

Equalities Impact Assessment

Camden Council

What is an Equality Impact Assessment?

An Equality Impact Assessment (“EIA”) is a way of analysing a proposed organisational policy or decision to assess its effect on people with protected characteristics covered by the Equality Act 2010*. To meet the Council’s statutory duty the EIA should also address issues of advancing opportunities and fostering good relations between different groups in the community.

There is no legal requirement to carry out an EIA, but the courts place significant weight on the existence of some form of documentary evidence of compliance with the Public Sector Equality Duty* when determining judicial review cases. Having an EIA as part of the report which goes to the decision makers and making reference to the EIA within that report helps to demonstrate that we have considered our public sector equality duty and given “due regard” to the effects the decision will have on different groups..

The EIA must be considered at an early stage of the formation of a policy/decision and inform its development, rather than being added on at the end of the process. The EIA form should be completed and updated as the policy / decision progresses and reviewed after the policy or change has been implemented.

Please note all sections must be completed. However the obligation is to have due regard and it may be that while an issue requires the completion of an EIA equally the matters at hand may not lend themselves to some of the obligations for example fostering good relations. As long as this has been properly considered it is legitimate to conclude that this cannot be applied in a particular case.

*Please read the notes at the end of this document.

Name of proposed decision/policy being reviewed:

Statement of Licensing Policy under the Gambling Act 2005

Question 1

What is changing and why?

If the issue is going for decision, e.g. at Cabinet meeting, what are the decision makers being asked to decide? If you are reviewing a policy what are its main aims? How will these changes affect people?

Officers have reviewed the Council's Statement of Licensing Policy (the Policy) under the Gambling Act 2005 (the Act). The Policy sets out the Council's licensing policies with respect to its functions under the Act and plays an important role in the Council's duty to manage the risk of gambling-related harm in Camden and to regulate gambling activity to mitigate the risk of such harm.

The review ensures that the Council continues to have an effective and up to date Policy that complies with the law, reflects current circumstances and helps to deliver local priorities set out in the Camden Plan.

The primary focus of the Policy is to promote the three licensing objectives set out in the 2005 Act, which are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

Officers have assessed the potential impact of the Policy upon protected groups. In order to inform the Policy, they carried out an assessment of the key characteristics of Camden in the context of gambling-related harm. The information obtained for the assessment helps to provide a better understanding of the types of people that are at risk of being vulnerable to gambling-related harm; where they are located and any current or emerging problems that may increase that risk.

This local assessment is contained in a new document called "Camden's Local Area Profile" (LAP) and the key areas in relation to the protected characteristics are summarised within this EIA.

The full Council is being asked to consider and approve the Policy and the LAP.

Notes to Question 1

- Summarise briefly and precisely just what the decision is about. In particular what changes will happen if this decision is agreed and put into effect? What happens now and what will happen in the future? What will be different?
- **Do not cut and paste the report or policy** but concisely restate it, considering equalities issues directly against the facts
- **Focus on the impacts on people** e.g. the users of any facility or service.

Question 2

Who will be affected by this decision and how?

In particular do those from protected groups benefit or will they experience specific and disproportionate impacts? Will there be any direct or indirect discrimination?

As required by the Equalities Act 2010, officers have had regard to the nine protected characteristics covered by the general equality duty. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Officers have also considered whether the activity could be a vehicle to advance opportunity and foster good relations between those with protected characteristics.

In reviewing the Policy, officers have considered data about protected characteristics and groups in Camden, whom the Policy may affect. They have also considered and set out other information and themes that may affect protected groups or characteristics. Data was obtained from the 2011 Census, and the Council's records.

The Policy is relevant to:

- all holders of premises licences, permits, notices and registrations under the 2005 Act and either issued by or given to Camden
- people who live or work in Camden or who visit the borough who may be affected by activities connected to premises authorised to carry out gambling activities under the 2005 Act

Age: The table below illustrates Camden's population by age group.

All Ages (years)	220,338	100%
0-4	13,168	6.0%
5-15	22,297	10.1%
16-29	58,504	26.6%
30-44	59,573	27.0%
45-59	33,564	15.2%
60-74	22,192	10.1%
75-89	9,945	4.5%
90+	1,095	0.5%

Gambling, particularly the risk of vulnerability to gambling-related harm has the potential to affect the majority of age groups in Camden. The LAP identifies that the risk increases depending on the age of the group affected. The 2005 Act contains provisions, which specifically aim to protect children from being harmed or exploited by gambling. This means:

- a) preventing children from taking part in gambling and
- b) restricting activities such as advertising, so that gambling products are not aimed at or appear attractive to children.

The Policy incorporates these aims and seeks to control the access of children to licensed premises and to prevent participation in or being exposed to gambling activities that may cause harm. This is a positive benefit of the Policy.

The effects of gambling may lead to adverse financial, personal and social consequences upon individuals, their families, their social networks or the community which may affect all age groups.

Problem gambling may also lead to instances of crime, disorder and anti-social behaviour that affect the wider community and therefore, community safety. Although older people may be less likely to be victims of personal crime they are more likely to view themselves as vulnerable. The Policy seeks to address these issues through measures to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

Disability: The 2011 Census shows that 14.4% of Camden residents stated that their day-to-day activities are limited due to a health problem or disability, which has lasted or will last 12 months.

This is just above the Inner London average of 14.2% but below the England and Wales average of 17.9%.

The Camden 2008 Housing Needs Survey Update shows that 6.4% of households contain a person with a physical disability of which 0.4% is a severe sensory disability and 0.6% is a learning disability. The survey also identified that 2.4% of households contained people with more than one special need

Question 2

or more than one person with a special need.

Gambling, particularly the risk of vulnerability to gambling-related harm has the potential to affect all protected groups in Camden. The LAP identifies that the risk increases for some people with this particular characteristic. The Policy contains provisions, which specifically aim to protect vulnerable people from being harmed or exploited by gambling, including people with this protected characteristic.

Problem gambling may also lead to instances of crime, disorder and anti-social behaviour that affect the wider community and therefore, community safety. Disabled people are more likely to be the victims of crime than people who are non-disabled across all age ranges with the exception of those over 65. The Policy seeks to address these issues through measures to prevent crime and disorder.

Disabled people may be subject to hate crime, which is any incident or crime, which is the victim or any other person perceives to be motivated because of a person's disability or perceived disability. This is "disability hate crime" and not necessarily associated with gambling activity.

The Council cannot use the Policy to duplicate or enforce other legislation and as such, the Policy is unable to address some specific impacts on this group such as barriers to accessing licensed premises.

Gender reassignment: No data is available in respect of gender reassignment.

People in this group may be subject to transphobic hate crime, which is now one of the five 'strands' of hate crime recorded by the police. Reported transphobic hate crime increased by 9% in the year 2014/15. However, trans people are reluctant to report it and this may be because of previous bad experiences with the police or because they fear reprisals by neighbours and the criminal justice process will 'out' them as trans.

Officers have not identified specific issues that will affect this protected group.

Marriage and civil partnership: The table below illustrates Camden's population by marital and civil partnership status.

All Residents Aged 16+	184,873	100%
Single (never Married/ in Civil Partnership)	101,579	54.9%
Married	54,600	29.5%
In a registered same-sex Civil Partnership	1,575	0.9%
Separated (still legally Married/Civil Partnership)	5,346	2.9%
Divorced/formerly in Civil Partnership	14,176	7.7%
Widowed/Civil Partnership surviving partner	7,597	4.1%

Officers have taken into account that people in this group are likely to have more than one protected characteristic. They have not identified specific issues in respect of marriage or civil partnership protected characteristic.

Pregnancy and maternity: The conception rate per 1,000 women in Camden during 2012 stood at 62.3, this is relatively low, compared with greater London and nationally and has been slowly declining since 2009. Camden teenage conceptions are significantly lower than Greater London.

Officers have not identified specific issues that will affect this protected group.

Race: Camden's population is ethnically diverse. The table below identifies that 34% of Camden residents are from black or minority ethnic (BME) groups. The needs and experiences of residents from different races in Camden will vary considerably. The issues identified that relate to gambling policy, are:

- Communication barriers: some people are unable to access our services due to the lack of appropriate resources such as translation or interpretation materials for speakers of other languages.
- Community safety: this includes racial harassment, violence and hate crime against people from different races. BME groups are more likely to be the victims of personal crime.
- Hate crime: any incident or crime, which the victim or any other person perceives to be motivated because of a person's race, is a hate crime. Research shows that many hate crimes go unreported.

Question 2

Ethnicity, identity, language & religion	Number	%
All ethnic groups	220,338	100%
White	146,055	66.3%
Mixed/Multiple Ethnic Groups	12,322	5.6%
Asian or Asian British	35,446	16.1%
Black or Black British	18,060	8.2%
Other Ethnic Group	8,455	3.8%
Black & Minority Ethnic Groups	74,283	33.7%
All Minority Ethnic Groups	123,401	56.0%
Detailed ethnic groups:		
White		
English/Welsh/Scottish/Northern Irish/British	96,937	44.0%
Irish	7,053	3.2%
Gypsy or Irish Traveller	167	0.1%
Other White	41,898	19.0%
Mixed / Multiple Ethnic Groups		
White and Black Caribbean	2,494	1.1%
White and Black African	1,800	0.8%
White and Asian	3,880	1.8%
Other Mixed	4,148	1.9%
Asian / Asian British		
Indian	6,083	2.8%
Pakistani	1,489	0.7%
Bangladeshi	12,503	5.7%
Chinese	6,493	2.9%
Other Asian	8,878	4.0%
Black/ African/ Caribbean/ Black British		
African	10,802	4.9%
Caribbean	3,496	1.6%
Other Black	3,762	1.7%
Other ethnic group		
Arab	3,432	1.6%
Any Other Ethnic Group	5,023	2.3%

Gambling, particularly the risk of vulnerability to gambling-related harm has the potential to affect all protected groups in Camden. The risk increases in respect of this protected group as identified in the LAP. The Policy contains provisions, which specifically aim to protect vulnerable people from being harmed or exploited by gambling, including people with this protected characteristic.

Problem gambling may also lead to instances of crime, disorder and anti-social behaviour that affect the wider community and therefore, community safety. The Policy seeks to address these issues through measures to prevent crime and disorder.

The Policy is a long and often complex document and consequently there may be communication barriers when engaging with this protected group. Officers have aimed to make the Policy easy to read and understand, but recognise that there may be occasions when the Council may need to translate the Policy into other languages.

Religion or belief: The table below illustrates Camden's population by religion or belief.

All (including "not stated" and "no religion")	220,338	100%
Christian	74,821	34.0%
Buddhist	2,789	1.3%
Hindu	3,141	1.4%
Jewish	9,823	4.5%
Muslim	26,643	12.1%
Sikh	465	0.2%
Other religion	1,267	0.6%
No religion	56,113	25.5%

Question 2

Religion not stated	45,276	20.5%
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Religion or belief may also overlap with other protected characteristics such as race. The issues experienced by different religious/belief groups may vary significantly.

Officers have not identified any negative impact arising from the Policy on this protected group.

Sex: The table below illustrates Camden's population by sex.

Male	107,885	49.0%
Female	112,453	51.0%

Sexual Orientation: The Office for National Statistics (ONS) suggests in the its Integrated Household Survey 2011-2012, that in London, 91% of the population identify as heterosexual/straight; 2.5% identify as gay, lesbian or bi-sexual; 0.4% have an alternative sexual identity and 5.7% answered that they did not know or did not answer. This survey is an experimental data source.

In Camden, the 2009 Camden Talks Survey suggests from a panel of 2000 residents that 76% identify as heterosexual/straight; 6% identify as gay or lesbian and 1% bi-sexual. However, Camden's Lesbian, Gay, Bisexual and Transgender (LGBT) forum estimates that 10 to 12% of Camden's population are Lesbian, Gay, Bisexual and Transgender.

The 2011 Census identifies that 0.9% of people aged 16 and over are in a civil partnership.

Officers have not identified any negative impact arising from the Policy on this protected group.

Notes to Question 2

- Here use data to show who could be affected by the decision – e.g. who uses the service now and might use it in the future
- **Do not simply repeat borough wide or general service equality data** – be as precise and to the point as possible
- We are under a legal duty to be properly informed before making a decision. If the relevant data is not available we are under a duty to obtain it and this will often mean some consultation with appropriate groups is required.
- Is there a particular impact on one or more of the protected groups? Who are the groups and what is the impact?
- Consider indirect discrimination (which is a practice, policy or rule which applies to everyone in the same way, but has a worse effect on some groups and causes disadvantage) - for example not allowing part-time work will disadvantage some groups or making people produce a driver's licence for ID purposes.

Question 3

Does the proposed decision have an impact (positive or adverse) on our duty to eliminate discrimination/harassment and victimisation, promote equality of opportunity or foster good relations between different groups in the community (those that share characteristics and those that do not)?

Officers have not identified any negative impact on the protected groups that arise from the approval of the revised Policy.

The Policy and LAP aims to protect all people that may be affected by gambling activity and/or are at risk of being vulnerable to gambling-related harm. Both documents therefore promote equality of opportunity for different groups within the community.

Notes to Question 3

- Here, think about our other duties (see the notes at the end) and do the proposals impact (positive and or negative) upon those wider duties and aspirations?
- What might say a reduction in the hours of a facility that mainly serves a particular group have on our wider duties?
- Examples of eliminating discrimination: Taking action to ensure that services are open to all groups – e.g. targeting help at particular deprived sections of the community or funding services who work to prevent discrimination

Question 4

If there is an adverse impact can it be avoided?

If it can't be avoided what are we doing to mitigate the impact?

Officers have considered whether the Policy could have an adverse impact that can be avoided and are satisfied that there is no identifiable adverse impact. However, this will be kept under review during the life of the Policy.

Notes to Question 4

- Assuming there is an impact what are we going to do about it? We need to make sure the **decision makers understand the impacts**
- All our policies and decisions should be designed to eliminate discrimination and contribute to our other obligations such as promoting good relations.
- If it can't be avoided can it be mitigated in some other way?
- There might be decisions elsewhere or perhaps additional spending on other services which could reduce the impact. Beware of simply saying that we will direct service users to other services or resources without considering the feasibility of doing so or the knock-on effect for those services
- We don't have to completely eliminate a negative impact, but we must identify it and try to mitigate it and the **decision makers must be in a position to fully understand the implications of their decision and balance off the competing interests** – e.g. the impact against the need to make savings and balance our budget

Question 5

How can/have we advance/d equality of opportunity via this decision/policy?

How can/have we foster/ed good relations via this decision/policy?

The Policy review and the local assessment used to create the LAP, did not highlight any areas where the revised Policy would raise issues of inequalities or place anyone with a protected characteristic at a disadvantage.

In promoting the licensing objectives, the Policy provides robust policies to prevent or mitigate the potential harm arising from gambling activity in Camden and this benefits the whole community.

Officers have considered whether the Policy could be a vehicle to advance opportunity and foster good relations between those with protected characteristics. In this instance, they were unable to find ways to use the Policy in this way however this will be kept under review.

Notes to Question 5

- **There may be decisions or policies where this is not going to be applicable. Quickly explain this in the box above. However the important point is that it is carefully considered.**
- Suggest positive steps that can be achieved towards our statutory obligations to remove or minimise disadvantages suffered because of protected characteristics, e.g. taking steps to meet the needs of people from the different backgrounds when they are different to the needs of others, encouraging participation from groups when participation is disproportionately low
- Advancing equality of opportunity - (NB this doesn't apply to marriage and civil partnership). **This is a "positive duty"** which requires public authorities to consider taking proactive steps to root out discrimination and harassment and advance equality of opportunity in relation to their functions—from the design and delivery of policies and services to their capacity as employers. The duties require us to give consideration to taking positive steps to dismantle barriers. Advancing equality of opportunity might require treating some groups differently e.g. targeting training at disabled people to stand as councillors. **The legislation requires when we have due regard in terms of advancing equality of opportunity to. A. Remove/minimises disadvantage suffered by those who share a characteristic and is connected to it B. Take steps to meet the different needs of those who share a characteristic C. Encourage those who share a characteristic to participate in public life or any other activity when participation is disproportionately low.**

Notes to Question 5 (continued)

- Advancing opportunity includes the fact that the steps needed to meeting the needs of disabled persons **take into account the disabled persons disabilities**
- We are required to **have “due regard” to the need to foster good relations** between people who share a relevant protected characteristic and people who do not share it. This **involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.**

Examples:

- ↘ an employer to provide staff with education and guidance, with the aim of fostering good relations between its trans staff and its non-trans staff.
- ↘ a school to review its anti-bullying strategy to ensure that it addresses the issue of homophobic bullying, with the aim of fostering good relations, and in particular tackling prejudice against gay and lesbian people.
- ↘ local authority (Not Camden) to introduce measures to facilitate understanding and conciliation between Sunni and Shi’a Muslims living in a particular area, with the aim of fostering relations between people of different religious beliefs.
- ↘ our work to encourage Bangladeshi tenants involvement in TA’s.

EIA prepared by: David Curtis

Date: 6 February 2016

EIA checked by: Vicky Wallas

Date: _____

EIA approved by: Paul Dunphy

Date: _____

(Relevant Director Sponsor)

Explanatory Notes

What is our Public Sector Equality Duty (PSED)?

Under section 149 all public authorities must, in the exercise of their functions, have 'due regard' to the need to:

1. Eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act; EqA 2010 (section 149(1)(a)).
2. To advance equality of opportunity between people who share a relevant protected characteristic and those who don't; This involves having due regard to the needs to:
 - o remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - o take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(4)); and
 - o encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Section 149(6) makes it clear that compliance with the PSED in section 149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the EqA 2010 (this includes breach of an equality clause or rule or breach of a non-discrimination rule (section 149(8)).

(Section 149(3), EqA 2010.)

3. Foster good relations between people who share a relevant protected characteristic and those who don't (section 149(1)(c)). (which involves having due regard to the need to tackle prejudice and promoting understanding) (section 149(5), EqA 2010)..

Under the Duty the relevant protected characteristics are: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion, Sex, Sexual orientation.

- In respect of the first aim only i.e. reducing discrimination, etc. the protected characteristic of marriage and civil partnership is also relevant.
- In meeting the needs of disabled people we have a duty to take account of their disability and make reasonable adjustments to our services and policies where appropriate.
- We must be able to demonstrate that we have considered and had due regard to all three parts of this duty. We must also look for anything that directly or indirectly discriminates.

What do we mean by “due regard”?

- This is not a question of ticking boxes, but should at the heart of the decision-making process.
- decision-makers must be made aware of their duty to have due regard – so understand the legal requirements on them;
- There should be an analysis of the data – who is this going to affect and how will it put against the legal requirements
- We need to have thought about these duties both before and during consideration of a particular policy and we need to be able to demonstrate that we have done so
- The Duty is “non-delegable” so it is for the decision maker themselves to consider with assistance from the report and officer analysis. What matters is what he or she took into account and what he or she knew so it is important to have the relevant papers accompanying the report. The report should make explicit reference to the EIA. the duty is continuing so while this guide is aimed at the point of decision we should at appropriate points review our duties against the decision/policy
- The decision maker must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy or decision has been taken
- Officers reporting to or advising decision makers must not merely tell the decision maker what he/she wants to hear but need to be “rigorous in both enquiring and reporting to them”
- The duty should be reconsidered if new information comes to light

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What is due regard? In my view, it is the regard that is appropriate in all the circumstances. These include on the one hand the importance of the areas of life of the members of the disadvantaged ... group that are affected by the inequality of opportunity and the extent of the inequality; and on the other hand, such countervailing factors as are relevant to the function which the decision-maker is performing”

Lord Justice Dyson

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We need to take a sensible and proportionate approach to this based on the nature of the decision or policy being reviewed