child Protection Committee and the Councils Trading Standards Team.</p> <p>The Borough profile shows that 62% of residents in the borough are aged between 25 – 64.</p> <p>03.08.12: 75% of the consultees during the formal consultation were from persons aged 25 -64. 15% of the consultees were aged between 60 – 75+. This was inline with the borough profile.</p>	H	+
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	Disability	<p>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.</p> <p>Licensed Premises are reminded of the duties imposed by the Disability Discrimination Act 1995, which requires that any person providing a service to the public must make reasonable adjustments to enable disabled people to access the service</p> <p>03.08.12: Of the 13 respondents 8% (1) person stated that they have a disability which limits their daily activities or the work they can do. 61% (8) of people advised that they did not have a disability and 31% (4) people did not answer the question.</p>	L	NE
	Gender reassignment	<p>Gender reassignment is the process of transitioning from one gender to another.</p> <p>The proposed policy has not, so far, emerged as relevant to this protective characteristic. The policy aims are in relation to the promotion of the licensing objectives and as such protects all gender groups. Therefore the policy will not have an impact on gender reassignment.</p> <p>The survey did not consult on this protected characteristic so no further data analysis can be made. Inferences cannot be made of those consultees who chose not to answer the gender question.</p> <p>03.08.12 : The analysis of the final comments section in the survey did not contain any comments in relation to this protected characteristic.</p>	L	NE
	Marriage and Civil Partnership	<p>Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partnerships must be treated the same a married couples on a wide range of legal matters.</p> <p>The law does not require public authorities to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or</p>	L	NE

		<p>civil partnership status.</p> <p>The policy aims are in relation to the promotion of the licensing objectives and as such protects all groups. The policy therefore will not have an impact on marriage and civil partnership.</p> <p>The survey did not consult on this protected characteristic so no further data analysis can be made.</p> <p>03.08.12: The analysis of the final comments section in the survey did not contain any comments in relation to this protected characteristic.</p>		
	Pregnancy and maternity	<p>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.</p> <p>The policy aims are in relation to the promotion of the licensing objectives and as such protects all groups. The policy therefore will not have an impact on Pregnancy and Maternity.</p> <p>The survey did not consult on this protected characteristic so no further data analysis can be made.</p> <p>03.08.12: The analysis of the final comments section in the survey did not contain any comments in relation to this protected characteristic.</p>	L	NE
	Race	<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.</p> <p>03.08.12 The majority of the people who responded to the consultation indicated their race as 'White' - 77%. 8% stated they were mixed race and 8% stated that they were from another ethnic group. This is consistent with the 2001 census</p>	L	NE

		<p>which shows that 78% of Hammersmith and Fulham's residents are white. (2011 data in relation to ethnic groups is not released until November 2012)</p> <p>The Borough is very diverse and many premises are licensed by different ethnic groups. For this reason the Policy was written using 'Plain English' A question was put to the consultees as to whether they felt the Policy was clearly written and easy to understand - 69% said it was. The remaining 31% did not answer the question.</p>		
	Religion/belief (including non-belief)	<p>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 effect your life choices or the way you live for it to be included in the definition.</p> <p>The policy aims are in relation to the promotion of the licensing objectives and as such protects all groups. The policy therefore is unlikely to have an impact on Religion/belief (including non belief)</p> <p>03.08.12 - 77 % (10) people responded to the religion question in the consultation. 54 % (7) people said they did not have a religion. 15% (2) said they were Christian and 8 % (1) said they were Jewish.</p>	L	NE
	Sex	<p>Sex means a man or a woman</p> <p>The policy aims are in relation to the promotion of the licensing objectives including preventing gambling from being a source of Crime and Disorder, protecting children and vulnerable people and ensuring that gambling is conducted fairly and as such protects all groups.</p> <p>03.08.12 Sex is not referred to in the Policy however the survey results showed the majority of responses (54% - 7) were from female consultees with 15% (2) from males. 31% (4) did not answer the question. This follows the same trend as the 2011 census which recently revealed that there were now more females than males in the borough - 51% to 48%</p>	M	+

		There was no direct relationship with a particular sex group and those who were against the policy in the consultation results.		
	Sexual Orientation	<p>Sexual orientation means whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes</p> <p>The policy aims are in relation to the promotion of the licensing objectives including protection of Public Safety, prevention of Crime and Disorder, and the prevention of public nuisance and as such protects all groups. The policy therefore will not have an impact on Sexual Orientation.</p> <p>The survey did not consult on this protected characteristic so no further data analysis can be made.</p> <p>03.08.12: The analysis of the final comments section in the survey did not contain any comments in relation to this protected characteristic.</p>	L	NE
<p>Human Rights and Children's Rights</p> <p>The Policy will not affect human rights as defined by the Human Rights Act 1988</p> <p>The Policy will not affect Children's Rights, as defined by the UNCRC (1992)</p>				

Section 03	Analysis of relevant data and/or undertake research
Documents and data reviewed	<p>The following documents and data were reviewed;</p> <ul style="list-style-type: none"> • Statement of Gambling Policy 2009 • EQIA for the Gambling Policy 2009 • Corporate Plan • Hammersmith and Fulham Borough Profile 2010 • Feedback from Responsible Authorities and Interested parties

	<ul style="list-style-type: none"> • The knowledge, technical advice, expertise and experience of the people assisting in the completion of the EIA. • LACORs Best Practice Framework for the Review of Licensing Policy Statements • The guidance issued under Section 25 of the Gambling Act 2005 • 2001 and 2011 census data
New research	None

Section 04	Undertake and analyse consultation
Consultation	<p>In relation to the consultation, the authority follows government issues guidance and will consult responsible authorities which include;</p> <ul style="list-style-type: none"> ▪ The Chief officer of Police for the authorities area ▪ One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authorities area ▪ One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authorities functions under this Act. <p>In addition to the statutory consultees, the following will also be consulted;</p> <ul style="list-style-type: none"> ▪ Businesses, Trade and Residents' associations ▪ Fire authority ▪ Ward councillors ▪ Neighbouring authorities ▪ Drug and alcohol action team ▪ Crime and disorder reduction partnership ▪ Other relevant people who could be affected by this policy (via a 12 week online consultation

	<p>The 12 week consultation will take place between 30th April 2012 and the 23rd July 2012. A letter will be sent to all gambling premises and residents associations which will direct them to an online consultation. The online consultation web site address will be emailed to all responsible authorities, Councillors and stakeholders. The consultation will include the draft revised statement of Gambling Principles 2013 together with a questionnaire. Those consultees who are unable to complete the questionnaire on-line will be provided with a postal questionnaire with a self addressed envelope.</p> <p>A draft pool of conditions will also be sent to all responsible authorities, residents associations and Councillors separately to the Policy on the 2nd July 2012</p> <p>The consultation findings will be analysed and detailed at the end of the proposed formal consultation in a revised EIA and in recommendations to members.</p> <p>03.08.12: The formal consultation went ahead as detailed above, the analysis of which has been detailed below. There were no comments made in relation to equality during the consultation period.</p>
<p>Analysis</p>	<p>We received a total of 13 responses from residents and residents associations which in comparison to the number of consultees consulted, showed a poor response. However the Policy was last consulted upon in 2009 and this consultation was on the review of the Policy where the majority of the revised Policy remained unchanged. This may explain the reason for the small number of responses.</p> <p>Although there were a small number of responses they did appear to reflect an accurate cross section of Hammersmith and Fulham residents with 54% being from women and 77% of responses coming from 'white' residents.</p> <p>There were two responses from responsible authorities - the Police and Environmental Protection. The responses were supportive of the changes to the policy and asked for extra conditions to be added to the Policy. Environmental Protection asked for a number of conditions to be included which not relevant to the three licensing objectives so these could not be added to the pool of conditions. Several Police conditions were added, these have been outlined in section 7.</p> <p>The overall responses were positive with the main area of change showing positive feedback;</p> <ul style="list-style-type: none"> • 61% of residents were in favour of a pool of conditions being added to the policy. • 76% of local residents were in favour of the Council's 'no casino' resolution.

	<p>The Policy will be amended to included the additional pool of conditions.</p> <p>The consultation was useful in that it provided feedback on the interpretation of the Policy by a range of groups from Residents, Councillors, Businesses, Responsible Authorities, Representative Bodies and other organisations and groups.</p>
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Section 05	Analysis of impact and outcomes
Analysis	<p>See Section 4. There is no evidence of lawful and/or unlawful discrimination.</p> <p>03.08.12: There is no further evidence of lawful and/or unlawful discrimination.</p>

Section 06	Reducing any adverse impacts
Outcome of Analysis	<p>Following the consultation and assessment of the results we have taken specific actions as detailed in section 4 to reduce any adverse impacts and remove or mitigate against the risk of unlawful discrimination.</p>

Section 07	Action Plan			
Action Plan	<p>Following Consultation the following changes were made.</p> <p>The table below details the further changes adopted from the suggestions made by our consultees. These changes have been inserted in the Final Policy;</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <p>Consultees Comments</p> <p>The Police suggested that extra conditions should be added to the current pool of conditions.</p> <p>They also suggested that one of the conditions currently included in the pool of conditions (in</p> </td> <td style="vertical-align: top; width: 50%;"> <p>Further Changes to Final Statement of Gambling Policy 2013 (at Appendix 1)</p> <p>Police conditions to be added to the pool of conditions :</p> <p>Any entrance or exit doors to the premises shall remain closed at all times (i.e. not propped open)</p> </td> </tr> </table>		<p>Consultees Comments</p> <p>The Police suggested that extra conditions should be added to the current pool of conditions.</p> <p>They also suggested that one of the conditions currently included in the pool of conditions (in</p>	<p>Further Changes to Final Statement of Gambling Policy 2013 (at Appendix 1)</p> <p>Police conditions to be added to the pool of conditions :</p> <p>Any entrance or exit doors to the premises shall remain closed at all times (i.e. not propped open)</p>
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relation to electronic doors locks) was included in all new licence applications. As the Police are a responsible authority it was felt that the best way to achieve this was for the condition to be requested from the pool of conditions when a new application was made.

Extra conditions were proposed by Environmental Protection. These conditions were not felt to be relevant to the three licensing objectives as they focused on Public Nuisance. However some of the conditions suggested were already touched on in the pool of conditions within the door supervisors section. Residents felt that more should be done to limit the number gambling premises in the borough which it was felt contribute to noise and anti social behaviour

A panic button shall be installed behind a counter or service area in the premises. This button should alert the Police to any incident taking place at the premises.

Lone working is not permitted in the premises at any time

No changes.

No changes. However there are conditions included in the pool of conditions which can restrict the opening hours of licence premises and request that door supervisors are employed at the premises. These conditions, when requested by responsible authorities should help control these issues.

Section 08	Agreement, publication and monitoring
Chief Officer sign-off	Name: Sanju Manji Position: Trading Standards and Licensing Manager Email: sanju.manji@lbhf.gov.uk Telephone No: 020 8753 3905
Key Decision Report	Date of report to Cabinet/Cabinet Member: 17 th September 2012 Confirmation that key equalities issues found here have been included: Yes
Opportunities Manager for advice and guidance only	Name: Carly Fry Position: Opportunities Manager Date advice / guidance given: 17.09.2012 Email: PEIA@lbhf.gov.uk Telephone No: 020 8753 3430