

REPORT TO: LICENSING BOARD – 26TH OCTOBER 2017
REPORT ON: EQUALITY ACT 2010 – EQUALITY OUTCOMES
REPORT BY: CLERK TO THE LICENSING BOARD
REPORT NO: 378-2017

1.0 PURPOSE OF REPORT

To advise members of the latest position regarding compliance with the Board's duty to produce an Equality Strategy under the Equality Act 2010 and to monitor and report compliance therewith.

2.0 RECOMMENDATIONS

It is recommended that:-

- 2.1** The Board adopts the strategy and equality outcomes at Appendix 1 to this report as a proposal for the period 2017-2021.
- 2.2** It be remitted to the Clerk to consult on the proposed strategy and outcomes for 2017-2021 and to report back to the Board in December 2017.

3.0 FINANCIAL IMPLICATIONS

None.

4.0 MAIN TEXT

- 4.1** As a public body, the Licensing Board is subject to the public sector equality duties set out in the Equality Act 2010. Since the Board is a separate legal entity from the Council, the Board requires to produce its own equality strategy detailing how it intends to meet these duties and how it will measure progress towards this.
- 4.2** The duties are to have due regard to the need to:
- eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct;
 - advance equality of opportunity between people who share a protected characteristic and those who do not; and,
 - foster good relations between people who share a protected characteristic and those who do not.
- 4.3** "Protected characteristics" under the Act are – age; disability; gender; gender reassignment; pregnancy and maternity; race; religion or belief; and sexual orientation.
- 4.4** It is recommended that the Board adopt the strategy and equality outcomes at Appendix 1 as a proposal for the four year period from 2017-2021. The Clerk shall arrange for the necessary consultations to be undertaken in respect of the strategy and outcomes (subject to any further revision which may be required as a result of the consultation) and report back to the Board in December 2017.

5.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Sustainable Development, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

There are no major issues.

6.0 CONSULTATIONS

The Chief Executive and Executive Director of Corporate Services have been consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

None.

Roger Mennie
Clerk to the Licensing Board

DATE: 19 October 2017

DUNDEE CITY LICENSING BOARD

Equality Act 2010

**The Equality Act 2010 (Specific Duties) (Scotland)
Regulations 2012**

EQUALITY STRATEGY

2017-2021

Consultation Detail

Our draft Strategy was approved at the Meeting of the Dundee City Licensing Board held on 26th October, 2017. Following consultation the final version was adopted at the Meeting of the Licensing Board held on 14th December 2017.

This statement is published on the licensing authority's website at www.dundee.gov.uk and is available for inspection at 18 City Square, Dundee between 9 am and 5 pm Mondays to Fridays.

All our written information can be made available, on request, in a range of different formats and languages. If you would like this document in any other language or format, please let us know. Please ask a friend, relative or carer to:

Phone: 01382 434444

Email: licensing.board@dundee.gov.uk

Write To: The Clerk to the Licensing Board
City Chambers
City Square
DUNDEE
DD1 3BY

We welcome comments regarding this statement and these should be sent to the address shown above. Paper and electronic copies of this statement are also available on request from these email or postal addresses.

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1 Introduction

- 1.1 This Strategy sets out the commitment of the Dundee City Licensing Board (“the Board”) to meeting our responsibilities under the Public Sector Equality Duties 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 “protected characteristics” under the Act. The Strategy explains the actions we have already taken and will take in this regard. Although the Board has a separate legal status from Dundee City Council (“the Council”), it is resourced entirely by the Council. The close connection 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. This is reflected in the Strategy set out on the following pages.
- 1.2 This Strategy was approved by the Board on **14th December 2017** and replaces the previous Equality Scheme in relation to Race, Gender and Disability.
- 1.3 If you wish to submit any comments on this document at any time, please address them to:
Email: licensing.board@dundeecity.gov.uk
- Write To: The Clerk to the Licensing Board
 City Chambers
 City Square
 DUNDEE
 DD1 3BY

2 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 licensing and with certain other statutory duties, including the licensing of gambling premises.

The Board is comprised of 10 elected members of the Council, elected at the first Council Meeting after each ordinary Council election. All decisions taken by the Board must be made in public.

The Council is charged with the responsibility for providing accommodation and other support for the meetings of the Board and all necessary expenses in respect of the proceedings of the Board.

Statutory Governance

This Strategy 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 covering 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 single equality duty is in two parts. The general duty 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. The specific duties, which came into effect on 27 May 2012, provide a framework to help public authorities meet their 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 licensing functions:

Statutory Licensing Provisions:

- The Licensing (Scotland) Act 2005 and associated Regulations
- The Gambling Act 2005 and associated Regulations

The Licensing Objectives

The regimes under the Licensing (Scotland) Act 2005 and the Gambling Act 2005 set out broad aims to which the Board must have regard, 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 and support staff. All staff carrying out the Board's responsibilities are recruited and employed by the Council. The Council also employs two Licensing Standards Officers.

Mainstreaming Equality

Mainstreaming is an approach to delivering equality within an organisation. It is primarily a long-term strategy aimed at ensuring that equal opportunity 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 complements equal opportunities legislation and other equality measures.

This strategy deals with Equality Impact Assessments, Consultation, Monitoring and collection of data and sets out the Board's equality objectives (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 this strategy. The Board is supported by the Council's Equality and Diversity Co-ordinator in this regard. All members of the Board are elected members of the Council. In that capacity, they have attended training on the public sector equality duty and equalities impact assessments.

Staff are subject to the Council's training regime and requirements as employees of the Council.

3 Our Functions and Policies

Broadly speaking, the Board's functions are to:

- Process and determine applications, to grant, vary, transfer or review liquor premises licences
- Process and determine applications to grant, vary or review personal licences
- Process and determine applications for occasional extensions and occasional licences
- Process and determine applications to grant, vary, transfer or review for gaming premises licences
- Process and determine applications to grant, vary, transfer or review the automatic entitlement to gaming machines and gaming machine permits for licensed premises and registered clubs
- Process and determine applications to grant, vary or review registrations 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 either by way of suspension of a licence or by some less radical 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 this.

Impact Assessments will be conducted using Equalities Impact Assessment Guidance developed for the Council.

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

All reports then presented to the Board proposing new policies or guidelines setting out new functions or proposing changes that have relevance to any equality 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 in reaching decisions.

4 Consultation

At the heart 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.

We consulted widely on a draft statement of principles before finalising and publishing it.

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 licences and personal licences
- the Chief Constable for the area
- persons having functions related to health, education or social work
- young persons
- persons resident within the Forum’s area
- Licensing Standards Officer

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

At present there are 20 members, comprising:

- a representative of the Chief Constable for the area

- a representative of the Tayside Fire and Rescue Service
- persons having functions related to health, education or social work
- one representative of young people
- one person resident within the Forum's area
- 2 Licensing Standards Officers

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 by 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 and 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 makeup of the Forum is therefore of primary importance. The Council is responsible for the appointment of and support for the Forum.

The Board will consult with the Forum on the development of this Strategy and on all new policies, guidelines or functions, or changes to these and on all impact assessments.

Staff

Licensing staff have prepared and developed this Strategy.

5 Action

The measures proposed by the Board and the Equality Outcomes that it has set are as detailed in the Action Plan listed in **Appendix 1** to this Strategy.

6 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 to the Board on progress towards meeting its equality duties.

The Board will review its Equality Outcomes every 4 years.

Service Delivery

The Board encourages feedback at any time both generally and specifically in response to consultations 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 Equality Indicators have been developed:

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

Information on each indicator will be periodically reported to the Board.

Equalities Monitoring Form –

An Equalities Monitoring Form has been developed to support performance indicator No 1 and this will be distributed with all application forms. Information will be collated and will be analysed and reported to the Board.

To support performance indicator No 2, annual audits of complaints will be undertaken in January each year and an Equalities Monitoring Form will be issued to those involved in the process. Information will be collated and will also be analysed and reported to the Board.

Equalities Incident Monitoring Forms –

These will be available for use by staff as necessary, including the Licensing Standards Officers, who is the initial contact with regard to complaints. These will be collated and reported to the Board.

7 Publicity

Strategy

The Board will make its Strategy 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.

We encourage feedback and comment at any time.

Equality Impact Assessments

Equality Impact Assessments (including consultation information) 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.

Periodic Progress Reports

These reports will be published no later than 30th 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.

These reports will be prepared by the Clerk and, as stated in this Strategy, will contain details of:

- Progress against the Action Plan and Equality Outcomes
- Performance Indicators
- Equalities Incidents

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

8 Contact Details

Dundee City Licensing Board

Clerk – Roger Mennie
City Chambers
City Square
DUNDEE
DD1 3BY

Telephone: 01382 434202
Fax: 01382 434077

Licensing queries can be emailed to –

Licensing.board@dundeecity.gov.uk

Licensing information can be found on the Council's Dundee City Website –

www.dundeecity.gov.uk

APPENDIX 1

Action and Equality Outcomes

Protected characteristics: age; disability; gender re-assignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

	EQUALITY OUTCOME	WHAT THE BOARD HAS DONE ALREADY	WHAT THE BOARD WILL DO
General			
1	To make the service provided by the Licensing Board as barrier-free as possible.	<p>Elected members are provided with regular briefings on Equality and Diversity</p> <p>Board meetings are held in an accessible venues</p> <p>Licensing forms are available on request in large print</p> <p>Licensing forms are available on-line in any community language</p>	<p>75% of elected members involved in the discharge of Board functions will have attend appropriate equality and diversity briefings.</p> <p>75% of employees involved in the discharge of Board functions will have attend appropriate equality and diversity training..</p> <p>Undertake a review of communication supports available in licensing board meetings and make recommendations.</p>
2	Dundee's people with protected characteristics can feel engaged with services provided by the Licensing Board.	Data on age, gender and nationality is already held by the Board.	<p>Review equality monitoring data of applicants for licences. By March 2015 make recommendations and implement appropriate changes.</p> <p>Promote to work of and role of Licencing Committee across organisations representative of protected characteristics communities.</p>
3	Dundee's people with protected characteristics will feel safe.		<p>The Board will support the "Hate Incidents Multi-Agency Partnership";</p> <p>The Board will introduce measures to assist licence holders to report incidents of hate crime.</p>