

**WEST LoTHIAN LICENSING BOARD
MAINSTREAMING REPORT AND OUTCOME PLAN 2017-2021**

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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 West Lothian Licensing Board (“the Board”), in the exercise of their 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 contains Specific Duties which apply to public authorities including the Board. These include:

- a duty to report progress on mainstreaming the General Equality Duty (this means a duty to publish a report, within prescribed timescales, on progress made to make the 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 (i.e. a result that the Board aims to achieve in order to further the three needs identified 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 to publish in a manner that is accessible

1.4 The Board approved Equality Outcomes at its meeting on 10 May 2013. Since then the Board has reviewed and updated its Equality Outcomes. This report contains the Board's Equality Outcomes for the period May 2017 to May 2021.

1.5 Although the Board has a separate legal status from West Lothian Council ("the council"), Board members are West Lothian Councillors appointed to the Board by the council. The legal and administrative support provided to the Board is provided by officers of the council. The Board meets in the council's headquarters and uses its services and facilities. Therefore, the steps taken by the council in relation to its duties in terms of the 2010 Act and 2012 Regulations (for the purposes of which the council is regarded as a separate public authority to the Board) also apply to Board members and the council officers who support the Board. The council's Corporate Equality Mainstreaming Report and Outcome Plan for the period 2017 - 2021 can be accessed on the council's website:

<http://www.westlothian.gov.uk/article/3769/Equality--Diversity>

Paper copies are also available from West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF between 9.00am and 5.00pm Mondays to Fridays.

1.6 In light of the common responsibility between the Board and the council with regard to the General Equality Duty and Specific Duties, and the shared resources between the Board and the council referred to above, the Specific Duties listed below are addressed in the council's report referred to at paragraph 1.5 above and are not addressed separately in this document.

The Specific Duties are the duties to:

- Develop and publish a mainstreaming report
- Publish equality outcomes and report on progress (at least every two years)
- Assess and review policies and practices
- Gather and use employee information

- Publish gender pay gap information
- Publish statements on equal pay
- Consider award criteria and conditions in relation of public procurement
- Publish in a manner that is accessible

2. About the Board

- 2.1 The Board is constituted in terms of the Licensing (Scotland) Act 2005 (“the 2005 Act”) and by law is responsible for the administration of liquor and gambling licensing in West Lothian.
- 2.2 The Board has specific legal functions under the 2005 Act with regard to premises licensed for the sale of alcohol in West Lothian and personal licence holders. Separately the Board also has specific legal functions under the Gambling Act 2005 with regard to premises licensed for the provision of gambling in West Lothian.
- 2.3 The Board is comprised of 10 Board members, elected at the first council Meeting after each ordinary council election.
- 2.4 Board meetings are held in public but the Board can deliberate in private. All decisions taken by the Board must be made in public.
- 2.5 The Clerk for the Board is the Chief Solicitor. The Depute Clerks for the Board are solicitors from the Licensing Team. The council employees who undertake work for the Board are based within the Licensing Team.
- 2.6 Board members, Licensing Standards Officers and council employees are subject to the Council's training regime and requirements as employees of the council.

3. Work of the Board in terms of the 2005 Act

- 3.1 The 2005 Act contains 5 licensing objectives which are central to the Board’s exercise of its legal functions and in particular its decision making. These are:
- Preventing crime and disorder

- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

3.2 The Board's legal functions are contained in detail in the 2005 Act and Regulations thereto issued by the Scottish Government from time to time. They include, broadly:

- receiving each type of application available under the 2005 Act, including applications for premises licences and personal licences
- receiving applications for review of premises and personal licences i.e. formal complaints regarding licensed premises and personal licence holders
- administering those applications including, for example, sending notice of them to relevant parties
- considering and determining applications other than those which can be granted administratively i.e. without a decision as to whether or not to grant having to be made.

3.3 In each decision that the Board has to make, it must apply the appropriate legal test contained in the 2005 Act. This includes, for example, whether to grant or refuse an application for a licence, or take a form of action in relation to a licence e.g. to suspend or revoke a licence.

4. Board Policy in terms of the 2005 Act

Under the 2005 Act the Board is required to have a statement of licensing policy, which it must review and publish periodically. The Board is required to seek to promote the 5 licensing objectives in its statement of licensing policy. The Board is also required to consult with parties including the Local Licensing Forum, the local Health Board in preparing its statement of licensing policy.

Section 3.7 of the Board's statement of licensing policy 2013-2016 (due TO LEGISLATIVE CHANGES this remains in force until October 2018) includes reference to people with disabilities and the terms of the Equality Act 2010 and reminds applicants and licence holders that the terms of the Equality Act 2010 may apply to their operation and to their premises. Information may be obtained via the following website:

www.saifscotland.org.uk

5. The role of Licensing Standards Officers

5.1 Under the 2005 Act the council is required to appoint one or more Licensing Standards Officers who have the following general functions in West Lothian:

- Providing to interested persons information and guidance concerning the operation of the 2005 Act in West Lothian
- Supervising the compliance by the holders of licences with the conditions of their licences and other requirements of the 2005 Act
- Providing mediation services for the purposes of avoiding or resolving disputes or disagreements between licence holders and other persons concerning any matter relating to compliance as referred to above

There are currently two Licensing Standards Officers for West Lothian.

6. The role of the Local Licensing Forum

6.1 Under the 2005 Act each Council must establish a Local Licensing Forum which has the following general functions in West Lothian:

- To keep under review the operation of the 2005 Act in West Lothian and, in particular, the exercise by the Board of its functions
- To give advice and make such recommendations to the Board in relation to the above as the Forum considers appropriate (but not in relation to a particular case)

6.2 Under the 2005 Act the Board has the following duties with regard to the Forum:

- In exercising any function, have regard to any advice given, or recommendation made, in relation to that function by the Forum
- Where the Board decides not to follow the advice or recommendation, to give the Forum reasons for the decision
- At the request of the Forum to provide the Forum with copies of relevant statistical information as the Forum may reasonably require for the purposes of the Forum's general functions

6.3 The 2005 Act details groups who must be represented within the Forum:

- holders or premises licenses and personal licences
- the Chief Constable for the area
- persons having functions related to health, education or social work
- young persons
- persons resident within the Forum's area
- Licensing Standards Officer

6.4 The council is responsible for the appointment of and support for the Forum.

7. Work of the Board in terms of the Gambling Act 2005

7.1 The Gambling Act 2005 contains 3 licensing objectives which are central to the Board's exercise of its legal functions and in particular its decision making.

- preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

For gambling licences, the Board must have regard to these 3 licensing objectives in its decision making including, for example, whether to grant or refuse an application for a licence, or take a form of action in relation to a licence e.g. suspend or revoke a licence.

7.2 The Board's legal functions are contained in detail in the Gambling Act 2005 and Regulations thereto issued by the Government from time to time. They include, broadly:

- receiving each type of application available under the 2005 Act, including applications for premises licences and personal licences
- receiving applications for review of premises and personal licences i.e. formal complaints regarding licensed premises and personal licence holders
- administering those applications including, for example, sending notice of them to relevant parties
- considering and determining applications other than those which can be granted administratively i.e. without a decision as to whether or not to grant having to be made.

7.3 In each decision that the Board has to make, it must apply the appropriate legal test contained in the Gambling Act 2005. This includes, for example, whether to grant or refuse an application for a licence, or take a form of action in relation to a licence e.g. to suspend or revoke a licence.

8. Statement of Licensing Principles in terms of the Gambling Act 2005

8.1 Under the Gambling Act 2005 the Board is required to prepare and publish a statement of the principles it proposes to apply in exercising its functions under the Gambling Act 2005 during the 3 year period to which the policy applies. The Board is required to consult with prescribed bodies and persons identified in the Gambling Act 2005 before producing its statement of principles and to give appropriate weight to their views.

9. Partnership working

- 9.1 The Board is committed to working in partnership with external statutory advisors, including Police Scotland, community bodies, including representatives of the licensed trade and other organisations, and all persons in the community with an interest in the Board's functions.

This includes the Local Licensing Forum through which the Board can engage with representatives of all parts of the community and ensure community views are taken into account in the development of Board policy.

10. Equal access to services

- 10.1 The Board's services are delivered from the council's headquarters at West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF which are fully accessible to everyone.

In particular:

- the West Lothian Civic Centre is single level access and the Council Chamber in which Board meetings are held is first floor lift access followed by single level access from the lift to the Council Chamber
- the Council Chamber in which Board meetings are held operates an induction loop for persons with hearing difficulties

- 10.2 Information regarding the Licensing Board can be found on the council's website. This information can be accessed in an audio format and viewed in various languages by clicking on the listen and translate option on the top menu bar on each of the webpages and then clicking the icon for either "Speak Mode" or "Translate Page".
- 10.3 The Board's licensing webpages can also be viewed online in a mode to assist persons with dyslexia. This option is available through the "Assist Dyslexia" option on the top menu bar which appears across the top of each of the Board's licensing webpages.
- 10.4 Persons viewing the Board's licensing webpages can increase or decrease the text size in which its web pages appear. This option is available through the "Change Text Size A+ / A-" option on the bar which appears on the top menu bar of each of the Board's licensing webpages.

10.5 The Board's statement of licensing policy under the 2005 Act, statement of principles under the Gambling Act 2005 and each of the Board's application forms can be provided in a range of alternative languages or formats, on request.

Appendix 1 – West Lothian Licensing Board Equality Outcome Plan

West Lothian Licensing Board Equality Outcome	Relevant General Equality Duty	Relevant protected characteristics	Actions
1. Persons with protected characteristics are able to engage equally in the exercise of the Board's licensing functions	Advance equality of opportunity between people who share a relevant protected characteristic and those who do not	<ul style="list-style-type: none"> • age • disability • gender • gender reassignment • race • sexual orientation • religion/belief • pregnancy and maternity 	The Board will seek to identify through its customer feedback form any service concerns specific to persons with protected characteristics in order to monitor and address such concerns, as appropriate. The Board will seek to ensure that the service it provides offers equal opportunity for engagement by persons with protected characteristics.
2. The Board will seek to promote equal opportunity of access to licensed premises for persons with protected characteristics in West Lothian where possible	<p>Advance equality of opportunity between people who share a relevant protected characteristic and those who do not</p> <p>Foster good relations between people who share a protected characteristic and those who do not</p>	<ul style="list-style-type: none"> • disability 	<p>The Board will promote accessibility to all licensed premises in West Lothian for people with disabilities through its application of the relevant provisions of the Licensing (Scotland) Act 2005 and its statement of licensing policy.</p> <p>Section 3.7 of the Board's statement of licensing policy 2013 – 2016 refers to people with disabilities and reminds licence holders of their own</p>

			possible duties in terms of the Equality Act 2010.
3. People with protected characteristics feel safe, confident and supported and partnership working is exercised equally in relation to persons with protected characteristics	<p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p> <p>Foster good relations between people who share a protected characteristic and those who do not</p>	<ul style="list-style-type: none"> • age • disability • gender • gender reassignment • pregnancy and maternity • race • religion or belief • sexual orientation 	<p>The Board will work in partnership with agencies including Police Scotland and the local Licensing Forum, who each have a separate statutory role to play under the Licensing (Scotland) Act 2005, with equal regard to the interests of persons with protected characteristics.</p> <p>Police Scotland have a separate statutory role in terms of enforcement and reporting of offences and the local Licensing Forum in terms of review of the Board's exercise of its functions and the giving of advice of recommendations to the Board.</p>
4. Board Members and members of the Licensing Team are aware of the equality actions in carrying out their statutory role and engaging with stakeholders including licence holders, trade organisations and the	<p>Advance equality of opportunity between people who share a relevant protected characteristic and those who do not</p> <p>Foster good relations between people who share a protected</p>	<ul style="list-style-type: none"> • age • disability • gender • gender reassignment • pregnancy and maternity • race • religion or belief • sexual orientation 	<p>Board members, Licensing Standards Officers and the council employees who undertake work for the Board will participate in the council's Equality Training.</p>

community of West Lothian.	characteristic and those who do not		
5. The Board's statement of licensing policy under the 2005 Act and statement of licensing principles under the Gambling Act 2005 reflect the Board's commitment to equality for persons with protected characteristics	<p>Advance equality of opportunity between people who share a relevant protected characteristic and those who do not</p> <p>Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010</p>	<ul style="list-style-type: none"> • age • disability • gender • gender reassignment • pregnancy and maternity • race • religion or belief • sexual orientation 	<p>The Board will consult in relation to both its statement of licensing policy and statement of licensing principles with equal regard to persons with protected characteristics. As part of consultation the Board will consider the need for Equality Impact Assessments, where appropriate.</p> <p>The terms of these documents are directly relevant to the Board's decision making in licensing matters. By law these documents are required to be subject to periodic review.</p>

This report is published on the council's website at:

<http://www.westlothian.gov.uk/article/3769/Equality--Diversity>

Paper Copies are available from West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF between 9.00am and 5.00pm Mondays to Fridays.

Paper or electronic copies are available on request by email to:

- licensingboard@westlothian.gov.uk

or by letter to:

- The Clerk of the Licensing Board, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF

All our written information can be made available, on request, in a range of different formats and languages. If you would like a copy of this report in any other language or format, please let us know. Please ask a friend, relative or carer to request a copy in the required language and/ or format by email to the above email address or by letter to the above postal address.

The Board welcomes comments regarding this report. If you wish to make any comments regarding this report at any time, please send them by email to the above email address or by letter to the above postal address.