

EAST AYRSHIRE LICENSING BOARD

DISABILITY EQUALITY SCHEME

**DISABILITY DISCRIMINATION ACT 1995 AS AMENDED BY
DISABILITY DISCRIMINATION ACT 2005**

**DISABILITY DISCRIMINATION (PUBLIC AUTHORITIES) (STATUTORY DUTIES)
(SCOTLAND) REGULATIONS 2005**

1 Introduction

- 1.1 East Ayrshire Licensing Board (“the Board”) is the Board constituted for the local government area of East Ayrshire in terms of the Licensing (Scotland) Act 1976. The Board is entrusted with the administration of liquor licensing and with certain other statutory duties.
- 1.2 In terms of the legislation the Board comprises eleven members of East Ayrshire Council (“the Council”) elected at the first Council meeting after each ordinary Council election. The Board must consist of not less than one quarter of the total number of members of the Council.
- 1.3 All revenue received by the Board from the fees on licence applications 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 the proceedings of the Board. All staff carrying out the Board’s responsibilities are appointed and employed by the Council.
- 1.4 The close connection between the Board and the Council mean that the Board is aware of the initiatives already undertaken by the Council with regard to disability equality issues. It affords the Board the opportunity to benefit directly from the actions already proposed by the Council to ensure the Council’s compliance with disability equality obligations. This is reflected in the Scheme set out in the following pages.

2 Disability Equality

- 2.1 In terms of the Disability Discrimination Act 2005 and the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 the Board has been placed under a general duty to:-
 - (a) Eliminate unlawful disability discrimination;
 - (b) Promote equality of opportunity; and
 - (c) Promote good relations between people of differently abled groups.

The Board has also come under a statutory requirement to prepare and publish a Disability Equality Scheme.

- 2.2 This document identifies that the functions and policies of East Ayrshire Licensing Board require to be monitored and assessed to ensure that the Board is complying with the general duty.
- 2.3 The general duty provides the board with a challenge to review its functions and policies and an opportunity to attack prejudice and discrimination through the services it provides.
- 2.4 In supporting the general principles for equality, the Board will also seek, where appropriate, to build the general duty into its structures and future activities.

3 The Disability Equality Scheme

- 3.1 The Disability Equality Scheme is the Board's plan stating how it intends to meet its general duty.
- 3.2 In its Disability Equality Scheme (DES), the Board is required to identify those of its functions and policies, or proposed policies, which it considers relevant to issues of disability equality. The Scheme must go on to identify the Board's arrangements for:-
- Assessing and consulting on the likely impact of its proposed policies on the promotion of disability equality;
 - Monitoring its proposed policies for any adverse impact on the promotion of disability equality;
 - Publishing the results of its assessments, consultations and monitoring;
 - Ensuring public access to information and services; and
 - Training staff in connection with its general and particular duties for the promotion of disability equality.
- 3.3 The initial duration of the Scheme is three years. The assessment of functions and policy requires to be reviewed every three years and this will lead on to a review of the Scheme. As a matter of practice, the Board intends to review implementation of the Scheme annually and will, additionally, require to prepare and publish a revised Scheme when the Licensing (Scotland) Act 2005 comes into full force.

4 Monitoring of Applications for Licence

- 4.1 It has been suggested that there is a lack of collective information about the persons using the Council's licensing service. A means of addressing this would be the implementation of an equality monitoring scheme covering applicants for licences. The Board will accordingly introduce a voluntary scheme along similar lines to the Council's employment monitoring. A form requesting information on age, disability, ethnicity and gender will be issued with each application form (Appendix B refers). Data will then be collated by reference to the information provided. The assistance of appropriate Council officers will be sought in relation to monitoring data in-gathered.

5 **The Board's Functions**

5.1 The Board's functions derive mainly from statute and are detailed below in statutory and non statutory categories. This list is not exhaustive, but it does identify the key areas in which the Board is likely to operate:-

1. **Statutory Functions**

- 1.1 The Board receives, and processes the grant, renewal or refusal of,
- (a) Liquor Licences in terms of the Licensing (Scotland) Act 1976 as amended.
 - (b) Gaming Licences in terms of the Gaming Act 1968 as amended.
 - (c) Gaming Machine Permits in terms of Schedule 9 of the Gaming Act 1968 as amended, and
 - (d) Betting Office Licenses, Betting Agency Permits and Bookmakers Permits in terms of the Betting, Gaming and Lotteries Act 1963 as amended.
- 1.2 The Board considers complaints in respect of the operation of licensed premises and/or the conduct of licences and where necessary holds Hearings with a view to resolving the complaint either by way of suspension of Licence or some less radical remedy.
- 1.3 The Board makes 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, for example, in relation to applications for the regular extension of permitted hours for the sale of alcohol.

2 **Non Statutory**

Formulating, consulting on and adopting policies in relation to the exercise of the Board's licensing function.

5.2 It has accordingly been determined that all listed functions should be regarded as having a high relevance in relation to the general duty. The Board has considered which of its functions and policies are relevant to the general duty and relative significance in this context. The Board will take advice from Council officers and take into account any concerns expressed over possible differential adverse treatment of licensing applications.

5.3 The Board regulates its meetings, delegation of decision making and other aspects of its internal administration by means of reference to the Licensing (Scotland) Act 1976 and regulations made from time to time as required. For the purposes of the DES, the Regulations are considered to be within the Board's policies.

5.4 In the light of its determination that its functions have a high relevance to the general duty the Board has determined that proposed policies should have equivalent status.

5.5 The Board will conduct an audit of all existing policies to ensure compliance.

6 **Consultation**

6.1 The Board is required to have and identify arrangements for assessing and consulting on the likely impact of its proposed policies on the promotion of disability equality. The Board recognises that the steps required in respect of each policy will vary depending on the nature of the policy and the surrounding circumstances. From the introduction of this Scheme, all reports presented to the Board proposing policies that have any significance or relevance to disability equality will include details of:-

- (a) An assessment of the impact of the proposed policy on disability equality;
- (b) Any consultation carried out in conjunction with that assessment;
- (c) Any action (including monitoring, where appropriate) proposed in consequence of that assessment and consultation.

The Board will consider these matters in reaching its decision on any proposed policy.

6.2 The Board would intend to adopt a consultation process on policy development, which will potentially impact on disability equality. Likely consultees in such a process would be members, trade interests, statutory bodies and community groups as well as, of course, any relevant groups or bodies which specifically represent the interests of the disabled community, whether at national or local level, or both.

6.3 The Board is required to have and identify arrangements for monitoring its policies for any adverse impact on disability equality. It is proposed that the effects of policies will be subject to regular scrutiny as part of an annual review process.

7 **Publicity**

7.1 The Board is required to identify the arrangements it will make to publish the results of any assessments, consultations and monitoring it carried out to establish whether its policies have any impact on disability equality.

7.2 The development and adoption of policies are subject to the overall direction of the Board, as is the monitoring of the impact of policies. As part of the annual review process the Board will consider whether further publicity (including publicity in relation to the Scheme itself) is required.

7.3 The Board is also required to identify the arrangements it will make for ensuring public access to information and the services it provides. The Board is governed by the Licensing (Scotland) Act 1976 in respect of access to

information concerning applications and licences granted. At present, the Board has no information as to the level of awareness of its role amongst the various communities within the Licensing area. The Board will use its consultation process to determine what action if any is required and achievable to develop public awareness.

- 7.4 This Scheme will be published and circulated to all members of the Board. Copies will be available from East Ayrshire Council Headquarters at London Road, Kilmarnock and also on the Council's website. This will allow for feedback and comment as part of the ongoing review of the Scheme.

8 Training

- 8.1 The Board is required to have and identify arrangements for training staff in relation to their duties to promote disability equality and ensure equality of opportunity. The Board is committed to ensuring that its support staff receive adequate training in these areas.
- 8.2 As indicated in the introduction, the staff of the Licensing Board are employees of East Ayrshire Council and appropriate training will accordingly be provided to Licensing Board staff in the same manner as it will be provided for all other Council employees in furtherance of the Council's own Disability Equality Scheme.
- 8.3 Additionally the Board considers that its own members should receive training in order to promote disability equality and ensure equality of opportunity. Equalities awareness will be included in the induction training for members of the Board appointed in May 2007.

9 Duration and Review

- 9.1 The Scheme is intended to cover the period from January 2007 to January 2010 although it is likely that it will require to be the subject of an earlier fundamental review as part of the process of implementation of the Licensing (Scotland) Act 2005 by September 2009.
- 9.2 Additionally, implementation of the scheme will be reviewed annually at the anniversary of its introduction. This will permit the Board to take account of any comments received from individuals or organisations in relation to the Scheme, as well as the Board's own experience of participation in consultation with such representative bodies as the Board considers appropriate.

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