

## Summary: Intervention & Options

<b>Department /Agency:</b> ■ Department of Culture, Media and Sport	<b>Title:</b> ■ Impact Assessment for proposals to amend the list of relevant offences in schedule 4 of the Licensing Act 2003.	
<b>Stage:</b> Consultation	<b>Version:</b> 1.3	<b>Date:</b> 07/10/2009
<b>Related Publications:</b>		

Available to view or download at:

<http://www.>

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### What is the problem under consideration? Why is government intervention necessary?

The Government would like to consult on amending the list of 'Personal licence: relevant offences' in Schedule 4 to the Licensing Act 2003 ("the 2003 Act"), which result in an individual's application for a personal licence being considered against the crime prevention objective by the police. The current sections of the Act relating to relevant offences are working well but following representations from enforcement stakeholders, it was brought to our attention that there are several offences not currently included that there is good reason to include. We are consulting on whether certain offences should be added to the list and whether any should be taken away.

### What are the policy objectives and the intended effects?

Having examined requests from key enforcement partners, the Government believes that there are some offences that should be included in the list of relevant offences in the Act but which aren't currently included. The Government agrees that an application for a personal licence submitted by a person with an unspent conviction for one or more of the proposed offences should be more carefully scrutinised than that of other applicants. There may also be some offences included in the list that are either little used, considered outdated, or not directly relevant to a person's suitability to hold a personal licence.

### What policy options have been considered? Please justify any preferred option.

The Government has explored which offences to include with relevant stakeholders. We have only included those that satisfy tests identified below in order to establish if offences are appropriate to be included in schedule 4. Broadly speaking, the tests are that the offence is relevant to carrying out the duties of a personal licence holder; that there is evidence that supports including the offence; and that they are of a similar nature and gravity as the existing relevant offences. For the most part, we have added the corresponding offences for 'conspiracy' and 'attempt' (where appropriate) to the offences currently in the list. We are also proposing that the offences for failing to cooperate with a preliminary test under section 6(6) of the Road Traffic Act 1988 be included as this is a notable omission. See Annex B for a full list of proposed offences.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

We will review the actual costs and benefits of the proposals three calendar years after implementation (subject to Parliament) if necessary and appropriate.

**Ministerial Sign-off** For Consultation Stage Impact Assessments:

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible Minister:

..... Date:

## Summary: Analysis & Evidence

**Policy Option: Relevant Offences**

**Description: Proposed amendments to schedule 4 of the Licensing Act 2003.**

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups' The proposals will only affect a small number of individuals, so the cost to businesses will be marginal. It has not been possible to obtain data of how many people have unspent convictions for each offence and this would not provide us with a reliable basis as it is difficult to predict accurately how many of these people may apply for a personal licence in the future.
	<b>One-off</b> (Transition)	<b>Yrs</b>	
	<b>£ Marginal</b>		
	<b>Average Annual Cost</b> (excluding one-off)		
	<b>£ Marginal</b>	<b>Total Cost (PV)</b>	<b>£ Marginal</b>
Other <b>key non-monetised costs</b> by 'main affected groups': N/A			

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups' Other <b>key non-monetised benefits</b> by 'main affected groups': Largely social. Greater scrutiny for personal licence applicants convicted of the proposed offences helping to ensure that personal licence holders uphold / promote the licensing objectives.
	<b>One-off</b>	<b>Yrs</b>	
	<b>£ Marginal</b>		
	<b>Average Annual Benefit</b> (excluding one-off)		
	<b>£ Marginal</b>	<b>Total Benefit (PV)</b>	<b>£ Marginal</b>

**Key Assumptions/Sensitivities/Risks**

- That the number of people affected will be very small
- That there will be applications for a personal licence made by people with unspent convictions of the proposed offences in the future.

Price Base Year	Time Period Years 10	<b>Net Benefit Range</b> (NPV) £	<b>NET BENEFIT</b> (NPV Best estimate) £
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What is the geographic coverage of the policy/option?	England and Wales			
On what date will the policy be implemented?	Subject to Parliament			
Which organisation(s) will enforce the policy?	Licensing Authorities			
What is the total annual cost of enforcement for these organisations?	Marginal			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	N/A			
What is the value of the proposed offsetting measure per year?	£ n/a			
What is the value of changes in greenhouse gas emissions?	£ n/a			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro Marginal	Small Marginal	Medium Marginal	Large Marginal
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline</b> (2005 Prices)			(Increase - Decrease)		
Increase of	£ Marginal	Decrease of	£ Marginal	<b>Net Impact</b>	£ Marginal

Key: Annual costs and benefits: Constant Prices (Net) Present Value

## Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

### The Issue

1. The 2003 Act provides that individuals who may be engaged in making and authorising the sale of alcohol require a personal licence. This is because such a person has a large responsibility and a potential impact on crime and anti-social behaviour. Not every person retailing alcohol at a premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must at least be authorised by such a holder. Each premises with a licence to sell alcohol must have at least one personal licence holder, but may have several.
2. The responsibility of a personal licence holder means that the application process has several requirements such as that they must possess an accredited licensing qualification and they must be over 18. They are also required to provide a criminal records check with details of any unspent convictions they have. If an applicant does have an unspent conviction for a relevant or foreign offence, then the application is examined by the police who decide whether the applicant is suitable to hold the responsibilities of a personal licence holder. An unspent conviction does not necessarily preclude a person from being granted a personal licence, but does require that they are more thoroughly scrutinised.
3. The relevant offences in Schedule 4 to the Act are included because it is felt that they are offences that are either of a serious enough nature, or in some way related to the responsibilities of a personal licence holder to mean that their application to hold a personal licence should be more thoroughly considered. See Annex A for a full list of the existing relevant offences.
4. Key enforcement partners have alerted Government to the fact that there are some offences not currently included in the list of relevant offences but which they feel should be included. The Government has discussed the suggestions and considered the implications and would like to consult on whether certain offences should be included.
5. The Government is also concerned that there may be some offences currently included which are not appropriate for inclusion in this list. This may be because they are extremely little used, outdated, or not relevant to a person's suitability to hold a personal licence. We are also consulting on whether any offences should be removed.

### Objectives and Intended Effects

6. The inclusion of additional offences is intended to tighten up the list of offences in order to make the 2003 Act more robust. The inclusion of some additional offences should achieve this. The intended effect is that the system for

applying for a personal licence has an adequate level of scrutiny and ensures that personal licence holders uphold and promote the licensing objectives.

7. On the other hand, the list of relevant offences should not contain any unnecessary or disproportionate offences as this would be against the principles of better regulation. Whilst we need to make sure that it contains all necessary protection to the public, we also believe that in order to develop a good working understanding of the offences, it should not contain any superfluous or unnecessary offences. It is important that police time is not wasted in considering offences that are not relevant to the duties of a personal licence holder. We would also not wish to deter people from applying for a personal licence unnecessarily.
8. In order to strike this balance, we have drawn up three tests to judge each proposed new offence against. These are:
  1. Is the offence relevant to carrying out the duties required of a personal licence holder?
  2. Is there evidence that there has been a problem of this offence not being included in schedule 4?
  3. Is the offence of a serious enough nature to sit comfortably with the existing offences in schedule 4?

## The Government's Proposals

9. We are consulting whether the following offences should be added to the list of Relevant Offences:
  - Failure to cooperate with a preliminary test (section 6(6) of Road Traffic Act 1988)
  - Conspiracy offences relating to offences listed in Schedule 4
  - Attempt offences relating to offences listed in Schedule 4.
10. The Government has considered the proposed offences carefully and believes they satisfy these tests and is therefore in favour of including them as Relevant Offences for the purposes of obtaining a personal licence under the 2003 Act.
11. Any offences that are added to the list of relevant offences will apply to new applications and to applications for the renewal of a personal licence. It will not affect those who already hold a valid personal licence.
12. We would also like to consult on whether there are any offences in the current list that should be removed and two areas for further consideration, persistent sales of tobacco to under 18s and offences under the Food Safety Act.
13. The Government is also minded to include the offences drunk and disorderly behavior under section 91 of the Criminal Justice Act 1967 and an unspent conviction for possession of a controlled drug under the Misuse of Drugs Act 1971.

14. We have not explicitly included a 'no change' option, but if the responses that we receive favour leaving the relevant offences as they currently stand, this option will be considered.

## Costs and Benefits

15. It has been extremely difficult to gather reliable data on which to base an accurate estimate of the costs and benefits of the proposals.
16. This is largely because we have not been able to calculate accurately the number of people that the new amendments will affect as, other than failure to cooperate with a preliminary breath test, it has not been possible to obtain the data for how many people are convicted of the new offences per annum. A more detailed explanation as to why this has not been possible can be found in the relevant sections below.

## **Benefits**

17. The benefits of the proposal will be social rather than directly financial. The offences proposed are designed to enable greater scrutiny of people who have an unspent conviction of the offences proposed in order to help ensure that they uphold and promote the licensing objectives. This will allow the police to object to the application for a personal licence on the grounds of crime prevention i.e. that they consider the person unfit to fulfill the duties and responsibilities of a personal licence holder. This will help to ensure that licensed premises are responsibly run.
18. There could also be indirect financial benefits as if a licensed premises is responsibly run, the likelihood that it will have problems which could lead to a licence review and possibly to conditions being added to its premises licence is reduced. This would avoid a potentially costly process.

## **Costs**

### Failure to Cooperate with a Preliminary Test

19. In the case of the offence of failing to cooperate with a preliminary test, we have been able to obtain data for the number of people convicted of failing to cooperate with a preliminary breath test between 2003 and 2007 from the Ministry of Justice's Office for Criminal Justice Reform Evidence and Analysis Unit. These figures show that 4,696 people were convicted of this offence over five years, an average of 939 per annum.
20. We can also calculate how many of these are likely to apply for a personal licence. Between April 2006 and March 2008, an average of 0.14% of the working population applied for a personal licence. Assuming that the same proportion of people that failed to cooperate with a breath test apply for a personal licence, 1.3  $[(0.14 \times 939) / 100]$  members of this

group would apply for a personal licence and could be refused as a result of their conviction.

21. This represents a worst case scenario as a result of the following assumptions that we have made in reaching this figure are taken into account:
  - a. That this group is not deterred from applying for a personal licence as a result of a conviction for this new relevant offence.
    - That all of those that have an unspent conviction for this offence and apply for a personal licence have their application refused (this is not necessarily the case as an unspent conviction for a relevant offence does not preclude a person from being granted a personal licence, but rather means the police will consider the application in light of such a conviction).
22. This only represents failure to cooperate with a breath test, whereas section 6(6) of the Road Traffic Act also contains the offences of failure to cooperate with a preliminary impairment test and failure to cooperate with a preliminary drugs test. Although we have been unable to obtain data for these additional offences, we are told anecdotally that numbers of convictions for failing to cooperate with a preliminary impairment test or a preliminary drug test would be significantly smaller. However, in order to represent a worst case scenario, we have assumed that the same number of people are convicted for both of these offences individually as for failing to cooperate with a preliminary breath test. This means that our estimated total of people per annum who would apply for a personal licence and might be affected by our proposals as a result of their conviction for this offence is 3.5 people
23. This is a very small number and in light of the assumptions that we have outlined above, the actual number is likely to be even smaller.

### Conspiracy and Attempt Offences

24. In respect of the proposed addition of the related offences of conspiracy and attempt, the Ministry of Justice, which is responsible for compiling these statistics, has informed us that they cannot separately identify conspiracies or attempts unless the statute specifically states the offence i.e. 'conspiracy to...'. Of the offences that we propose, this is only true for conspiracy to murder; the figures for the number of convictions of other offences of conspiracy or attempt are not separated out from the related substantive offence. Basing an estimate on the incidence of conspiracy to murder alone would not provide us with an accurate indication of the incidence of the new offences as a whole as

the numbers of convictions for these is likely to vary significantly from offence to offence.

25. It has not been possible therefore to accurately estimate the number of convictions for related attempt and conspiracy offence. We believe the numbers will be very small, but if you have any data that may be useful to us in calculating the number of people likely to be affected, please submit it with your response.

### Groups Affected

26. Between April 2006 and March 2008, an average of 388 applications for a personal licence were refused per annum, representing 0.7% of all personal licence applications. Due to the small number of people that we anticipate will be affected, the Government does not estimate that this would be significantly increased by the proposed changes.
27. We believe that any costs will be felt by two groups, individuals and local authorities.

### **Individuals**

28. We are basing our costs to individuals on the following calculations:

Time to complete the necessary forms - estimated to be 1 hour	£10.61 <sup>1</sup>
Cost of applying and paying for a certificate that reveals the individual's criminal record or lack of one.	£23 (Disclosure Scotland)
Cost of paying a fee	£37
Cost of time to attend a course for one day - estimated to be 6 hours	£63.66
Cost of the course	£150 (average cost)
<b>Total</b>	<b>£284</b>

29. The cost to individuals whose application is refused is £284.
30. In reality however, we believe that many people with an unspent conviction for a relevant offence will be deterred from applying and will not incur any costs.

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<sup>1</sup> Based on Office of National Statistics' annual survey of hours and earnings, which values the hourly pay for all employee jobs at £10.61.



31. There is a potential loss of earnings cost for those that are prevented or deterred from obtaining a personal licence based on the assumption that a person could command higher wages as a personal licence holder. However, these proposals would not preclude them from working in licensed premises and would not affect them in other employment fields. We therefore feel that the effect of this will be marginal.

## **Local authorities**

32. Through increasing the number of relevant offences, the cost of an increase in the numbers of refused applications for local authorities would be represented in an increase in hearings.
33. When the fee levels were decided, they were established on the basis that the fee would cover the costs for processing and printing etc. However, the costs for disputes involving police intervention were also factored in, with the fee for all applicants designed to cover the small number of disputed costs and the administrative costs associated with the surrender of licences. As the assumption that the number of disputed cases would be small has been reflected in the statistics collected (an average of 0.53% of applications for a personal licence per annum went to a hearing between April 2006 and March 2008), and spread over the 378 local authorities, this cost should be covered by the personal licence application fees.
34. We therefore believe that the costs of the proposals for local authorities will be marginal.

## **Conclusions**

35. Other than failure to cooperate with a preliminary breath test, we have not been able to gather reliable data for convictions for the new offences on which to base predictions for the increase in refused personal applications that the new offences are likely to result in. Through talking to our partners and the research that we have carried out to investigate these proposals, we have come to the conclusion that a very small number of people will be affected by our proposals. We would however welcome any input that can help us to calculate this more accurately.
36. As a result of the small number of people that we estimate will be affected, we believe that costs of the proposals will be so small as to be recorded as **marginal** and that they will be outweighed by the benefits of increased scrutiny for personal licence holders.

## **Questions**

(N.B. These questions can also be found in the main body of the consultation.)

**Do you agree with the assumptions that we have made in calculating the costs of the proposals? Do you have any evidence to support your opinion?**

**Do you agree that the suggested costs and benefits set out in the Impact Assessment are a reasonable estimate of the potential costs and benefits?**

**Are you able to provide us with data that will help us to calculate the costs and benefits of the proposals?**

### Key Assumptions

37. Specific assumptions have been laid out in the sections above. We have also however made the following general assumptions:
38. As this will only apply to future applications and future applications for renewal, this consultation makes the assumption that there will be applications for personal licences made by people with unspent convictions for the offences proposed in this consultation in the future. Were this not the case, then it would not be necessary to include these offences. Our partners in the enforcement agencies have supported the need for these offences to be included and consider that it is necessary to include these offences. We are also however assuming that the number of people affected will be small.

### Responses from Stakeholders

39. This consultation has been preceded by discussions with law enforcement agencies and agreement has been reached on which offences to put forward. Whilst several other offences were considered, it was felt that they did not meet the requirements. There was general consensus that the offences that we are proposing were the most appropriate.

### **Specific Impact Tests**

### Competition Assessment

40. As this will be an amendment that will apply to all licensed premises equally, we do not believe that there will be an impact on competition.

#### Small Firms Impact Test

41. As it is already a requirement that all licensed premises have at least one personal licence holder, we do not believe that the proposals will place a significant extra burden on small licensed premises. The proposals will only apply to new applications for a personal licence or renewals, so there will be no affect on existing premises until the personal licence holder needs to renew their licence, or there is a change in personal licence holder and this person has an unspent conviction for a new relevant offence. However, if this were the case, then it would be possible for the premises to nominate an employee without such a conviction.
42. There is a possibility that small firms with very few employees could be affected as if the personal licence holder were to have an unspent conviction for a relevant offence and need to renew their personal licence, they may need to hire an alternative employee and retrain them.
43. However, we have discussed this with stakeholders and they agree that this scenario will be rare and that well run companies will understand the reasoning behind these proposals.

#### Rural Proofing

44. We do not believe that this will affect rural areas more than urban areas, but would be interested to know whether you think that small rural areas with very few licensed premises would be disproportionately affected.

#### **Question**

**Do you believe that the proposals will affect rural areas differently? If so, why?**

## Health Impact Assessment Screening

- 45.** We have answered the screening questions for a health impact assessment and do not believe a health impact assessment is necessary. The proposal only proposes adding one substantive offence (failure to cooperate with a preliminary test) and we do not believe that this will have a health impact.

**Department for Culture, Media and Sport: Equality Impact Assessment – Initial Screening**

Section	Notes
<p>1. Name of the function/policy to be assessed:</p> <p><b>Proposal to amend the list of relevant offences in Schedule 4 of the Licensing Act 2003</b></p>	
<p>2. What is the aim, objective or purpose of the policy?</p> <p><b>To give greater scrutiny over applicants for a personal licence who have unspent convictions for certain offences.</b></p> <p><b>To consult on whether to remove any offences currently in Schedule 4.</b></p>	
<p>3. What are the intended outcomes?</p> <p><b>To provide greater public protection through allowing police scrutiny of personal licence applicants who have been convicted of offences that may affect their ability to carry out the responsibilities of a personal licence holder in a satisfactory manner.</b></p> <p><b>To remove any unnecessary offences in Schedule 4 in order to cut unnecessary bureaucracy.</b></p>	<p><i>Consider:</i></p> <ul style="list-style-type: none"> <li>• <b><i>How will you monitor progress towards these outcomes?</i></b></li> <li>• <b><i>Do the outcomes support or hinder other policies, values or objectives within the Department?</i></b></li> <li>• <b><i>If they hinder other work is this justifiable?</i></b></li> </ul>
<p>4. Who are the key stakeholders?</p> <p><b>Enforcement authorities, such as police, licensing authorities and magistrates.</b></p> <p><b>Those involved with licensing policy implementation such as LACORS and LGA.</b></p> <p><b>Licensed premises and their representatives.</b></p> <p><b>Personal licence holders.</b></p>	<ul style="list-style-type: none"> <li>• <i>Who are the groups/individuals likely to be affected by the function or policy?</i></li> <li>• <i>Who else might have a significant interest in the implementation of this policy?</i></li> <li>• <i>Who else might have knowledge of the impact or potential impact of the policy or function?</i></li> </ul>
<p>5. Is the aim of the policy or any of its intended outcomes designed specifically to meet the Public Duties, for example to:</p> <ul style="list-style-type: none"> <li>➢ Eliminate discrimination?</li> <li>➢ Promote equality of opportunity?</li> <li>➢ Promote good relations between different groups?</li> </ul> <p><b>NO</b></p>	<ul style="list-style-type: none"> <li>• <i>For example, a policy that has the aim of preventing harassment and bullying</i></li> <li>• <i>If the answer is <b>YES</b> to any of the questions, then you are required to proceed to a full impact assessment. You should turn to section 13, though please note that sections 7-12 will help you to conduct a full</i></li> </ul>

<p>[Most functions, policies and practices will not be designed <b>specifically</b> to meet the Public Duties. You need only answer 'yes' if the <b>specific intent</b> of the function, policy or practice is to meet the public duties. Otherwise, move on to section 6]</p>	<p>assessment</p>
<p>6. Does the function or policy involve or have consequences for members of the public or staff employed by the Department?</p> <p><b>YES</b></p>	<ul style="list-style-type: none"> <li>• If the answer is YES proceed to section 7</li> <li>• If the answer is NO list the evidence or other justification opposite or on an attached sheet that identifies why the function or policy has no consequences for members of the public or for staff employed by the Department</li> <li>• If the evidence that you have indicates that there is no impact or likely impact you do not need to conduct an impact assessment but you do need to monitor the implementation of the policy over time to ensure that there continues to be no impact on people. At a minimum this should be every three years</li> <li>• If you are sure the answer is NO, proceed to sections 13 and 14</li> </ul>
<p>7. Is there any evidence that tells you how the function or policy is working or is intended to work for the intended stakeholders?</p> <p><b>YES</b></p> <p><b>Schedule 4 of the Licensing Act 2003 already lists certain offences that result in police scrutiny for a personal licence applicant who has an unspent conviction for any of these offences. DCMS's statistical bulletins show that the number of people affected is very small – an average of 393.65 per annum. The Government proposes adding one stand alone offence under section 6 of the Road Traffic Act 1988 and offences of attempt and conspiracy in relation to those offences already listed in Schedule 4.</b></p> <p><b>We have not been able to obtain reliable data to estimate the exact number of people affected by the new offences, but we believe that it will be small and have some evidence to support this.</b></p>	<ul style="list-style-type: none"> <li>• If you have no evidence available, then you will not be able to assess if the policy is relevant to equality</li> <li>• You will need to gather evidence about the effects of the policy on stakeholders. (Please refer to section 2 of the guidance notes on gathering evidence)</li> <li>• You should also consider consulting with stakeholder groups and involving disabled people at this stage (Please refer to section 5 on consulting and involving)</li> <li>• When you have gathered evidence of the effects of the policy on the intended stakeholders, you can then proceed with the initial screening</li> <li>• You should ensure that the actions necessary to collect the evidence are identified in an action plan</li> </ul>
<p>8. From the available evidence, is there any reason to believe that people are affected differently or are likely to be affected differently according to any of the listed equality strands,</p>	<ul style="list-style-type: none"> <li>• If the answer to any of these questions is Yes for any of the strands, you will need to proceed to a full impact assessment. In which</li> </ul>

for example, because they have different needs or priorities?

	Yes	No	Not known
Age		X	
Disability		X	
Gender		X	
Race		X	
Religion		X	
Sexual Orientation		X	

Please summarise what the evidence shows and attach the evidence more fully to this screening document or reference where the evidence is available

**We have heard from stakeholders that the process of applying for a personal licence does not currently affect any of the above strands differently and see no reason why the proposed changes would do so.**

*case, proceed to section 13, though please note that sections 9-12 will help you to conduct a full assessment*

- *If the answer is No and the evidence supports this, proceed to section 9*
- *If your evidence is not enabling you to identify the impact on different groups, you will need to gather more evidence that allows you to do this. Refer back to section 7 above*

9. Is there any evidence that the function or policy in any way discriminates or might discriminate unlawfully, directly or indirectly against people from any of the listed strands, for example, in terms of access to a service, or the ability to take advantage of an opportunity?

	Yes	No	Not Known
<b>Age</b>		X	
<b>Disability</b>		X	
<b>Gender</b>		X	
<b>Race</b>		X	
<b>Religion</b>		X	
<b>Sexual Orientation</b>		X	

Please summarise what the evidence shows and attach the evidence more fully to this screening document or reference where the evidence is available

**As in Section 8, stakeholders have told us that the way that the system currently operates does not affect any of these strands differently. We see no reason why the proposed changes would do so.**

- *If the answer to any of these questions is Yes for any of the strands, you will need to proceed to a full impact assessment. In which case, proceed to section 13, though please note that sections 10-12 will help you to conduct a full assessment*
- *If the answer is No and the evidence supports this, proceed to section 10*
- *If your evidence is not enabling you to identify the impact on different groups, you will need to gather more evidence that allows you to do this. Refer back to section 7 above*

10. Are there Specific ways in which this policy positively promotes equality and inclusion. Mark down specific ways it already does, or will

- *If the answer to any of these questions is Yes for any of the strands, you will need to proceed to*

do this? Groups to consider: Disabled, Black and Minority Ethnic, Woman, Men, Transgender, Older, Younger, Faith Groups, Gay Lesbian and Bisexual.

**No.**  
**As in sections 8 and 9, we do not believe that this policy will affect these groups differently. This view has been supported by stakeholders.**

*a full impact assessment. In which case, proceed to section 13, though please note that sections 11-12 will help you to conduct a full assessment*

- *If the answer is No and the evidence supports this, proceed to section 11*
- *If your evidence is not enabling you to identify the impact on different groups, you will need to gather more evidence that allows you to do this. Refer back to section 7 above*

11. Is there any evidence that people from the groups covered by the listed strands have or may have different expectations of the function or policy in questions?

	Yes	No	Not Known
<b>Age</b>		X	
<b>Disability</b>		X	
<b>Gender</b>		X	
<b>Race</b>		X	
<b>Religion</b>		X	
<b>Sexual Orientation</b>		X	

Please summarise what the evidence shows and attach the evidence more fully to this screening document or reference where the evidence is available

**Stakeholders do not believe that any of the groups above will have different expectations of the proposed regulatory change.**

- *If the answer to any of these questions is Yes for any of the strands, you will need to proceed to a full impact assessment. In which case, proceed to section 13, though please note that sections 11-12 will help you to conduct a full assessment*
- *If the answer is No and the evidence supports this, proceed to section 11*
- *If your evidence is not enabling you to identify the impact on different groups, you will need to gather more evidence that allows you to do this. Refer back to section 7 above*

12. Is there any evidence that the function or policy affects or might affect relations between groups covered by the listed strands, for example is it, or might it, be seen as favouring a particular group or denying opportunities to another?

	Yes	No	Not Known
<b>Age</b>		X	
<b>Disability</b>		X	
<b>Gender</b>		X	
<b>Race</b>		X	
<b>Religion</b>		X	
<b>Sexual Orientation</b>		X	

Please summarise what the evidence shows and attach the evidence more fully to this screening document or reference where the evidence is available.

- *If the answer to any of these questions is Yes for any of the strands, you will need to proceed to a full impact assessment. In which case, proceed to section 13, though please note that sections 12 will help you to conduct a full assessment*
- *If the answer is No and the evidence supports this, proceed to section 12*
- *If your evidence is not enabling you to identify the impact on different groups, you will need to gather more evidence that allows you to do this. Refer back to section 7 above*



<p><b>As above, discussions with stakeholders indicate that the proposed regulatory change will not favour a particular group or deny opportunities to another.</b></p>																													
<p>13. Have previous consultations with relevant stakeholder groups or individuals indicated that policies of this type create exclusion or hold specific challenges for any of the listed groups?</p> <table border="1" data-bbox="137 595 805 875"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>Not Known</th> </tr> </thead> <tbody> <tr> <td>Age</td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Disability</td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Gender</td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Race</td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Religion</td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Sexual Orientation</td> <td></td> <td>X</td> <td></td> </tr> </tbody> </table> <p><b>Our pre-consultation discussions with enforcement bodies and further discussion with stakeholders indicate that the proposals will not create exclusions or hold specific challenges for any of the groups listed.</b></p>		Yes	No	Not Known	Age		X		Disability		X		Gender		X		Race		X		Religion		X		Sexual Orientation		X		<ul style="list-style-type: none"> <li>• <i>If the answer to any of these questions is Yes for any of the strands, you will need to proceed to a full impact assessment. In which case, proceed to section 13</i></li> <li>• <i>If the answer is No and the evidence supports this, proceed to section 13</i></li> <li>• <i>If your evidence is not enabling you to identify the impact on different groups, you will need to gather more evidence that allows you to do this. Refer back to section 7 above</i></li> </ul>
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Religion		X																											
Sexual Orientation		X																											
<p>14. Is a full impact assessment required?</p> <p><b>NO</b>  <b>We do not believe that the proposals will affect any of the groups under the listed strands in a different way. The changes do not introduce a new aspect of the Licensing Act 2003, but rather amend a system that is currently operating and feedback from stakeholders indicate that the list of relevant offences does not affect any of the strands listed in a different way. We do not believe that the proposed changes would affect any of these strands differently.</b></p>	<ul style="list-style-type: none"> <li>• <i>If the answer is NO please use the space opposite to summarise why and attach any further supporting evidence</i></li> <li>• <i>If the answer is YES you will need to arrange to carry out a full impact assessment</i></li> <li>• <i>Please note that the information that you have already identified in this initial screening will be valuable to you in carrying out the full impact assessment</i></li> </ul>																												
<p>15. If a full impact assessment is not required, please indicate the plans to monitor the implementation of this policy over the next three years.</p> <p><b>If appropriate, we will check with key stakeholders whether the statement in section 14 is still correct 12 months after the regulatory change (subject to Parliament) is enacted.</b></p>																													
<p>16. Please return a copy of this form to:</p>	<p><i>Name: Anna Woodham</i>  <i>Unit/Directorate: Licensing Policy Team; Sport and Leisure Directorate.</i></p>																												

*Date: 06/12/2009*

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	Yes
Disability Equality	Yes	Yes
Gender Equality	Yes	Yes
Human Rights	No	No
Rural Proofing	Yes	No