



AGENDA ITEM NO:

Report To:	Inverclyde Licensing Board	Date:	1 June 2023
Report By:	Iain Strachan, Head of Legal, Democratic, Digital and Customer Services	Report No:	IS/KB
Contact Officer:	Karen Barclay, Corporate Policy and Performance Officer	Contact No:	01475 712065
Subject:	Inverclyde Licensing Board Equality Mainstreaming Report 2023		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to present for noting the Inverclyde Licensing Board (ILB) Equality Mainstreaming Report 2023. More information is provided in the Appendix.

Appendix

1.3 The Equality Act 2010 requires the Council, as a public body, to publish Equality Outcomes every four years and report on their progress via a Mainstreaming Report every two years. Additionally, Licensing Boards, as separate legal entities, may also publish their Mainstreaming Reports separately from their local authority. Reports should be published by 30 April in the relevant year.

1.4 This report provides information on the delivery of the Corporate Equality Outcomes 2021/25 which are relevant to the ILB.

2.0 RECOMMENDATIONS

2.1 It is recommended that the ILB notes the contents of this report.

2.2 It is recommended that the ILB notes that the ILB Equality Mainstreaming Report 2023 has been published on the Council’s website, pending consideration by the Board.

Iain Strachan
Head of Legal, Democratic, Digital and Customer Services

3.0 BACKGROUND

3.1 The Equality Act 2010 includes the Public Sector Equality Duty which covers the Protected Characteristics of Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation. The Equality and Human Rights Commission is the Regulator of the Public Sector Equality Duty.

3.2 The Equality Duty comprises a General Duty and Specific Duties. The General Duty requires the Council to have *due regard* to the need to:

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by The Equality Act 2010;
- advance equality of opportunity between people from different groups; and
- foster good relations between people from different groups.

3.3 *Due regard* means that, during decision making, conscious consideration is given to the three aims of the General Duty, as outlined at paragraph 3.2.

3.4 The Specific Duties require the Council to:

- set specific, measurable Equality Objectives and publish information about our performance on equality;
- publish sufficient information to show we have considered the three aims of the General Duty across our functions;
- publish evidence of equality analysis undertaken to establish whether our policies and practices would further, or have furthered, the three aims of the General Duty;
- gather, use and publish employment information;
- publish Gender Pay Gap information;
- publish an Equal Pay Statement; and
- consider award criteria and conditions in public procurement.

3.5 The Council's Equality Mainstreaming Report 2023, Progress on Equality Outcomes 2021/25 and Equal Pay Statement 2023 was considered by the Policy and Resources Committee at its meeting on 21 March 2023: [21 March 2023 - Inverclyde Council](#) (agenda item 5, paragraph 3.3).

Min Ref
P&R Cttee,
21.3.23

3.6 While, in common with other Licensing Boards, it has been agreed that the ILB will meet its commitments to equality through the endorsement of the Council's Corporate Equality Outcomes and will feed into their delivery and reporting mechanisms, for completeness, a separate ILB Equality Mainstreaming Report 2023 has also been devised.

3.7 ILB – OVERVIEW

3.8 The ILB considers the functions of The Licensing (Scotland) Act 2005 and The Gambling Act 2005. The Licensing (Scotland) Act 2005 covers the sale of alcohol in licensed premises and unlicensed premises, while The Gambling Act 2005 covers all gambling matters including betting shops, raffles, gaming machines and amusement arcades.

3.9 The ILB has a statutory duty to ensure that measures included in its Policy Statement – which is available to view here [Policy Statement - Inverclyde Council](#) – seek to promote the following statutory licensing objectives:

- preventing crime and disorder;

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- securing public safety;
- preventing public nuisance;
- protecting and improve public health; and
- protecting children and young persons from harm.

3.10 Additionally, the ILB Policy Statement makes specific provision for people with the Protected Characteristics of 'Age' (paragraph 5.3 - Children and Young Persons on Licensed Premises) and of 'Disability' (paragraph 5.4 – Disabled Facilities). It is to be noted that the ILB Policy Statement is due for review in 2023, and a consultation is available to view on the Council's website: [ILB Policy Statement Review](#), prior to the closing date of 20 May 2023. This review will provide an opportunity to ensure that the ILB incorporates its equality duties into its new Policy Statement, which will provide the ILB with its overall policy framework for alcohol licensing within Inverclyde, and be applied alongside the ILB's separate legal duties under the relevant national legislative framework.

3.11 The Board undertakes its business in an open and transparent way. Aware of the need to ensure that the licensing process is accessible to all, assistance is available on request for those who require specific arrangements to support their participation in the process. Board meetings are held in public. Although deliberations can be made in private, all decisions taken by the Board must be made in public. The Board is a quasi-judicial board, and accordingly does not operate along party political lines, but must have regard to The Licensing (Scotland) Act 2005, the licensing objectives contained therein and its own statement on licensing policy.

3.12 In terms of The Air Weapons and Licensing (Scotland) Act 2015, the ILB produces and publishes an Annual Functions Report by 30 June each year which includes a summary of the decisions made by (or on behalf of) the Board during the financial year, together with information about the number of licences held under this Act in the Board's area (including information about the number of occasional licences issued during the year). The ILB's Annual Functions Reports are available to view on the Council's website [ILB - Functions Reports](#).

3.13 All Inverclyde Council Elected Members, including the eight Members who are part of the ILB, are invited to participate in a comprehensive training and awareness-raising programme; topics covered recently include Equality Impact Assessments (EqIAs); Equalities – an overview; and gender-based budgeting.

3.14 **LOCAL LICENSING FORUM (LLF)**

3.15 The Licensing (Scotland) Act 2005 requires the Council to establish a LLF for Inverclyde. The Forum's role is to keep under review the operation of the liquor licensing system in Inverclyde and to give advice and recommendations to the ILB.

3.16 Membership of the Forum may comprise between five and 20 people and must, as far as possible, be representative of persons or descriptions of persons who have an interest which is relevant to the Forum's functions including holders of premises licences and personal licences; the Chief Constable; persons having functions relating to health, education or social work; young people, and persons resident within Inverclyde.

3.17 Additionally, for completeness, when the membership of the Forum is next reviewed, steps will be taken to seek to ensure that it is broadly reflective of the local community. This will include an attempt to seek to recruit people from all walks of life and from all areas of Inverclyde.

3.18 **CORPORATE EQUALITY OUTCOMES 2021/25**

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- 3.19 In terms of its obligations under The Equality Act 2010, the Council is required to devise a new set of Corporate Equality Outcomes every four years.
- 3.20 As the ILB may be aware, five Corporate Equality Outcomes were approved for delivery during 2021/25.
- 3.21 The following Corporate Equality Outcomes 2021/25 are of particular relevance to the ILB:

Min Ref
P&R Cttee
23.3.21
Para 135

Outcome 1:	Increase the participation of seldom-heard/under-represented voices in local decision-making processes
Outcome 3:	Take action to prevent violence against women and girls in Inverclyde
Outcome 4:	Increase the diversity of the Council workforce.

3.22 EqlAs

- 3.23 A number of EqlAs have been devised which indirectly support delivery of, or are aligned to, the ILB’s remit; topics include the *Policy Statement on the Licensing of Sexual Entertainment Venues* and the *Short Term Lets Policy*. The Council’s EqlAs are available to view on the Council’s website: [EqlAs - Inverclyde Council](#).

4.0 PROPOSALS

- 4.1 Attached as an Appendix are details of progress made with delivery of the Corporate Equality Outcomes 2021/25 which are of most relevance to the ILB.

5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

Subject	Yes	No	N/A
Financial		X	
Legal/Risk	X		
Human Resources		X	
Strategic (LOIP/Corporate Plan)	X		
Equalities and Fairer Scotland Duty	X		
Children and Young People’s Rights and Wellbeing		X	
Environmental and Sustainability		X	
Data Protection		X	

5.2 Finance

One-off costs

Cost centre	Budget heading	Budget year	Proposed spend this report	Virement from	Other comments
n/a	n/a	n/a	n/a	n/a	n/a

Annually recurring costs/(savings)

Cost centre	Budget heading	With effect from	Annual net impact	Virement from (if applicable)	Other comments
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n/a	n/a	n/a	n/a	n/a	n/a
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5.3 Legal/Risk

This report complies with the legislative requirements for the ILB in terms of The Equality Act 2010.

5.4 Human Resources

There are no direct human resources implications arising from this report.

5.5 Strategic

The content of this report is of relevance to the following Inverclyde Alliance Partnership Plan 2023/33 Outcomes:

Theme 1: Empowered people

- Communities can have their voices heard, and influence the places and services that affect them

Theme 2: Working people

- Businesses are supported and encouraged to reduce their carbon footprint and develop green jobs

Theme 3: Healthy people and places

- Supportive systems are in place to prevent alcohol and drug misuse

Theme 4: A supportive place

- Vulnerable adults and children are protected and supported, ensuring they can live safely and independently
- Public protection and community safety are improved through targeting our resources to reduce the risk of offending and harm.

The content of this report is of relevance to the following Council Plan 2023/28 Priority:

Theme 1: People

- Our most vulnerable families and residents are safeguarded and supported.

5.6 Equalities and the Fairer Scotland Duty

(a) Equalities

This report has been considered under the Corporate EqIA process with the following outcome:

	Yes – Assessed as relevant and an EqIA is required.
X	No. This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. However, the report aims to progress the Council's commitment to equalities and, in doing so, comply with the associated legislative requirements for the Council.

(b) Fairer Scotland Duty

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If this report affects or proposes any major strategic decision:

Has there been active consideration of how this report’s recommendations reduce inequalities of outcome?

	Yes – A written statement showing how this report’s recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	No – Assessed as not relevant under the Fairer Scotland Duty.

5.7 Children and Young People

Has a Children’s Rights and Wellbeing Impact Assessment (CRWIA) been carried out?

	Yes – Assessed as relevant and a CRWIA is required.
X	No – Assessed as not relevant as this report does not involved a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy which will have an impact on children’s rights.

5.8 Environmental/Sustainability

Summarise any environmental/climate change impacts which relate to this report.

Has a Strategic Environmental Assessment (SEA) been carried out?

	Yes – Assessed are relevant and a SEA is required.
X	No – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is likely to have significant environmental effects, if implemented.

5.9 Data Protection

Has a Data Protection Impact Assessment been carried out?

	Yes – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	No – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

6.0 CONSULTATION

6.1 None.

7.0 BACKGROUND PAPERS

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7.1 None.

Classification - No Classification

Classification - No Classification