

Licensing Board

Equalities – Mainstreaming Report (as at April 2013)

Introduction

Licensing Boards are required by Section 149 of the Equality Act 2010 ('the general duty') to:

- eliminate discrimination
- advance equality of opportunity, and
- foster good relations.

Under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, Licensing Boards are required to publish a set of Equality Outcomes together with a Mainstreaming Report which must be separate from their partner Local Authority. This information is required to be published by 30 April 2013.

This report sets out the commitment of Inverclyde Licensing Board ("the Board") to meeting our responsibilities under the Public Sector Equality Duties to those defined under the Equality Act 2010 in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These are the "protected characteristics" under the Act. The report explains the actions we have already taken and will take in this regard. Although the Board has a separate legal status from Inverclyde Council ("the Council") it is resourced entirely by the Council. The close connections between the Board and the Council affords the Board the opportunity to benefit directly from the actions already taken or proposed by the Council to ensure that it fulfils all the Equality obligations. In this connection it is noted that to support the Council's commitment to the principal of equality of opportunity, an Equalities Officer post has been appointed to support the Council the mainstreaming of equality and to ensure that the Council meets its legal obligations both as an employer and provider of services to our communities. Staff of the Board will have the benefit of liaising with the Equalities Officer to assist develop their own awareness and understanding of equality and diversity issues.

About the Licensing Board

Constitution

The Board is constituted in terms of the Licensing (Scotland) Act 2005. The Board is entrusted with the administration of liquor licenses and with certain other statutory duties.

The Board is comprised of 8 elected members of the Council, elected at the first Council meeting after each ordinary Council election. A Licensing Board must consist of at least 4 members.

Board meetings are held in public but deliberations can be made in private. All decisions taken by the Board must be made in public.

All revenue received by the Board from licence application fees must be transferred to the Council. The Council is charged with the responsibility for providing accommodation for the meetings of the Board and all necessary expenses in respect of Board proceedings.

Governance

The report sets out how the Board is meeting its duties in terms of equality and diversity legislation. The Equality Act 2010 introduced a single equality duty ('the general duty') which covers the nine protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The general duty applies to public sector organisations across the whole of the UK and came into effect from 6 April 2011 and requires public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. Under the provisions of the Equality Act, Scottish Ministers have the power to introduce additional specific duties which came into effect on 27 May 2012. These specific duties provide a framework to help public authorities meet the general duty, such as a duty to report progress on mainstreaming the equality duty.

Apart from equalities duties, we have objectives laid down in statute specifically related to our work around which we must organise all our licensing functions:

Licensing Statutory Provisions:

- The Licensing (Scotland) Act 2005
- The Gambling Act 2005

The Licensing Objectives

The regimes under the Licensing (Scotland) Act 2005 and the Gambling Act 2005 set out broad aims which the Board must and will support in all its functions, which are:

The Licensing (Scotland) Act 2005 –

- Preventing crime and disorder;
- Securing public safety;
- Preventing public nuisance;
- Protecting and improving public health;
- Protecting children from harm.

The Gambling Act 2005 –

- 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;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Our Staff

The Board is supported by a Clerk, one or more Depute Clerks, a paralegal/administration officer and occasionally by a member of Legal & Democratic Services support staff. All staff carrying out the Board's responsibilities are recruited and employed by the Council. The Council also employs a Licensing Standards Officer.

Mainstreaming Equality

Mainstreaming is an approach to delivering equality within an organisation. This is primarily a long term strategy aimed at ensuring that equal opportunities principles and practices are integrated into every aspect of an institution from the outset. The focus should not only be internal (mainstreaming equality principles into procedures and systems) but also external (mainstreaming equality principles into policies and customer service delivery). Mainstreaming provides a framework that facilitates and compliments equal opportunities legislation and other equality measures. The Board's strategy deals with Equality Impact Assessments, Consultation, Monitoring and Collection of Data and sets out the Board's equality outcomes.

Training is also integral to mainstreaming equalities. Members and staff all need to have an awareness of equalities issues as well as an understanding of their responsibilities under legislation and in terms of the Board's strategy.

As the Board is comprised of elected members of the Council, they are subject to an ongoing training programme which, whilst not specific to the Board's business, includes equalities issues. The Council

has agreed to appoint an Equalities Officer and his/her advice will be sought in this area. Further training will be offered to Board members, focused on equalities issues relevant to Licensing matters.

Staff are subject to the Council's training regime and requirements as employees of the Council. All Licensing staff will as a result be required to access the Equalities Act training available to all employees.

Our Functions and Policies

Generally, the Board's functions are to:

- Accept and process to grant, vary, transfer, review or refuse all applications for liquor premises licences;
- Accept and process to grant, vary, review or refuse all application for personal licences;
- Accept and process to grant, vary or refuse all applications for occasional extensions and occasional licences;
- Accept and process to grant, vary, transfer, review or refuse all applications for gaming premises licences;
- Accept and process to grant, vary, transfer, review or refuse all applications for entitlement to gaming machines and gaming machine permits for licensed premises and registered clubs;
- Accept and process to grant, vary, transfer, review or refuse registration for the promotion of small societies lotteries;
- Consider complaints in respect of licences and permits and the holders of these and, where necessary, hold hearings with a view to resolving the complaint wither by way of suspension of a licence or by some lesser remedy;
- Formulate, consult on and adopt policies in relation to the Board's licensing functions;
- Make a number of decisions in terms of liquor licensing affecting the day to day management or hours of operation of premises licensed for the sale of alcohol;
- Provide general support and guidance to the trade and the community on the above.

Policies

We have the following policies in place:

- Policy Statement in terms of the Licensing (Scotland) Act 2005;
- Statement of Licensing principles in terms of the Gambling Act 2005.

Equality Impact Assessment

The way in which we develop policies and conduct our activities should reflect our commitment to diversity and equality. We recognise that we must ensure our policies and procedures do not discriminate, and that we consider equality fully when we develop new policies and activities or consider changes to any of these.

Impact Assessments will be conducted using Equalities Impact Assessment forms and guidance developed for the Board.

Any new policies and guidelines that are proposed, or indeed any new functions that arise, will be impact assessed, as will any proposed changes or redesign of existing functions and policies/guidance.

All reports then presented to the Board presenting new policies or guidelines setting out new functions or proposing changes that have relevance to any equalities strand will include details of:

- The assessment of the impact on equalities strands;
- Consultation carried out in conjunction with that assessment; and
- Any action including monitoring where appropriate, proposed in consequence of that assessment and consultation.

This will enable the Board to consider these matters appropriately in reaching decisions.

Consultation

An important element of the equality duties is the requirement to consult and involve people to assess our progress on achieving our duties. We recognise that to improve equalities and eradicate discrimination, stakeholders have to be involved not only in identifying potential discrimination but also in developing solutions and reviewing the progress and impact of those solutions. To maximise the benefits from involvement and to make sure that people have the opportunity to contribute fully, we ensure that external stakeholders are involved in assessing our policies and activities. As part of this process, a survey of stakeholders' views, in relation to their dealings with the Board is to be carried out.

The Board is required to publish its progress on mainstreaming the equality duty and its equality outcomes by 30 April 2013.

Licensing Forum

The Licensing Forum ("the Forum") is the medium through which the Board can engage with representatives of all parts of the community and ensure community views are taken into account in the development of Board policies and guidelines.

The Licensing (Scotland) Act 2005 lays down statutory groups that must be represented within the Forum these being:

- Holders of premises licenses and personal licences;
- The Chief Constable for the area;
- Persons having functions relating to Health, Education or Social Work;
- Young persons;
- Persons resident within the Forum's area;
- Licensing Standards Officer.

The Act also provides minimum and maximum numbers for the Forum.

At present there are ten members, comprising:

- Two holders of premises licences and personal licences;
- A representative of the Chief Constable for the area;
- Three persons having functions relating to Health, Education or Social Work;
- One representative of young people;
- Two persons resident within the Forum's area;
- One Licensing Standards Officer.

The Board aims to be in touch with its stakeholders and to understand their requirements if we are to respond adequately to their needs and priorities.

We understand that equality of opportunity is not achieved in treating everyone in the same way, but by recognising that sometimes we have to treat people differently to allow them the same opportunities to participate to achieve their potential. Therefore, the success of our policies and functions in the future will depend on our ability to work with representatives of diverse groups. The forum is the main vehicle for this involvement and the make-up of the Forum is of primary importance. The Council is responsible for the appointment of members to, and support for, the Forum.

The Board will advise the Forum on the strategy and consult on all new policies, guidelines or functions, or changes to these and/or all impact assessments.

Staff

Licensing staff have prepared and developed this strategy.

Action

The measures proposed by the Board and the equality outcomes that it has set as detailed within the Action Plan listed in Appendix 1 to this report.

Monitoring

Monitoring is a way of ensuring that the strategy is being implemented and working. It will highlight whether any particular action has been effective and what other action is required. The Clerk, at the direction of the Board, will be responsible for implementing the action plan contained within this strategy and providing reports on progress towards meeting its equality duties.

The Board will review its equality outcomes every four years.

Service Delivery

The Board encourages feedback at any time both generally and specifically in response to consultation during the application process and when disseminating information. The Licensing Section of the Council's website indicates the Board's willingness to receive feedback.

Performance Indicators -

The following performance indicators have been adopted:

1. number of applications and outcomes by equality strands;
2. number of complaints and outcomes by equality strands;
3. number of complaints upheld by the Equality and Human Rights Commission.

Information on each indicator will be reported to the Board annually as part of the annual report.

Equalities Monitoring Form -

The Board has not in the past recorded equalities monitoring information. Some information is available however (see Appendix 2). An equalities monitoring form is being developed. To support performance indicator number 1 this will be distributed with all application forms. Information will be collated and will be analysed and reported to the Board annually as part of the Annual Report.

To support performance indicator number 2, annual audits of complaints will be undertaken in January each year. Information will be collated and will be analysed and reported to the Board annually as part of the Annual Report.

Publicity

Strategy/Mainstreaming Report

The Board will make its Strategy and the Mainstreaming Report publicly available. This will be accessible on the Council's website.

It will also be available in printed and alternative formats on request by contacting the Clerk to the Board.

The Strategy/Mainstreaming Report will be circulated to all members and officers of the Board and to the Licensing Forum. Feedback and comment is encouraged at any time.

Equality Impact Assessments

Equality Impact Assessments will be available on the Council's website. They will also be available in printed and alternative formats on request by contacting the Clerk to the Board.

Annual Reports

These reports will be published no later than 30 April every year and will be available on the Council's website. They will also be available in printed and alternative formats on request by contacting the Clerk to the Board.

Annual reports will be prepared by the Clerk and, as stated, will contain details of:

- progress against the action plan and equality outcomes;
- performance indicators;

The annual report will also contain details of progress in promoting equality within the Board's policies, practices and systems.

Contact Details

Inverclyde Licensing Board

Clerk:
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Clyde Square
GREENOCK

Depute Clerks:
Fraser Jarvie
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James Douglas
Tel: 01475 712034

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Fiona Denver
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Licensing queries can be e-mailed to: - licensing.section@inverclyde.gov.uk

Licensing information can be found on the Council's website at www.inverclyde.gov.uk

INVERCLYDE LICENSING BOARD

APPENDIX 1

EQUALITY OUTCOMES AND ACTIONS

EQUALITY OUTCOME ONE: By developing a healthier attitude to alcohol, social problems experienced by young people are reduced

PROTECTED CHARACTERISITIC: Age

Evidence that this is a significant issue

- Evidence form Inverclyde Licensing Forum to Inverclyde Licensing Board regarding crime and health statistics in relation to alcohol. The evidence shows that in certain areas of Inverclyde, the crime and health statistics are above the national averages for Strathclyde and Scotland as a whole.
- Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) 2013. The number of 15 year olds in Inverclyde that had been drunk more than 10 times was 4% higher than the National average.
- Licensing (Scotland) Act 2005 Section 4. Protecting Children from Harm. As a Licensing objective, it is imperative that the Board have regard to this objective. Indeed, the current Air Weapons and Licensing (Scotland) Bill seeks to expand this objective by amending the objective to “Protecting children and Young Persons from Harm”.
- Police Scotland (Inverclyde Sub Division) have highlighted that 85% of people who are arrested for disorder related offences are under the influence of alcohol, and in about 80% of violent crime cases in Inverclyde, alcohol has been a contributing factor, whether consumed by the victim, perpetrator, or both.
- 70% of Inverclyde Citizens’ Panel reported that they thought that over consumption of alcohol was a problem (Spring 2011)
- The views and experience of partner agencies within Inverclyde.

Action Plan

- Consultation with partner agencies to understand how the Licensing Board can support alcohol initiatives in Inverclyde schools by Winter 2015.
- Collate more detailed information regarding complaints in respect of licences with regards to protected characteristics. This will help the Licensing Board to fully understand the impact that its decisions have with regards to specific groups.

Measuring Outcomes

- Minutes produced from meetings with partner agencies detailing the requirements for Licensing Board support for existing alcohol initiatives within Inverclyde schools.
- Collation and analysis of protected characteristic data regarding complaints made to the Licensing Board.

EQUALITY OUTCOME TWO: Inverclyde is a more inclusive place to live and do business

PROTECTED CHARACTERISTIC: All

Evidence that this is a significant issue:

- Meeting with representatives of Inverclyde Council on Disability (ICOD). They advised that accessibility to premises, including licensed premises, was a major concern to the disabled community within Inverclyde.
- ICOD advised that “accessibility” did not merely relate to the imposition of wheelchair ramps and disabled toilets, but rather the usefulness of such facilities. For example, there are examples of disabled toilets being placed at the top of stairs without a wheelchair lift also being installed.
- Lack of representation of different protected characteristics on Inverclyde’s Licensing Forum.

Action Plan

- Increase awareness of the issues of accessibility and inclusion within licensed premises in Inverclyde that will positively outline the business case for supporting equality and diversity.
- The development of a programme of engagement with local equality groups that will focus on understanding and resolving potential issues regarding inclusion within licenced premises.
- To undertake surveys with the disabled community on issues surrounding accessibility and distribute findings to the licensed trade.
- The Licensing Board will systematically collate and analyse data regarding the protected characteristics of licence applicants
- To report findings to Inverclyde Licensing Board on an annual basis.

Measuring Outcomes

- Measurement of the frequency and scale of consultations with local groups who represent people with protected characteristics as well as the Inverclyde Licensing Forum to ensure that the information obtained at these meetings that is being provided to the licensed trade is both relevant and acted upon.
- Issues that raise concern as to accessibility will be able to be raised directly with licensed premises individually and as a whole.

Other General Actions

- Inverclyde Council’s Equalities Officer to provide training to Inverclyde Licensing Board Members by December 2015 on the issues highlighted within this Equalities Mainstreaming report.
- To involve Inverclyde Licensing Forum in Equalities training and consult with them as to issues that they wish to focus on by December 2015.

APPENDIX 2

LICENSED PREMISES STATISTICS

As at 18 April 2013 there were the following licences currently in force in Inverclyde.

PREMISES LICENCES (LIQUOR)	
On Sales	48
Off Sales	68
On & Off Sales	45
Registered Clubs	42
TOTAL	203
PERSONAL LICENCES (LIQUOR)	
Granted to date	535
PREMISES LICENCES (GAMING)	
Betting	20
Bingo	1
Adult Gaming Centre	15
Family Entertainment Centre	1
Notice of Automatic Entitlement	27
Gaming Machine Permits	6
Club Gaming Permits	0
Club Gaming Machine Permits	7
Lotteries Registrations	73
TOTAL	150

LICENCE HOLDERS

The Board historically has not sought, and hence has not recorded, as part of the application process, Equalities Monitoring Information. Monitoring information will now be sought from all applicants. It has been possible, however, to extract certain information relating to licence holders from our records in relation to individuals holding premises or personal licences.

GENDER		
	Premises Licence	Personal Licence
Male	49 persons	270 persons = 52.6%
Female	23 persons	265 persons = 47.4%

AGE	
PERSONAL LICENCE ONLY	
18-30	22.8 %
31-50	46.5%
Over 50	30.7%

PLACE OF BIRTH (PERSONAL LICENCES ONLY)	
Scotland	82%
England/Wales/Ireland	8.8
Europe	1.3%
Australia	0.1%
Hong Kong	0.1%
India	1.5%
Africa	0.1%
Pakistan	1.5%
Sri Lanka	0.1%
Unknown	4.5%