

**WEST LOTHIAN LICENSING BOARD  
EQUALITY OUTCOMES UPDATE REPORT 2019-2021**

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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
- sex
- gender reassignment
- pregnancy and maternity
- race
- religion or belief
- sexual orientation
- marriage and civil partnership (but only in respect of the duty to consciously consider the need to eliminate discrimination, harassment, victimisation and other conduct prohibited by The Equality Act 2010).

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 revised Equality Outcomes for the period May 2019 to May 2023 at its meeting on 12 April 2019. This report contains an update on progress regarding those outcomes since then.

1.5 Although the Board has a separate legal status from West Lothian Council ("the council"), Board members are elected members 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 is currently updating its Corporate Equality Mainstreaming Report and Outcome Plan and the revised document will align the Board's outcomes with those of the Council and will contain two outcomes which relate to the Licensing Board. These licensing outcomes will be updated following the consultation process which will be carried out as part of the next review of the Board's Statement of Licensing Policy between June 2022 and October 2023.

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 8 Board members, elected at the first council meeting after each ordinary council election.
- 2.4 Board meetings are usually in public but the Board can deliberate in private. However, the emergency legislation enacted following the coronavirus pandemic has allowed Board meetings to take place in private. The Board is currently holding all meetings remotely by means of video-conferencing. Once the emergency legislation is no longer in force it is likely that the Board will revert to making all decisions in public.
- 2.5 The Clerk of the Board is the Chief Solicitor. The Depute Clerks of 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 Officer 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 and young persons 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 for alcohol licensing which it must review and publish every five years. This is aligned with the term of local government administrations and must be completed within 18 months of local government elections so the incoming Board has an opportunity to set its policy. The Board is required to seek to promote the five licensing objectives in its statement of licensing policy. The Board is also required to consult with a range of stakeholders including the Local Licensing Forum, Police Scotland and the local Health Board in preparing its statement of licensing policy. The current statement of licensing policy for 2018 - 2023 can be viewed on the council's alcohol licensing webpages.

Section 2.1 of the policy includes reference to people with disabilities and the terms of the Equality Act 2010 and states that reasonable adjustments to assist applicants, objectors and the public to engage in the licensing process are available on request. Section 3.8 of the policy reminds applicants and licence holders that the terms of the Equality Act 2010 apply to the operation of licensed premises. In addition, it provides information about Disability Access and Facilities Statements (DAFS) which are now required to be submitted along with all applications for new premises licences. The purpose of the DAFS is to raise awareness amongst licence applicants of the level of accessibility of their premises and actions they can take to improve this. Information for licence holders may be obtained via the following website:

[www.saifscotland.org.uk](http://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 is currently one Licensing Standards Officer 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/persons who must be represented within the Forum:

- holders of premises licenses and personal licences
- a representative of the Chief Constable
- a person nominated by the local Health Board
- persons having functions related to health, education or social work
- young persons

- persons resident within the Forum's area
- a 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 three 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 three 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 gaming permits
- receiving applications for review of premises licences i.e. formal complaints regarding licensed premises
- 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 three 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. 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. Access to the Civic Centre will be permitted in accordance with the coronavirus restrictions which are or may be in place.

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 a digital hearing loop and microphone system

- 10.2 The Board’s licensing pages have an accessibility option which allows the pages to be customised using the ReciteMe function by clicking on the “me accessibility” button in the toolbar at the top of each webpage. ReciteMe helps website visitors who require online reading support and those who wish to listen to information instead of reading it. Those with print disabilities, such as dyslexia or mild visual impairments, and those with English as a second language find ReciteMe particularly useful. ReciteMe has the following features
- Change Font Sizes and Colours
  - Customise Background Colour
  - Read Text Aloud including PDF Documents using DocReader
  - Translation Tools in over 100 languages
  - Full Dictionary and Thesaurus
  - Save your preferences
- 10.3 The Board’s licensing pages have a facility which can be used by persons who use British Sign Language as a first or preferred language to be fully involved in daily and public life. Customers can use the “contact us” option at the top of each of the webpages and click on the special requirements link to contact the Board via <https://contactscotland-bsl.org/>
- 10.4 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 Outcomes Update

West Lothian Licensing Board Equality Outcome	Relevant General Equality Duty	Relevant protected characteristics	Actions	Update
<p>1. The Board will seek to promote equal opportunity of access to licensed premises in West Lothian</p>	<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> <p>Foster good relations between people who share a protected characteristic</p>	<ul style="list-style-type: none"> <li>• age</li> <li>• disability</li> <li>• sex</li> <li>• gender reassignment</li> <li>• pregnancy and maternity</li> <li>• race</li> <li>• religion or belief</li> <li>• sexual orientation</li> </ul>	<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>Paragraph 2.1 of the policy states that reasonable adjustments to assist applicants, objectors and the public to engage in the licensing process are available on request. Paragraph 3.8 of the policy provides information about Disability Access and Facilities Statements (DAFS) which are now required to be submitted along with all applications for premises licences. In addition, that section of the policy signposts licence holders to their duties under the Equality Act 2010.</p> <p>The Board notes the limitations of the DAFS documentation and will continue to raise issues with the Scottish Government's Licensing Team when appropriate regarding this.</p> <p>The Board will promote accessibility to all gambling premises in West Lothian for people with disabilities through its application of the relevant provisions of the Gambling Act 2005 and its statement of licensing principles.</p> <p>Paragraph 1.10 of that statement states that reasonable adjustments to assist applicants,</p>	<p>In accordance with section 12A of the Licensing (Scotland) Act 2005, on 9 August 2019 and 28 August 2020 the Board received the Chief Constable's reports to the Board for the periods April 2018 to March 2019 and April 2019 to March 2020 respectively. Under the legislation these reports include the Chief Constable's views about matters relating to policing in connection with the operation of the Licensing (Scotland) Act 2005 in the Board's area. The Board was pleased to note that Police Scotland did not raise any equality issues in these detailed reports.</p> <p>Police Scotland continues to be a key advisor to the Board in their prescribed statutory role and at the Board's monthly meetings.</p> <p>Under section 11 of the Licensing (Scotland) Act 2005 the Licensing Forum's role includes keeping under review the operation of the Licensing (Scotland) Act 2005 in the Board's area and the exercise by the Board of its functions, and giving such advice and making such recommendations to the Board in relation to those matters as the Forum considers appropriate. The Board held joint meetings with the Forum on 20 May 2019 and 20 November 2020 when issues of concern regarding the operation of the Board's functions were discussed. No equality issues were raised at these meetings. The Board welcomes any</p>

	and those who do not		<p>objectors and the public to engage in the licensing process are available on request.</p> <p>The Board will continue to 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> <p>Board members, Licensing Standards Officer and the council employees who undertake work for the Board will participate in the council's Equality Training programme.</p> <p>Prior to carrying out further reviews of its policy and statement of gambling principles the Board will consult widely with the public and key stakeholders regarding equality issues and consider making such changes as highlighted in the consultation responses as are appropriate in terms of its legislative functions. 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> <p>As part of the consultation the Board will consider the need for Equality Impact Assessments, where appropriate.</p>	<p>information, advice or recommendations the Forum may wish to provide in this regard in relation to the Board's Equality Outcomes and persons with protected characteristics.</p> <p>The Board continues to have regard to its policy when carrying out its statutory functions. The next statutory review of the Board's policy will take place between June 2022 and October 2023.</p>
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<b>West Lothian Licensing Board Equality Outcome</b>	<b>Relevant General Equality Duty</b>	<b>Relevant protected characteristics</b>	<b>Actions</b>	<b>Update</b>
<p>2. The community of West Lothian are able to engage effectively in the exercise of the Board's licensing functions</p>	<p>Advance equality of opportunity between people who share a relevant protected characteristic and those who do not</p>	<ul style="list-style-type: none"> <li>• age</li> <li>• disability</li> <li>• sex (gender)</li> <li>• gender reassignment</li> <li>• race</li> <li>• sexual orientation</li> <li>• religion/belief</li> <li>• pregnancy and maternity</li> </ul>	<p>The Board will seek to identify through its customer feedback form (sent to all customers) any service concerns specific to persons with protected characteristics in order to monitor and address such concerns, as appropriate. The Board will also seek to identify any issues arising in connection with persons with protected characteristics which are identified through partnership working with Police Scotland and the Licensing Forum 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.</p> <p>The Board will review its website, application forms and standard documentation regularly to ensure that these are as accessible as possible.</p>	<p>Customer feedback forms continue to be analysed to identify any equality issues. Customer results are excellent with no instances of unfair treatment of any kind being identified. The feedback forms demonstrated that the overall quality of the licensing service was scored at either good or excellent by 99% of customers who responded in both 2018/19 and 2019/20. The figures for 2020/21 are not yet available.</p> <p>The coronavirus pandemic resulted in the cancellation of Board meetings planned in April and May 2020. By June 2020 arrangements had been made to recommence these meetings remotely using video-conferencing technology. Procedures for Board meetings have been modified to give applicants and objectors earlier notice of Board meetings and assistance is provided to all parties wishing to take part in remote hearings. Board meetings continue to take place on a monthly basis.</p> <p>Emergency powers introduced following the pandemic led to a change to certain aspects of the licensing legislation. The Board's webpages were updated to reflect these changes and provide information to customers. The website continues to be reviewed and updated on a regular basis.</p>

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

<https://www.westlothian.gov.uk/article/34771/West-Lothian-Licensing-Board>

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

- [licensingboard@westlothian.gov.uk](mailto: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.

Report approved by the Licensing Board on 9 April 2021.