

Item 4



REPORT ON LICENSING BOARD'S DUTIES UNDER THE EQUALITY ACT 2010 **24th JUNE 2019**

1. Purpose

- 1.1 To update the Board on work undertaken to ensure compliance with the duties imposed on the Board under the Equality Act 2010 and associated Regulations
- 1.2 To note the terms of the Licensing Board Equality and Rights Outcomes – 2019 Update attached as Appendix Two to this report
- 1.3 To authorise the Clerk to publicise the 2019 update on the equality outcomes by publishing these on the Council's website

2. Main Report

- 2.1. At its meeting on 29th January 2018 the Board considered a report from the Depute Clerk relating to the General Equality Duty in terms of the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 and the Board's requirement to comply with this duty. The report sought approval of the final draft of an updated Equality, Diversity and Rights Policy and Outcomes.
- 2.2. The Board noted in terms of the above that there was a requirement to publish the following information: -
 - i) a set of Equality Outcomes, which it considers will enable it to better perform the General Equality Duty
 - ii) details of the steps taken by the Board to make the General Equality Duty integral to the exercise of its functions. This is referred to as mainstreaming.

The Board thereafter considered and approved the updated draft Equalities, Diversity and Rights Policy and Outcomes and authorised the Clerk to publicise the updated policy and outcomes by publishing these on the Council's website.

- 2.3 The Regulations introduced a requirement that the Board publish a set of equality outcomes no later than 30th April 2013 and then again, at least every four years following first publication. These outcomes must show how the Board will be able to better perform its Equality Duty in terms of the 2010 Act. The updated outcomes agreed by the Board in January 2018 are attached as Appendix One to this report.

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LICENSING BOARD

- 2.6 The Licensing Board Equality and Rights Outcomes – 2019 Update is attached at Appendix Two and demonstrates progress made against the outcomes set in January 2018. The period of measurement has been taken from February 2018 to April 2019, it is intended as outlined in the policy that a further non-mandatory annual update will be provided to the Board at the end of April 2020.
- 2.7 The outcomes agreed by the Board also includes a set of actions aligned to each outcome which have been listed in the outcomes action plan. It is these actions which help the Board to deliver its mainstreaming duties. The Board will note from the 2019 update and the actions undertaken that progress on equalities has been made across the Board's licensing functions. However, whilst the 2019 update demonstrates the significant progress made across some areas, further work in relation to the Board's agreed set of actions requires to be undertaken and it is anticipated that next year's informal report will allow an opportunity to again update the Board on progress in this regard.

3. Recommendations

The Board is asked: -

- i) To note the terms of the Licensing Board Equality and Rights Outcomes – 2019 Update attached as Appendix Two to this report; and
- ii) To authorise the Clerk to publicise the 2019 Update on the equality outcomes by publishing these on the Council's website

Morag Leck

Depute Clerk of the Licensing Board

Appendix One

The City of Edinburgh Licensing Board's Equality, Diversity and Rights Outcomes

Outcome	Protected Characteristic/General Duty	Output	Measurement
Board better understands the diversity of needs of all of the City of Edinburgh Councils Communities	All Eliminate discrimination etc. Advance equality of opportunity Foster good relations Right to life Right to health Right to participation, influence and voice	Programme of E,D & R training Partnership Arrangements Consultation and engagement with affected groups during decision making processes	Number of elected members attending training Board Minutes Minutes from Licensing Forum Number of consultations carried out using CEC Framework Coordination of IIAs and framework to follow up on recommendations
Communities and Licence Holders better understand the needs of the City's diverse communities and are encouraged to remove barriers to accessing or using licensed premises	All Eliminate discrimination etc. Advance equality of opportunity Foster good relations Right to life Right to health Right to participation	Robust Complaints handling process Licensing Standard Officers ongoing engagement with Licence holders Accessible premises and facilities	Number of complaints in which discrimination identified along with reports of actions taken Awareness sessions delivered Web based accessibility information % of accessible premises

Members of the public and applicants are able to access information and attend meetings without difficulty	Age Disability Race Religion	Work with individuals and agencies to design out barriers to full participation and engagement	Requests for materials in other forms Assess use of alternative venues for Board meetings
Contribute to improving the quality of life for people across all protected characteristics through reduction in alcohol related harm. Including hate crime and gender based violence	Age Disability Gender reassignment Gender Race Religion Sexual Orientation Advance equality of opportunity Eliminate discrimination etc. Fostering good relations Right to life Right to health Right to physical security Right to individual, family and social life	Continue to work in partnership with Police Scotland, Council, Community and Voluntary agencies, towards reducing alcohol related harm including hate crime and gender based violence	Number of applications refused Number of premises licences reviewed Number of personal licences reviewed Promote awareness of Police/Council/Community initiatives related to reducing alcohol related harm including hate crime and gender based violence

Appendix Two

Licensing Board Equality and Rights Outcomes – 2019 Update

Outcome		
ELB 1	Board better understands the diversity of needs of all the City of Edinburgh Council's Communities	<p>Councillors including Board Members offered Equality, Diversity and Rights training in December 2017 and a copy of training materials available on Intranet. An internal online course is also available on Equality and Diversity Awareness. Consideration to be given to bespoke training event for Board members.</p> <p>The Board's Depute Clerk attended training held in partnership by City of Edinburgh Council and NHS Scotland on Integrated Impact Assessments in November 2018.</p>
		<p>In addition to making the Board's Equalities questionnaire available at Board meetings, the questionnaire has been published online along with application forms on the Council's website. Due to very limited uptake on use of the questionnaire, further consideration will be given to ways to increase responses.</p> <p>The Board improved public and stakeholder engagement during the statutory review of its Statement of Licensing Policy in late 2017/ 18 to include a widespread pre-consultation exercise followed by a stakeholder evening workshop and public evidence sessions during the formal consultation period. The consultation was published on the Council's Consultation Hub and to assist with the identification of any</p>

		<p>adverse equality impacts to be considered the Board's questionnaire was published along with the other consultation documents. No completed questionnaires were submitted.</p> <p>Having regard to the Board's Equalities policy, analysis of the responses received to the consultation did not identify any responses highlighting adverse impacts upon people with protected characteristics and no adverse impacts in terms of the updated policy were identified. Therefore, a further assessment making use of an Integrated Impact Assessment (IIA) was not carried out.</p> <p>All Board reports in relation to the Consultation and copies of responses received together with details of the public hearings have been published on the Council's website along with Minutes of the Board's meetings.</p> <p>The Board's Depute Clerks attended meetings of the Forum during 2018 and the Board met with the Licensing Forum in October 2018 where the review of the Licensing policy was discussed. All Minutes of the Forum meetings are published on the Council website.</p>
ELB 2	Communities and Licence holders better understand the needs of the City's diverse communities and are encouraged to remove barriers to accessing or using licensed premises	Complaints have been analysed by the Council's Licensing Standards Officers (LSO) Team Leader in relation to discrimination. No complaints identified with two complaints having been investigated and no further action required.
		<p>LSO compliance visits to licensed premises include a checklist for the following: - disabled toilets, flat access to premises, appropriate signage for any available car parking</p> <p>Information is also given to licence holders on compliance with duties under the 2010 Act and reasonable adjustments</p>

		<p>The Board and LSOs along with Police Scotland and the licensed trade also support and encourage the Best Bar None (BBN) awards scheme, which incorporates scoring criteria for venues in relation to adjustments as well as considerations and provisions with persons with disabilities</p>
		<p>The Board now requires a Disabled Access and Facilities Statement (DAFS) to accompany an application for a new premises licences following a change to the Licensing (Scotland) Act 2005. These documents are publicly available.</p> <p>The Board also agreed that LSOs would consider the DAFs to ensure all the necessary information was included with any concerns to be highlighted by LSOs to the Board when applications are being considered. The Board's updated Licensing policy contains a link to the statutory regulations and guidance on DAFS.</p> <p>Initial discussions have taken place regarding the compiling of web-based accessibility information and an appropriate format. Further work is anticipated to be reported to Board in 2020.</p>
ELB 3	Members of the public and applicants can access information and attend meetings without difficulty	<p>No requests for materials in other forms made to Licensing team or LSOs</p>
		<p>The Board's meetings have switched from Council Chambers to Dean of Guild Room in response to audibility issues identified during meetings held in Chambers. Consideration is being given to the webcasting of meetings.</p> <p>The Board's updated Licensing policy has been redrafted to be more easily utilised by the public, applicants and other stake holders. New chapters with summaries of those chapters provided under each heading have been included to reflect comments received during the consultation process regarding</p>

		<p>layout. The mandatory conditions attaching to premises and occasional licences under the Act are added in full at Appendices to the policy. Updated details on how to contact the Board and LSOs have been provided and links created to any other documents / legislation referred to in the Board's policy including the Board's Equalities, Diversity and Rights policy and outcomes. This has improved ready access to information.</p>
ELB 4	Contribute to improving the quality of life for people across all protected characteristics through reduction in alcohol related harm including hate crime and gender-based violence	<p><i>No of applications refused by the Board relative to outcome 4</i></p> <p>Premises licences 0 Personal licences 4</p>
		<p><i>No of premises licences reviewed by the Board relative to outcome 4</i></p> <p>1 - licence revoked</p> <p><i>No of personal licences reviewed by the Board relative to outcome 4</i></p> <p>2 – one licence revoked one licence endorsed</p>
		<p>LSOs actively promote awareness of Police/Council/Community initiatives related to reducing alcohol related harm including hate crime and gender-based violence.</p> <p>The Depute Clerks attend meetings of the Edinburgh Alcohol and Drug Partnership.</p> <p>LSOs and Board support the Best Bar None (BBN) awards scheme, which incorporates scoring criteria specifically relating to hate crime in addition to scoring criteria for accessibility as detailed above</p> <p>LSOs also actively support the Ask for Angela campaign, which is specifically designed to provide support for people at risk from gender-based violence. A Presentation has been given to the Board and Forum</p>

		Members on Ask Angela campaign.
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