

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

<b>Name or Brief Description of Proposal</b>	Statement of Licensing Policy (including review of the Late Night Levy)
<b>Brief Service Profile (including number of customers)</b>	
<p>As a Licensing Authority, Southampton City Council has a duty to produce a Statement of Licensing Policy in line with the Licensing Act 2003 legislation. The Statement of Licensing Policy is fully reviewed every five years.</p> <p>Southampton is a vibrant city with a thriving entertainment and hospitality culture (albeit impacted by COVID-19 in 2020). In April 2020 Southampton reported 842 licensed premises and over 4,000 personal licences issued by Southampton City Council.</p> <p>The Licensing Authority (Southampton City Council) has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:</p> <ul style="list-style-type: none"> <li>• Prevention of crime and disorder</li> <li>• Public safety</li> <li>• Prevention of public nuisance</li> <li>• Protection of children from harm</li> </ul> <p>The Policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely:</p> <ul style="list-style-type: none"> <li>• Retail sale of alcohol;</li> <li>• Supply of alcohol to club members;</li> <li>• The supply of hot food and/or drink from any premises between 11 p.m. and 5 a.m.;</li> <li>• Provision of "Regulated Entertainment" – to the public, to club members or with a view to profit. "Regulated Entertainment" is defined as: <ul style="list-style-type: none"> <li>○ A performance of a play;</li> <li>○ An exhibition of a film;</li> <li>○ An indoor sporting event;</li> <li>○ Boxing or wrestling entertainment;</li> </ul> </li> </ul>	

- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Provision of facilities for making music;
- Provision of facilities for dancing.

The policy sets out the licensing process, Southampton policies affecting licensing and instructions for the management of premises.

The policy includes specific information relating to Cumulative Impact Assessments in 'stress areas' and includes provision for a Late Night Levy which a contribution paid by late opening premises supplying alcohol. The fund is used to support services in the night time economy.

### **Summary of Impact and Issues**

The aims of the policy are:

1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
3. Recognising the important role which licensed premises play in our local communities and economy by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises;
4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

The policy itself is therefore intended to have an overall positive impact on the city and its residents, supporting the safe operation of licensed premises in the city.

### **Cumulative Impact Policies**

In some circumstances an area may have such numbers of licensed premises/activities that it becomes a focal point for large groups of people to congregate and eventually leave. This can create exceptional problems of crime, disorder, noise and other nuisance. In areas that suffer from cumulative impact it is considered appropriate, proportionate and necessary for special policies to address that issue.

The 'stress areas' have been identified in consultation with Hampshire Constabulary (see attached report). These are the 'Bedford Place Stress Area', the 'Above Bar Street Stress Area', and the 'Bevois Valley Stress Area'. These proposed areas are the same as in previous years.

This impact assessment has been undertaken to reflect the impacts if the stress area boundaries are adopted as proposed.

## Late Night Levy

Southampton City Council introduced the Late Night Levy in April 2015. It has generated an income of around £120,000 each year since then. The Levy is used to provide services to support the businesses that operate late at night. These include contributions to Southampton Street Pastors, CCTV, Street Cleaning, Taxi Marshals and Community Safety.

In 2017 a Business Improvement District (BID) was established in Southampton. GO! Southampton is led and funded by local business and aims to realise Southampton's untapped potential. The BID covers the city centre area and 49 premises are subject to both the Late Night Levy and paying contributions the BID.

In reviewing the policy, Southampton City Council is reviewing options with regards to the continuation of the Late Night Levy. On balance the recommended approach is to cease the Late Night Levy at this time, as the key reasons highlighted for continuing with it are the concerns associated with community impact. These concerns can be addressed as in the main the services provided by the Late Night Levy funds will either continue to be funded in the short term from Levy underspends, will be picked up by alternative funding, or will continue to be provided. However it is important to acknowledge that this recommendation is made at a time of particular challenges to the hospitality trade. The council can and will keep the situation under review, and clearly if the situation changes in the future, can seek to re-introduce the levy, following a further consultation.

Whilst the Levy has been beneficial in supporting measures to reduce anti-social behaviour and support community safety, the council recognises the impact COVID-19 has had on businesses and that it is contradictory to impose such a Levy at a time where there is no night time economy. The loss of the Levy will result in some services no longer being funded or funding being limited to what is available after the final year of the Levy is collected. The council, with the BID, aims to continually work with businesses to ensure that the needs of business and the safety of our residents are a priority. If this means consideration to re-introduce the Levy in the future, the council will take this step after undertaking the necessary consultation.

### Potential Positive Impacts

In adopting the policy, Southampton City Council will ensure a safe and consistent system to monitor the operation of licensed premises, including steps which must be taken to reduce risk to residents linked to the consumption of alcohol, and enforcement where necessary. This will support the council's principles of being a fairer and healthier city and the Safe City partnership priorities to reduce crime and antisocial behaviour and reduce the harm caused by drugs and alcohol.

<b>Responsible Service Manager</b>	Phil Bates, Licensing Manager
<b>Date</b>	17 July 2020

<b>Approved by Senior Manager</b>	Mary D'Arcy, Executive Director Communities, Culture & Homes
<b>Date</b>	17 July 2020

## Potential Impact

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	<p>The policy includes specific provisions to protect children and young people.</p> <p>7.4 "When considering applications for premises licences, the Licensing Authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children."</p>	<p>The policy includes conditions which may be attached to any licence to protect children and young people (section 7.5)</p>
<b>Disability</b>	No identified impacts.	N/A
<b>Gender Reassignment</b>	No identified impacts.	N/A
<b>Marriage and Civil Partnership</b>	No identified impacts.	N/A
<b>Pregnancy and Maternity</b>	No identified impacts.	N/A
<b>Race</b>	No identified impacts.	N/A
<b>Religion or Belief</b>	No identified impacts.	N/A
<b>Sex</b>	No identified impacts.	N/A
<b>Sexual Orientation</b>	No identified impacts.	N/A
<b>Community Safety</b>	<p>The 'stress areas' have been identified in consultation with Hampshire Constabulary, to respond to areas which higher levels of licensed premises activity, which can create exceptional problems of crime. In these areas it is considered it is appropriate, proportionate and necessary for special policies to address that issue.</p>	<p>The policy will ensure that the operation of a premises in these areas will not exacerbate any community safety risks:</p> <p>6.15 "The onus shall be upon applicants to demonstrate through their Operating Schedule and, where appropriate, supporting evidence such as risk assessments, that</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>The removal of the Late Night Levy would have a direct impact on funding available. The Levy raises funds of around £120,000 per year. These funds support a range of services and agencies which respond to the impacts of the Night Time Economy, including Taxi Marshals, Southampton Street Pastors, Street Cleaning, CCTV, Community Warden patrols.</p> <p>There are no proposals to cease these services, but reduced funding would create pressure on Budgets which could mean that services are reviewed in future (subject to public consultation).</p>	<p>the operation of the premises will not add to the cumulative impact already being experienced.”</p> <p>An underspend of funding for Taxi Marshals has been identified which would allow continued provision of the service (subject to review) in 2021/2022. Additional funding to support wider services will be sought, working with relevant stakeholders to minimise the impact of reduced funding.</p>
<b>Poverty</b>	No identified impacts.	
<b>Health &amp; Wellbeing</b>	No identified impacts	N/A
<b>Other Significant Impacts</b>	No identified impacts.	N/A