

Aberdeenshire Licensing Boards

***DISABILITY DISCRIMINATION ACT
1995***

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

DISABILITY EQUALITY SCHEME

1st May 2007

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LIST OF CONSULTEES

- 1 All members of the Aberdeenshire North, Central and South Divisional Licensing Boards
- 2 All elected members of Aberdeenshire Council
- 3 All statutory consultees
- 4 The Aberdeenshire, Banffshire and Kincardineshire Licensed Trade Association
- 5 All local pubwatch organisations
- 6 Aberdeenshire Community Safety Executive
- 7 Aberdeenshire Alcohol and Drug Action Forum
- 8 All staff employed in the Law and Administration Service
- 9 Keith Weeks, Aberdeenshire Access Panel Co-Coordinator
- 10 Aberdeenshire Council's Equalities Officer
- 11 The general public

Because the Scheme will be monitored on an ongoing basis there will be adequate opportunity to comment further as the Action Plan is implemented

Your Views on the Scheme

The Disability Equality Scheme is an evolving Plan. Your views are important to us and will help to shape the Plan.

Every effort will be made to encourage and support disabled people and those organisations which provide services to them to give their views.

Section 1(1) of the Disability Discrimination Act 1995 defines disability –

“... a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.”

Dealing With the Public

Aberdeenshire North, Central and South Divisional Licensing Boards will ensure that they are in a position to deliver what they promise in terms of this Disability Equality Scheme.

Application forms should be available in alternative formats should they be requested in accordance with standards adopted by Aberdeenshire Council; and disabled users should be able to physically access the premises used by the Boards and their staff; they should be enabled to understand the happenings of the Boards and, where appropriate, to participate.

If you wish to submit any comments in relation to this document at any time, please address them to:-

The Depute Clerk to the Board, Aberdeenshire Council, St. Leonards, Sandyhill Road, Banff, AB45 1BH

ABERDEENSHIRE LICENSING BOARDS

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

DISABILITY EQUALITY SCHEME

1 Introduction

- 1.1 The North, Central and South Aberdeenshire Divisional Licensing Boards (“the Boards”) are the Licensing Boards constituted for the local government area of Aberdeenshire in terms of the Licensing (Scotland) Act 1976. The Boards are entrusted with the administration of liquor licensing and with certain other statutory duties.
- 1.2 In terms of the legislation, the North Board comprises 12 members of Aberdeenshire Council (“the Council”), the Central Board and South Board both comprise 8 members of the Council, elected at the first Council Meeting after each ordinary Council election. A licensing board must consist of not less than 5 members. Board meetings are held in public but a Board can discuss issues in private. All decisions taken by the Boards must be made in public.
- 1.3 All revenue received by the Boards from licence application fees must be transferred to the Council. The Council is charged with the responsibility for providing accommodation for the meetings of the Boards and all necessary expenses in respect of the proceedings of the Board. All staff carrying out the Boards’ responsibilities are appointed and employed by the Council.
- 1.4 The close connections between the Boards and the Council ensure that the Boards are aware of the major initiatives being undertaken by the Council with regard to the mainstreaming of equalities issues. It affords the Boards the opportunity to benefit directly from the actions already proposed by the Council services and, in particular, the Chief Executive’s service, to ensure that they fulfil the disability equality obligations. This is reflected in the Disability Equality Scheme set out on the following pages.
- 1.5 This Scheme will endure until December 2009. During this period, the Licensing (Scotland) Act 2005 and the Gambling Act 2005 will replace the existing legislation. Appropriate revisions will be made to this Scheme as those pieces of legislation are implemented within Aberdeenshire.

2 Disability Equality

- 2.1 In terms of the Disability Discrimination Act 1994("the Act"), as amended by the Disability Discrimination Act 2005, the Boards have been placed under a general duty when carrying out their functions to have due regard to the need to:-
- 2.1.1 Eliminate discrimination that is unlawful under the Act;
 - 2.1.2 Eliminate harassment of disabled persons that is related to their disabilities;
 - 2.1.3 Promote equality of opportunity between disabled persons and other persons;
 - 2.1.4 Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
 - 2.1.5 Promote positive attitudes towards disabled persons; and
 - 2.1.6 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 Regulations"), the Boards have been placed under a specific duty to prepare and public a Disability Equality Scheme.
- 2.3 The functions and policies of the Boards require to be monitored and assessed to ensure that the Boards are complying with the general duty.
- 2.4 The general duty provides the Boards with the opportunity to review their functions and policies and to challenge prejudice and discrimination through the services they provide.
- 2.5 In supporting the general principles of disability equality, the Boards will also seek, where appropriate, to build the general duty into its structures and future activities.

3 The Disability Equality Scheme

- 3.1 The Disability Equality Scheme ("the Scheme") is the Boards' plan stating how they intend to meet the general duty.
- 3.2 In the Scheme, the Boards are required to identify those of their functions and policies, or proposed policies, which they consider relevant to issues of disability equality. The Boards have specific duties under the Regulations to ensure that the Scheme includes 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 impacts of their policies and practices, or the likely impact of their proposed policies and practices, on equality for disabled persons;
 - 3.2.3 The steps proposed to be taken towards fulfilments of their duty, set out in the Scheme and Action Plan;
 - 3.2.4 The arrangements for gathering information in the effect of their 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 until 2009. A review of the Scheme is required every three years, but, as a matter of practice, the Boards will continually monitor the implementation of the Scheme.
- 3.4 Although the Boards have a separate legal status from the Council, they are resourced entirely by the Council and the statements at paragraph 3.2 above will be complied with largely by the Council, as a whole, with reference to its Equalities Scheme.

4 Monitoring of Applications for Licences

- 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. Consideration will be given to extending this monitoring to complaints processed by the Boards.

5 Action Plan and Implementation

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

6 The Boards' Functions

- 6.1 The Boards' functions derive mainly from statute and are detailed below in statutory and non-statutory categories. This list is not exhaustive, but it does identify the key areas in which the Boards are likely to operate. The Boards

have considered which of their functions and policies are relevant to the general duty and their relative significance in this context. In doing so, it has taken advice from the Council's Equalities Officer. It has determined that all the listed functions should be regarded as having a high relevance in relation to the general duty. In light of this determination, the Boards have decided that their policies, including proposed policies, should have equivalent status.

6.2 Statutory Functions

The Boards accept and process, to grant, renew or refuse, all applications for –

- 6.2.1 Liquor licences in terms of the Licensing (Scotland) Act 1976, as amended;
- 6.2.2 Gaming licences in terms of the Gaming Act 1968, as amended;
- 6.2.3 Permits for the provision of amusements with prizes in terms of the Gaming Act 1968, as amended;
- 6.2.4 Betting office licences, betting agency permits, and bookmaker's permits in terms of the Betting, Gaming and Lotteries Act 1963, as amended.
- 6.2.5 The Boards consider complaints in respect of licences and some permits granted and the holders of these, and, where necessary, hold hearings with a view to resolving such complaints, either by way of suspension of a licence, or a less radical remedy.

6.3 Non-Statutory Functions

- 6.3.1 The Boards formulate, consult on and adopt policies in relation to the exercise of their licensing function.
- 6.3.2 The Boards make a number of decisions in terms of liquor licensing affecting the day-to-day management, or hours of operation of premises licensed for the sale of alcohol.

7 Consultation and Impact Assessment

7.1 The Boards are required by Section 2(3)(b) of the Regulations to have and identify arrangements for assessing and consulting on the likely impact of their proposed policies on the promotion of disability equality. The Boards recognise that the steps required in respect of each policy will vary depending on the nature of the policy and the surrounding circumstances. From the introduction of this Scheme, all reports presented to the Boards proposing policies that have any significant relevance to disability equality will include details of –

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

The Boards will consider these matters in reaching their decision on the proposed policy. In particular, the Boards will have regard to them when developing and consulting on their Statements of Licensing Principles under the Gambling Act 2005 and the Licensing (Scotland) Act 2005.

- 7.2 The Boards are required by Section 2(3)(d) of the 2005 Regulations to have and identify arrangements for monitoring its policies for any adverse impact on disability equality. It is proposed that the effects of policies will be subject to regular scrutiny as part of the annual review process.

8 Involving Disabled People

- 8.1 As part of the Boards' existing consultation process on policy development, this Scheme will be forwarded to the statutory consultees, Licensed Trade Association, Pubwatches, Community Safety Executive and Alcohol and Drug Action Team. The Boards have also included consultation with the Aberdeenshire Access Panel as part of the process. The Boards will initiate discussions with the Equalities Officer to determine other appropriate means of ensuring involvement of disabled persons on policies potentially impacting on disability equality, either through the existing mechanisms or otherwise. The local licensing forums will be added to the list when they are appointed in terms of the Licensing (Scotland) Act 2005.
- 8.2 The Boards have been unable to have an active, face-to-face, involvement in the setting up of this Equalities Scheme with disabled groups. The Boards have found it extremely difficult to identify groups with whom they can communicate on this issue. The Boards have, however, taken into account the document produced by Aberdeenshire Council as part of its engagement with disabled people and have updated the Action Plan attached to this Equality Scheme as a result. The Boards have also made it a priority action to establish links with groups within Aberdeenshire, who can be involved in the ongoing review and monitoring of this Scheme.
- 8.3 As part of the consultation on the draft of this Scheme, a local solicitor who is wheelchair bound and has an active interest in licensed premises considered the Scheme. A Justice of the Peace and two members of the public, all with disabilities also reviewed the scheme. Their responses have been taken into account in finalising this Scheme and the Action Plan.

9 Gathering and Utilising Information

- 9.1 The gathering of information regarding the Boards' service delivery will be carried out under the Council's data collection arrangements.
- 9.2 The Council continually reviews its disability equality monitoring procedures with regard to data collection. All employees, including licensing Board staff, are asked to identify if they consider themselves disabled.
- 9.3 In addition to existing and planned Council procedures for gathering and utilising information, the Boards will consider methods of ingathering feedback on service delivery from licensees and members of the public who become involved in the licensing process. This will inform the Boards

regarding future service delivery and will allow it to consider making adjustments to that service delivery, where necessary. The Boards will use the information when they review the Scheme and Action Plan, and in the preparation of any subsequent Disability Equality Scheme. Relevant remedial measures will be proposed and implemented and the Action Plan updated accordingly.

10 Publicity

- 10.1 The Boards are required by Section 4 of the Regulations to identify the arrangements they will make to publish the results of any assessments, consultations and monitoring it carries out to establish whether its policies have any impact on disability equality.
- 10.2 The development and adoption of policies are subject to the overall direction of the Boards, as is the monitoring of the impact of policies. As part of the annual review process, the Boards will consider whether further publicity (including publicity in relation to the Scheme itself) is required.
- 10.3 The Boards will also identify the arrangements they will make for ensuing public access to information and the services they provide. The Boards are governed by the Licensing (Scotland) Act 1976 in respect of access to information concerning applications and licences granted.
- 10.4 The Scheme, and the three yearly report which will be produced after the review in 2009, will be published on the Council's website. It will be circulated to all members and officers of the Boards and to the Consultees listed at the start of the Scheme. Paper copies will also be available, on request at the licensing offices listed at the end of the Scheme. This will encourage feedback and comment as part of the ongoing review of the Scheme. Translations and alternative formats will be made available by arrangement on request.

11 Training

- 11.1 The Council will identify arrangements for training staff in relation to their duties to promote disability equality and ensure equality of opportunity. The Council is committed to ensuring that its staff receive adequate training in these areas.
- 11.2 As indicated in the introduction at paragraph 1.3, the Boards' staff are employees of the Council and appropriate training will be delivered as part of the Council's Disability Equality Scheme. Awareness will be increased with features on equalities issues and changes in legislation, and through articles in appropriate internal publications.
- 11.3 The Boards consider that its own members should receive training in their duties to promote disability equality and to ensure equality of opportunity. Equalities awareness will be included in the induction training for members of the Boards appointed in May 2007, but, as members of the Council, there will also be training through the Council's proposed Corporate Equalities Scheme,

which contains a commitments to the training of Chief Officers and elected members.

12 Duration, Review and Annual Report.

- 12.1 This Scheme has been delayed in its implementation. It is intended to cover the period from its publication in 2007 until 31st December 2009 and will be subject to a full review at the end of that period.
- 12.2 The Scheme will also be reviewed annually in June of each year and a report will be made available to the Boards. This will allow the Boards to take account of any comments received from individuals or organisations in relation to the Scheme, as well as the Boards' own experience of participation in consultation with such representative bodies as the Boards consider appropriate.

13 Licensing Offices

North Aberdeenshire Divisional Licensing Board

The Depute Clerk	Telephone	01261 813320
Aberdeenshire Council	Fax	01261 815664
St. Leonards	Legal Post	LP6, Banff
Sandyhill Road		
Banff		
AB45 1BH		

Central Aberdeenshire Licensing Board

The Depute Clerk	Telephone	01467 628205
Aberdeenshire Council	Fax	01467 623329
Gordon House	Legal Post	LP3, Inverurie
Blackhall Road		
Inverurie		
AB51 3WA		

South Aberdeenshire Licensing Board

The Depute Clerk	Telephone	01569 768255
Aberdeenshire Council	Fax	01569 768259
Viewmount	Legal Post	LP5, Stonehaven
Arduithie Road		
Stonehaven		
AB39 2DQ		

Licensing queries can be e-mailed to –

licensing@aberdeenshire.gov.uk

Licensing information can be found on the Council's website at –

www.aberdeenshire.gov.uk

**ABERDEENSHIRE LICENSING BOARDS
DISABILITY EQUALITY SCHEME – ACTION PLAN**

	What the Boards will do	When the Boards will do it		
		2007	2008	2009
1. The Disability Equality Scheme Paragraph 11	<ul style="list-style-type: none"> Review the Scheme three-yearly 			✓
	<ul style="list-style-type: none"> Review the Scheme annually and report to the Boards' members 	✓	✓	✓
2. Monitoring Paragraph 6	<ul style="list-style-type: none"> Consider the implementation of a voluntary disability-monitoring scheme covering applicants for licences. 	✓		
	<ul style="list-style-type: none"> Consider extending this monitoring to complaints processed by the Boards 		✓	

	What the Boards will do	When the Boards will do it		
		2007	2008	2009
3. The Boards' Functions Paragraphs 6 and 9	<ul style="list-style-type: none"> Consider conducting an audit of all existing Boards' policies to ensure that the Council will fulfil its disability equality obligations in terms of the Council's and the Boards' Schemes. Amend and update all application forms and correspondence to ensure it is in a more user-friendly format and make alternative formats available upon request. Produce an information leaflet, with the assistance of disabled people, informing licence holders and potential licence holders of their duties in terms of the disability legislation to ensure their premises are accessible to disabled people. Encourage licence holders to take a pro-active approach in this regard 	<p>✓</p> <p>✓</p>	<p>✓</p>	
4. Consultation Paragraph 7	<ul style="list-style-type: none"> Require all reports presented to the Boards proposing policies that have any significant relevance to disability equality to include details of: <ul style="list-style-type: none"> Any assessment of the impact of the proposed policy on disability equality; Any consultation carried out in conjunction with that assessment; Any action, including monitoring where appropriate, proposed in consequence of that assessment and consultation. 	<p>✓</p>	<p>✓</p>	<p>✓</p>

	What the Boards will do	When the Boards will do it		
		2007	2008	2009
	<ul style="list-style-type: none"> Initiate discussions with the Equalities Officer to determine an appropriate means of ensuring involvement of disabled persons on policies potentially impacting on disability equality either through the existing mechanisms for consultation, or otherwise. As a matter of top priority, establish links with disabled persons and disabled groups within Aberdeenshire and the Boards so that active involvement in the monitoring and review of this Scheme can take place as quickly as possible. 	✓	✓	✓
	<ul style="list-style-type: none"> The effects of policies will be subject to regular scrutiny as part of the annual review process. This issue will also be explored in discussions with the Qualities Officer. 	✓	✓	✓
5. Publicity Paragraph 9	<ul style="list-style-type: none"> As part of the annual review process consider whether further publicity, including publicity in relation to the Scheme itself, is required. The Scheme will be published and circulated to all members and officers of the Boards. Copies will be available on the Council's website and at licensing offices. 	✓	✓	✓

	What the Boards will do	When the Boards will do it		
		2007	2008	2009
	<ul style="list-style-type: none"> The Scheme will be circulated to all staff employed in the law and administration service, to Council Members, to all current consultees and to the Council's Equalities Officer, as well as to any other interested parties. 	✓		
	<ul style="list-style-type: none"> Translations and alternative formats will be made available by arrangement when required, in accordance with the standards adopted by Aberdeenshire Council. 	✓	✓	✓
6. Training	<ul style="list-style-type: none"> Equalities awareness will continue to be included in the induction training for members of the Board appointed in May 2007 	✓		
Paragraph 10	<ul style="list-style-type: none"> Equalities awareness will be included in the training given to Licensing Board staff. 	✓		