

# **EAST AYRSHIRE LICENSING BOARD**

**DISABILITY DISCRIMINATION ACT 1995**

**THE DISABILITY DISCRIMINATION (PUBLIC  
AUTHORITIES)(STATUTORY DUTIES)(SCOTLAND)  
REGULATIONS 2005**

**DISABILITY EQUALITY SCHEME**

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### **THE DISABILITY DISCRIMINATION (PUBLIC AUTHORITIES)(STATUTORY DUTIES)(SCOTLAND) REGULATIONS 2005**

#### **DISABILITY EQUALITY SCHEME**

#### **1. Introduction**

- 1.1 East Ayrshire Licensing Board (“the Board”) is the Board constituted for the local government area of East Ayrshire in terms of the Licensing (Scotland) Act 2005 and also the Licensing (Scotland) Act 1976. The Board is responsible for the administration of liquor licensing and has various other duties in relation to gambling.
- 1.2 In terms of the Licensing (Scotland) Act 2005, East Ayrshire’s Licensing Board comprises of ten members of East Ayrshire Council (“the Council”) which members are elected at the first meeting of the Council after each ordinary Council election.
- 1.3 All revenue received by the Board from the fees on licence application must be transferred to the Council. The Council is charged with the responsibility for providing accommodation for the meeting of the Board and all necessary expenses in respect of the proceedings of the Board. All staff providing administrative support to the Board are appointed and employed by the Council.
- 1.4 The close connections between the Board and the Council mean that the Board is already aware of the major initiatives policy undertaken by the Council with regard to equalities issues. It also affords the Board the opportunity to benefit directly from the actions already proposed and undertaken by the Council in fulfilling the Council’s disability equality obligations. This is reflected in the Licensing Board’s Disability Equality Scheme set out in the following pages.
- 1.5 It is intended that this scheme will last for three years. As during this period there will be fairly dramatic changes in the way that the licensing board operates appropriate revisals will be made to the scheme during that period as required.

#### **2. Disability Equality**

- 2.1 In terms of the Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005, the Board has been placed under a

general duty when carrying out its functions to have due regard to the need to:-

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

These six elements will be referred to throughout this Scheme as the general duty.

- 2.2 In terms of the Disability Discrimination (Public Authorities)(Statutory Duties)(Scotland) Regulations 2005 the Board was placed under a specific duty to prepare and publish a Disability Equality Scheme by 4 December 2006. Although the Board approved a Scheme at it's meeting on 9 January 2007, it has been necessary to revise the terms of same and this Scheme should therefore be regarded as being published in accordance with the Board's statutory obligations.
- 2.3 The functions and policies of East Ayrshire Licensing Board require to be monitored and assessed to ensure that the Board is complying with the general duty.
- 2.4 The general duty provides the Board with the opportunity to review its functions and policies and to challenge prejudice and discrimination through the services it provides.
- 2.5 In supporting the general principles of disability equality the Board will also seek where appropriate to build the general duty into its structures and future policies.

### **3. The Disability Equality Scheme**

- 3.1 The Disability Equality Scheme (the Scheme) is the Board's plan stating how it intends to meet its general duty.
- 3.2 In its Scheme, the Board is required to identify those of its functions and policies, or proposed policies, which it considers relevant to issues of disability equality. The Scheme should include a statement of:-
  - 3.2.1 the ways in which disabled people have been involved in its development;

- 3.2.2 the methods for assessing the impact of its policies and practices, or the likely impact of its proposed policies and practices, on equality for disabled persons;
  - 3.2.3 the steps proposed to be taken towards fulfilment of its duty, set out in the Scheme and Action Plan;
  - 3.2.4 the arrangements for gathering information on the effect of its policies and practices on disabled persons, for reviewing on a regular basis the effectiveness of the Scheme and for revising it; and
  - 3.2.5 the arrangements for making an annual report.
- 3.3 The initial duration of the Scheme is three years. A formal review of the Scheme is required every three years but as a matter of practice the Board will continually monitor the implementation of the Scheme.
- 3.4 Although the Board has a legal status, separate from the Council, it is resourced entirely by the Council and the statements at paragraph 3.2 above will be complied with largely by the Council, under its corresponding corporate processes.

#### **4. Monitoring of Applications for Licence**

- 4.1 The assistance of the Council's Equalities Officer will be sought in relation to the implementation of a disability monitoring scheme and also in relation to the monitoring of data ingathered. Data will be collected by reference to age, disability, ethnicity and gender.

#### **5. Action Plan and Implementation**

- 5.1 The measures proposed by the Board for meeting its general and specific duties to promote disability equality in large part will be carried out as part of the Council's corporate measures. The Action Plan in the Council's Disability Equality Scheme where appropriate will be reflected in the Board's proposed measures.
- 5.2 There are some specific actions, as detailed in the Disability Equality Scheme Action Plan, (the Action Plan) which is attached as Appendix 1, which the Board will seek to implement in order to promote disability equality.
- 5.3 The Board will, within three years of the publication of this Scheme, take the steps which it has set out in the Action Plan unless in all the circumstances it would be un reasonable or impractical to do so. In that event the Board will consider other and alternative measures if appropriate.

#### **6. The Board's Functions**

- 6.1 The Board's functions derive from statute principally in terms of the Licensing (Scotland) Act 2005 and the Gambling Act 2005. The

following list is not exhaustive, but it does identify the key functions of the Board.

The Board accepts and processes to grant or refusal applications for:-

- 6.1.1 premises licences for all types of premises in terms of the Licensing (Scotland) Act 2005
  - 6.1.2 premises licences in terms of the Gambling Act 2005 to authorise premises to be used for:-
    - The operation of a casino (casino premises licence)
    - The provision of facilities for the playing of bingo (bingo premises licence)
    - Making category B gaming machines available for use (adult gaming centre premises licence)
    - Making Category C gaming machines available for use (family entertainment centre premises licence)
    - The provision of facilities for betting, whether by making or accepting bets by acting as a betting intermediary or by providing other facilities for the making or accepting of bets (betting premises licence)
  - 6.1.3 occasional licences relating to unlicensed premises on the application of the holder of a premises licence, a personal licence or a representative of a voluntary organisation.
  - 6.1.4 club gaming and machine permits as well as licensed premises gaming machine permits.
- 6.2 The Board is also required to publish a licensing policy statement with respect to the exercise of its functions under the Licensing (Scotland) Act 2005 and, in the context of same, the Board must ensure that the policy seeks to promote the licensing objectives which are:-
- The prevention of crime and disorder;
  - Securing public safety;
  - The prevention of public nuisance;
  - The protection and improvement of public health; and
  - The protection of children from harm.
- 6.3 The Board also considers complaints in respect of licensed premises and where necessary holds hearings with a view to resolving the complaint either by way of closure of the premises concerned or some less radical remedy.
- 6.4 It should also be noted that until January 2008 the Board will also continue to carry out its functions and responsibilities in terms of the Licensing (Scotland) Act 1976.

6.5 Consideration has been given as to which of the Board's functions are relevant to the general duty and their relative significance in this context. It is regarded that all of the Board's functions should have a high relevance in relation to the general duty.

## **7. Consultation and Involvement with Disabled People**

7.1 The Board is required to have and identify arrangements for assessing and consulting on the likely impact of its proposed statements of licensing policy (in relation to both liquor licensing and gambling) on the promotion of disability equality. From the introduction of this Scheme, all statements or supplementary statements approved by the Board will include details of:-

- Any assessment of the impact of the proposed policy statement on disability equality;
- Any consultation carried out in conjunction with that assessment; and
- Any action, including monitoring where appropriate, proposed in consequence of that assessment and consultation.

7.2 The Board is also required to have and identify arrangements for monitoring its licensing policy statements for any adverse impact on disability equality. It is proposed that the effects of licensing policy will be subject to regular scrutiny as part of the annual review process. Specifically, this issue will be included in future discussions and meetings with the East Ayrshire Disability Forum.

7.3 In addition, the Council is in the process of establishing its Local Licensing Forum. The general functions of the licensing forum are to keep under review the operation of the Licensing (Scotland) Act 2005 in the East Ayrshire local government area and also the exercise by the Board of their functions. This is supplemented by the giving of advice and the making of recommendations to the Board in relation to those matters which the Forum may consider appropriate. Accordingly, it is intended that the Forum will also be asked to consider the promotion of disability equality in carrying out any of its functions under the Act.

## **8. Publicity**

8.1 The Board is required to identify the arrangements it will make to publish the results of any assessments, consultations and monitoring it carries out to establish whether its statements of licensing policy have any impact of disability equality. As part of the annual review process the Board will consider what levels of publicity are required. This Scheme and the three yearly report, which will be produced after the three year review in 2010, will be published on the Council's website at [www.east-ayrshire.gov.uk](http://www.east-ayrshire.gov.uk) . It will be circulated to all members of the of the Licensing Board and to the members of the East Ayrshire Licensing Forum. Copies will also be available from East Ayrshire Council

Headquarters at London Road, Kilmarnock. This will encourage feedback and comment as part of the ongoing review of the Scheme.

**9. Duration, Review and Annual Report**

9.1 This Scheme is intended to cover the period from 12 June 2007 to 11 June 2010 and will be subject to review at the end of that period.

9.2 The Scheme will also be reviewed annually at the anniversary of its introduction and a report will be made to the Board. This will allow the Board to take account of any comments received from individuals or organisations in relation to the Scheme, as well as the Board's own experience of participation in consultation with such representative bodies as the Board considers appropriate.

## EAST AYRSHIRE LICENSING BOARD

DISABILITY EQUALITY SCHEME  
ACTION PLAN

	What the Board will do	When the Board will do it		
		2007/08	2008/09	2009/10
<b>1. The Disability Equality Scheme</b>	<ul style="list-style-type: none"> <li>Review the Scheme three yearly</li> </ul>			<b>X</b>
	<ul style="list-style-type: none"> <li>Review the Scheme annually and report to the Board members</li> </ul>	<b>X</b>	<b>X</b>	<b>X</b>
<b>2. Monitoring</b>	<ul style="list-style-type: none"> <li>As part of the annual review process, to have the scheme considered on an ongoing basis in meetings with the East Ayrshire Disability Forum</li> </ul>	<b>X</b>	<b>X</b>	<b>X</b>
<b>3. The Board's Functions</b>	<ul style="list-style-type: none"> <li>To request that the Local Licensing Forum consider the issue of disability equality when carrying out it's functions</li> </ul>	<b>X</b>	<b>X</b>	<b>X</b>

<b>4. Consultation and Involvement</b>	<ul style="list-style-type: none"> <li>• Initiate the process to ensure that consideration of the Board's statements of licensing policy are subject to consideration and discussion within the East Ayrshire Disability Forum</li> <li>• Ensure that the East Ayrshire Local Licensing Forum considers the issue of the promotion of disability equality in its review of the Board's discharge if it's statutory functions</li> </ul>	<p style="text-align: center;"><b>X</b></p> <p style="text-align: center;"><b>x</b></p>	<p style="text-align: center;"><b>X</b></p> <p style="text-align: center;"><b>x</b></p>	<p style="text-align: center;"><b>X</b></p> <p style="text-align: center;"><b>x</b></p>
<b>5. Publicity</b>	<ul style="list-style-type: none"> <li>• The Scheme will be published and a copy issued to all Members of the Board as well as all staff involved in the administration of the Board</li> <li>• The Scheme will be published on the Licensing Board pages of the East Ayrshire Council website</li> <li>• Copies of the Scheme will be made available to members of the public on request</li> <li>• A three yearly report on the scheme will be published, placed on the East</li> </ul>	<p style="text-align: center;"><b>X</b></p> <p style="text-align: center;"><b>x</b></p> <p style="text-align: center;"><b>x</b></p>	<p style="text-align: center;"><b>x</b></p>	<p style="text-align: center;"><b>X</b></p>

	Ayrshire Council website and made available to members of the public on request			<b>x</b>
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## LIST OF CONSULTEES

1. East Ayrshire South Forum on Disability
2. Cumnock & Doon Valley Access Panel
3. East Ayrshire Access Panel (North District)
4. Visual Impairment Ayrshire
5. All East Ayrshire Councillor members of the East Ayrshire Disability Forum
5. The general public
6. East Ayrshire Council's Disability Awareness Officer and Equalities and Diversity Officer
7. All East Ayrshire Licensing Board Staff

If you wish to make any comments on the scheme at any time please pass same to:

David Mitchell  
Clerk to the Licensing Board  
East Ayrshire Council  
Council Headquarters  
London Road  
Kilmarnock  
KA3 7BU

E-mail – [david.mitchell@east-ayrshire.gov.uk](mailto:david.mitchell@east-ayrshire.gov.uk)

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JANUARY 2008**

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#### **1. Introduction**

- 1.1 East Ayrshire Licensing Board (“the Board”) is the Board constituted for the local government area of East Ayrshire in terms of the Licensing (Scotland) Act 2005 and also the Licensing (Scotland) Act 1976. The Board is responsible for the administration of liquor licensing and has various other duties in relation to gambling.
- 1.2 In terms of the Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005, the Board has been placed under a general duty when carrying out its functions to have due regard to the need to:-
- eliminate discrimination that is unlawful under the Act;
  - eliminate harassment of disabled persons that is related to their disabilities;
  - promote equality of opportunity between disabled persons and other person;
  - take steps to take account of disabled persons disabilities, even where that involves treating disabled persons more favourably than other persons;
  - promote positive attitudes towards disabled persons; and
  - encourage participation by disabled persons in public life.
- 1.3 In terms of the Disability Discrimination (Public Authorities)(Statutory Duties)(Scotland) Regulations 2005 the Board was placed under a specific duty to prepare and publish a Disability Equality Scheme by 4 December 2006. Although East Ayrshire Licensing Board initially approved a scheme on 9 January 2007, it became necessary to revise the terms of same and accordingly the Boards fully compliant Scheme was finally approved on 12 June 2007.
- 1.4 A further obligation which has been placed on the Board by virtue of the legislation is the publication of an annual report on the scheme which is required to contain a summary of:-

- the steps it has taken to fulfil its Disability Equality Duty as detailed within the scheme's Action Plan;
- the results of the information gathering it has carried out; and
- the use it has made of the information gathered.

Although the Board's annual report is required to cover a period of one year from the date of the initial requirement to publish, in light of the circumstances detailed in paragraph 1.3 above, this first annual report effectively only covers a period of six months.

- 1.5 It must also be emphasised that all employees involved with the operation of the East Ayrshire Licensing Board are employed by East Ayrshire Council. Accordingly, the training of such employees in connection with the duties under the equalities legislation will be dealt with under the Council's Equality Schemes. In relation to Licensing Board members, equality issues formed part of the training provided to them in their capacity as councillors following their election and again is a matter for the Council's Equality Schemes.

## 2. The Action Plan

- 2.1 The Action Plan included in the Boards Disability Equality Scheme included a number of measures which were proposed by the Board for meeting its general and specific duties to promote disability equality but confirmed that, in large part, would be carried out as part of the Council's corporate measures. However, there were a range of specific actions which the Board undertook to implement in order during 2007/2008 to promote disability equality. The various specific actions and the current status of each are detailed within the table below:-

<b>ACTION</b>	<b>CURRENT STATUS</b>
Review the scheme annually and report to the Board members	Implemented by virtue of this report
As part of the annual review process, to have the scheme considered on an ongoing basis in meetings of the East Ayrshire Disability Forum	Will be implemented during 2008 and will accordingly be included in the annual report due in December 2008
To request that the Local Licensing Forum consider the issue of disability equality when carrying out its functions	Implemented as this issue will appear as a standing item at all meetings of the East Ayrshire Licensing Forum
Initiate the process to ensure that consideration of the Board's statements of licensing policy are subject to consideration and discussion within the East Ayrshire Disability Forum	The Board's statement of Licensing Policy was approved and issued by the Board by 30 November 2007. A copy of the Board's statement has been issued to the Disability Forum

Ensure that the East Ayrshire Licensing Forum considers the issue of the promotion of disability equality in its review of the Board's discharge of its statutory functions	Implemented as this issue will appear as a standing item at all meetings of the Forum
The Scheme will be published and a copy issued to all members of the Board as well as all staff involved in the administration of the Board	Implemented
The Scheme will be published in the Licensing Board pages of the East Ayrshire Council website	Implemented
Copies of the Scheme will be made available to members of the public on request	Implemented

2.2 In addition to the above specific actions the Board has continued to issue equalities questionnaires to all those persons submitting applications to the Board for the various types of permissions it deals with under the existing legislation. It must however be noted that, despite these efforts, the submission rate for the equalities questionnaire is relatively low and an examination of all returns discloses that no returning applicants describe themselves as disabled.

2.3 A further consideration of the current equalities questionnaire would suggest that a review of the format of same may now be required in an effort to provide for the provision of an enhanced level of information on equalities issues generally. This will be implemented and reported on in the Board's next annual report.

2.4 As can be seen from the table above the various actions which the Board undertook to implement in terms of the Scheme have broadly been fully implemented and accordingly the Board are meeting the targets detailed within the Scheme.

2.5 As indicated above the Board's statement of Licensing Policy in terms of the Licensing (Scotland) Act 2005 was adopted and published by 30 November 2007. Within that statement the following provision was included in that:-

"The Board will at all times have due regard to The Disability Discrimination Act 1995 or any subsequent and similar legislation and the need to eliminate unlawful discrimination and to promote equality of opportunity. The Board has adopted a Disability Equality Scheme and Action Plan under the 1995 Act which is subject to review every three years"

### **3. Conclusions**

- 3.1 As detailed above East Ayrshire Licensing Board has carried out the various actions as outlined within the Action Plan within the Scheme. However, it must be emphasised once again that this report effectively only covers a period of six months and accordingly must be regarded as a report detailing the Board's initial steps in the implementation of its general duty.
- 3.2 Accordingly, it would be intended that the Board simply continue with the ongoing implementation of the various relevant aspects of the Action Plan which, together with an effort to obtain an enhanced level of information from applicants will form the basis of the next annual report which will be due in December 2008.

**Councillor Jim Buchanan**  
**Chair of the Licensing Board**

**David Mitchell**  
**Clerk to the Licensing Board**