



Scottish Borders Licensing Board

**Equality Outcomes and Mainstreaming
report**

2017-2021

Accessibility

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INTRODUCTION

Scottish Borders Licensing Board (“the 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 reports sets out how we are mainstreaming equality into the work we do.

The equality outcomes and mainstreaming report applies 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.

The Board considered and approved an equality outcomes and equality mainstreaming report at their meeting on 21 June 2013. This document sets out the Board’s equality outcomes and equality mainstreaming report for the period April 2017 to April 2021.

Appendix 1 contains the Board’s agreed equality outcomes as approved in 2013. It is proposed that notwithstanding the implementation of these outcomes as detailed in the following paragraph, these outcomes remain in focus for the period April 2017 to April 2021 as their continuing implementation remain vital to the Board being able to fulfil its legal requirements in terms of equality outcomes and mainstreaming.

In implement of these outcomes it is confirmed that equality and diversity awareness training was undertaken by members of the Board in December 2013. One member of the Board subsequently became the Council’s Equalities Champion. The Scottish Borders Licensing Forum received a presentation on equality and diversity by the Scottish Borders Council Equality Diversity Officer at their meeting on 21 January 2014. In relation to instances in licensed premises where equality issues maybe a factor, licensing staff have regularly fortnightly liaison meetings with Police Scotland to ensure that any incidents or complaints on the grounds of prejudice and against any of the protected characteristics arising on licensed premises are timeously notified to the Licensing Standards and Enforcement Officers for any necessary follow-up. In addition, board meetings have mostly been held at Council headquarters which is fully accessible and the board have ensured that information and assistance is provided to all those who wish to apply for a licence and for those who wish to make representations or object to a licence application.

SCOTTISH BORDERS LICENSING BOARD

Constitution

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

The Board is comprised of 10 elected Members of Scottish Borders Council, (“the Council”) elected at the first Council meeting after each ordinary Council election.

Board meetings are held in a public but deliberations can be made in private. All decisions taken by the Board must be made 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 report sets out how the Board is meeting its duties in terms of equality and diversity legislation. The Equality Act 2010 (“the 2010 Act”) introduced a public sector equality duty covering the nine protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race religion or belief and sexual orientation.

The public sector equality duty is in two parts. The general duty came into effect from 5 April 2011, and requires 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 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 function as detailed below:

Licensing Statutory Provisions:

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

- Preventing crime and disorder
- Securing public safety
- Prevent 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 vulnerable persons from being harmed or exploited by gambling

Our Staff

Scottish Borders 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.

Staff employed to deliver the Board’s functions are covered by the employment policies of the Council on recruitment, selection development and flexible working opportunities. The Council’s policies on harassment, equal opportunities and maternity and paternity also apply. In performing their duties the staff employed to carry out the Board’s functions have to be mindful of the equality outcomes with regard to promoting equality, tackling discrimination and fostering good relations and to that end a licensee recently intimated to the Board his retiral and upon doing so he commented that a number of people had contributed to the smooth running of his business over

the years, not least of which were the members of staff employed by the Council to carry out the Board's responsibilities.

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.

The specific public sector duty requires the Board to publish a report on progress made in integrating the equality duty into the Board's activities and functions. This must show how mainstreaming equality has helped the Board achieve the key aspects of the equality duty outlined in the Equality Act 2010.

This report 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.

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 the equalities issues. The Board is supported by the Council's Equalities Officer in this regard. As indicated in the introduction to this report, the existing Board members all undertook equality and diversity training by December 2013. Following the local government elections in May 2017, a new Board will be created and therefore one of the new outcomes will be to provide training to the new Board by December 2017.

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.

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.

Broadly speaking, 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, transfer, review or refuse all applications for personal licences
- Accept and process to grant, vary, transfer, review 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 automatic entitlement to gaming machines and gambling 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 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 and 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

The 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 reflects 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.

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

The 2005 Act lays down statutory groups that must be represented within the Forum, these being:

- Holders of premises licences and personal licences
- The Chief Constable of the Police Scotland
- Persons having functions related to health, education or social work
- Young people
- Persons resident within the Forum's area
- One of the Council's Licensing Standards Officer

The Board aims to be in touch 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 to the Forum.

ENGAGEMENT AND CONSULTATION

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

In exercise of their functions under the 2005 Act, the 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:

1. Scottish Borders Local Licensing Forum.
2. Police Scotland.
3. Scottish Fire and Rescue Service.
4. British Beer and Pub Association.
5. Scottish Beer and Pub Association.
6. Scottish Licensed Trade Association.
7. Alcohol and Drugs Partnership.
8. Alcohol Focus Scotland.
9. Directors of Social Work, Planning and Environment, Education and Lifelong Learning, Participation Officer all Scottish Borders Council.
10. Visit Scotland.
11. All Scottish Borders Licence Holders.
12. Heriot Watt University.
13. All Scottish Borders Council Elected Members.
14. All Community Councils in the Scottish Borders.
15. Face 2Face.
16. The Church of Scotland Presbyteries of Duns, Jedburgh, Melrose and Peebles.
17. The Roman Catholic Church of Scotland.
18. The Scottish Episcopal Church of Scotland.
19. Reporter to Children's Panel (SCRA)
20. Elder Voice
21. Ishuze Youth Action
22. Borders Disability Forum and Borders Visual Impairment Network
23. Tweeddale Access Panel
24. Borders Talking Newspaper
25. Deaf and Hard of Hearing Network (Borders Disability Forum)
26. Borders Deaf Children's Society
27. Borders Deaf Club
28. People First Borders
29. Borders Voluntary Community Care Forum
30. Borders Equality Forum
31. Edinburgh and Lothian Race Equality Council
32. Migrant Support Service
33. Scottish Inter Faith Council
34. LGBT Equality Forum
35. Stonewall Scotland

36. Equality Network / Scottish Transgender Alliance
37. Scottish Borders Housing Association
38. Berwickshire Association of Voluntary Service
39. The Bridge

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 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 and providing reports to the Board on progress towards 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 consultations during the application process and when disseminating information.

CONTACTING US

If you have any comments on the content of our Equality Outcomes, or wish to discuss any of the issues further, please contact the Clerk via the details below:

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SCOTTISH BORDERS LICENSING BOARD

EQUALITY OUTCOMES

Equality Outcome	Action	General Duty	Protected Characteristic	Timescales
Incidents addressed on licensed premises where equality issues may be a factor increased	Establish effective information sharing arrangements with Police Scotland to ensure that any incidents or complaints (on the grounds of prejudice against any of the protected characteristics) arising on licensed premises are timeously notified to the Licensing Standards Officers for any necessary follow up	Promotion of good relations Eliminate discrimination Advance equality of opportunity	All	Ongoing as required
Members of the Licensing Board's knowledge and understanding of equality issues increased	Ensure that elected members on the Licensing Board undertake equality and diversity awareness training	Promotion of good relations Eliminate discrimination Advance equality of Opportunity	All	December 2017
Staff awareness of the Equality Act 2010 and its implications in service delivery on all protected characteristics increased	Ensure all staff are trained on equality and diversity	Promotion of good relations Eliminate discrimination Advance equality of Opportunity	All	Ongoing as required

<p>Members of the Licensing Forum's knowledge and understanding of equality issues increased</p>	<p>Ensure that Licensing Forum members undertake equality and diversity training</p>	<p>Promotion of good relations</p> <p>Eliminate discrimination</p> <p>Advance equality of Opportunity</p>	<p>All</p>	<p>April 2018</p>
<p>People with Protected Characteristics are able to participate in meetings and other Statutory Processes of the Licensing Board</p>	<p>The Board will consult widely with the Community in relation to its Statement of Licensing Policy</p> <p>The Board will ensure meetings are held in appropriate venues which are fully accessible</p>	<p>Advance equality of opportunity</p> <p>Foster good relations</p>	<p>All</p>	<p>Ongoing as required</p>
<p>The information available from the Licensing Board is accessible to all</p>	<p>The Board will ensure that information and assistance is provided to all those who wish to apply for a licence and for those who wish to make representations or object to a licence application</p>	<p>Advance equality of opportunity</p> <p>Foster good relations</p>	<p>All</p>	<p>Ongoing as required</p>