

ABERDEEN CITY COUNCIL

LICENSING BOARD

DATE: 22 August 2017

CLERK TO THE LICENSING BOARD Fraser Bell

TITLE OF REPORT: Licensing Board Equalities Outcomes and Mainstreaming Report

REPORT NUMBER: CG/17/089

1. PURPOSE OF REPORT

This report provides the Board with an update on progress achieved at the end of Year 2 of the Licensing Boards Equality Outcomes for 2015-2017 and sets out new draft Equality Outcomes for 2017-2021.

2. RECOMMENDATION(S)

That the Board

- (1) approve the Licensing Board's new draft equality outcomes for 2017-2021;
- (2) approves the draft Report on the Boards Outcomes and Mainstreaming of the Equality Duty (Appendix 1)
- (3) instructs the Clerk to undertake to publish the Boards new equality outcomes for 2017 - 2021; and
- (4) note the progress since publication of the Boards equality outcomes and mainstreaming report of 2015.

3. BACKGROUND

- (1) Section 149 of the Equality Act 2010 came into force in April 2011, introducing a new Public Sector Equality Duty that applies to all public authorities, across Scotland, such as Licensing Boards. The 2010 Act brings together the nine protected characteristics into one Act. The Licensing Board therefore have to have due regard to or consciously consider the need to :-
 - Eliminate discrimination, harassment and victimization;
 - Advance equality of opportunity between those who have protected characteristics and those who don't;
 - Foster good relations between those who have protected characteristics and those who don't.
- (2) The purpose of the public sector equality duty is to ensure that public authorities consider how they can positively contribute to a more equal society through advancing equality and good relations in their day-to-day business to:-

- Take effective action on equality
- Make the right decisions, first time around
- Develop better policies and practices, based on evidence
- Be more transparent, accessible and accountable
- Deliver improved outcomes for all

The Public Sector Equality Duty requires equality to be considered in all the functions of public bodies, including decision-making, in the design of internal and external policies and in the delivery of services, and for these issues to be kept under review.

(3) Everyone is protected by the 2010 Act. Every person has one or more of the protected characteristics, so the Act protects everyone against unfair treatment. The protected characteristics are:-

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race (this includes ethnic or national origin, colour and nationality. It also includes Gypsy-Travellers)
- Religion or belief (this includes lack of belief)
- Sex (gender)
- Sexual orientation
- Marriage and Civil Partnership (but only in respect of the duty to consciously consider the need to eliminate discrimination, harassment, victimization and other conduct prohibited by the Act.)

(4) Aberdeen City Licensing Board is a relevant public body under the 2010 Act. Therefore Aberdeen City Licensing 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. The Board published their Equality outcomes in April 2013. In April 2015 the Board published a report, in accordance with its legal duties, on the progress towards achieving those outcomes.

In terms of the required reporting cycle the Board requires to publish a further report on its Equality outcomes in 2017.

In terms of the Licensing (Scotland) Act 2005, Section 5, there is to be a Licensing Board for the area of each Council under Section 46(1) of the Local Government (Scotland) 1994. The members of the Licensing Board are to be elected by the relevant Council from among their members. The Licensing Board although comprised of Councillors is a separate legal body from the Council. The Council must, at its first meeting after each ordinary election of the Council, hold an election of members to the Licensing Board for their area.

The Scottish Council Elections were held on 4 May 2017. Therefore the new Aberdeen City Council elected a new Aberdeen City Licensing Board at the first Council meeting on 16 May 2017.

It is therefore proposed that this new Aberdeen City Licensing Board, should review, consider and approve the required report on its Equality Outcomes.

The new Aberdeen City Licensing Board will also publish their new Statement

of Licensing Policy by November 2018 which will include a statement as to their duties under the Equality Act 2010 as well as their Equality Outcomes.

As part of preparing their new Statement of Licensing Policy the Board will complete an Equality and Human Rights Impact Assessment.

(5) Mainstreaming and Equality Policy Progress Report-

The Aberdeen City Licensing Board must report on the progress in making equalities integral to their activities. The Licensing Board does this in conjunction with Aberdeen City Council. The City Council approved and subsequently published their latest Equality Outcomes and Mainstreaming Report in April 2017. However as outlined above the new Licensing Board had not been appointed at this time and therefore the report is now brought before the Board. It is intended that Aberdeen City Licensing Board will continue to work jointly with Aberdeen City Council in progressing Equalities over the next four years.

(6) Licensing Board Equality Outcomes 2017 – 2021

The Aberdeen City Licensing Board must set new Equality Outcomes for the next four year period. The aim is to build on the work already done by the Board and promote a fairer more inclusive Aberdeen where everyone can feel part of the City and ensure that equalities are always an important consideration in everything the Board do.

The Boards Equality Policy has been updated and new Equality Outcomes are proposed for the next four years (Appendix 1).

(5) Consultation

Once the Aberdeen City Licensing Board approve their Equality Outcomes and Mainstreaming Report they will consult the Local Licensing Forum at their joint meeting on 31 August 2017 and thereafter the policy will require to be published on the City Councils website from 1 September.

4. REPORT AUTHOR DETAILS

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