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## **SCOTTISH BORDERS LICENSING BOARD – EQUALITY OUTCOMES AND MAINSTREAMING UPDATE REPORT 2017- 2019**

**Report by the Clerk to the Licensing Board**

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### **SCOTTISH BORDERS LICENSING BOARD**

**19 April 2019**

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#### **1 PURPOSE AND SUMMARY**

1.1 **This report seeks approval from the Licensing Board for the attached Equality Outcomes and Mainstreaming Update Report 2017-2019.**

1.2 **The Public Sector Equality Duty (known as the “General Equality Duty”) is divided into three parts and requires public authorities including Scottish Borders Council’s Licensing Board (“the board”) in exercise of its functions to have due regard to the following three needs:**

**Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010 (“the 2010 Act”)**

**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.**

1.3 **The protected characteristics listed in the legislation are:**

**Age, Disability, Gender, Gender Reassignment, Pregnancy and maternity, Race, Religion or belief and Sexual orientation.**

#### **2 RECOMMENDATIONS**

2.1 **It is recommended that Members:**

(a) **Consider and endorse the Equality Outcomes and Mainstreaming Update Report 2017-2019 set out in Appendix 1 to this report.**

(b) **Authorise the Clerk to proceed with the publication of the Update Report 2017-2019.**

### **3 BACKGROUND**

- 3.1 In terms of the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012 the Board has the following specific duties:
- (a) A duty to report progress on mainstreaming the general equality duty integral to the exercise of the Licensing Board functions so as to better perform that duty
  - (b) A duty to publish equality outcomes and report progress
  - (c) A duty to assess and review policies and practices where and to the extent to fulfil the equality duty
  - (d) A duty to publish in a manner that is accessible
- 3.2 The Board must publish equality mainstreaming reports every four years with update reports in the intervening two years.
- 3.3 The Board has published two equality mainstreaming reports covering the periods 2013-2017 and 2017-2021.
- 3.4 The Board are required to provide an update on the progress it has made over the last two years.
- 3.5 The Board's Equality Outcomes as detailed in its Mainstreaming Report 2017- 2021 together with a summary of the progress achieved against each of these outcomes are set out in paragraphs 3.2 to 3.7 of the attached Update Report.

### **4 IMPLICATIONS**

#### **4.1 Financial**

There are no costs attached to any of the recommendations contained in this report.

#### **4.2 Risk and Mitigations**

The information provided within this report ensures transparency and helps to mitigate reputational risk to the Council by ensuring that the Council complies with a legislative requirement.

#### **4.3 Equalities**

It is anticipated that there will be no adverse impact due to race, disability, gender, age, sexual orientation or religious belief arising from the proposals contained within this report.

#### **4.4 Acting Sustainably**

There are no economic, social or environmental effects as a result of the proposals contained in this report.

#### **4.5 Carbon Management**

There is no impact on the Council's carbon emissions as a result of the proposals contained in this report.

**4.6 Rural Proofing**

Not applicable as although this is a legislative requirement, it is not a new policy.

**4.7 Changes to Scheme of Administration or Scheme of Delegation**

No changes to either the Scheme of Administration or the Scheme of Delegation are required as a result of the recommendations in this report.

**5 CONSULTATION**

- 5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, and the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and their comments have been incorporated into the final report.

**Approved by**

**Name** Nuala McKinlay **Signature** .....

**Title** Clerk, Scottish Borders Licensing Board

**Author(s)**

Name	Designation and Contact Number
Ron Kirk	Managing Solicitor, Property and Licensing; 01835 826764

**Background Papers:** None

**Previous Minute Reference:** **Licensing Board 21 April 2017**

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Ron Kirk can also give information on other language translations as well as providing additional copies.

Contact us at Legal & Licensing, Scottish Borders Council, Council Headquarters, Newtown St.Boswells, Melrose, TD6 0SA, 01835-825225, Legal@scotborders.gov.uk

## Appendix 1

### SCOTTISH BORDERS LICENSING BOARD

#### EQUALITY OUTCOMES AND MAINSTREAMING REPORT 2017-2021

#### 1. INTRODUCTION

1.1 The Public Sector Equality Duty (known as the “General Equality Duty”) is divided into three parts and requires public authorities including Scottish Borders Council’s Licensing Board (“the Board”) in exercise of its functions to have due regard to the following three needs:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010 (“the 2010 Act”)
- 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.

1.2 The protected characteristics listed in the legislation are:

Age  
Disability  
Gender  
Gender Reassignment  
Pregnancy and maternity  
Race  
Religion or belief  
Sexual orientation

1.3 In addition, the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012 contain specific duties which apply to public authorities, including the Board. These include:

- A duty report progress on mainstreaming the general equality duty (this means a duty to publish a report within prescribed timescales on progress made to make a general equality duty integral to the exercise of the Licensing Board’s functions so as to better perform that duty)
- A duty to publish equality outcomes (ie a result that the Board aims to achieve in order to further the three needs in paragraph 1.1 above) and report progress
- A duty to assess and review policies and practices where and to the extent necessary to fulfil the equality duty
- A duty publish in a manner that is accessible.

1.4 The Board must publish Equality Mainstreaming Reports every four years with update reports in the intervening two years.

- 1.5 The Board has published two Equality Mainstreaming Reports covering the periods 2013-2017 and 2017-2021. These reports set out the approach the Board will take to mainstreaming equality duty and also contain its equality outcomes.
- 1.6 Copies of the Board's mainstreaming reports can be found here [https://www.scotborders.gov.uk/downloads/download/584/licensing - equalityreport](https://www.scotborders.gov.uk/downloads/download/584/licensing_-_equalityreport)
- 1.7 The Board are required to provide an update on the progress it has made over the last two years. This forms the basis of this report.

## 2. **MAINSTREAMING EQUALITY**

- 2.1 Mainstreaming is the Board's approach to delivering equality within its service provision. The Board views mainstreaming as a long term strategy aimed at ensuring that equality opportunity principles and practices are integrated into every aspect of its services from the outset.
- 2.2 Operational practices see the Board conducting equality impact assessment, consultation, monitoring and collection of data. Training is also integral to mainstreaming equalities. Board members have all been trained in equalities awareness and a programme for training has been devised to ensure that any new members receive the appropriate training. Staff members are subject to the Council's mandatory training which includes awareness of equality and diversity.

## 3 **THE BOARD'S EQUALITY OUTCOMES**

- 3.1 The Board's Equality and Outcomes and Mainstreaming Report for 2017-2021 is attached to this update report. Appendix 1 thereof contains the Board's agreed equality outcomes as approved in 2017. Below is a summary of progress against each outcome.

### 3.2 **Outcome 1**

Incidents addressed on licensed premises where equality issues may be a factor increased.

Licensing Officers have established effective information sharing arrangements with Police Scotland. This includes fortnightly liaison meetings with Police Scotland and any equality issues which have arisen have been dealt with by Licensing Officers who have discussed the issues with the licensee involved and provided the appropriate guidance.

### 3.3 **Outcome 2**

Members of the Board's knowledge and understanding of equality issues increased.

The Members of the Board were provided with awareness training in December 2018. This highlighted the issues which may arise and provided members with the relevant guidance as to how these issues should be addressed.

### 3.4 **Outcome 3**

Staff awareness of the Equality Act 2010.

Implications on service delivery on all protected characteristics increased.

All staff have completed mandatory on-line training. This ensures that all staff are aware of equality and diversity and its implications.

### 3.5 **Outcome 4**

Members of the Licensing Forum's knowledge and understanding of equality issues increased.

Equality and diversity training was provided to the Forum members in December 2018. This ensured that the members of the Forum have a broad understanding of equality issues and how such matters should be dealt with within licensed establishments.

### 3.6 **Outcome 5**

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

The Board's agenda for its monthly meetings are available publicly on the Council's website and the meetings are held at Council HQ where both the building and the meeting room are fully accessible.

In addition, the Board reviewed its Statement of Licensing Policy in 2018 and the community as a whole was consulted and invited to put forward their views in relation to the updating of the policy. All of this ensures that people with protected characteristics are able to participate and make their views known.

### 3.7 **Outcome 6**

The information available from the Licensing Board is accessible to all.

Licensing Officers have ensured that all information and assistance is provided to those who wish to apply for a licence. Similarly this is also afforded to all those who wish to make representations or object to a licence application. This has ensured that the Board has treated all those with an interest, either as an applicant or as an objector, fairly and respectfully.