

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Board
DATE	28 April 2015
DIRECTOR	Ewan Sutherland (Interim)
TITLE OF REPORT	Statutory Reporting - Monitoring of the Licensing Board's Equality Outcomes and its Mainstreaming of the Equality Duty
REPORT NUMBER	CG/15/62
CHECKLIST COMPLETED	Yes/No

1. PURPOSE OF REPORT

The purpose of this report is to allow the Board to consider and approve the two draft statutory reports (see appendices 1 and 2) on its Equality Outcomes and its progress towards Mainstreaming the Public Sector Equality Duty (also commonly referred to as the Equality Duty and the General Duty) before their publication, which must be completed by 30 April 2015.

2. RECOMMENDATION(S)

That the Board:

- a. approves the draft Report on the Monitoring of its Equality Outcomes (Appendix 1);
- b. approves the draft Report on its Mainstreaming of the Equality Duty (Appendix 2);
- c. thereafter instructs officers to complete the statutory reporting requirements in respect of the reports at a. and b. above; and
- d. instructs officers to ensure that all of the Board's equality actions, as stated in said reports, are undertaken along with any suitable further actions which arise through the equalities monitoring and mainstreaming processes.

3. FINANCIAL IMPLICATIONS

None anticipated. Any on-going or newly identified proactive equalities actions can be assessed within budget constraints.

4. OTHER IMPLICATIONS

The Licensing Board as a Scottish Public Authority has statutory obligations in terms of the Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

The Equality Outcomes and Mainstreaming of equalities elements are important obligations. It is of benefit to the Licensing Board and to the licensed trade if these obligations can be positively embraced and promoted within the Board's legal framework and in its position as a responsible authority in relation to the licensed trade.

Insufficient adherence to the obligations could be detrimental to the reputation of the Board and to that of the licensed trade in Aberdeen.

It is noted that the Equality and Human Rights Commission in Scotland proactively seeks best practice compliance by Scottish Public Authorities. As such, it is the intention to ensure that the Aberdeen Licensing Board's equalities practice where possible adheres and develops best practice in this area.

5. BACKGROUND/MAIN ISSUES

a. Equality Outcomes Reporting (See Appendix 1)

The Board is required to prepare and monitor the progress towards achieving Equality Outcomes in terms of Regulation 4 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

In accordance with its legal duties the Board published Equality Outcomes by 30 April 2013. The Board is now required by 30 April 2015 to publish a report on the progress towards achieving those outcomes. A copy of said draft report is provided at appendix 1 hereto.

This reporting cycle continues with new outcomes every four years and a report on the progress towards meeting those outcomes at two yearly intervals in between, always falling on 30 April.

b. Mainstreaming Reporting (See Appendix 2)

The Board has a duty to report its progress on mainstreaming the equality duty in terms of Regulation 3 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

In accordance with its legal duties the Board published its first mainstreaming report by 30 April 2013. The mainstreaming is of the public sector equality duty of which members will be aware, and may wish to refer to as reproduced at appendix 3. The Board now must publish a report on the progress it has made to make the equality duty integral to the exercise of its functions so as to better

perform that duty. A copy of said draft report is provided at appendix 2 hereto.

This reporting cycle continues with reports required every two years, i.e. within two years of the previous report. This typically will be required by the same deadline of 30 April.

6. IMPACT

Corporate – The report outcomes offer opportunities for joint working between the licensed trade and the Licensing Board, in a non-contentious area, where it may be beneficial to develop relationships with trade representative groups and the Local Licensing Forum to help engender trust and initiate appropriate collaborative working towards shared goals.

Public – This report is likely to be of interest to the public as it promotes equality of access to the Licensing Board's services. It also seeks to highlight equalities issues in liquor licensed premises and is positive evidence of the Board's commitment to ensuring equalities best practice. The impact of this hopefully should be an increase in the positive perception of the Board by members of the public.

Equality and Human Rights Impact Assessment (EHRIA) and Privacy Impact Assessment (PIA) – Neither an EHRIA nor a PIA have been completed. A PIA is not necessary in the circumstances.

An EHRIA is not required as the report deals with other statutory equality issues and it is abundantly clear that the performance of those statutory duties to a standard of best practice is positive in terms of the equality strands and the public sector equality duty. It is noted that the Council's Equalities Team have been consulted and involved in the process of preparation for the statutory reporting, and have strategically inputted with valuable knowledge, guidance and ideas.

7. MANAGEMENT OF RISK

The Board must submit the necessary reports in terms of its statutory obligations, and they must be of sufficient quality and have sound content to ensure compliance with those obligations.

If the Board does not approve the reporting by officers it would be in breach of its statutory obligations and could be subject to enforcement action by the Equality and Human Rights Commission.

It is understood that to date, such enforcement has involved highlighting the breaches by Public Authorities and requiring them to be rectified. This causes reputational damage to authorities and is to be avoided. When authorities come to the attention of regulators they may subsequently be subject to greater scrutiny.

It is noted, as above, that the Aberdeen City Licensing Board shall strive to follow and lead best practice in this area, which should negate the above noted potential risks.

8. BACKGROUND PAPERS

- Equality Policies of the area Licensing Boards in Dundee, Edinburgh and Glasgow
- The Equality Act 2010
- The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

9. REPORT AUTHOR DETAILS

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Equality Outcomes
Progress Report
2014/15

Aberdeen City Licensing Board

Aberdeen City Licensing Board – Equality Outcomes

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Equality Outcome 21

People with protected characteristics are able to participate in meetings and other statutory processes of the Licensing Board.

The lead service will be Corporate Governance.

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Publicity - raise awareness among staff and Licensing Board Members.

The elements of the General Duty addressed will be:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations.

The protected characteristics covered are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Equality Outcome 22

An Increased proportion of Licensing Board communication adheres to Corporate Accessible Information Guidelines.

The lead service will be Corporate Governance.

Publicity - raise awareness among staff and Licensing Board Members.

The elements of the General Duty addressed will be:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations.

The protected characteristics covered are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Actions and Indicators

Equality Outcome 21. People with protected characteristics are able to participate in meetings and other statutory processes of the Licensing Board.

Output	Actions/Activities	Indicators	Sources	Updates	Responsible Officer	Further Comment
Persons with protected characteristics are empowered to participate in Licensing Board meetings	The Licensing Board has moved from the Town and County Hall to the Committee rooms in the Town House	It was considered that it may be difficult for persons who have restricted mobility or wheelchair users to access Licensing Board meetings. The Committee rooms have hearing loop systems in place for persons with hearing impairment.	Corporate Governance – Legal and Democratic Services (both legal and Committee)	The move to rooms that are accessible by lift rather than by stairs is of benefit to service users, as is the hearing loop system. The environment is less formal and daunting, and the size of the rooms are smaller which may assist people who have difficulty speaking in public	Eric Anderson/ Paul Connolly	This action is now complete. Although there may be other similar actions that could support accessibility, which responsible officers aim to identify
Persons with protected characteristics are empowered to comment on the Licensing Board's processes and procedures	In 2014 the Licensing Board produced Equalities Monitoring forms that are attached to all application forms, and made available on the Board's web pages	It was considered that by preparing and making available this form, anonymous comments could be provided. This would allow the Board's officers to update its	Corporate Governance – Legal and Democratic Services Equality and Diversity Team – Community, Housing & Infrastructure	5 responses have been received and they shall be considered by officers to check if any service improvements are recommended and if so if they can be	Eric Anderson /Paul Connolly	This action is ongoing and may assist to identify further improvement to support outcomes 21 and 22

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		processes and procedures to assist persons with protected characteristics, as required.	SOLAR	implemented		
Persons with protected characteristics are empowered to participate in the Licensing Board's processes and procedures	Officers will investigate how to record the following data: 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 (if applicable)	It is considered that by preparing and making available this form, anonymous comments could be provided. This would allow the Board's officers to update its processes and procedures to assist persons with protected characteristics, as required.	Corporate Governance – Legal and Democratic Services Equality and Diversity Team – Community, Housing & Infrastructure		Eric Anderson /Paul Connolly	This action is ongoing and may assist to identify further improvement to support outcomes 21 and 22
Persons with protected characteristics are empowered to participate in the Licensing Board's processes and	Officers shall use available information on licence holders to understand better the percentages of service users in terms of the age and gender protected	If it appears that certain age and gender groups are under-represented then the Board shall consider what positive actions are available to facilitate	Corporate Governance – Legal and Democratic Services		Eric Anderson /Paul Connolly	This action is ongoing and may assist to identify further improvement to support outcomes 21

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procedures	characteristics	greater access				and 22
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Equality Outcome 22. An increased proportion of Licensing Board communication adheres to Corporate Accessible Information Guidelines.

Output	Actions/Activities	Indicators	Sources	Updates	Responsible Officer	Further Comment
Corporate Accessible Guidelines require documents to take a certain format in order to be read as easily as possible by persons with protected characteristics, such as visual impairment	<p>The Board's agendas are published the Committee format which adheres to the Corporate Accessible Guidelines, e.g. yellow paper with black type, and left justified.</p> <p>Responsible officers have requested all report authors for the Board to adhere to the Corporate Accessible Guidelines</p>	The Board's documentation better adheres to the Corporate Accessible Guidelines	Corporate Governance – Legal and Democratic Services (both legal and Committee)	<p>The responsible officers shall meet with team members in order to explain how the Corporate Accessible Guidelines and other equalities monitoring processes can be further implemented</p> <p>Officers have discussed the matter with the Licensing Board to increase practical awareness of their equality</p>	Eric Anderson /Paul Connolly	Officers will monitor current practice and seek to improve service accessibility in relation to the Board's documents and correspondence

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Aberdeen City Licensing Board – Equality Outcomes

				outcomes and their significance in Board practice		
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1. On 30 April 2013 the Aberdeen City Licensing Board set out its mainstreaming of the public sector equality duty, as follows:

Mainstreaming Equality by the Licensing Board

The Licensing Board has taken steps to ensure the mainstreaming of the general equality duty as an integral part of the exercise of its functions. The Board's statutory Statement of Licensing Policy sets out the policies that assist in the exercise of its functions under the Licensing (Scotland) Act 2005. During the formulation of this document an Equalities and Human Rights Impact Assessment was carried out. The Board considered the EHRIA and the licensing policy document before its introduction in November 2010.

Prior to the Specific Scottish Equalities Duties coming into force the Board made the general equality duty part of its procedures by following best practice to use impact assessments in the exercise of its functions. In a report in June 2011 the Board also emphasised its commitment to ensure it had due regard to the general equality duty during the intervening period between the expiry of the earlier equality (disability, gender, and race) duties and the introduction of the specific duties.

The Board's Statement of Licensing Policy is currently under review pending republication in November 2013 and will be considered by the Board with a full Equalities and Human Rights Impact Assessment before implementation. Equality impact assessment has been made integral to the development and consideration of the Board's policies and reports. The practical functions of the Board, for example accessibility of publications and meetings, will be monitored and promoted through actions linked to the equality outcomes.

2. Various actions have been taken in the interim, i.e. 30 April 2013 to 30 April 2015, to ensure that the Board makes the equality duty integral to the exercise of its functions so as to better perform that duty.

The Licensing Board's equality outcomes have assisted the Board Members in mainstreaming equality issues. For example, it is noted that the Board's communication now more fully adheres to (Aberdeen City Council) Corporate Accessible guidelines. This is to assist persons with difficult reading, and those with visual impairment. The Board's meetings have been moved to rooms which are accessible to wheelchair users and persons with restricted mobility as there is a lift located close to the entrance to the building, which itself has wheelchair accessibility outside. These rooms also have a hearing loop facility for persons with hearing impairment who use hearing aid devices.

Officers have also placed mainstreaming of the equality duty as an item on the agenda of Licensing Board meetings, and have led and facilitated discussion of the Public Sector Equality Duty amongst the Board Members. They have explained its relevance to Licensing Board practice and how it should be made integral to all Licensing Board processes.

Similarly, at team meetings with the relevant officers who dealing with Licensing Board matters mainstreaming of the Public Sector Equality duty has also been explained and discussed, to ensure that all relevant officers are aware of the responsibility and are enacting mainstreaming in practice. Through the introduction of the Equalities and Human Rights Monitoring Questionnaires with all Licensing Board applications, and its availability online, the Board's officers have started to gather helpful equalities monitoring information, which assists them to make progress on mainstreaming the duty. Officers will now use existing data from applications to understand better the profile of licence holders and applicants in relation to the protected characteristics. This should also help provide relevant data that can be used to positively mainstream the duty by making appropriate amendments to Board procedure, and improve accessibility to under-represented groups.

It is the intention to place mainstreaming equality duty agenda items on Licensing Board meetings, Licensing Board officers' team meetings, and on the annual meeting between the Board and the Local Licensing Forum.

This is with the aim of maintaining and improving awareness of how to make the Public Sector Equality Duty integral to the Board's practice.

The Licensing Board's officers have all been made aware that if there are persons who cannot access Licensing Board services in the same manner as persons without a protected characteristic then they must seek to adapt practice, and facilitate such access.

The Licensing Board's Statement of Licensing Policy was reviewed and the new version was published on 30 November 2013.

As noted above the Board's statutory Statement of Licensing Policy sets out the policies that assist in the exercise of its functions under the Licensing (Scotland) Act 2005. During the formulation of this document an Equalities and Human Rights Impact Assessment was carried out. The Board considered the EHRIA and the licensing policy document before its introduction in November 2013. Paragraphs 2.4 – 2.6 thereof refer. It was clear from preparation of the new Statement of Licensing Policy that there was greater awareness of mainstreaming of the Public Sector Equality duty was in the consciousness of officers dealing with the policy review.

The Licensing Board also maintains good practice by utilising Equality and Human Rights Impact Assessment forms (EHRIA) when considering reports.

PART 11
ADVANCEMENT OF EQUALITY
CHAPTER 1
PUBLIC SECTOR EQUALITY DUTY

149 Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) tackle prejudice, and
 - (b) promote understanding.

- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

- (7) The relevant protected characteristics are—
 - age;
 - disability;

gender reassignment;
pregnancy and maternity;
race;
religion or belief;
sex;
sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.

(9) Schedule 18 (exceptions) has effect.