

LICENSING PANEL

TUESDAY, 19TH APRIL, 2022

At 6.00 pm

In the

GREY ROOM - YORK HOUSE, WINDSOR AND ON [RBWM YOUTUBE](#)

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
5.	<u>DEALING WITH THE NIGHT TIME ECONOMY</u> To receive the above report.	3 - 24

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Report Title:	Dealing with the Night Time Economy – Licensing Options
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor D Cannon, Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection
Meeting and Date:	Licensing Panel 19 April 2022
Responsible Officer(s):	Tracy Hendren, Head of Housing, Environmental Health and Trading Standards
Wards affected:	All

REPORT SUMMARY

Since October 2021 a RBWM officer working group has been looking at the problems and issues raised by the very busy Night Time Economy (NTE) in Windsor, and what the Council's options are for dealing with them.

There are three optional statutory provisions available under licensing legislation and the group has been considering these.

This report sets out what those options are so that Members on the Licensing Panel are fully informed of the details and the pros and cons of each option, seeks any initial comments, suggestions or preferences that Members may have, and recommends next steps.

If any of the potential options are implemented they would support the Thriving Communities and Inspiring Places objectives set out in the RBWM Corporate Plan 2021-2026. This will be considered in more detail if and when implementation is decided upon.

1. DETAILS OF RECOMMENDATION

RECOMMENDATION: That the Licensing Panel notes the report and:

- i) **delegates authority to the Head of Housing, Health and Trading Standards, in consultation with the Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection, to determine what the costs are for independent expert research into the three statutory licensing options discussed in this report whilst looking at all RBWM options to see if it could be done within existing budgets and in-house capabilities**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1 : Options arising from this report

Option	Comments
<p>The Licensing Panel delegates authority to the Head of Housing, Health and Trading Standards, in consultation with the Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection, to determine what the costs are for independent expert research into the three statutory licensing options discussed in this report whilst looking at all RBWM options to see if it could be done within existing budgets and in-house capabilities</p> <p>This is the recommended option</p>	<p>This will allow decisions to be made as to how the statutory provisions can be fully evaluated</p>
<p>The Licensing Panel directs that some other form of research and consultation process be carried out, or that other options for dealing with the NTE in Windsor are considered</p>	<p>There are no other statutory licensing options available</p>
<p>The Licensing Panel agrees to take no further action in relation to the NTE in Windsor</p>	<p>The long term problems with the Windsor NTE will continue with no strategic plan to deal with them from a licensing perspective</p>

- 2.1 The Night Time Economy (NTE) in Windsor has historically been extremely busy, attracting thousands of visitors to the various bars and nightclubs located in the area, particularly at weekends. Maidenhead and Ascot also have a number of late night venues.
- 2.2 In Windsor, having so many venues in a relatively small area, with the late hours and the associated intake of alcohol, has meant that during dispersal at the end of the evening the streets are very busy with boisterous and noisy people. This can sometimes lead to antisocial behaviour, littering and crime and disorder which have to be dealt with, and this has an obvious effect on local residents.
- 2.3 The NTE venues were largely closed during the pandemic and so the associated problems fell away. They are now fully reopened, and since the reopening the problems encountered in the past have restarted. This brings challenges primarily for Thames Valley Police (TVP) but also for RBWM services such as Licensing, Community Safety, Planning, Environmental Protection, Waste and Parking.
- 2.4 All of these RBWM services have limited resources and so, whilst RBWM does work closely with its partners such as TVP, in October 2021 a RBWM officer working group was set up at the request of the Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection to review collaborative working across these RBWM services to ensure they are working together to the best effect to deal with the problems of the NTE.

- 2.5 This report looks specifically at the licensing options above and beyond routine inspection and enforcement activity. There are three optional statutory provisions that licensing authorities, such as RBWM, could adopt, these are
- a Late Night Levy
 - a Cumulative Impact Assessment, and
 - an Early Morning Alcohol Restriction Order

Late Night Levy

- 2.6 The late night levy ('the levy') was introduced by the Police Reform and Social Responsibility Act 2011, sections 125 to 139.
- 2.7 The levy enables licensing authorities to raise a contribution from late-opening premises licenced to supply alcohol towards policing the night time economy. It must cover the whole of the licensing authority's area. However, the licensing authority will choose the period during which the levy applies (it must be between 00.00 and 06.00) and decide what exemptions and reductions should apply from a list set out in regulations.
- 2.8 If a licensing authority chooses to introduce the levy in their area, all licenced premises which are authorised to supply alcohol in the levy period (ie the hours during which the levy will apply, set by the licensing authority) will be affected, whether or not they actually open during the levy period.
- 2.9 Premises that do not wish to operate in the levy period will be able to make a free minor variation to their licence before the levy is introduced to change their hours, and so take them out of the period covered by the levy.
- 2.10 Licensing authorities have the discretion to offer an exemption from the levy to the following categories of premises and schemes:
- Premises with overnight accommodation
 - Theatres and cinemas
 - Bingo halls
 - Community Amateur Sports Clubs
 - Community premises
 - Country village pubs
 - Business Improvement Districts ('BIDs')
- 2.11 The amount of the late night levy is set at a national level. The charge is calculated according to the rateable value of the premises (which is how the existing annual licence fee is determined) and the levy charge would be collected alongside the annual licence fee. The charges are set out at Appendix B.
- 2.12 Work is currently being done on estimating the amount of money that a levy would raise in RBWM, depending on the hours during which the levy would apply. For example the levy could be set to apply to all premises open between 00.00 and 06.00, but this might be unfair to those located away from, and therefore not part of the problems caused by, the NTE. The levy could therefore be set later, for example from 02.00 to 06.00, but this would reduce the number of premises to which it applies and so would reduce the amount of money raised.

- 2.13 The police must receive at least 70% of the net levy revenue and the licensing authority can retain up to 30% of the net levy revenue to fund other activities besides policing. However there are restrictions on the types of services that licensing authorities can fund with the levy revenue to ensure that levy is spent on tackling alcohol-related crime and disorder and services connected to the management of the night-time economy.
- 2.14 The licensing authority will be able to deduct administration, collection and enforcement costs from the gross levy revenue.
- 2.15 The obvious drawback to the levy is that it would apply to all licenced premises in RBWM other than the limited exemptions listed above (there was a move to allow licensing authorities to limit the levy to certain areas under the Policing and Crime Act 2017 but the relevant section, 142, has not yet come into force).
- 2.16 This would be seen as extremely unfair on those premises which are not part of the Windsor and Maidenhead NTE, or who may never have been the cause of any complaints or disturbances, and so this would likely lead to considerable protest and potential reputational damage.
- 2.17 If the levy was restricted only to those open very late, for example after 02.00, then the number of premises to which it applies might be so small that it would not be economic to impose the levy.
- 2.18 Work is being done to establish how much might be raised by a levy in RBWM depending on the hours during which it would apply. Figures are being drawn up for the following times, along with the premises that would be affected in each case;
- from 00.00 to 06.00
 - from 01.00 to 06.00
 - from 02.00 to 06.00
 - from 03.00 to 06.00
- 2.19 This will then be included in wider research required once the costings included in the recommendation of this report have been determined.
- Early Morning Alcohol Restriction Order (EMRO)**
- 2.20 EMROs were introduced by the Licensing Act 2003 (as amended by the Police Reform and Social Responsibility Act 2011) sections 172A to 172E.
- 2.21 An EMRO allows a licensing authority to set a time, between 00.00 and 06:00, during which alcohol cannot be sold or supplied in licenced premises in a specified area. The licensing authority can do this if it feels it is appropriate to do so to promote the four licensing objectives of the Licensing Act 2003 which are;
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.22 The premises would not have to close at this time or cease other regulated entertainment. However it would have to stop serving alcohol, irrespective of

the hours that the premises has for the serving of alcohol on its premises licence.

- 2.23 For example, an EMRO could require that premises in a specified area stops serving alcohol between 02.00 and 04.00, whilst allowing it to remain open to continue with other regulated entertainment such as live music.
- 2.24 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to any specific premises (which could be dealt with individually).
- 2.25 An EMRO can apply to any specific days, periods, specific areas or even a single street specified in the EMRO, but it will not apply on New Year's Eve into New Year's Day. There are no exemptions to an EMRO other than the supply of alcohol to residents in premises with overnight accommodation.
- 2.26 Since the power to introduce EMROs was created in 2012, not a single one has been introduced by a licensing authority in England and Wales. Each time the power has been considered it has been rejected. This was for a variety of reasons, including the consultation and impact assessments not being robust enough, but ultimately there has never been a case where the evidence was sufficient to demonstrate that the stopping of the sale of alcohol in any given area was justified and proportionate, given the likely effect it would have on the premises affected.
- 2.27 The use of EMROs has been briefly considered by RBWM in the past. The Licensing Panel meeting of Monday 29 April 2013 heard that a local TVP inspector was gathering evidence to see what was possible in this respect, and that Norwich City Council were considering an EMRO.
- 2.28 The Panel resolved unanimously "That the Licensing Team be asked to investigate further the possibility of introducing an EMRO into any particular part of the Royal Borough." It is known that Norwich City Council decided against introducing an EMRO and it would appear that no further action was then taken in RBWM.
- 2.29 In two recent premises licence applications for nightclubs in RBWM, the applicants stressed how essential it was for them to be licenced until 03.00 or 04.00. They strongly argued that if they were required to close at 02.00 they would simply not be profitable and so could not operate if restricted to that time. If this is accepted as accurate then it is possible that the introduction of an EMRO in Windsor town centre would mean the closing of some or all late night venues and the end of the NTE as we know it.
- 2.30 Whilst some may regard this as a good outcome, it would have a severe economic impact on the town, a reduction in jobs, the removal of a very popular leisure facility for younger people and a change in the offer that Windsor provides to visitors. Other sectors such as hackney carriage and private hire drivers, and late night take-aways, would also be severely affected with the resulting reduction of licensing income to RBWM.

- 2.31 Another aspect to consider would be that, if an EMRO was introduced to cover premises in the Windsor NTE, for example between 02.00 and 04.00, they would either have problems with customers bulk buying alcohol just before 02.00, which would be extremely difficult for them to manage, or they would simply close and all empty out at around the same time, just after 02.00. This would mean the streets would be very crowded with a high risk of crime and disorder and anti-social behaviour.
- 2.32 Any attempt to introduce an EMRO would be fiercely resisted and the licenced premises in Windsor would employ the leading specialist licensing lawyers to fight it. Even if an EMRO was then introduced, there would still be the possibility of a judicial review to challenge the process and the outcome.
- 2.33 The questions that need to be answered in respect of an EMRO are
1. Is there likely to be sufficient compelling evidence to support the need for an EMRO in Windsor town centre,
 2. If there is, would the Council still want to take this step which would fundamentally change the NTE in Windsor, with all of the economic and socio-economic effects that would follow, and which would be fiercely resisted by the trade and likely be challenged up to and including a judicial review

The answer to question 1 is likely to be “no”. Whilst only a wide, robust and detailed consultation and risk assessment process would provide the answer for certain, the fact that no EMROs have been introduced in England and Wales since they were introduced in 2012 suggests that they do not provide the answer to alcohol related problems and so should not be pursued by RWBM.

Cumulative Impact Assessment

- 2.34 This was introduced by section 5A of the Licensing Act 2003 (as amended by the Policing and Crime Act 2017).
- 2.35 The cumulative impact of licenced premises is the potential impact on the promotion of the four licensing objectives of the Licensing Act (see 2.21 above) of a number of licenced premises concentrated in one area. For example, in some areas where the number, type or density of licenced premises, such as those selling alcohol or with late operating hours, is high or exceptional, serious problems of nuisance and crime and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 2.36 A Cumulative Impact Assessment (CIA) may be drawn up and published by a licensing authority to help it to limit the number or types of licence applications granted in such areas after the assessment has been carried out. It must include a statement saying that the licensing authority considers that the number of premises licences in one or more parts of its area is such that it is likely that granting further licences would be inconsistent with the authority’s duty to promote the four licensing objectives.
- 2.37 When publishing a CIA a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licenced premises in the area described, and so a CIA must be supported by a

wide, robust and evidence based consultation with the trade, the police, local residents and all other stakeholders and partners.

- 2.38 This evidence gathered and the conclusions drawn are then used to justify a statement in the CIA that it is likely that granting further premises licences and/or club premises certificates in that area would be inconsistent with the authority's duty to promote the licensing objectives.
- 2.39 However it must be noted that there is no action that the licensing authority can take in respect existing premises licences when a CIA is produced. Their hours cannot be reduced or their conditions altered. In publishing a CIA, all a licensing authority is doing is setting down a strong statement of intent about its approach to considering applications for the future grant or variation of premises licences or club premises certificates in the area described.
- 2.40 This does not mean that all future applications for new premises licences will be refused or that all future applications to vary an existing licence will be refused. All applications are still to be treated on their own merits. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule of the licence being applied for that they would not be adding to the cumulative impact of licenced premises in the area.
- 2.41 Members will recall that the Licensing Panel meeting of 20 April 2021 agreed to recommend to Full Council that an interim RBWM Licensing Policy Statement 2021 – 2026 be adopted. The interim nature of this Policy being caused by the inability to consult with the licenced trade due to COVID.
- 2.42 Paragraph 4.5 of the Policy includes
"It is the intention of RBWM Licensing to undertake such a Cumulative Impact Assessment once it is possible to take place."
- 2.43 As has been mentioned, when publishing a CIA a licensing authority is required to set out the evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area described, and so a CIA must be supported by a wide, robust and evidence based consultation with the trade, the police, local residents and all other stakeholders and partners.
- 2.44 However the effects of COVID are such that reliable extant data may not be available at this time to support any major changes to RBWM licensing policy, particularly a cumulative impact assessment. All figures for crime and disorder and anti-social behaviour in the NTE from March 2020 to the reopening of the night time sector in July 2021 will be close to zero, and therefore unable to support or justify a CIA, or indeed a late night levy or an early morning alcohol restriction order, at this time.
- 2.45 On the other hand, since reopening, the Windsor NTE has been exceptionally busy and incidents of antisocial behaviour and crime and disorder are being reported. This suggests that all options for a long term strategic solution should be examined, in conjunction with TVP and all other partners.
- 2.46 The consultation, research and data analysis that would be required to provide robust, convincing, and, if necessary, legally sound conclusions supporting

any of the options discussed in this report are beyond the scope of the Licensing team, and possibly any existing RBWM team. Consideration must therefore be given to providing resources to engage external independent expertise to carry out the necessary research and provide conclusions and recommendations. This would also ensure that conclusions reached are independent and impartial.

- 2.47 Legal advice obtained in the writing of this report stresses that for policy to be safely changed to restrict the night time economy in a manner that may result from any of the options set out herein would have to be supported by detailed, independent and balanced research and evidence that not only looked at the arguments for a more restrictive approach, but also (to ensure that our legal duties, in terms of our overriding duty to act reasonably) that carefully balances the requirement for any policy changes to take place and takes into account the considerations of all interested parties.
- 2.48 This is why this report recommends that the costs of independent expert research into three statutory licensing options discussed in this report are established and then next steps can be decided.
- 2.49 In the meantime the Licensing team can carry out the required consultation with the trade on the RBWM Licensing Policy Statement 2021 – 2026 and bring forward any required changes to the Policy that result.

3. KEY IMPLICATIONS

- 3.1 Whilst adopting any of the three statutory licensing provisions discussed in this report could potentially be momentous, at this stage only the costs of the research, consultation and analysis are being considered. That being the case, there are no key implications at this stage.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 If the recommendation is agreed, the costs involved in commissioning an external body to carry out the research will be determined and where that funding will come from, if necessary.

5. LEGAL IMPLICATIONS

- 5.1 As stated in 3.1, above, adopting any of the three statutory licensing provisions discussed in this report could potentially be momentous, but at this stage there are no legal implications as we are simply exploring the costs of the statutory options available to licensing authorities.
- 5.2 However, legal advice obtained in the writing of this report highlights the fact that Members will be aware of the significant costs involved when the Council is judicially reviewed. That being the case caution must be exercised around Council finances knowing that many parts of the NTE may well have significant financial reach and be minded to challenge the Council in this way.

6. RISK MANAGEMENT

- 6.1 Any potential risks associated with the options discussed in this report will be identified in the recommended costings of the required research. They can therefore be brought to a future Panel's attention for consideration.

7. POTENTIAL IMPACTS

- 7.1 Equalities. A screening Equality Impact Assessments can be found at Appendix A.
- 7.2 Climate change/sustainability. There are no climate change or sustainability impacts.
- 7.3 Data Protection/GDPR. No personal data is being processed as a result of this report.

8. CONSULTATION

- 8.1 Recommendation (i) will result in there being a comprehensive consultation with all parties at the appropriate time

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The full implementation stages are set out in table 2.

Table 2: Implementation timetable

Date	Details
05/07/2022	This is a scheduled Licensing Panel meeting – an update will be provided on Recommendation (i), if agreed

10. APPENDICES

- 10.1 This report is supported by two appendices:

- Appendix A - EQIA
- Appendix B - Late Night Levy Charges

11. BACKGROUND DOCUMENTS

- 11.1 There are no background documents:

12. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	6/4/22	7/4/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	4/4/22	
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	6/4/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	4/4/22	12/4/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	4/4/22	6/4/22
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to award, vary or extend a contract</i>			
Lyn Hitchinson	Procurement Manager	6/4/22	6/4/22
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive		
Andrew Durrant	Executive Director of Place		
Kevin McDaniel	Executive Director of Children's Services		
Hilary Hall	Executive Director of Adults, Health and Housing	4/4/22	7/4/22
<i>Heads of Service (where relevant)</i>			
Tracy Hendren	Head of Housing, Environmental Health and Trading Standards	4/4/22	4/4/22
<i>External (where relevant)</i>			
Confirmation relevant Cabinet Member(s) consulted	Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection Councillor Bhangra, Licensing Panel Chairman	Yes Yes	

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Licensing Panel decision	No	No

<p>Report Author: Greg Nelson Trading Standards & Licensing Manager 07970 446 426 greg.nelson@rbwm.gov.uk</p>

Appendix A - EQIA - Attached

Appendix B

Late Night Levy Charges

Rateable value bands	Annual levy charge
A: no rateable value - £4 300	£299
B: £4 301 - £33 000	£768
C: £33 001 - £87 000	£1 259
D: £87 001 - £125 000*	£1 365
E: £125 001 and above**	£1 493

A multiplier is applied to premises in Band D and E that primarily or exclusively sell alcohol for consumption on the premises. This will ensure that larger clubs and bars make a higher contribution towards the levy;

- The multiplier would take D x 2 to £2,730 *
- The multiplier would take E x 3 to £4,479 **

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Dealing with the Night Time Economy – Licensing Options

Essential information

Items to be assessed: (please mark 'x')

Strategy	x	Policy		Plan		Project		Service/Procedure	
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Responsible officer	Greg Nelson	Service area	Trading Standards & Licensing	Directorate	Adults, Health and Housing
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Stage 1: EqIA Screening (mandatory)	Date created: 31/03/2022	Stage 2 : Full assessment (if applicable)	n/a
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Tracy Hendren

Dated: 04/04/2022

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Dealing with the Night Time Economy – Licensing Options

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Dealing with the Night Time Economy – Licensing Options

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

The ultimate aim of the strategy is to decide which, if any, optional statutory licensing provisions will be adopted by RBWM to deal with problems caused by the Night Time Economy (NTE) in Windsor Town Centre.

There are three options available, being a late night levy, an early morning alcohol restriction order and a cumulative impact assessment.

However, this is only an introductory report setting out the details of the options available for discussion by and guidance from Members. No final decision as to which of the options might be adopted can be taken at this stage as there will be considerable research and consultation to be done first.

When such research and consultation has been completed (if agreed by Members), then decisions can be made as to which, if any, of the statutory options might be adopted. Part of that research will be the potential impact of the statutory option/s adopted on people with protected characteristics, and that can then be included in a comprehensive EQIA of any resulting proposals to adopt statutory licensing provisions.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Dealing with the Night Time Economy – Licensing Options

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not Relevant			As explained in 1.1, above, this report is an introductory report setting out details of options available to Members. Any decision they make will lead to considerable research and consultation being carried out which will include the potential impact of any statutory option/s being adopted on people with protected characteristics
Disability	Not Relevant			As above
Gender re-assignment	Not Relevant			As above
Marriage/civil partnership	Not Relevant			As above
Pregnancy and maternity	Not Relevant			As above
Race	Not Relevant			As above
Religion and belief	Not Relevant			As above
Sex	Not Relevant			As above
Sexual orientation	Not Relevant			As above

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Dealing with the Night Time Economy – Licensing Options

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	Not at this stage	Greg Nelson	n/a
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Dealing with the Night Time Economy – Licensing Options

Stage 2 : Full assessment

2.1 : Scope and define

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

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2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Dealing with the Night Time Economy – Licensing Options

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

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2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

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Eliminate discrimination, harassment, victimisation

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Dealing with the Night Time Economy – Licensing Options

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Dealing with the Night Time Economy – Licensing Options

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Dealing with the Night Time Economy – Licensing Options

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.

These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

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