

NORTH AYRSHIRE COUNCIL LICENSING BOARD
EQUALITY MAINSTREAMING REPORT 2013-2017
AND
EQUALITY OUTCOMES REPORT 2017-2021

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1. INTRODUCTION

1.1 The Public Sector Equality Duty

The Public Sector Equality Duty (“the general equality duty”) was introduced by the Equality Act 2010 (“the Act”) and applies to all public authorities. The general equality duty requires public authorities to consider how, through the exercise of their functions, they can help to contribute to a more equal society.

The general equality duty covers the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientations (referred to collectively as “the protected characteristics groups”). In particular, the duty requires that a public authority must have regard to the following 3 needs:

- (1) the need to eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct;
- (2) the need to advance equal opportunity between people who share a relevant protected characteristic and those who do not; and
- (3) the need to foster good relations between people who share a protected characteristic and those who do not.

The obligation on a public authority to consider the 3 needs identified above is what is referred to collectively when the term “the general equality duty” is used. In practice, this means that a public authority must consider how it can eliminate discrimination, advance equality and foster good relations in everything it does; whether that be the design and delivery of its services, the decisions it makes or the policies it applies.

1.2 Specific Duties

In addition to the general equality duty the 2010 Act also imposes specific duties. The specific duties require that certain actions are taken by public authorities and are intended to assist public authorities to comply with the general equality duty. Some of the specific duties also require to be reported on and published in accordance with a reporting cycle of either 2 or 4 years. The specific duties are summarised below:

- report on mainstreaming the equality duty (2 yearly reporting cycle)
- publish equality outcomes (4 yearly reporting cycle) and progress report (2 yearly reporting cycle)
- assess and review policies and practices
- gather and use employee information
- use information on members or board members gathered by the Scottish Ministers
- publish gender pay gap information
- publish statements on equal pay
- consider award criteria and conditions in relation to public procurement
- publish in manner that is accessible

Unlike the general equality duty, the specific duties do not apply to all public authorities. Only “listed authorities”, the public authorities set out in secondary legislation called Regulations, are required to comply with the specific duties. The North Ayrshire Council and the North Ayrshire Licensing Board are both listed authorities.

1.3 The Licensing Board: Structure and Governance

The North Ayrshire Licensing Board (“the Licensing Board” or “the Board”) deals with the grant and regulation of licences for the sale and supply of alcohol. Certain gambling matters also fall within the Board’s remit. The Board is an administrative body with a legal personality that is separate and distinct from the North Ayrshire Council (“the Council”).

Despite having distinct legal personalities, the Licensing Board and the Council are closely linked. The members of the Licensing Board are North Ayrshire Councillors who are elected by the Council and the legal and administrative support provided to the Board is delivered by employees of the Council. In addition to staff, the Board also shares the Council’s resources: Board meetings are held in the Council’s buildings and the Board uses the Council’s services and facilities to conduct its business on a day to day basis. The close connection and the sharing of resources between the Licensing Board and the Council mean that the Board is able to benefit from actions undertaken by the Council to advance equality and comply with the specific duties.

The Council has published The Joint Ayrshire and North Ayrshire Equality Outcomes and Actions 2017-2021 Report (“the Joint Ayrshire Report”) and North Ayrshire Council Equality Mainstreaming Report 2015-2016 (“the Council’s Mainstreaming Report”) which set out how the Council is advancing equality and meeting its obligations in terms of the specific duties. Many of the actions described in the Joint Ayrshire Report and the Council’s Mainstreaming Report apply equally to the Licensing Board and its discharge of the specific duties as a listed authority. In particular, any actions undertaken by the Council in respect of its employees and access to Council services and facilities apply equally to the Licensing Board. Similarly, as all members of staff who assist the Board are employed by the Council, the Council’s Mainstreaming Report sets out how the Licensing Board is meeting the requirement to gather and use employee information, to publish gender pay gap information and to publish statements on equal pay.

The full text of The Joint Ayrshire Report and the Council’s Mainstreaming Report can be viewed online or downloaded from the Council’s website via the following link: <https://www.north-ayrshire.gov.uk/council/strategies-plans-and-policies/equality-policy-and-performance.aspx>.

1.4 Content of the Report

This Report has been prepared to comply with the Licensing Board's duty to:-

- (i) report on the mainstreaming of the equality duty; and
- (ii) publish and report on the progress of achieving equality outcomes.

The above actions are two of the specific duties which are required to be met by the Licensing Board as a listed authority and are not satisfied by the information contained in The Joint Ayrshire Report or the Council's Mainstreaming Report alone. References to the reports may, however, be made to illustrate how the Board has, together with the publication of this report, complied with the two specific duties.

Section 2 of this Report will set out what mainstreaming the equality duty means and the actions which have been undertaken by the Licensing Board to achieve this within the current reporting cycle (2013-2017). Section 3 will set out what is meant by the term equality outcomes and explain how these have been approached by the Licensing Board in the past, with reference to the Council's Equality Outcomes. Section 3 will also consider the progress the Licence Board has made toward achieving the equality outcomes in the last reporting period (2015-2017), again by reference to the Council's equality outcomes. Finally, the Report will set out the Licensing Board's new equality outcomes for the next reporting period (2017-2021).

2. MAINSTREAMING THE EQUALITY DUTY

2.1 What is mainstreaming?

Mainstreaming is the incorporation of the general equality duty into the day to day actions of a public authority. Put simply, it means that a public authority must take equality into account as part of everything that it does. It means that every decision, policy or action of a public authority must give consideration to the 3 needs: the need to eliminate discrimination; to advance equal opportunities and to foster good relations.

Mainstreaming does not require that a public authority, having taken the general equality duty into account, acts in particular way to comply with it. It does require however that before any action is taken, whatever that action may be, consideration has been given to whether and by what means the public authority can help to deliver the general equality duty.

The Equality and Human Rights Commission has identified the following benefits as being associated with mainstreaming the general equality duty:

- equality becomes part of the structures, behaviours and cultures of an authority
- an authority knows and can demonstrate how it is promoting equality; and
- it contributes to continuous improvement and better performance.

2.2 Mainstreaming in Practice: The North Ayrshire Licensing Board

In order to comply with the specific duties the Licensing Board is required to report on the steps it has taken since the last reporting period in 2013 to mainstream the general equality duty. The steps which have been taken by the Licensing Board are considered below.

Equality Impact Assessments

Equality Impact Assessments (EIAs) are completed by the Council when introducing a new policy or function or when reviewing an existing policy function. The purpose of EIAs is twofold: firstly, they to help identify areas in proposed policies and practices where the protected characteristic groups may be discriminated against. Secondly, they can be used to highlight where changes to existing policies and practices could have a positive effect on the protected characteristic groups.

The Licensing Board is required to publish a Licensing Policy Statement (“LPS”) every 4 years. The Licensing Board’s current LPS was subject to an EIA when it was originally adopted. The LPS requires to be reviewed and a new LPS published in November 2018: a further EIA will be conducted as part of this process. The Licensing Board’s new LPS will continue to be underpinned by the general equality duty and will seek to improve on the previous LPS, by increasing opportunities for the persons with protected characteristics to better access and benefit from the services the Board delivers.

More information about EIAs can be found in the Council’s Mainstreaming Report.

Standard Licence Conditions

All licences granted to premises for the sale of alcohol are subject to the Licensing Board's standard conditions. Certain of the standard conditions make specific reference to protected characteristics. In particular, there are a number of standard conditions which regulate the access of children to licenced premises. The standard conditions relating to children are intended to achieve the statutory licensing objective "protecting children from harm" which the Licensing Board has a legal obligation to promote. They also, however, require the Board and licence holders to take into consideration the needs of children as a protected characteristic group when considering the operation of licenced premises.

There are standard conditions which seek to ensure that there are no barriers to protected characteristic groups accessing licenced premises. Licence holders are prohibited from engaging in or permitting conduct or activities on licensed premises which are likely to discourage persons with a protected characteristic from using the premises on discriminatory grounds. The standard conditions also require that licence holders take steps to prevent any person using the premises from engaging in discriminatory conduct or activities.

The Licensing Board's standard conditions mean that the Board and all licence holders are required to consider the general equality duty as part of the operation of licenced premises.

Customer Satisfaction Survey

In 2014 the Licensing Board prepared a Customer Satisfaction Survey which included questions specific to the protected characteristic groups. The intention was that the information gathered could be used to understand the experiences of persons with protected characteristics and identify how access and the delivery of licensing services to them could be improved. The survey was issued to all service users but the uptake and return of survey was low. The Licensing Board did not have sufficient information to inform them on the experiences of persons with protected characteristics or identify how these could be improved and no further action was taken in response to the survey results.

Shared Mainstreaming

The Board has also benefited from a number of the actions taken by the Council to mainstream the equality duty: this is due to the close relationship and shared resources between the Board and the Council outlined above at Section 1.3 of this Report. In particular, any actions taken by the Council in relation to Council employees and access to Council services apply equally to the Licensing Board.

More information about these actions, including the training on equalities issues which has been provided to staff, and the accessibility audit of Council buildings, can be found within the Council's Mainstreaming Report. The Council's Mainstreaming Report can be downloaded or viewed at the following link: <https://www.north-ayrshire.gov.uk/Documents/CorporateServices/ChiefExecutive/PolicyandPerformance/mainstreaming-equalities-report.pdf>

3. EQUALITY OUTCOMES

3.1 What are Equality Outcomes?

An Equality Outcome is defined by the Equality and Human Rights Commission as “a result an authority aims to achieve to further one or more of the needs identified under the general equality duty”. In practice, this means that Equality Outcomes will help to either eliminate discrimination, advance equality of opportunity or foster good relations.

3.2 Equality Outcomes 2013-2017

3.2.1 Background

As a listed authority the Licensing Board is required to identify and publish equality outcomes every 4 years. The Licensing Board’s equality outcomes for the reporting period 2013-2017 are derived from the nine equality outcomes set by the Council in 2013. The Licensing Board adopted two of the equality outcomes identified by the Council in 2013. Both of the equality outcomes adopted by the Licensing Board identify results which can be measured by reference to the working practices and attitudes of licensing staff. The Licensing Board’s current equality outcomes are set out below:

1. More Council employees are working flexibly
2. Employees feel they have increased capacity to respond more confidently and appropriately to the needs of colleagues and customers

3.2.2 Progress Report

In addition to identifying equality outcomes, a listed authority is also required to report every 2 years on the progress it has made in achieving its equality outcomes.

The Council has published North Ayrshire Council Equality Outcomes Reports for 2013- 2015 and 2015-17 (“the Council’s Progress Reports”) which details the progress it has made in these years to achieve its 9 equality outcomes. The Council’s Progress Report for 2015-16 is provided at p38-42 of the Council’s Mainstreaming Report and can be downloaded or viewed at the link previously provided.

The Licensing Board, as a separate listed authority, is also required to report on its progress. As outlined above, the two equality outcomes adopted by the Licensing Board are shared with the Council: they are also measurable by reference to the working practices and attitudes of licensing staff, all of which are Council employees. These two factors mean that the progress which has been made and published by the Council in its Progress Report applies equally to the Licensing Board and

to the discharge of its duty as a listed authority, to report on the progress of equality outcomes.

The Council's most recent progress report covers the calendar year 2015-16. The Board continued, however to apply the actions detailed in it until April 2017, the end of the previous reporting period.

3.3 New Equality Outcomes 2017-2021

The Licensing Board has identified new equality outcomes for the new reporting period 2017-2021. The new outcomes identified by the Board do not adopt all the equality outcomes identified by the Council for 2017-2021. The Board's equality outcomes for 2017-2021 seek results which can be better measured by reference to the specific work undertaken by the Board.

The Board's new equality outcomes and the actions which will be required to achieve them are set out below. The new equality outcomes apply to all of the protected characteristic groups.

	Equality Outcome	Action
1	Service users across the protected characteristic groups are positive and engaged with the Licensing Board and the services it provides.	<ul style="list-style-type: none"> • Customer satisfaction survey containing equality monitoring questions to be issued to applicants and used to identify equality issues. • The Board's new Licensing Policy Statement (due November 2018) to be Equality Impact Assessed. • Groups representative of the protected characteristics to be consulted as part of the consultation process required for the Board's new Licensing Policy Statement.
2	Licensing information in North Ayrshire is easily accessible.	<ul style="list-style-type: none"> • Translation statement to be included on all licensing applications and guidance issued by the Board as standard practice. • Information to be translated when requested by service users. • Increase the amount of licensing information which is accessible online.
3	Licensing staff have the appropriate skills and training to deliver an effective licensing service to persons with protected characteristics and have an	<ul style="list-style-type: none"> • Customer satisfaction survey containing equality monitoring questions to be issued to applicants and used to assess the service

<p>increased awareness of equality issues.</p>	<p>provided to persons with protected characteristics.</p> <ul style="list-style-type: none"> • A specific statement regarding the general equality duty to be included in the Board's new Licensing Policy Statement to ensure the duty underpins all work undertaken by licensing staff, including Board members. • Encourage and support staff, including Board Members, to identify and attend training courses on equality issues, whether available in-house or through external providers. • The Board and its officers will wherever possible work, whether through the imposition of licence conditions, advice to licence holders or through joint working with Police Scotland, seek to promote the Licensing Objectives of the Licensing (Scotland) Act 2005 (particularly those relating to securing public safety, and protecting children and young persons from harm) in a manner which protects those with protected characteristics.
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The Licensing Board will publish a report on the progress of the new equality outcomes in 2019 and will review its equality outcomes in 2021.

The new equality outcomes identify the specific improvements that the Licensing Board would like to focus on achieving within the next 4 year reporting period. The work the Licensing Board will undertake to contribute to a more equal society will not, however, be restricted to the achievement of the new equality outcomes. The Board will continue to work to eliminate discrimination, advance equality of opportunity and foster good relations through all means available to it.