

Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA)

Name of service change:

Licensing Act 2003 Statement of Licensing Policy 2019 – 2024 and associated 'Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance'

Contextual Notes 2016

The What and the Why:

The Shropshire Council Equality and Social Inclusion Impact Assessment (ESIIA) approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people we may describe as vulnerable, for example due to low income or to safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

The How:

The guidance and the evidence template are combined into one document for ease of access and usage, including questions that set out to act as useful prompts to service areas at each stage. The assessment comprises two parts: a screening part, and a full report part.

Screening (Part One) enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A **full report (Part Two)** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or where there are human rights implications. Where there is some uncertainty as to what decision

to reach based on the evidence available, a full report is recommended, as it enables more evidence to be collected that will help the service area to reach an informed opinion.

Shropshire Council Part 1 ESIIA: initial screening and assessment

Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.

Name of service change

Licensing Act 2003 Statement of Licensing Policy 2019 – 2024 and associated 'Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance'

Aims of the service change and description

Aims

Shropshire Council's existing Licensing Act Statement of Licensing Policy ('the policy') was adopted from the 1 April 2014 and ceases to have effect on 31 March 2019. The Licensing Act 2003 ('the Act') places a legal duty upon the Council, in its capacity as the licensing authority, to prepare and publish a statement of licensing policy with respect to its licensing functions at least every five years; hence, a revised policy must be approved by the Council and in effect no later than 1 April 2019. The revised policy will satisfy the legal duty place on the Council.

The format and content of the Council's policy has been significantly revised, and new premises licence application guidance developed, in order to proactively promote the four licensing objectives (for further details of the objectives, see description below) that are contained within the Act and also to:

- reflect the latest guidance issued under the Act, and amendments made to the Act itself since the current policy was adopted;
- further strengthen safeguarding provisions in relation to children, young people and adults with care and support needs to tackle all forms of exploitation where this may be or is impacted by the licensing regime;
- highlight the positive contribution that well managed licenced premises bring in support of local businesses and the growth and prosperity of Shropshire's economy, and, in particular, that the licensing regime can and should be utilised to shape and manage the growth of the evening and night time economy taking account of public health outcomes;
- provide enhanced practical guidance in respect of the application of the Act so that existing and potential licence holders and other stakeholders can ensure that the requirements that must be satisfied before an applicant can obtain and then retain any such licence are met (including the creation of a local area profile – see bullet point below);
- map local areas of concern, including actual and future emerging evidence-based risks that may impact on the licensing of premises and licensable activities through the development of a local area profile (existing and potential licensees will be encouraged to use the profile to help inform them of specific risks prior to submitting licence applications);
- provide information relating to the regulatory licensing and planning regimes and how

- these are applied in Shropshire in relation to the evening and night time economy;
- clearly set out the licence review process to ensure all stakeholders understand when and how this process may be utilised in accordance with the provisions of the Act;
- ensure the way in which the Council deals with the exchange of information is robustly addressed;
- clearly set out the Council's overarching approach to inspection, compliance, enforcement and complaints and appropriate links made to the Council's Better Regulation and Enforcement Policy; and
- assist council officers to correctly apply the legal provisions of the Licensing Act 2003.

Description

The Act regulates licensable activities through premises licences, club premises certificates, temporary event notices and personal licences. The licensable activities are:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

The Act contains four licensing objectives, which must be addressed when licensing functions are undertaken. These objectives are central to the Act and are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The policy acts as the primary vehicle for setting out the Council's approach to licensing regulation under the Act. It forms the Council's mandate for managing local licensable activities and sets out the Council's position on local risks and, therefore, its expectations in relation to applicants/licence holders. The policy is not a stand-alone document and does not attempt to explain all the requirements of the Act for each type of licence/notice and the associated licensable activities. It must be read in conjunction with relevant legislation and guidance; the policy signposts applicants/licence holders accordingly.

The policy makes it clear that the Council's aim is to establish responsibly managed and safe licensed premises. It aims to support the Council's high level outcomes by creating an environment through the promotion of the licensing objectives that encourages people to be healthy, communities to be resilient and to develop a prosperous economy.

The policy sets out that the Council is committed to supporting a vibrant, balanced and safe licensed trade and evening and night time economy and recognises that this type of activity can have undesirable and unintended side effects, which can undermine the four licensing objectives and lead to negative public health outcomes. In this regard, the policy makes it clear that the Council is seeking to curtail the negative elements of the licensed economy through supporting licence holders, prospective licence holders, personal licence holders and those with temporary authorisations to eliminate, through rigorous and enforceable licences, the potential negative outcomes. The policy also recognises that it is crucial that the licensing

regime supports the elements of the economy which make Shropshire's towns and communities exciting and attractive places to live, learn, work and visit. It is further recognised that this will require partnership working with other Council services and/or agencies and organisations e.g. with applicants, licence/notice holders, responsible authorities, other local businesses and communities.

There is a recognition that the evening and night time economy is growing across a number of Shropshire market towns and that the policy has a key role in shaping and managing this growth. It is recognised that such growth can lead to the licensing objectives being undermined; however, it is important to simultaneously understand the positive contribution that well managed licenced premises bring in support of local businesses and the growth and prosperity of Shropshire's economy.

Intended audiences and target groups for the service change

- Communities of Shropshire, including those who live, visit and work in the county
- Persons who wish to apply for premises licences, club premises certificates, temporary event notices and personal licences;
- Persons who hold existing licences and notices, including those that are the subject of review;
- The Council, in its capacity as the licensing authority, including licensing officers and members of the relevant licensing committees
- Shropshire Safeguarding Children Board (SSCB)
- Shropshire Council Children Services
- Keeping Adults Safe in Shropshire Board (KASiS)
- Shropshire Council Adults Services
- Children, young people and other vulnerable people including adults with care and support needs
- Federation of Small Businesses
- Shropshire Chamber of Commerce
- Shrewsbury Business Improvement District
- Oswestry Business Improvement District
- Licensing consultants, solicitors and barristers advising and/or representing applicants and licence holders
- Magistrates and judges hearing appeals against Council decisions
- Members of the public who access licensed premises and take part in licensable activities
- Other local authorities, particularly those that border the Shropshire Council area including relevant Welsh authorities
- Shropshire Voluntary and Community Sector Assembly (VCSA)
- Voluntary Groups/Organisations
- Shropshire Business Board
- Shropshire Tourist Board
- The Marches Local Enterprise Partnership
- Government Departments and Agencies
- Police forces, in particular West Mercia Police (Chief Inspector of West Mercia Police), and neighbouring Welsh police forces
- Police and Crime Commissioner West Mercia and neighboring Welsh Police and Crime Commissioners

- Shropshire Clinical Commissioning Group
- Local NHS Trusts
- Shropshire Council Public Health (Director of Public Health)
- Public Health England
- Shropshire located Town and Parish Councils
- Shropshire MPs
- Shropshire Fire and Rescue Service
- Shropshire Council Development Management (Planning Service)
- Shropshire Council Environmental Health (Regulatory Services)
- Health and Safety Executive
- UK Border Agency (The Home Office)
- Environment Agency in England and Wales
- Canal and Rivers Trust
- Maritime and Coastguard Agency (Secretary of State for Transport)

The above list is not intended to be exhaustive or in order of priority and will be added to and amended as and when appropriate.

Evidence used for screening of the service change

- Legal requirement contained in the Licensing Act 2003 that the existing policy can only legally last for a maximum period of five years and then it must be reviewed, consulted upon, approved and re-published by the Council.
- Officer feedback in relation to the difficulties encountered when administering and enforcing the Licensing Act 2003 regime often as a result of poor quality applications and a lack of robust challenge by officers at the early stages to address these issues.
- Emphasis on the safeguarding role that local authorities have, which has strong links to all licensing regimes, including those under the Licensing Act 2003.
- Shropshire Council's drive to increase the robustness of safeguarding practices, particularly with respect to children and adults with care and support needs.
- Shropshire Council's own 'Local Area Profile – Licensed Premises', which forms part of the policy document.
- Shropshire Strategy to Reduce Alcohol Related Harm 2016-2019
- Licensing Act 2003, as amended and subordinate legislation
- Shropshire Council's Licensing Act 2003 Statement of Licensing Policy (effective 1 April 2014)
- Current guidance issued under Section 182 of the Licensing Act 2003 ('Section 182 Guidance') issued by the Home Office
- Shropshire Council's Economic Growth Strategy 2017- 2021
- 2003 Licensing Act: evidence & decision making 10 years on report by Jon Foster, Senior Research and Policy Officer, Institute of Alcohol Studies
- House of Lords Select Committee on the Licensing Act 2003 Report of Session 2016–17 HL Paper 146 The Licensing Act 2003:post-legislative scrutiny and associated responses
- Public Health England - The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies An evidence review (December 2016)

Specific consultation and engagement with intended audiences and target groups for the service change

The Council's Strategic Licensing Committee has overseen the review of the Licensing Act 2003 Statement of Licensing Policy 2019-2023. The Committee is a group of Councillors drawn from across the whole of the Shropshire area. The Members of the Committee considered and approved a draft policy for formal public consultation through the Council's website and directly with relevant stakeholders. The relevant report can be found in the papers for the Committee meeting held on the 20 June 2018 at Agenda Item 10

<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=166&MId=3729&Ver=4>

A public consultation (legally required by the Licensing Act 2003) in respect of the policy was undertaken over a 10 week period from 25 June 2018 to the 2 September 2018. In addition to the consulting on the actual policy, consultation was also undertaken in respect of the 'Premises Licence Applications – Completing the Operating Schedule and Plan of the Premises Guidance'. The proposed guidance aims to assist applicants and existing licence holders to meet the requirements of the policy. Whilst there is no specific legal requirement in the Act to consult on the supporting guidance, because the guidance and the policy are inextricably linked, it was deemed appropriate to consult on the guidance at the same time as undertaking the policy consultation. This ensured that all stakeholders were fully aware of both the policy and the practical approach that the Council intended to adopt over the next five years.

In addition to the general information about the consultation that was made available on the Council's 'Get involved' section of its website, through a press release, on the Council and licensing team social media platforms and direct emails to all existing premises licence holders where an email address was available, direct engagement by email was undertaken with trade representatives, responsible authorities, solicitors specialising in licensing matters that are in regular contact with the Council's licensing team, pub companies/breweries and other relevant stakeholders. These are listed below:

- Association of Convenience Stores (ACS)
- Association of Licensed Multiple Retailers (ALMR)
- British Beer and Pub Association (BBPA)
- British Institute of Inn Keeping (BII)
- British Retail Consortium (BRC)
- British Board of Film Classification (BBFC)
- Licensed Victuallers Associations (LVAs)
- Shropshire Fire and Rescue Service
- West Mercia Police
- Environmental Health, Shropshire Council
- Trading Standards, Shropshire Council
- Community Protection, Shropshire Council
- Planning Services, Shropshire Council
- Case Management Team(Children)
- Director of Public Health for Shropshire
- Home Office (Immigration Enforcement) Alcohol Licence Team
- Maritime & Coastguard Agency
- Canal and River Trust
- Poppleston Allen
- TLT
- John Gaunt

- Flint Bishop
- DWF
- Punch Taverns
- Joules
- Marston's
- Enterprise Inns
- Admiral Taverns
- Greene King
- J D Weatherspoons
- Ludlow Brewing Company
- Mitchells and Butler
- Star Pubs & Bars
- Shropshire Association of Local Councils
- Shropshire Chamber of Trade
- County Pubwatch Chairs
- Neighbourhood Authorities Working Group for Licensing

Details of the consultation were also circulated, through a newsletter, by the Shropshire Voluntary and Community Sector Assembly (VCSA) to around 250 different voluntary groups/organisations.

As the opportunity has been taken to significantly revise the format and content of the policy, the consultation welcomed and encouraged all interested parties to provide feedback in relation to the content and format of the whole policy and did not ask specific consultation questions.

There was a limited response to the consultation with 10 responses received. Full details of the responses, together with the analysis of those responses with officer comments and explanatory notes, will be included in the report that is due to be considered by the Strategic Licensing Committee on the 3 October 2018.

Broadly, there was support for both the revised policy and the guidance and the opportunity to comment on what was seen as a constructive piece of work was welcomed; of particular note is the support from the Council's planning service, which is one of the key responsible authorities, that the licensing team is very keen to foster more effective working relationships with in order to promote the licensing objectives; hence this feedback was very encouraging.

Positive comments were received to the effect that the policy is comprehensive and concise and yet comprehensible, omitting jargon and easy to read. It is considered a 'significant betterment' on the existing policy with added clarity on roles and responsibilities. The fact that the policy makes it clear that whilst the Council will aim to advise a business, it is ultimately the business' responsibility to ensure that it meets the four licensing objectives and this position was supported by the responsible authority that has responsibility for preventing public nuisance. The same responsible authority also considered the creation of a responsible authority role within the licensing function of Shropshire Council as a betterment to the existing position as it will encourage links between different Council functions as well as providing additional advice and guidance to all. In addition, the fact that the Council will look to liaise with the licence holder to propose amended or new conditions in relation to licence variations is fully endorsed and recognised as a suitable way of keeping licenses relevant and up to date. Further comments indicated the policy is to be welcomed and commended, with the procedures seen as good implementation of the legislation that actively requires

applicants to provide adequate and detailed information to enable sound licencing decisions.

However, one village hall committee did respond indicating that it was unrealistic for such a committee to be expected to comment on such a lengthy and technically worded document. It was suggested that a digest could be produced to assist understanding that would lead to further consultation responses. An individual response was sent to the village hall committee concerned explaining the reasons for the extent of the technical detail and that legally the Council is required to consult on the whole policy. It is (and always was) the intention to include an executive summary for the policy. This will be drafted and included in the policy after the consultation process has ended and the main body of the policy is approved.

The supporting 'Premises Licence Operating Schedules and Premises Plans Guidance' is also welcomed, particularly in respect of highlighting the importance and extent of the details required in the operating schedule of the application forms.

No major changes were made to the policy or the guidance as a result of the feedback. A small number of minor clarifying amendments were made to:

- ensure any confusion over what is meant by 'the Council' was removed;
- that it is clear that the planning and licensing regimes consider different aspects and aim to protect the local environment to different levels and that, as a result, it is entirely possible that there may be conflict in respect of conditions placed through each regime;
- enhance the wording in the list of matters that the Council will consider, and expects applicants to fully address, in relation to demonstrating that each of the licensing objectives is met;
- enhance the list of matters that need to be included in the physical description of the premises to include reference to glazing specifications and whether windows are capable of being opened; and
- strongly encourage applicants and existing licence/notice holders to consider other appropriate guidance, particularly where it is produced by a responsible authority, in order to fully understand the provisions of the Licensing Act 2003.

Where feedback was received that has not led to changes to either the policy or the guidance, this is because the Act does not permit the changes suggested, the matter was already addressed in a different paragraph within the policy, or changes were not justified in the circumstances described; in all cases, officers have set out their reasons for the position taken and have made this clear in the report to the Strategic Licensing Committee.

There was a suggestion that the Council may wish to consider 'drip feeding' the public with information, through the press, to assist in raising awareness of the responsibilities of licence holders. This has been incorporated into the 'Actions to mitigate negative impact or enhance positive impact of the service change' section below.

Changes have also been made by officers to correct drafting errors and to take into account further advice from both the Shropshire Safeguarding Children Board (SSCB) Business Manager and the Head of Children's Social Care and Safeguarding with respect to determining the body competent to take on the responsible authority role in respect of the licensing objective relating to the protection of children from harm. The draft policy originally proposed the SSCB to be the body competent; however, following discussions with interested parties around the practical application and implementation of this responsible authority role, it was agreed that the body competent would be changed to Shropshire Council's Children's Services. However, there was a recognition that the SSCB will be the body where matters of concern, relating to the protection of children from harm, would be reported where they are

not being adequately addressed by any or all of the responsible authorities or the licensing regime as a whole.

Potential impact on Protected Characteristic groups and on social inclusion

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:
 - their current needs and aspirations and what is important to them;
 - the potential impact of this service change on them, whether positive or negative, intended or unintended;
 - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have their representatives or people with specialist knowledge been consulted, or has research been explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
 - monitor the impact, positive or negative, intended or intended, for different groups;
 - enable open feedback and suggestions from a variety of audiences through a variety of methods.
5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on:
 - fostering good relations?
 - social inclusion?

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column. Please add any extra notes that you think might be helpful for readers.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				✓
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				✓

Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				✓
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				✓
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				✓

Guidance on what a negative impact might look like

High Negative	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
Medium Negative	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
Low Negative	Almost bordering on non-relevance to the ESIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

Decision, review and monitoring

Decision	Yes	No
Part One ESIIA Only?	✓	
Proceed to Part Two Full Report?		✓

If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change

For all the groups, the impact of the proposed policy is rated as 'low positive'. However, in practice the impact in reality is likely to be neutral – neither positive nor negative – with no anticipated need to take actions to mitigate or enhance the impact beyond common sense considerations that will benefit all groupings.

Once the policy is in force, there is potential for any officer of the Council to help by being made aware of the new policy and by being encouraged to act as the eyes and ears of the Council in helping feedback to the licensing team. This could help ensure effectiveness as well as efficiency of the new policy. All those who access licensed premises and take part in licensable activities, all applicants and licensees, and wider stakeholders in general will be able to submit comments, complaints and compliments directly to the Council's licensing team and through the corporate complaints and representations procedures in relation to any negative or positive impacts that arise as a result of the implementation of the revised policy.

Based on a comment received during the consultation, the licensing team will consider the viability of options to inform the public on an ongoing basis, through the traditional press/media routes and social media (both corporate and service level), to assist in raising awareness of the responsibilities of licence holders. This will help the public to be better informed and potentially facilitate an increased level of feedback through the channels referred to above. Furthermore, it would be beneficial for the licensing team to consider future engagement with those taking on safeguarding responsibilities for adults with care and support needs and for children and young people, and for these groupings themselves, in order to make these groupings, in particular, aware of the responsibilities of licence holders and the actions that they or their advocates can take should there be concerns or issues.

The revised policy stems from provisions within the Licensing Act 2003 and it is intended to benefit the community as a whole by generally improving the licensing regime operated by the Council. This will naturally lead to benefits for the Protected Characteristic Groups simply because they are part of the wider community. The policy will be a key tool that will drive licensing related standards up for everyone.

The revised policy does not breach any individual or group's human rights; the policy sets out processes and procedures that aim to protect human rights, in particular those rights that relate to a right to a fair trial, no punishment without law and right to respect for private and family life. If the policy was not followed, there is a risk that human rights may be breached.

The public consultation has already helped the Council to modify the policy. Members of the Strategic Licensing Committee will consider the revised policy on the 3 October 2018 and will decide whether further consultation is necessary or whether they are in a position to

recommend to full Council that the policy is formally adopted. Legally, the policy must be adopted no later than 1 April 2019.

Actions to review and monitor the impact of the service change

The policy will be the subject of continuous evaluation based on ongoing feedback from stakeholders and will definitely be formally reviewed and considered by the Council's Strategic Licensing Committee and Council before 1 April 2029. At the time of review all relevant stakeholders will again be consulted. Anyone may request a review of the policy at any time.

There will be ongoing dialogue with applicants and licensees through direct contact as a result of the licence application and review process. This will provide the opportunity for the trade and the public to provide feedback to the licensing team. A generic licensing telephone number and email address is and will continue to be generally publicised on the Council's website for stakeholders, including members of the public, to provide feedback on the impact of the changes made to the policy. In addition, licensees must display a summary of their licence at their premises; this will highlight to members of the public that Shropshire Council is the issuing authority and can be contacted in the event of any complaint or other issue that they wish to raise. All feedback will be recorded either on the licensing database used to administer the licensing regime or in appropriate electronic files maintained by the Licensing Team Manager.

Elected Member involvement will continue through the Strategic Licensing Committee and the Licensing Act Sub-Committee, with issues brought before these Committees as appropriate. Professional leads within the licensing team will have a key role to play in understanding the impact of the policy. Feedback will be sought from Members and Officers to inform the ongoing informal and, in due course, the formal review of the policy that will be undertaken in the future.

Scrutiny at Part One screening stage

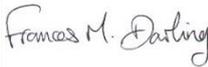
People involved	Signatures	Date
<i>Lead officer carrying out the screening</i> Frances Darling – Trading Standards & Licensing Operations Manager		19 September 2018
<i>Any internal support*</i> Mandy Beever – Transactional and Licensing Team Manager Jessica Moores – Public Protection Officer (Professional)	 	19 September 2018 18 September 2018
<i>Any external support**</i> Lois Dale – Rurality and Equalities Specialist		19 th September 2018
<i>Head of Service</i> Rod Thomson – Director of Public Health		20 th September 2018

--	--	--

**This refers to other officers within the service area*

***This refers either to support external to the service but within the Council, eg from the Rurality and Equalities Specialist, or support external to the Council, eg from a peer authority*

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i> Frances Darling – Trading Standards & Licensing Operations Manager		20 September 2018
<i>Head of Service's name</i> Rod Thomson – Director of Public Health		20 th September 2018

Shropshire Council Part 2 ESIIA: full report

Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, eg rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**

This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, eg needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

Evidence used for assessment of the service change: activity record

How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?

And what did it tell you?

Specific consultation and engagement with intended audiences and target groups for the service change: activity record

How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?

And what did it tell you?

Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record

What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.

Full report assessment for each group

Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individuals may face.

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg child for whom there are safeguarding concerns eg older person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				
Pregnancy & Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people for whom there are safeguarding concerns; people you consider to be vulnerable)				

ESIIA Full Report decision, review and monitoring

Summary of findings and analysis - ESIIA decision

You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

Please add any brief overall comments to explain your choice.

You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:

- *mitigate negative impact or enhance positive impact of the service change,*
- AND*
- *review and monitor the impact of the service change*

Please try to ensure that:

- *Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;*
- *The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.*

Scrutiny at Part Two full report stage

People involved	Signatures	Date
<i>Lead officer</i>		
<i>Any internal support</i>		
<i>Any external support</i>		
<i>Head of service</i>		

Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)
Date:	Date:

Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

Note: Shropshire Council has referred to good practice elsewhere in refreshing previous equality impact assessment material in 2014 and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIs) material and associated documentation.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 255684, or email lois.dale@shropshire.gov.uk.