



East Ayrshire Licensing Board

**Equality Outcomes and Mainstreaming
Report**

2014-2017

Accessibility

If you would like this document in a language or format of your choice including large print, audio or Braille contact us:



Patricia Duncan

Office Manager/Senior Licensing Board Administrator
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU



01563 576005

01563 576167 (text phone)



patricia.duncan@east-ayrshire.gov.uk



01563 576179

INTRODUCTION

East Ayrshire Licensing Board is committed to promoting equality, which means recognising that everyone has different needs and taking positive action to ensure that we are all able to participate in society.

The Licensing Board now has a legal requirement to produce and publish a set of equality outcomes and an equality mainstreaming report. The equality outcomes are the results we aim to achieve in promoting equality, tackling discrimination and fostering good relations. The equality mainstreaming report sets out how we are mainstreaming equality into the work we do.

The equality outcomes and mainstreaming report apply across the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion and belief and sexual orientation and to a limited extent marriage and civil partnership.

This document sets out the Boards equality outcomes and equality mainstreaming report.

EAST AYRSHIRE LICENSING BOARD

Constitution

The Board is constituted in terms of Section 5 of the Licensing (Scotland) Act 2005. The Board is entrusted with the administration of liquor licensing and with certain other statutory duties.

The Board is comprised of 10 elected members of the Council, elected at the first Council Meeting after each ordinary Council election. A Licensing Board must consist of at least 5 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 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 5 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, the Board has objectives laid down in statute specifically related to work around which the Board must organise all of its licensing functions as detailed below:

Licensing Statutory Provisions:

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

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

Gambling Statutory Provisions:

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

- 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

Board Staff

East Ayrshire Licensing Board is supported by a Clerk, a Depute 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.

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/or 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 members for the Forum. At present there are 15 members, comprising of:

3 holders of premises licenses and personal licences
1 representative of the Chief Constable
1 Elected Member
2 persons having functions related to health, education or social work
2 persons resident in the East Ayrshire Council area
1 representative of the Health Board
4 persons representing Community Councils
1 Licensing Standards Officer.

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

The Board understands that equality of opportunity is not achieved by treating everyone in the same way, but by recognising that sometimes it is necessary to treat people differently to allow them the same opportunities to participate and achieve their potential. Therefore, the success of the Board’s policies and functions in the future will depend on its 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 EQUALITY ACT 2010

The Equality Act 2010 became law on 1 October 2010 and replaced previous anti-discrimination laws with a single Act. It simplified the law into a single source and ensures that everyone who is protected under law from discrimination, harassment or victimisation is afforded the same level of protection.

The Equality Act introduced the concept of nine protected characteristics (PCs), namely:

- Age
- Disability
- Gender Reassignment
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation.
- Marriage and civil partnership but only in respect of the requirement to have due regard to the need to eliminate discrimination.

On 5 April 2011, the Equality Act 2010 introduced a new public sector equality duty (also known as the General Equality Duty) which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and any other conduct that is prohibited under this Act;
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

On 27 May 2012, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force. The purpose of the specific duties in Scotland is to help public bodies, such as the Council, in their performance of the general equality duty.

The Specific Duties place a statutory duty on the Council to:

- report progress on mainstreaming the equality duty;
- publish equality outcomes and report progress;
- assess and review policies and practices;
- gather and use employment information;
- publish gender pay gap information;
- publish statements on equal pay;
- consider award criteria and conditions in relation to public procurement; and
- publish in a manner that is accessible.

The focus of this report is on the progress the Council has made in mainstreaming the equality duty, as well as gathering and using the employment information in relation to equality.

MAINSTREAMING EQUALITY

Mainstreaming is a specific requirement for public bodies in relation to implementing the Equality Duty 2010. In simple terms it means integrating equality into the day-to-day working of the Council, taking equality into account in the way we exercise our functions, as an employer and in planning and delivering services. Put simply, equality should be part of everything we do.

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.

The Equality and Human Rights Commission Guidance on mainstreaming the equality duty highlights a number of benefits including the following:

- Equality becomes part of the structures, behaviours and culture of an authority.
- An authority knows and can demonstrate how, in carrying out its functions, it is promoting equality.
- Mainstreaming equality contributes to continuous improvement and better performance.

By mainstreaming equality into everything the Board does, and the Board will:

- improve outcomes for our diverse communities;
- improve participation in decision-making by equality and other socially disadvantaged groups;
- embed equality in the systems, functions and culture of the Council;
- improve policy making by avoiding the development of policies and programmes that inadvertently sustain or compound existing inequalities;
- improve the quality of service design and delivery resulting in more equitable access; and
- ensure that we have a well trained and informed workforce.

This strategy deals with Equality Impact Assessments, Consultation, Evidence Gathering, Monitoring and collection of data and sets out the Board's equality objectives (outcomes).

Training is also integral to mainstreaming equalities. The Board and Forum members 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.

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 Board is supported by the Council's Equalities Officer in this regard.

Staff are subject to the Council's training regime and requirements as employees of the Council, which includes mandatory training in relation to equality issues.

Licensing Forum members have access to the Council's training programmes in relation to equality matters.

EAST AYRSHIRE LICENCING BOARD'S APPROACH

Mainstreaming the equality duty is an organisational responsibility, and leadership and employee awareness is central to its success. The Board through the Equality Outcomes will develop a range of mechanisms and processes to ensure that consideration of equalities underpins everything we do and that there is effective leadership at all levels.

Spokesperson for Equalities

The Chair of the Licensing Board is also the Depute Leader of the Council and spokesperson for Community Safety and Equalities, ensuring effective leadership at the Board and political level.

Equalities Forum

In 2007, the Council reviewed its engagement arrangements to ensure the statutory obligation to consult and involve citizens in the pursuit of equality of opportunity and the removal of discrimination were being met effectively. This resulted in the establishment of an Equalities Forum, which is chaired by the Depute Leader of the Council and comprises individuals and members of groups, representing all of the protected characteristics; Elected Members; Council officers and partner representatives.

The Equalities Forum meets twice per year and, in addition, an annual equalities event is held, which reviews achievements in the previous year and identifies issues for consideration in the coming twelve months. Equalities Forum members have discussed and debated a wide range of issues, including communication, promoting citizenship, transport issues, Integrated Health and Social Care and the potential impact of Welfare Reform. Forum members have also been involved in the development of strategies and policies such the Housing Allocations Policy and the Recruitment and Selection Policy, and in the development of the Council's Budget for 2013-2017.

A review of the Equalities Forum was carried out in June 2012, which confirmed that Forum members feel engaged and involved in Council business. The Forum continues to grow in membership with the group widened to represent religious establishments, Tenant's Associations, and LGBTQ, a local group representing

lesbian, gay, bi-sexual, transgender and people who are questioning their sexual orientation. In future it has been agreed to invite members of the Licensing Forum to this group to ensure that information is discussed and disseminated and to make links to the wider equality agenda for East Ayrshire.

East Ayrshire Community Planning Residents' Survey

Every three years, the Council and its Community Planning Partners undertake a Residents' Survey of East Ayrshire Residents to:

- gain increased information on the demographics of the East Ayrshire population;
- gain an increased understanding of local priorities and views of residents on public service provision/satisfaction; and
- gain data and undertake a comparison with the findings of previous Residents' Surveys and inform reporting in respect of Community Planning and the associated Single Outcome Agreement.

2,000 face-to-face interviews are conducted with a cross-section of the population of East Ayrshire, utilising a quota based methodology. Equality monitoring information is included in the Survey to allow results to be disaggregated by protected characteristic.

Raising and Maintaining Awareness of Equalities within the East Ayrshire Licensing Board

It is important that the Licensing Board and Licensing Forum are aware of the general equality duty in order that it is considered in their work where relevant. A range of methods is utilised to develop and maintain awareness, including:

- briefings for Licensing Board;
- briefings for the Licensing Forum;
- responses to information requests from Board and Forum members;
- information circulated, as appropriate; and
- items and updates on the Council's Intranet.

Community Awareness

In addition to the Equalities Forum, the Council utilises a range of methods to promote awareness of equality issues within local communities, including:

- circulating information to key equality contacts and groups, as appropriate;
- providing information on the Council's public website; and
- direct contact with local groups.

Our Functions and Policies

The Board deals with the administration and enforcement of the licensing provisions of the above Acts including the processing of applications, considering complaints,

the provision of information and advice to prospective applicants and members of the public and the preparation and submission of reports to the Licensing Board.

Policies

East Ayrshire Licensing Board has the following policies in place:

- Statement of Licensing Policy in terms of Section 6 of the Licensing (Scotland) Act 2005
- Statement of Principles in terms of Section 349 of the Gambling Act 2005

Equality Impact Assessment

The way in which the Board develops policies and conducts activities reflect its commitment to diversity and equality. The Board recognises that it must ensure that policies and procedures do not discriminate, and considers equality fully when developing new policies and activities or considering changes to any of this.

EVIDENCE REVIEW

The Licensing Board identified its Equality Outcomes through consideration of the Community Plan, the Single Outcome Agreement, the Residents Survey 2011, complaints data, and national reports. These outcomes cover all of our communities and aim to ensure fair and equitable access to services for all.

In the summer of 2012, a desktop review of research and evidence in respect of the protected characteristics was undertaken. Local evidence reviewed during this exercise included the Community Plan, the Single Outcome Agreement, the Residents' Survey Results 2011, complaints data, and information from focus groups involving Minority Ethnic Communities. National data reviewed included the Equality and Human Rights Commission (EHRC) Triennial Review 2010, and the EHRC Research Report 'Significant inequalities in Scotland: Identifying Significant Inequalities and Priorities for Action, Education and Lifelong Learning.'

ENGAGEMENT AND CONSULTATION

In terms of section 6 of the Licensing (Scotland) Act 2005 every Licensing Board is required to publish a statement of their policy with respect to the exercise of their functions under the Act.

In the exercise of their functions under the Act, the Licensing Board must have regard to the licensing objectives, which are:-

- preventing crime and disorder
- securing public safety
- preventing public nuisance

- protecting and improving public health, and
- protecting children from harm

As part of the statement's preparatory process, the legislation requires that a period of consultation takes place with the Local Licensing Forum for the Board's area and such other persons as the Board thinks appropriate, including:

- East Ayrshire Local Licensing Forum (whose membership includes trade, community, health and Strathclyde Police representatives as well as the East Ayrshire Council Licensing Standards Officers);
- Members and Officers of East Ayrshire Council (particularly in relation to planning, building standards, environmental health and education and social services);
- Operational Community Councils within East Ayrshire;
- East Ayrshire Equalities Forum;
- East Ayrshire Child Protection Committee;
- Alcohol Focus Scotland;
- Scottish Fire and Rescue Service;
- Existing licence holders;
- Local faculties of solicitors; and
- The general public (by way of advert and East Ayrshire Council's website)

GATHERING AND UTILISING INFORMATION

The Licensing Board seeks feedback on its service delivery from licence holders, prospective applicants, agents and members of the public who become involved within the licensing process. This information enables the Board to benchmark its performance and identify areas of future service delivery which require adjustment.

**EAST AYRSHIRE LICENSING BOARD
EQUALITY OUTCOMES 2014**

EQUALITY OUTCOMES	PROTECTED CHARACTERISTIC	GENERAL DUTY	ACTIONS	INDICATORS	MEASURING IMPACT
<ul style="list-style-type: none"> Service users across the equality groups are positive and engaged with the Licensing services 	<ul style="list-style-type: none"> Race, Disability, Age 	<ul style="list-style-type: none"> Promote good relations Eliminate discrimination Advance equality of opportunity 	<ul style="list-style-type: none"> Service provisions will take account of the spread of equality groups by integrating equality monitoring questionnaire in the application process and consulting groups representative of people with protected characteristics in the policy process 	<ul style="list-style-type: none"> Number of equality monitoring forms sent out Number of equality monitoring forms returned completed Analysis of information on an annual basis to help inform service provision 	<ul style="list-style-type: none"> Increased awareness and participation as people with protected characteristics able to access services that the Board provides
<p>Progress : Monitoring form to be developed for distribution in July 2015, which coincides with the issue of reminder letters for payment of annual premises licence fees.</p>					
<ul style="list-style-type: none"> Licensing information in East Ayrshire is accessible 	<ul style="list-style-type: none"> Race and Disability 	<ul style="list-style-type: none"> Promote good relations Eliminate discrimination Advance equality of opportunity 	<ul style="list-style-type: none"> Information translated on request Translation statement to be included on all information as standard practice 	<ul style="list-style-type: none"> 100% of all requested processed 100% of all information contains the translation statement 	<ul style="list-style-type: none"> Increased customer satisfaction as customers are engaged and understand the licensing process

Progress : Translation statement available on website and applications – Application forms can be translated on request.
Staff available to assist applicants complete application forms.

<ul style="list-style-type: none"> Members of the Licensing Board's and Licensing Forum's Knowledge and understanding of equality issues increased 	<ul style="list-style-type: none"> All 	<ul style="list-style-type: none"> Promote good relations Eliminate discrimination Advance equality of opportunity 	<ul style="list-style-type: none"> Employees undertake training on equality issues Forum and Board members are aware of Equality Legislation and implications Every formal review of Licensing Policy Statement will be subject to an EQIA 	<ul style="list-style-type: none"> 100% of Board and Forum members undertake e-learning equality and diversity training by April 2016 Completed Equality Impact Assessment 	<ul style="list-style-type: none"> Increase in customer satisfaction as equality needs are responded to
---	---	---	---	--	--

Progress : Licensing Policy Statement to be reviewed in 2016.
Board Members and Forum Members will be requested to complete e-learning training on equality issues.