

REPORT TO: LICENSING BOARD - 16TH JANUARY, 2003

REPORT ON: RACE EQUALITY SCHEME

REPORT BY: CLERK TO THE LICENSING BOARD

REPORT NO: 71-2003

1.0 PURPOSE OF REPORT

1.1 To advise the members of the Board of the requirements of the Race Relations (Amendment) Act 2000 and to seek approval of a Race Equality Scheme for Dundee City Licensing Board.

2.0 RECOMMENDATION

2.1 It is recommended that the Scheme as outlined in this Report be adopted by the Board.

3.0 FINANCIAL IMPLICATIONS

3.1 None.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 The adoption of the Scheme will contribute towards the elimination of any unlawful racial discrimination in the functions and policies of the Board.

5.0 LOCAL AGENDA 21 IMPLICATIONS

5.1` None.

6.0 MAIN TEXT

6.1 The Race Relations (Amendment) Act 2000 amended the Race Relations Act 1976 to impose a duty upon public authorities to promote race equality. The Board is a public authority for the purposes of this duty and is require to prepare and publish a Race Equality Scheme containing the methods by which the Board intends to meet that duty.

6.2 The first element of a Scheme is the identification of functions and policies relevant to the general duty to promote race equality. Licensing Boards are constituted under Section 1 of the Licensing (Scotland) Act 1976 and administer licensing of liquor in accordance with the terms of that statute. The principal function is the grant and renewal of licences. A Board can only refuse an application on certain grounds and, in terms of race relations legislation, should ensure that its actions and procedures are non-discriminatory. This will also apply to the Board's other functions in granting transfer of licences, regular extensions of permitted hours and dealing with complaints concerning licensed premises. In addition, the Board has a number of policies which should not be applied in any manner which has an adverse impact on the promotion of race equality. The principal policies are those limiting late-night extensions in public houses to 12.00 midnight and the imposition of a minimum entry charge for entertainment - licensed premises. These policies are applied consistently and affect all premises, unless individual applicants or licence-holders persuade the Board that there are exceptional circumstances in their particular case. It is not considered that any of the Board's policies would be likely to have any adverse impact upon any racial group.

- 6.3 The Board is required to keep its functions and policies under review to prevent them having an adverse impact on the promotion of race equality. As far as the functions of the Board outlined in paragraph 6.2 above are concerned, these are strictly regulated by the Licensing (Scotland) Act 1976, as are the manner in which those functions are carried out in practice. Provided the Board acts in accordance with its statutory duties under the said 1976 Act, it should also ensure compliance with its duties under race relations legislation. However, any complaints in this regard which are received by the Board will be investigated by the Clerk to ensure such compliance. The Board already reviews its policies on a regular basis and any future reviews will take account of the Board's duties under race relations legislation. The Liquor Licensing Consultative Forum allows another avenue by which such matters can be brought to the Board's attention. Any specific complaints and the outcomes thereof will be monitored to see if any of the Board's functions and policies are having an adverse impact upon the promotion of race equality and any appropriate remedial action will be taken. The results of such monitoring will be reported to the Board.

Patricia McIlquham
Clerk to the Licensing Board