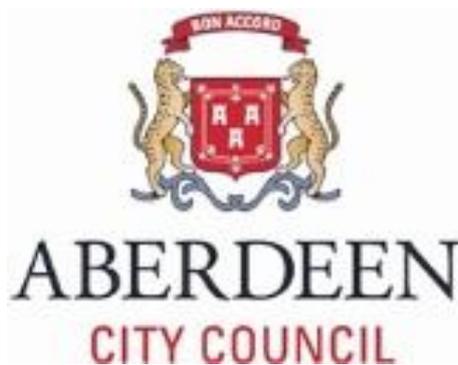


Equality Outcomes and Mainstreaming Report 2017-21

Aberdeen City Licensing Board



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Equality Outcomes and Mainstreaming Report 2017-2021

Introduction – The Legal Requirement

Equality outcomes are strategic and are what the Local Authority and Licensing Board, often in partnership, will try to achieve to improve local people's lives. In "Equality Outcomes and the Public Sector Equality Duty: A Guide for Public Authorities in Scotland" 2016, the Equality and Human Rights Commission (EHRC) has provided a guide on preparing and publishing equality outcomes. It states that outcomes should be relevant and realistic. Aberdeen City Licensing Board set their equality outcomes for the period 2013-2017 with a review of progress on these outcomes in 2015.

A key legal requirement under the Equality Act 2010 is for local authorities to publicise and deliver equality outcomes. An equality outcome must further one or more of the aims of the public sector general equality duty:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not.

The public sector equality duty covers all of the protected characteristics, which are: **Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex, Sexual Orientation.**

Many of the specific equality duties require information to be reported upon and published on a reporting cycle of either two or four years. As part of the specific duty to report on mainstreaming the equality duty, the Licensing Board is required to publish a report on the progress it has made to make the general equality duty integral to the exercise of its functions, so as to better perform that duty. These should be published at intervals of not more than two years apart.

These reports must include (if not published previously); an annual breakdown of the information the Licensing Board has gathered under its duty and details of the progress that it has made in using that information to enable the Licensing Board to better perform the general equality duty.

The Licensing Board must publish a fresh set of equality outcomes within four years of publishing its previous set. In preparing a set of equality outcomes, the Licensing Board must take reasonable steps to involve people who share a relevant protected characteristic and anyone who appears to the Licensing Board to represent the interests on those people.

The Licensing Board must also consider relevant evidence relating to people who share a relevant protected characteristic. If a Licensing Boards set of outcomes does not further the needs of the general equality duty in relation to every relevant protected characteristic, it must publish the reasons for this.

The Aberdeen City Licensing Board

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 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.

The Equality Outcomes 2015 - 2017

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.

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.

Equality Outcomes 2015-2017 Progress Report

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	<p>It was considered that it may be difficult for persons who have restricted mobility or wheelchair users to access Licensing Board meetings.</p> <p>The Committee rooms have hearing loop systems in place for persons with hearing impairment.</p>	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. The rooms are fitted with a hearing loop for those that require to use a hearing aid.	Jennifer Wilson / Lynn May	This action is now complete. Although there may be other similar actions that could support accessibility, which responsible officers aim to identify

Aberdeen City Licensing Board – Equality Outcomes

<p>Persons with protected characteristics are empowered to comment on the Licensing Board’s processes and procedures</p>	<p>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</p>	<p>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 processes and procedures to assist persons with protected characteristics, as required.</p>	<p>Corporate Governance – Legal and Democratic Services Equality and Diversity Team – Community, Housing & Infrastructure SOLAR</p>	<p>142 responses have been received in total since 2014, 3 in 2014, 75 in 2015, 44 in 2016 and 20 so far in 2017. This represents a low rate of response. The majority of the forms returned do not reflect the full diversity of applicants to the Licensing Board. The Board shall require to further publicise and encourage the completion of these forms and engagement. These will then have to be further analysed by officers to check if any service improvements are recommended and if so if they can be implemented</p>	<p>Jennifer Wilson / Lynn May</p>	<p>This action is ongoing and may assist to identify further improvement to support outcomes 21 and 22</p>
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Aberdeen City Licensing Board – Equality Outcomes

<p>Persons with protected characteristics are empowered to participate in the Licensing Board’s processes and procedures</p>	<p>Officers will investigate how to record the following data:</p> <ol style="list-style-type: none"> 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) 	<p>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.</p>	<p>Corporate Governance – Legal and Democratic Services Equality and Diversity Team – Community, Housing & Infrastructure</p>		<p>Jennifer Wilson / Lynn May</p>	<p>This action is ongoing and may assist to identify further improvement to support outcomes 21 and 22</p>
<p>Persons with protected characteristics are empowered to participate in the Licensing Board’s processes and procedures</p>	<p>Officers shall use available information on licence holders to understand better the percentages of service users in terms of the age and gender protected characteristics</p>	<p>If it appears that certain age and gender groups are under-represented then the Board shall consider what positive actions are available to facilitate greater access</p>	<p>Corporate Governance – Legal and Democratic Services</p>		<p>Jennifer Wilson / Lynn May</p>	<p>This action is ongoing and may assist to identify further improvement to support outcomes 21 and 22</p>

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 according to the Committee format which adheres to the Corporate Accessible Guidelines, e.g. yellow paper with black type, and left justified.</p> <p>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 ensure that 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 outcomes and their significance in Board practice From August 2017 Mainstreaming of the Equality Duty is to be placed as</p>	Jennifer Wilson / Lynn May	Officers will monitor current practice and seek to improve service accessibility in relation to the Board’s documents and correspondence. This action is ongoing.

Aberdeen City Licensing Board – Equality Outcomes

				an item on the agenda of each Licensing Board meeting.		
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Mainstreaming Equality by Aberdeen City 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 current Statement of Licensing Policy was published in November 2013 and was 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.

1. Various actions have been taken in the interim, i.e. 30 April 2015 to 30 April 2017, 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 agree to place 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. They have noted

however that the number of forms which have been returned have been limited and do not fully reflect the diversity of applicants to the Licensing Board. Officers will now require to further publicise and encourage the completion of these forms. Officers will then use the information from these forms with the 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. The new Licensing Board will publish their new Statement of Licensing Policy by November 2018 which will again include a statement as to their duties under the Equality Act 2010 as well as their Equality Outcomes.

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 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.

Proposed New Equality Outcomes 2017-2021

The proposed outcomes for the protected characteristics set out below take account of key issues which are still ongoing and those which have arisen since the last report in 2015.

1. Members of the Licensing Board and the staff of the Licensing Team to improve their understanding and awareness of equality issues in carrying out their statutory roles with Licence holders, trade organisations, partners and the communities of Aberdeen City.

- To achieve this, Members, LSO's and staff will participate in equality and diversity training.
- This will benefit all Protected Characteristics
- Public Sector Equality Duty :- Eliminate unlawful discrimination; Advance equality of opportunity; Foster good relations.
- Applicable authority – Aberdeen City Council, Corporate Governance and Aberdeen City Licensing Board

Progress so far:

The Licensing Board invited the Equalities Team to deliver equality and diversity training to them in November 2017. Unfortunately due to staffing shortages in the Equalities Team at the time this was not possible. We would welcome the opportunity to undertake this training when resources allow in order to ensure that Members of the Board and Staff are up to date and fully aware of relevant equality issues.

2. The Licensing Board will seek to promote equal opportunity of access for all to Licensed Premises in the City and promote good practice.

- To achieve this The Board will raise awareness of disabled access to Licensed premises and other awareness campaigns (e.g. work with Guide Dogs for the Blind, work with Building Standards to ensure and highlight the requirements for Disabled toilet provision in licensed premises, ensure the provision of baby changing facilities in

licences premises which are accessible to all genders, Promote other equality campaigns led by the Council to the licensed trade through the Board Meetings, the Local Licensing Forum and the Licensing Board pages on the City Council Website.

- This will benefit all Protected Characteristics but with particular focus on disability, pregnancy and maternity, and sex.
- Public Sector Equality Duty:- Eliminate unlawful discrimination; Advance equality of opportunity; Foster good relations.
- Applicable authority – Aberdeen City Council, Corporate Governance and Aberdeen City Licensing Board

Progress so far:

In furtherance of this outcome and No. 1, the Licensing Board held a Training seminar in November 2017 on the subject of promoting equal opportunity of access for all to Licensed Premises in the City. The Board Members, the Staff from the Licensing Team and the Licensing Standards Officers received presentations from David Kidd of the Councils Building Standards Team and Pamela Munro of Guide Dog Scotland. (See Appendix for copy of the presentation).

As a result of the above training, discussions took place between with Guide Dog Scotland and the Licensing Standards Officers about hopefully rolling out and targeting this training to Members of the Local Licensed Trade, this is to be progressed.

It should be noted that applicants for new premises licences are now required in terms of Section 20(2)(b) of the Licensing (Scotland) Act 2005 Act to submit a Disabled Access and Facilities Statement which it is hoped will raise awareness amongst applicants of the accessibility of their premises and action they could take to improve this and also ensure that Disabled people can access information about the accessibility of a venue before visiting it.

3. All applicants and members of the public are able to access the Licensing Boards services easily and confidently and make sure it's information is available to all.

- Action - to improve the promotion and collection of information through our Equalities Monitoring Forms and seek to identify any service concerns specific to persons with protected characteristics in order to monitor and address such

concerns. In addition to promote the Councils translation services in terms of our documentation, forms, policy documents and interpretation services for assisting customers with queries and representation at meetings if required.

- This will benefit all Protected Characteristics.
- Public Sector Equality Duty:- Eliminate unlawful discrimination; Advance equality of opportunity; Foster good relations.
- Applicable authority – Aberdeen City Council, Corporate Governance and Aberdeen City Licensing Board

Progress so far:

We are still continuing to collect information from Equalities Monitoring Forms which are attached to and submitted with licensing application forms. We are to review the promotion, collection and processing of these forms and their data to maximise ease of access to Licensing Board services for those persons with protected characteristics. We are also moving to a system of online applications which we hope will have a positive impact.

4. Greater participation and involvement of the public and licence holders with protected characteristics in meetings, consultations and other statutory processes of the Board.

- To encourage all members of the public to participate in consultations on applications and consultations on policy matters in particular the consultation on the Licensing boards, Statement of Licensing Policy which will confirm its commitment to equality of persons with protected characteristics and the Public Sector Equality Duty.
- This will benefit all Protected Characteristics.
- Public Sector Equality Duty:- Eliminate unlawful discrimination; Advance equality of opportunity; Foster good relations.
- Applicable authority – Aberdeen City Council, Corporate Governance and Aberdeen City Licensing Board

Progress so far:

The Licensing Board drafted, consulted on and then published their new Statement of Licensing Policy in November 2018. The Board carried out an extensive consultation process in preparing its latest policy statement, which included holding a licensing conference and gaining feedback from the community, public sector partners, residents and the trade. The new policy statement sets out to be inclusive, stating in its introduction “The new policy has been written in a manner that can be understood by all”.

In Section 3 of the Policy Statement which deals with Securing Public Safety, the Board again addresses the subject of Disabled Access and Facilities Statements. The Policy states that the Board expects Applicants and Licence holders to submit accurate Disabled Access and Facilities Statements. However it goes further and states that although these are only required for new premises, the Board encourage all existing premises to consider the preparation of an appropriate statement for publication.

In Section 13 of the Policy Statement which sets out the Hearing Procedure before the Board, the Board specifically states that “the Board will endeavour to make any reasonable adjustments to cater for any additional requirements of any party to a hearing if made aware of those in advance”.

A copy of the Boards new Statement of Licensing Policy is published on the Licensing Board page of the Councils website for information.