

**THE MORAY LICENSING BOARD**

**DISABILITY DISCRIMINATION ACT 1995**

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

**DISABILITY EQUALITY SCHEME**

**15 DECEMBER 2006**

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## LIST OF CONSULTEES

- 1 All members of the Moray Licensing Board
- 2 All members of the Moray Interim Local Licensing Forum
- 3 All elected members of the Moray Council
- 4 The general public
- 6 All staff employed in the Council's Litigation and Licensing Section
- 7 The Moray Council Equalities Officer

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 will help to shape it and would be appreciated.

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**

The Moray Council Licensing Board will ensure that it is in a position to deliver what it promises in terms of its Disability Equality Scheme.

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

.If you wish to submit any comments on this document at any time please address them to:  
**The Clerk to the Licensing Board, Council Headquarters, High Street, Elgin, IV30 1BX**

## **THE MORAY LICENSING BOARD**

### **DISABILITY DISCRIMINATION ACT 1995**

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

### **DISABILITY EQUALITY SCHEME**

#### **1 Introduction**

- 1.1 The Moray Licensing Board ('the Board') is the Board constituted for the local government area of the County of Moray in terms of the Licensing (Scotland) Act 1976. The Board is entrusted with the administration of liquor licensing and with certain other statutory duties.
- 1.2 In terms of the legislation the Board comprises 9 members of the Moray Council ('the Council') elected at the first Council meeting after each ordinary Council election. The Board must consist of not less than 5 members. Board meetings are public but deliberations can be made in private.
- 1.3 All revenue received by the Board from the fees on licence applications 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 carrying out the Board's responsibilities are appointed and employed by the Council.
- 1.4 The close connections between the Board and Council mean that the Board is aware of the major initiatives already undertaken by the Council with regard to the mainstreaming of equalities issues. It affords the Board the opportunity to benefit directly from the actions already proposed by Council services and in particular the Chief Executive's Section to ensure that it fulfils the disability equality obligations. This is reflected in the Disability Equality Scheme set out in the following pages.

- 1.5 This Scheme will endure for three years. 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.

## **2 Disability Equality**

- 2.1 In terms of the Disability Discrimination Act 1995 (the Act) 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:-
- 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 Board has been placed under a specific duty to prepare and publish a Disability Equality Scheme.
- 2.3 The functions and policies of the Moray 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 activities.

### **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 Board has 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 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 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 separate legal status, 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, 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 any data collected. 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 Board.

## **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 in this regard. 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 Board Action Plan") which is attached as Appendix I, 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 Board Action Plan unless in all the circumstances it would be unreasonable 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 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 Board is likely to operate. The Board has considered which of its 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 the light of this the Board has decided that all policies should be treated with equal priority.

### **6.2 Statutory Functions**

The Board accepts and processes to grant, renewal or refusal 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 gaming machine permits for public houses and hotels in terms of schedule 9 of the Gaming Act 1968 as amended and
- 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 Board considers complaints in respect of licences and some permits granted and the holders of these and where necessary holds hearings with a view to resolving the complaint either by way of suspension of a licence or some less radical remedy.

### **6.3 Non Statutory**

6.3.1 The Board Formulates, consults on and adopts policies in relation to the exercise of the Board's licensing function.

6.3.2 The Board makes 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 Board is required by Section 2(3)(b) of the Regulations to have and identify arrangements for assessing and consulting on the likely impact of its proposed policies on the promotion of disability equality. The Board recognises 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 Board 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 Board will consider these matters in reaching its decision on the proposed policy. In particular, the Board will have regard to them when developing and consulting on its Statements of Licensing Principles under the Gambling Act and the Licensing (Scotland) Act 2005.

7.2 The Board is 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, annual review.

## **8 Involving Disabled People**

- 8.1 As part of an existing prior consultation process on policy development the Board has created an Interim Local Licensing Forum for Moray. This brings together elected members, trade interests, licensing solicitors, health board representatives, Police, Fire Brigade and community groups. The Interim Forum already plays a significant part in the development of Board policies. The Board will initiate discussions with the Equalities Officer to determine the best way of ensuring involvement of disabled persons on policies potentially impacting on disability equality. This is most likely to be through the mechanism of the Licensing Forum. The Interim Local Licensing Forum will be replaced in due course in terms of the Licensing (Scotland) Act 2005 by a Local Licensing Forum for Moray. The Licensing Forum will be a body to represent the interests of the Community as a whole.

## **9 Gathering and Utilising Information**

- 9.1 The gathering of information regarding the Board's service delivery will be carried out under the Moray 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 Board will consider methods of collecting feedback on service delivery from licensees and members of the public who become involved in the licensing process. This will inform the Board regarding future service delivery and will allow it to consider making adjustments to that service delivery where necessary. The Board will use the information when it reviews its Scheme and Action Plan and in the preparation of any subsequent Disability Equality Scheme.

## **10 Publicity**

- 10.1 The Board is required by Section 4 of the Regulations to identify the arrangements it 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 Board, as is the monitoring of the impact of policies. As part of the annual review process the Board will consider whether further publicity (including publicity in relation to the Scheme itself) is required.

- 10.3 The Board will also identify the arrangements it will make for ensuring public access to information and the services it provides. The Board is governed by the Licensing (Scotland) Act 1976 in respect of access to information concerning applications and licences granted. The Board already publishes a great deal of information on the Moray Council's website. This method of publication will be used more in the future.
- 10.4 This Scheme and the three yearly report, which will be produced after the three year review in 2009, will also be published on the Council's website. It will be circulated to all members and officers of the Board and to the members of the Moray Interim Local Licensing Forum or its successor. Copies will be available from the Clerk to the Board at Council Headquarters, High Street, Elgin . 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 when required.

## **11 Training**

- 11.1 The Council will identify arrangements and requirements 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 support staff receive adequate training in these areas.
- 11.2 As indicated in the Introduction at paragraph 1.3, the Licensing Board support staff are employees of the Moray 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 Board considers that its own members should receive training in its duties to promote disability equality and to ensure equality of opportunity. Equalities awareness will be included in the induction training for members of the Board appointed in May 2007 but as members of the Council there will also be training through the Council's proposed Multi Equalities Scheme, which contains a commitment to the training of Chief Officers and elected members.

## **12 Duration, Review and Annual Report**

- 12.1 The Scheme is intended to cover the period from 4 December 2006 to 3 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 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.

APPENDIX 1

THE MORAY LICENSING BOARD  
 DISABILITY EQUALITY SCHEME  
 ACTION PLAN

	What the Board will do	When the Board will do it		
		2007	2008	2009
<b>1 The Disability Equality Scheme Paragraph 11</b>	<ul style="list-style-type: none"> <li>Review the Scheme three yearly</li> </ul>			✓
	<ul style="list-style-type: none"> <li>Review the Scheme annually and report to the Board members</li> </ul>	✓	✓	✓
<b>2 Monitoring Paragraph 5</b>	<ul style="list-style-type: none"> <li>Consider the implementation of a voluntary disability monitoring scheme covering applicants for licence.</li> </ul>	✓		
	<ul style="list-style-type: none"> <li>Consider extending this monitoring to complaints processed by the Board</li> </ul>		✓	
<b>3 The Board's Functions Paragraphs 6 and 9</b>	<ul style="list-style-type: none"> <li>Consider conducting an audit of all existing Board policies to ensure that the Council will fulfil its disability equality obligations in terms of the Council's and the Board's Schemes.</li> </ul>	✓		

	What the Board will do	When the Board will do it		
		2007	2008	2009
<b>4 Consultation Paragraph 7</b>	<ul style="list-style-type: none"> <li>Require all reports presented to it proposing policies that have any significant relevance to disability equality to include details of: <p>any assessment of the impact of the proposed policy on disability equality;</p> <p>any consultation carried out in conjunction with that assessment;</p> <p>any action, including monitoring where appropriate, proposed in consequence of that assessment and consultation.</p> </li> </ul>	✓	✓	✓
	<ul style="list-style-type: none"> <li>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 mechanism of the Local Licensing Forum or otherwise;</li> </ul>	✓	✓	✓
	<ul style="list-style-type: none"> <li>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 Equalities Officer.</li> </ul>	✓	✓	✓

	What the Board will do	When the Board will do it		
		2007	2008	2009
<b>5 Publicity Paragraph 9</b>	<ul style="list-style-type: none"> <li>As part of the annual review process consider whether further publicity including publicity in relation to the Scheme itself is required.</li> </ul>	✓	✓	✓
	<ul style="list-style-type: none"> <li>The Scheme will be published and circulated to all members and officers of the Board. Copies will be available at Council Headquarters, High Street, Elgin.</li> <li>The Scheme will be circulated to all staff employed in the Litigation and Licensing Section, to Council members, to Moray Interim Local Licensing Forum Members and to the Council Equalities officer, as well as to any other interested parties.</li> <li>Translations and alternative formats will be made available by arrangement when required, in accordance with standards adopted by the Moray Council</li> </ul>	<p>✓</p> <p>✓</p> <p>✓</p>	✓	✓

<b>6 Training Paragraph 10</b>	<ul style="list-style-type: none"> <li>• Equalities awareness will continue to be included in the induction training for members of the Board appointed in May 2007</li> <li>• Equalities awareness will be included in the training given to Licensing Board staff</li> </ul>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>		
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