

**West Lothian Licensing Board**

**Disability Equality  
Scheme**

**2006 – 2009**

## **Disability Equality Legislation**

The Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005 places a statutory General Duty on all public authorities to promote disability equality. The 2005 Act provides an increasingly robust legislative framework, which requires licensing Boards to actively promote disability equality. West Lothian Licensing Board is committed to working with its partners to do so.

Our partners will also be producing disability equality schemes, and together we aim to provide equality of opportunity and equitable outcomes throughout West Lothian.

The Disability Discrimination Act requires the setting out of our intentions in the form of a Disability Equality Scheme. The scheme sets out our intentions and indicates the following:

1. The policies and functions that the Board has assessed as being relevant to our performance of the general duty; and
2. The Board's arrangement for
  - a) Implementing the Equality Scheme
  - b) Identifying relevant functions and policies
  - c) Assessing and consulting on the likely impact of proposed policies on the promotion of disability equality
  - d) Monitoring Board policies for adverse impact on the promotion of disability equality
  - e) Communicating the results of assessment, consultation and monitoring
  - f) Making sure the public have equality of access to Licensing Board buildings, information and services

We will respond positively and proactively to the needs and priorities of people with disabilities in West Lothian. To take our commitment forward to achieve improvements for people experiencing discrimination and disadvantage, we will focus on listening to groups and individuals, engaging with people with disabilities, making changes, informing people and being active in the monitoring and evaluation of our service delivery. The Disability Equality Scheme demonstrates our continuing commitment to achieve this.

## **Disability equality statement**

West Lothian Licensing Board recognises our moral and legal responsibilities to address inequalities and discrimination locally. West Lothian Licensing Board endorse West Lothian's corporate aims which set equality of opportunity at the heart of policy and practice, aiming to make West Lothian a

safe, inclusive and prosperous place to live, a place in which each person is equally valued.

To achieve this goal we will:

- Communicate our commitment to disability equality to licensees and residents through disseminating information via the Board's website and other media in appropriate and accessible format
- Ensure that discrimination is not tolerated
- Strengthen inclusion of all in the development of Licensing Board policy and delivery of services
- Provide accessible information and services in appropriate language format (including Braille, plain English, easy read formats, tapes)
- Share good practice in disability equality

### **Promoting disability equality**

The Act requires authorities to set out how they will demonstrate their positive obligation to promote equality. The scheme provides a framework for demonstrating our actions to meet the duties of the Act and capturing best practice in the delivery of our disability equality aims.

In carrying out its functions, West Lothian Licensing Board must:

- promote equality of opportunity between disabled persons and other persons
- eliminate discrimination that is unlawful under the Act
- eliminate harassment of disabled persons that is related to their disabilities
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life
- take steps to take account of disabled person's disabilities, even where that involves treating disabled people more favourably than other people.

West Lothian Licensing Board will play its part in promoting disability equality; it will take steps, which go beyond treating disabled and non-disabled people alike. The new duties will also require West Lothian Licensing Board to consider its role in tackling the effects of any of its previous decisions, which failed to give due regard to disability equality.

### **What is a disability scheme?**

The Disability Discrimination Act imposes a number of specific duties on the Board as a scheduled public authority listed in the Disability Discrimination (Public Authorities Statutory Duties) Regulations 2005. These duties are

intended to assist public authorities in meeting the General Duty, in particular by setting out what public authorities should do to plan, deliver and evaluate action to eliminate discrimination and promote equality. The core requirements are:

- Preparation and publication of a Disability Equality Scheme (DES)
- Implementation of the DES (via an action plan in the scheme)
- Annual reporting
- Involvement of disabled people in the development of the DES.

This Scheme sets out our overall objectives for improving and addressing disability inequalities, including the action plans for delivering improvements to access and services. It will therefore help us to achieve a number of things:

- To meet the requirements of the Disability Discrimination Act and set out our plans to improve disability access to services
- Make sure that we are taking the needs and view of disabled people into account when we design or deliver services, make access improvements or develop policies

## **West Lothian People**

West Lothian is a developing area and has seen significant growth in population size. The population has doubled since the 1950s, and between 1991 and 2001 the area achieved the highest population growth of any area in Scotland. Estimates demonstrate that there were 161,020 people living in the region in 2003 compared to 158,714 in 2001. Over the next decade the population is expected to rise by 10.6%

West Lothian is a diverse geographical area, with a mixture of communities, rural villages and urban towns, older boroughs such as Bathgate and Linlithgow, as well as the new town of Livingston. We are a medium-sized authority covering 165 square miles, two-thirds of which is agricultural, and one-tenth is urban development.

There are currently no accurate population prevalence figures available identifying the number of people with learning disabilities. According to "The Same as You", a national review of services for people with learning disabilities in Scotland:

- 16 adults out of every 1,000 have a mild or moderate learning disability
- 2 to 3 adults out of every 1,000 have a profound or multiple disability.

Thus, estimates of the number of adults in West Lothian with a learning disability (based on an adult population of 120,000) are:

- 1,900 adults have a mild to moderate learning disability
- 300 adults have profound or multiple disabilities.

The population of adults with learning disabilities is likely to increase by 1.75% per annum over the 10 years.

The Scottish Needs Assessment Programme has identified that between 20% and 30% of the adult population is likely to suffer from mental health problems, with 2% suffering significant disability. Using this measure, the West Lothian Mental Health Plan has identified that the number of people in West Lothian who have some level of mental health problem is between 36,000 and 45,000. Around 3,200 of those have a severe mental health problem and will access specialist mental health services. Approximately 10% (320) will receive intensive medium to long-term support from a range of community-based and inpatient services.

The following table, based on estimates from Lothian Health and extrapolated from the Office for Population Censuses & Surveys on disability, provides a working set of assumptions for developing services for people who are most likely to require support in their daily lives. It is estimated that the percentage of people with disabilities in West Lothian will increase in line with the general population increase.

<b>Severity Category Total Disabled Aged 16-64</b>				
	<b>1 to 4<sup>1[a]</sup></b>	<b>5 to 8<sup>2[b]</sup></b>	<b>9 to 10<sup>3[c]</sup></b>	<b>Total</b>
2005	5,525	2,900	520	8,945
Projected 2013	6,132	3,219	557	9,908

### **West Lothian Licensing Board's Disability Equality Scheme 2006-2009**

West Lothian Licensing Board aims to deliver real change in service delivery to improve the quality of services, addressing the barriers to inclusion that people who have a disability may experience. This scheme sets out the

<sup>1[a]</sup> Mild disability (1-4) indicates limited ability on no more than one to two dimensions of care.

<sup>2[b]</sup> Those ranked as having a moderate disability (5-8) have little or no skills in mobility or communication, limited self care skills, or challenging behaviour

<sup>3[c]</sup> People in the most severe (9-10) category have little or no skills in self-care, mobility, communication and incontinence.

process by which this will be achieved and six objectives to achieve over the next three years.

The scheme will be reviewed annually to ensure we are meeting the changing priorities and needs of the people of West Lothian and to implement a consistently positive and systematic approach to disability equality.

### **Responsibility for Implementation**

The Clerk to the Licensing Board will lead on the implementation of the disability equality objectives and actions outlined in this scheme and will ensure robust and effective monitoring of service delivery. Annual reports and monitoring information will be submitted to the Licensing Board.

### **Identifying Functions and Policies**

We will continue to review policies and functions for their relevance under the Act. The Board's functions and policies most relevant to promoting disability equality have been prioritised for the next three years and scheduled for equality impact assessment by The Clerk

The use of impact assessments will ensure we engage with local people who have a disability to ensure their needs and priorities help shape policy and service delivery. This impact assessment procedure has been broadened to include an assessment of the likely impact of proposed policies on other groups affected by equality issues such as gender, age, and sexual orientation and has already been used in the implementation of our race equality scheme.

The Clerk to the Licensing Board has prioritised the licensing Board's functions and policies for review and indicated in which year the review will be completed. That is, year one, high priority, to be completed 2007, year two, medium priority, to be completed 2008, low priority to be completed 2009.

The findings from the assessments will be reported to the Board for information and remedial action.

These priority areas are:

- Communication
- Accessibility to Services
- Training

A review of the full priorities will continue to take place annually as part of the review of the Disability Equality Scheme. The development and implementation of the equality impact assessment tool will ensure that our work remains robust. Effective assessment will help our service to actively

engage with disability equality work and involve disabled people in shaping our work as it affects them.

## **Assessing, Consulting and Involving**

West Lothian Licensing Board values the role that consultation plays in delivering appropriate services and improving public confidence and trust. However, we are pleased to find that involving disabled people is part of the specific duty and feel that this involvement will legitimise the good practice, which exists in West Lothian Licensing Board when providing services for people with disabilities. We are constantly striving to develop services with our customers in mind. We provide information, consult about existing and developing services and engage in active partnership with local people.

West Lothian Council has established a forum for involving disabled people in the Disability Equality Scheme. Over 200 letters were sent out inviting people who have a cross section of disabilities to discuss the Council's Disability Equality Scheme and ask them to be involved in the process. From this event 20 people agreed to meet every Monday afternoon throughout October and November to assist in reviewing and implementing the Scheme.

As some people may find it difficult to attend meetings, the Council also devised a number of methods of involvement, which includes one to one discussions with the Council's Equality Officer, direct mail and e-mail.

A number of consultation events were held to ensure meaningful consultation and involvement, including an Open Day with the police and two community planning meetings. West Lothian Licensing Board's scheme has followed on the Council's scheme in so far as it is relevant to the Board's functions. In the development of this scheme, the Board has taken account of the results of the consultation conducted by the Council.

We aim to ensure the views of people with disabilities are represented at all levels in the decision making process and therefore are identifying methods to increase involvement and effectiveness. We will ensure links with groups and agencies led by, involving, or providing services to people with disabilities.

The Council's Consultations have involved:

- Disability West Lothian
- Ace Advocacy
- Mental Health Advocacy Project West Lothian
- Just Us
- Employees
- Trade Unions
- the general public.

## **Participation Working**

Community planning and working in partnership reflect commitment to meeting the needs of individuals and communities. Improving public services and making them complementary and customer friendly is increasingly being undertaken through partnership working.

## **Monitoring Arrangements**

The Licensing Board will put in place systems to ensure we assess effectiveness of and satisfaction with services and to identify any adverse impacts. Currently the measurement methods include the enquiry tracking system, remote reporting scheme, and Neighbourhood Response Team data, West Lothian Assessment Model, complaints procedure as well as the use of satisfaction surveys and opinion taker. All information is collected in compliance with the Council's data protection and confidentiality policy.

When monitoring systems are in place these will be reviewed by the Clerk to ensure that they meet the duty to promote disability equality and contribute to the evaluation and development of Board services.

## **Publishing and Results: Being Honest, Open and Accountable**

West Lothian Licensing Board is committed to governance undertaken with integrity and in the public's interest. Our decision-making processes are therefore open, honest and accountable, involving and extending awareness of our activities. This is achieved through public performance reporting; we publish what we do and how well we do it. Developing, publishing and implementing the Disability Equality Scheme is one of these methods, ensuring we are accountable and inclusive.

The Licensing Board will use existing methods of disseminating information on assessments, consultation and monitoring. Full reports of individual assessments or consultations will be available on request from the Licensing Board. Summaries of these results will be published within three months of the full impact assessment and annually as part of the review of the Disability Equality Scheme. Information on equality impact assessments, consultations and monitoring results and actions will be published on the Board's website:

Where specific groups are involved with consultation and involvement, a report of the findings and proposed action will be sent to them for comment before finalising.

## **Access to Information and Services**

West Lothian Licensing Board is continually seeking to improve the public's access to information and services. The Licensing Board have identified

communication and accessibility to services as priority areas to be reviewed in year one of the scheme. As part of this review, the Licensing Board will consider the range of formats in which information is currently available.

Information on Licensing Board services will continue to be made accessible through the provision of relevant communication methods.

It is proposed to develop disability equality training, which will ensure new and existing staff and elected members are aware of this commitment and how to access the service required.

## **Training and Information**

Over the next three years, the Board will deliver a mandatory programme of training on the Act and its responsibilities laid out in our Disability Equality Scheme. Different methods of training will also be considered to meet the differing needs of elected members and other stakeholders in delivering on this work. This will draw together existing policies and good practice to increase skills and confidence.

## **Reviewing Our Disability Equality Scheme**

The Clerk to the Licensing Board is responsible for driving forward this Disability Equality Scheme and monitoring the progress made in promoting disability equality. Reports from the Clerk on equality will be made to the Licensing Board annually. The Reports will be passed by the Disability Equality Forum in the first instance to ensure that disabled people are involved in the process from the start.

The scheme will continue to be reviewed annually using the DRC framework standards and guidance.

Staff and members of the public will be kept up-to-date on progress made in promoting disability equality through newsletters, the Internet, intranet and annual reports.

This Disability Equality Scheme will be achieved through the six core objectives, which will form the action-planning framework where we can build on standards and focus on the action the needs to be taken. The six objectives are:

- a) Making sure the Disability Equality Scheme is put into practice
- b) Identifying relevant functions and policies
- c) Assessing and consulting on the likely impact of proposed policies on the promotion of disability equality

- d) Monitoring Board policies for adverse impact on the promotion of disability equality
- e) Communicating the results of assessment, consultation and monitoring
- f) Making sure the public have access to Licensing Board buildings, information and services

## **Complaints**

Complaints relating to disability equality issues in service delivery will be dealt with under existing channels. This procedure will be kept under review to ensure that it can deal with disability equality complaints. Reporting on how these complaints have been dealt with will form part of the annual review of the whole Disability Equality Scheme. The Clerk to the Licensing Board will also consider individual complaints where appropriate to identify areas for improvement. .

If anyone has any comments on how to improve this Disability Equality Scheme, please contact the Clerk to the Licensing Board at:

West Lothian Licensing Board  
West Lothian House  
Almondvale Boulevard  
Livingston  
EH54 6QG  
Tel: 01506 777227  
E-mail: [heather.whyte@westlothian.gov.uk](mailto:heather.whyte@westlothian.gov.uk)

If anyone has a complaint that the Board is not fulfilling its duties under the Act or about the Disability Equality Scheme in particular, they can contact the Clerk to the Licensing Board.

West Lothian Licensing Board wants members of the public to be able to make complaints and comments about our services so we can improve our services as a result of any feedback. However, if someone is not satisfied with the solution offered by the Licensing Board, we will advise them of their right to make a complaint to the Disability Rights Commission Scotland

## **Appendices**

- Appendix 1 Core Objectives
- Appendix 2 Functions & Policies Table

<b>Objective</b>	<b>Key Task</b>	<b>Outcome</b>	<b>Target</b>	<b>Lead</b>
1. Making sure the Disability Equality Scheme is put into practice	Briefing all staff on the Disability Equality Scheme	Develop and implement disability equality actions	December 2009	Clerk to the Licensing Board
2. Identifying relevant policies and functions	Review Service Standards and all policies and procedures to assess their relevance to the DDA	Relevant policies and functions grid identified. Policies and functions grid completed.	June 2007	Clerk to the Licensing Board
3. Assessing and consulting on likely impact of proposed policies	Conduct impact assessment on revised and new policies. Identify relevant groups to participate in full assessment process where necessary	Policies assessed and impact or potential impact identified. Disabled groups involved in the development/review process	December 2009	Clerk to the Licensing Board
4. Monitoring policies for adverse impact	Collect and analyse data on key service standards, policies and practices	Areas of adverse impact identified and appropriate remedial action taken, where possible	December 2009	Clerk to the Licensing Board
5. Publishing the results of assessment, consultation and monitoring	Implement any corporate protocol for publishing the results of assessment, consultation and monitoring	Statutory requirement met. Results of assessment, consultation and monitoring communicated to relevant parties	December 2007	Clerk to the Licensing Board
6. Making sure the public have access to information and services	Publish the agreed action plan on the Licensing Board's website	Action plans, standards, policies and procedures information accessible to the public	December 2009	Clerk to the Licensing Board

## Appendix 2 - List of Prioritised Functions and Policies

The following functions and policies have been assessed as relevant to disability equality. The Licensing Board has prioritised these functions and policies as either:

- 1 – High relevance (to be reviewed in year 1)
- 2 - Medium relevance (to be reviewed in year 2)
- 3 – Low relevance (to be reviewed in year 3)

Function or Policy	Priority
<b>Licensing Board</b>	
Accessibility to Services	1
Communication	1
Training of Board Members	1
Training of Staff	1
Site Inspections	2
Implementation of Board Decisions	2
Liaising with Licensed Trade Association	2
Hearings on Suspension of Licences	2
Hearings on Restriction Orders	2
Policy on extended hours	3
Policy on occasional extensions	3
Policy on occasional permissions	3
Policy on occasional licences	3
Policy on transfer of licences	3
Policy on suspension hearings	3
Policy on structural alterations	3
Policy on entertainment licences	3
Policy on fruit machines	3
Policy on gaming in premises licensed for liquor	3

