

EXPLANATORY MEMORANDUM TO
THE LICENSING ACT 2003 (PREMISES LICENCES AND CLUB PREMISES
CERTIFICATES (AMENDMENT) (ELECTRONIC APPLICATIONS ETC)
REGULATIONS 2009

2009 No. 3159

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (S.I. 2005/42) (“the 2005 Regulations”).

2.2 The purpose of the amendments is to ensure that the 2005 Regulations are compatible with Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (“the Directive”). In particular, Article 8 of the Directive requires that all procedures and formalities concerning access to, and the exercise of, a service activity may be completed at a distance and by electronic means through a single point of contact, and with the relevant competent authorities in each member state.

3. Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments

None.

4. Legislative Context

4.1 The Licensing Act 2003 (“the Act”) provides a system of authorisation for certain activities (referred to as “licensable activities”), namely:

- the sale by retail of alcohol (see sections 191 and 192 for the relevant definitions),
- 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 (as defined in Schedule 1), and
- the provision of late night refreshment (as defined in Schedule 2).

4.2 Carrying on, or attempting to carry on, a licensable activity on or from any premises without an appropriate authorisation under the Act is a criminal offence: see section 136.

4.3 An authorisation under the Act may be a premises licence (granted under Part 3), a club premises certificate (granted under Part 4) or a temporary event notice (given under Part 5).

4.4 Premises licences and club premises certificates are granted (and may be varied) by local licensing authorities, subject to the procedures, forms and fees prescribed by or under the Act: see in particular sections 17(5), 34(5), 51(3), 54, 55, 71(6), 84(4), 91 and 92.

4.5 The procedures and forms for applications and notices relating to premises licences and club premises certificates are set out in the 2005 Regulations (as amended by S.I. 2007/2502 and S.I. 2009/1809).

4.6 The current regulations amend the 2005 Regulations with effect that-

4.6.1 an application or notice (and any accompanying plan or other document) may be given to a licensing authority under Part 3 or Part 4 of the Act “in writing” by means of a “relevant electronic facility”. Such a facility is defined to mean the Electronic Assistance Facility referred to in regulation 38 of the Provision of Services Regulations 2009 (S.I. 2009/2999), or any facility established and maintained by a licensing authority for the purpose of receiving applications, notices or representations electronically.

4.6.2 Applications or notices so given are to be regarded as given when the information comprising them becomes accessible to the recipient by means of the facility through which they are transmitted or, if a fee is payable, at the time the payment is received.

4.6.3 An application for review under section 51 or 87 of the 2003 Act, or representations (and any accompanying plan or document) can be given “in writing” if the information comprising it or them is-

- transmitted by electronic means (other than a relevant electronic facility);
- capable of being accessed by the recipient;
- clear and legible in all material respects;
- capable of being read and reproduced in written form and used for subsequent reference by the recipient.

In addition:

- the recipient must have agreed in advance to the use of electronic means for the purpose of receiving the application or representations; and
- the application or representations must forthwith be given to the recipient in writing, unless the recipient has agreed in advance that this need not occur.

4.6.4 The application or representations are to be taken as given when the above requirements (other than the last one) are met, or (if applicable) the appropriate fee is paid. (Reviews and representations are treated separately from other processes under the 2003 Act, as they are not normally initiated by the service provider).

4.6.5 The existing requirement that plans submitted with applications for premises licences or club premises certificates be drawn in the standard scale

(unless the licensing authority agrees in writing to an alternative scale) is replaced by a requirement that the plan must be clear and legible in all material respects. The definition of “standard scale” is accordingly omitted from regulation 2(1) of the 2005 Regulations.

4.6.6 To ensure compatibility with the Directive’s requirement for a single point of contact, the regulations provide that where certain applications are made by means of a relevant electronic facility (see above), the licensing authority (rather than the applicant) must give notice of the application to each of the “responsible authorities” as defined in Part 3 or 4 of the 2003 Act. For applications made by other means, and in the case of reviews, the applicant must give the required notice.

4.6.7 For applications of which notice is required to be given to the police (but not the other responsible authorities). And which are submitted by means of a relevant electronic facility, the regulations again provide that the licensing authority, rather than the applicant must give the required notice

4.6.8 Finally, a new regulation (39B) is inserted into the 2005 Regulations, which provides that certain notices given (by a licensing authority) in connection with applications made through a relevant electronic facility must themselves be given through that facility.

5. Territorial Extent and Application

These Regulations extend to England and Wales only.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Regulations implement Article 8 of the Directive in the areas covered by Parts 3 and 4 of the Act. (As all of the amendments implement the same Article, a separate transposition note has not been produced).

7.2 The Directive is a significant piece of European legislation building on the Treaty provisions concerning freedom of establishment and the free movement of services.

7.3 Additional policy background is available in the Explanatory Memorandum to the Provision of Services Regulations 2009 (S.I. 2009/2999).

8. Consultation outcome

8.1 The Regulations were the subject of a public consultation which ran from 1 October to 13 November 2009.

8.2 The consultation responses were broadly supportive of the proposals set out in the consultation document.

8.3 In one area there was a significant difference of view expressed by respondents. This concerned the form that a licence or certificate (or summary thereof) under the Act should take, and whether any provision ought to be made requiring certified copies, or original paper licences, to be issued in all cases. A significant plurality of responses favoured the status quo on this issue, namely that the matter is one for each licensing authority to determine. (The Act does not at present specify whether a licence, certificate or summary should be in electronic or paper form. Powers in sections 24 and 78 of the Act could potentially be used to address this issue, but so far have not been.)

8.4 In view of this the Department decided that the best option was to preserve the status quo, but will keep the matter under review and reconsider it if appropriate.

9. Guidance

Guidance to licensing authorities in relation to the amendments made by these Regulations is to be issued under section 182 of the Act.

10. Impact

An impact assessment in respect of the Directive is annexed to the Explanatory Memorandum to the Provision of Services Regulations 2009 and is available alongside that instrument on the OPSI website (www.opsi.gov.uk). A separate impact assessment has been produced in respect of these Regulations, and is available alongside them on that website.

11. Regulating small business

11.1 The Regulations are not expected to have any adverse impact on small firms. Further background on the impact of the Directive on small firms is available in the Explanatory Memorandum and impact assessment referred to in the previous paragraph.

11.2 The availability of electronic procedures for applications, notices and representations under the Act under less stringent conditions than applied previously is expected to help small firms (for example “off-licences” and independent pubs) to save time and reduce administrative costs.

12. Monitoring & review

The impact of the amendments made by these Regulations will be kept under review by the Department for Culture, Media and Sport.

13. Contact

Mandy Stevens at the Department for Culture, Media and Sport (tel: 020 7211 6322 or email: mandy.stevens@culture.gsi.gov.uk) can answer any queries regarding the instrument.

Summary: Intervention & Options

Department /Agency: Department for Culture, Media and Sport		Title: Impact assessment of proposed extension of electronic application to all licensable activities under the Licensing Act 2003	
Stage: Consultation	Version: 1.5	Date: 23/09/2009	
Related Publications: Impact Assessment of the Implementation of the Services Directive (BIS, 12/5/9)			
Available to view or download at: http://www.culture.gov.uk			
Contact for enquiries: Amanda Stevens		Telephone: 020 7211 6322	

What is the problem under consideration? Why is government intervention necessary? The EU Services Directive requires that EU Member States put in place a system to allow service providers located in the EU to apply for, vary and pay for licences and permits online via a single point of contact. Government intervention is necessary to amend the Licensing Act 2003 (the 2003 Act) and associated Regulations to achieve compliance with the Directive.

What are the policy objectives and the intended effects?

Compliance with the EU Services Directive and the removal of administrative burdens on licence and certificate holders. The intended effects are: to allow applicants to apply electronically via a single point of contact for all licensable activities and most applications and notifications under the 2003 Act.

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

The policy options were to restrict electronic application to applications for regulated entertainment (the only licensable activity that is a 'service' as defined by the Directive) or extend it to all regulated activities under the 2003 Act. The Government considers that it would not be cost effective or practical to allow electronic applications for regulated entertainment, but require written applications for other licensable activities. The preferred option is therefore to extend the benefits of electronic application to all licensable activities and most application and notifications processes under the

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? If appropriate, after three full financial years of the policy in operation (2013).

Ministerial Sign-off For final proposal/implementation 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:

Gerry Sutcliffe 1st December 2009

2003 Act.

Summary: Analysis & Evidence

Policy: Electronic Application Description: Extension of EA to most LA2003 Processes

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups'	
	One-off (Transition)	Yrs		
	£0			
	Average Annual Cost (excluding one-off)			
	£0	Total Cost (PV)	£0	
<p>Other key non-monetised costs by 'main affected groups': Licensing Authorities (LAs) will have to email copies of certain types of applications and notifications to Responsible Authorities (RAs). However, the set-up costs necessary to deliver this will have been incurred to comply with the Directive in respect of regulated entertainment, and the additional ongoing costs are minimal. There will also be non-monetised benefits from the extension of this across all licensable activities</p>				

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups': Potential annual savings to those submitting applications and notifications, largely derived from the removal of the requirement to send hard copies to RAs.	
	One-off	Yrs		
	£0			
	Average Annual Benefit (excluding one-off)			
	£1m (0.5 - £1.5m)	Total Benefit (PV)	£8.3m (£4.2m-£12.5m)	
<p>Other key non-monetised benefits by 'main affected groups': There will be no need for LAs to check that applications and notifications have been copied to the appropriate RAs. However, although we know that this task is sometimes undertaken, we do not know the administrative burden. Additionally, LAs will more easily be able to acknowledge TENs via email instead of hard copy. As described below, paragraph. 9, there may be small savings for applicants in terms of legal fees, and resulting from the new specification on plans.</p>				

Key Assumptions/Sensitivities/Risks:

Price Base Year 2009	Time Period Years 10	Net Benefit Range (NPV) £4.2m-£12.5m	NET BENEFIT (NPV) Best estimate) £8.3m
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What is the geographic coverage of the policy/option?	England and Wales		
On what date will the policy be implemented?	December 2009		
Which organisation(s) will enforce the policy?	Licensing Authorities		
What is the total annual cost of enforcement for these organisations?	£ 0 (fees cover)		
Does enforcement comply with Hampton principles?	Yes		
Will implementation go beyond minimum EU requirements?	Yes		
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 £0	Small £0	Medium £0
Are any of these organisations exempt?	No	No	No

Impact on Admin Burdens Baseline (2007 Prices)		(Increase - Decrease)	
Increase of £0	Decrease of £1m	Net Impact	-£1m

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

[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 EU Services Directive requires that EU Member States put in place a system to allow service providers located in the EU to apply for, vary and pay for licences and permits online via a point of single contact. The 2003 Act and associated Regulations do not currently comply with the Directive because, although electronic applications are allowed, they must be followed up in hard copy and applicants must copy applications to all Responsible Authorities (RAs).

The Government's proposal

2. The Government proposes to amend the Act and Regulations to remove the requirements for applicants to follow up electronic applications in hard copy and to copy applications to RAs. In order to comply with the requirement for a single point of contact, the Government also proposes to require Licensing Authorities (LAs) to copy applications to RAs and to make some further consequent changes to processes under the Act.
3. Although only regulated entertainment is a 'service' as defined, the Government proposes to extend the benefits of electronic application to all regulated activities and most applications and notifications under the Act.

Who is affected by the burden?

4. The range of affected groups includes:
 - pubs, bars, nightclubs, hotels, guesthouses and other premises licensed for the sale of alcohol on the premises;
 - private members' clubs e.g. sports, working means', and political clubs;
 - voluntary bodies (such as village and community halls) and schools;
 - supermarkets, off-licences and convenience stores;
 - providers of regulated entertainment (such as theatres, cinemas, and live music venues) if also licensed for the sale of alcohol or the provision of late night refreshment; and
 - premises providing late night refreshment, such as takeaways and restaurants.

Number of Applications Affected

5. The DCMS Statistical Bulletin "Alcohol, Entertainment and Late Night Refreshment Licensing" (covering 2007-2008) provides data on the number of applications in sections (a) and (b). The figures have been scaled up to provide estimated totals¹:

¹ "DCMS Statistical Bulletin: Alcohol, Entertainment and Late Night Refreshment Licensing; England and Wales, April 2007 – March 2008". Figures have been scaled up to take account of the fact that not all licensing authorities responded to each survey question. Therefore, the figures are estimates and not identical with those in the Bulletin.

a) Processes copied to multiple RAs

The following processes currently require the applicant to send hard copies to all RAs in addition to the Licensing Authority:

Applications for new premises licences	12, 900
Applications for new club premises certificates	205
Applications to vary premises licences	11,700
Applications to vary club premises certificates	560
Provisional Statements	57
<u>subtotal for multiple RA processes</u>	<u>25,422</u>

b) Processes copied to a single RA

The following processes currently require the applicant to send hard copies to the police, in addition to the Licensing Authority:

Requests to specify Designated Premises Supervisor	44, 300
Temporary Event Notices	119,100
Transfer of Premises Licences	18,700

We have also estimated the number of interim authority notices, by asking licensing officers in a selection of nine authorities and scaling up this figure across all authorities²:

Interim Authority (<i>estimated</i>)	568
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The number of applications to disapply the mandatory condition requiring a designated premises supervisor was estimated in the Impact Assessment for that process³. It was estimated that there would be around 6,000 applications in total, an average of 600 per year over ten years.

Applications to disapply DPS (<i>estimated</i>)	600
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<u>subtotal for single RA processes</u>	<u>183,268⁴</u>
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c) Other Processes (not requiring copies sent to RAs)

A surrender of a licence or certificate and a request to be removed as Designated Premises Supervisor (DPS) require notification to be sent to the

² Nine LAs with a total of 6747 premises licences estimated that they had a total of only 9 IAs in 2007-08. If we use this proportion across the estimated 213,000 licences and certificates, this equates to 284 in total. However, the LAs generally reported considerably more in 2008-09. The figure has been double to 568 to reflect this.

³ "Legislative reform orders: proposals to: (1) Introduce a simplified process for minor variations to premises licences and club premises certificates and (2) Remove the requirement for a designated premises supervisor and personal licence at community premises." (DCMS, August 2008).

⁴ This assumes that there are no appreciable savings from notifications of change of name and address of DPS; and surrenders of licences.

Licensing Authority only. The benefits per application will be relatively small, given that it does not include the administrative saving arising from the removal of the requirement to copy to other bodies. We think that the number of such notifications is also relatively small and we are therefore assuming that the total benefits are negligible.

Estimated Effect of New Minor Variations Application Process

6. A new application process, Minor Variations, was introduced in July 2009. We have previously estimated⁵ that there would be about 5000 Minor Variations in the first year that the process is in operation. We will assume that half of these replace existing full variations, and half are applications that would not otherwise occur. This leads to a revised total for application process types as follows:

Total for multiple RA processes:	<u>22,922</u>
Total for the single RA processes	<u>188,268</u>

Proportion of Applications that are for Regulated Entertainment Only

7. Regulated entertainment is the only licensable activity that is a 'service' as defined and therefore in scope of the European Services Directive. The direct impacts of the Directive, and the full implementation costs, have been previously assessed by the Department for Business, Innovation and Skills (BIS)⁶. The current proposal is to extend the process to all licensable activities under the 2003 Act. Therefore, to avoid double counting, we must exclude applications that relate only to regulated entertainment. We do not have precise figures for what proportion of applications fall into this category. However, scaled estimates⁷ indicate that, amongst the 207,800 existing licences, 155,400 were authorised to sell alcohol and 66,500 were licensed for late night refreshment. Therefore, although 104,500 premises are licensed for regulated entertainment, an absolute maximum of 25%, and most probably substantially fewer, are ONLY licensed for regulated entertainment. This may nevertheless be the case with some theatres, community premises and schools. This is especially because schools and community premises may be exempt from paying a fee if they are licensed for regulated entertainment only. For example, DCMS has previously estimated that around 2,500 community premises fall into this category⁸. There will also be some schools. This gives us a range of around 3%-20%. We will assume that this reflects the number of applications⁹ for regulated entertainment only. This

⁵ final version of Impact Assessment for revised Minor Variations, submitted to Parliament March 2009.

⁶ Department for Business, Enterprise and Regulatory Reform, Services Directive Impact Assessment (May 2009).

⁷ "DCMS Statistical Bulletin: Alcohol, Entertainment and Late Night Refreshment Licensing; England and Wales, April 2007 – March 2008".

⁸ See note 3.

⁹ The figures for existing licences may mask a small proportion of cases where premises apply to have regulated entertainment added to their licence but are refused. We do not know how many such cases there are.

leaves us with **18,338 - 22,234** and **150,614 – 182,620** for the two types of processes.

Proportion of Applications Taking Advantage of Electronic Application

8. We do not have data on what proportion of stakeholders are equipped to make electronic applications, or will choose to do so. The situation is likely to be different in different LAs. For example, the London Borough of Westminster, which is conducting a pilot of electronic applications, has estimated that 50-60% of applications will be electronic within the first year. However, Westminster considers that it may receive an untypically large proportion of its applications via solicitors (who are more likely to take advantage of electronic application). Further evidence has been supplied by Action with Communities in Rural England (ACRE), which represents rural stakeholders, such as village halls. It considers that its members are generally less likely than average to have access to computers. However, it recently conducted a survey of its members and just over 40% of the responses were received by email. It can be assumed that the proportion using electronic application will generally increase over time as more applicants become familiar with the process. We will therefore assume 40-60%, meaning an estimated **7,335-13,340** applications under the multiple RA processes and **60,246 – 109,572** for the single RA processes.

The Administrative Savings of Electronic Applications

9. More complex application processes

The administrative tasks that must be conducted by applicants for full variation of a licence or certificate are described in the Minor Variations impact assessment¹⁰, along with the estimated average cost of each task. The same costs apply to new licence or club premises certificate applications and applications for provisional statements. The requirement to copy applications to RAs will be removed for those making applications electronically. The administrative burden of sending the form will also be reduced. (There may also be other savings, such as reduced average legal costs if a higher proportion of applicants decide that they can conduct the application themselves, or if legal firms find other cost savings that they can pass on to their clients. Also, the requirement for plans to be ‘clear and legible in all material respects’ instead of ‘to standard scale’ might result in savings in some circumstances. However, any such savings would probably be relatively small on average, and are difficult to predict.)

Task and Burden	Saving
Complete and send an application form with a copy of the licence or certificate, the original plan (and amended plan, if appropriate) to the relevant licensing authority (£15-£80 ¹¹)	Form & plan will not require printing and posting. Saving of approx. £5-£8

¹⁰ Ibid, note 5.

¹¹ Based on 1-5 hours of management time at an hourly cost of £16.23 (estimated from discussions with stakeholders).

Copy all documents to RAs - usually seven bodies, possibly eight or nine: (£20-£40)	No longer required. Saving of £20-£40
	Average saving: £25-£48

Total estimated annual saving for more complex processes:

7,335-13,340 x £25-£48 = £0.18m - £0.64m

10. Simpler processes:

We estimate that it takes an average of about one hour of administrative time (around £16) to complete the simpler applications (the majority of which are TENs). Under the proposals for electronic applications, applicants will not be required to make and send the additional copy to the police. We will assume this takes about twenty to thirty minutes (about £5-£8).

Task and Burden	Saving
Send application to Licensing Authority and copy application to police (£16)	Copy to police no longer required. Average saving of £5-£8.

Total estimated annual saving for simpler processes:

60,246 – 109,572 x £5 - £8 = 0.30m- 0.88m

Total estimated annual saving for all processes = £0.5m - £1.5m

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	No	Yes
Small Firms Impact Test	No	Yes
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	Yes
Race Equality	No	Yes
Disability Equality	No	Yes
Gender Equality	No	Yes
Human Rights	No	No
Rural Proofing	No	Yes

Annexes

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

Section	Notes
<p>1. Name of the function/policy to be assessed: Impact assessment of proposed extension of electronic application to all licensable activities under the Licensing Act 2003.</p>	
<p>1. What is the aim, objective or purpose of the policy? The removal of administrative burdens through the extension of electronic application to most applications and notifications under the LA2003. Most importantly, the removal of the requirement for applicants to submit applications and notifications in hard copy, and copy them to Responsible Authorities (RAs).</p>	
<p>3. What are the intended outcomes? A reduction in administrative burdens. If appropriate, the impact of the change will be reviewed, possibly after three full financial years of the policy in operation (2013).</p>	<p><i>Consider:</i></p> <ul style="list-style-type: none"> • <i>How will you monitor progress towards these outcomes?</i> • <i>Do the outcomes support or hinder other policies, values or objectives within the Department?</i> • <i>If they hinder other work is this justifiable?</i>
<p>4. Who are the key stakeholders? Organisations representing premises licence holders; private members' clubs; users of the temporary event regime (such as schools); the licensing authorities as administrators of the regime; and responsible authorities (such as the police).</p>	<ul style="list-style-type: none"> • <i>Who are the groups/individuals likely to be affected by the function or policy?</i> • <i>Who else might have a significant interest in the implementation of this policy?</i> • <i>Who else might have knowledge of the impact or potential impact of the policy or function?</i>
<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"> ➢ Eliminate discrimination? ➢ Promote equality of opportunity? ➢ Promote good relations between different groups? <p>No <i>[Most functions, policies and practices will not be designed specifically to meet the Public Duties. You need only answer 'yes' if the specific intent of the function, policy or practice is to meet the public duties. Otherwise, move on to section 6]</i></p>	<ul style="list-style-type: none"> • <i>For example, a policy that has the aim of preventing harassment and bullying</i> • <i>If the answer is YES 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 assessment</i>
<p>6. Does the function or policy involve or have consequences for members of the public or staff employed by the Department?</p> <p>Yes</p>	<ul style="list-style-type: none"> • <i>If the answer is YES proceed to section 7</i> • <i>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 <u>no</u> consequences for members of the public or for staff employed by the</i>

	<p><i>Department</i></p> <ul style="list-style-type: none"> • If the evidence that you have indicates that there is <u>no</u> impact or likely impact you do not need to conduct an impact assessment <u>but</u> 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 • If you are sure the answer is NO, proceed to sections 13 and 14 																												
<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>Yes Feedback from a range of stakeholders suggests that a substantial proportion of stakeholders are likely to take advantage of the proposed electronic application processes. Groups representing licensing and certificate holders consider that the proposal will reduce administrative burdens.</p>	<ul style="list-style-type: none"> • If you have <u>no</u> evidence available, then you will not be able to assess if the policy is relevant to equality • 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) • You should also consider consulting with stakeholder groups and involving disabled people at this stage (Please refer to section 5 on consulting and involving) • When you have gathered evidence of the effects of the policy on the intended stakeholders, you can then proceed with the initial screening • You should ensure that the actions necessary to collect the evidence are identified in an action plan 																												
<p>1. 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, for example, because they have different needs or priorities?</p> <table border="1" data-bbox="193 1514 1070 1798"> <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 or Belief</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>Please summarise what the evidence shows and attach the evidence more fully to this screening document or reference where the evidence is available</p> <p>None of the feedback received from stakeholders indicates that the proposed regulatory change is likely to affect any of the above equality strands any differently.</p>		Yes	No	Not Known	Age		X		Disability		X		Gender		X		Race		X		Religion or Belief		X		Sexual Orientation		X		<ul style="list-style-type: none"> • 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 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
	Yes	No	Not Known																										
Age		X																											
Disability		X																											
Gender		X																											
Race		X																											
Religion or Belief		X																											
Sexual Orientation		X																											

2. 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
Age		X	
Disability		X	
Gender		X	
Race		X	
Religion or Belief		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

None of the feedback received from stakeholders indicates that the proposed regulatory change will discriminate against people in the listed strands.

- 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

3. 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
Age		X	
Disability		X	
Gender		X	
Race		X	
Religion or Belief		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

None of the feedback received from stakeholders indicates that any of the above groups 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

4. 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
Age		X	
Disability		X	
Gender		X	
Race		X	
Religion or Belief		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

- 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

available None of the feedback received from stakeholders indicates that the proposed regulatory change will favour a particular group or deny opportunities to another.																													
<p>5. Have previous consultations with relevant stakeholder groups or individuals indicated that policies <u>of this type</u> create exclusion or hold specific challenges for any of the listed groups?</p> <table border="1"> <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 or Belief</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>Please summarise what the evidence shows and attach the evidence more fully to this screening document or reference where the evidence is available None of the feedback received from stakeholders indicates that this policy will create exclusions or hold specific challenges for any of the listed groups.</p>		Yes	No	Not Known	Age		X		Disability		X		Gender		X		Race		X		Religion or Belief		X		Sexual Orientation		X		<ul style="list-style-type: none"> • <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> • <i>If the answer is No and the evidence supports this, proceed to section 13</i> • <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>
	Yes	No	Not Known																										
Age		X																											
Disability		X																											
Gender		X																											
Race		X																											
Religion or Belief		X																											
Sexual Orientation		X																											

<p>13. Is a full impact assessment required? No. We do not believe that the proposed regulatory change will affect any of the groups under the listed strands in a different way.</p>	<ul style="list-style-type: none"> • <i>If the answer is NO please use the space opposite to summarise why and attach any further supporting evidence</i> • <i>If the answer is YES you will need to arrange to carry out a full impact assessment</i> • <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>
<p>14. If a full impact assessment is not required, please indicate the plans to monitor the implementation of this policy over the next three years. We will check with key stakeholders whether the statement in section 13 is still correct 12 months after the regulatory change (subject to Parliament) is enacted.</p>	
<p>15. Please return a copy of this form to:</p>	
Name: Mandy Stevens	
Unit/Directorate: Licensing Team/Industry Directorate	
Date: 15/09/2009	

Competition Assessment

We do not believe that the proposed policy is likely to raise any competition concerns. It will be for the applicant to decide whether to apply electronically, so to that extent the proposals apply equally to all premises. Therefore, it will not directly or indirectly limit the number or range of suppliers, limit the ability of suppliers to compete or reduce suppliers' incentives to compete vigorously.

Small firms impact test

These proposals will make electronic application available to all applicants. It may be that a slightly smaller proportion of small businesses are equipped to make applications and notifications electronically, but this effect will be marginal. In general, the proposal will result in administrative savings for small businesses in common with other applicants and there is no reason why it would have a negative impact on small businesses.

Rural Proofing

Action with Communities in Rural England (ACRE) is a member of our stakeholder group. It has suggested that, from its research, around 40% of its members are equipped to deal with applications and notifications electronically. This is only slightly smaller than the proportion estimated by Westminster Borough Council (50%). Therefore, although it may be the case that a slightly smaller proportion of rural businesses, clubs and voluntary organisations will be able to take advantage of electronic application, this effect is likely to be marginal.

Health Impact Assessment Screening

This proposal does not change any element of licensing policy, only the mechanism for making applications and notifications. Therefore, we do not believe that a health impact assessment is required.

We have considered that the policy will not have:

- **a significant impact on human health by virtue of its effects on the following wider determinants of health:** Income, Crime, Environment, Transport, Housing, Education, Employment, Agriculture or Social cohesion.
- **a significant impact on any of the following lifestyle related variables:** Physical activity, Diet, Smoking, drugs, or alcohol use, Sexual behaviour, Accidents and stress at home or work.
- **a significant demand on any of the following health and social care services:** Primary care, Community services, Hospital care, Need for medicines, Accident or emergency attendances, Social services, Health protection and preparedness response.