

***DUMFRIES AND GALLOWAY LICENSING  
BOARDS***

***DISABILITY DISCRIMINATION ACT 1995***

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

***DISABILITY EQUALITY SCHEME***

December 2009

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## **LIST OF CONSULTEES**

- 1 All members of the Annandale and Eskdale, Nithsdale, Stewartry and Wigtown Divisional Licensing Boards
- 2 The local licensed trade association
- 3 Local Pubwatch
- 4 Dumfries and Galloway Alcohol and Drug Action Team
- 5 The general public
- 6 All staff employed in the Council's Licensing Section
- 7 The Dumfries and Galloway Council's DDA Development Officers
- 8 Dumfries and Galloway Disability Access Panel

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**

Annandale and Eskdale, Nithsdale, Stewartry and Wigtown Divisional Boards (“the 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 Dumfries and Galloway 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.

The Scheme was presented to the Boards on 7 December 2009 and was duly approved.

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

Depute Clerk to the Boards  
Dumfries and Galloway Council

Municipal Chambers

Buccleuch Street

Dumfries DG1 2AD

Email [willie.taylor@dumgal.gov.uk](mailto:willie.taylor@dumgal.gov.uk) Tel No: 01387 245913 Fax No: 01387 252978

You can also access this document on the Council's website at:

[www.dumgal.gov.uk](http://www.dumgal.gov.uk)

Should you require any assistance to make your comments please discuss this with a member of staff.

# **DUMFRIES AND GALLOWAY LICENSING BOARDS**

## **DISABILITY DISCRIMINATION ACT 1995**

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

#### **DISABILITY EQUALITY SCHEME 2009-2012**

## **1. Introduction**

- 1.1 Within Dumfries and Galloway there are presently four Divisional Licensing Boards equating with the former District Council boundaries: these are Annandale and Eskdale Divisional Licensing Board, Nithsdale Divisional Licensing Board, Stewartry Divisional Licensing Board and Wigtown Divisional Licensing Board. These Boards are constituted in terms of Section 5 of the Licensing (Scotland) Act 2005 and Section 46(1) of the Local Government Etc. (Scotland) Act 1994 and are entrusted with the administration of liquor licensing, gambling licensing and with certain other statutory duties.
- 1.2 In terms of the legislation the Boards comprise Members of Dumfries and Galloway Council elected at the first council meeting after each ordinary council election. Each Divisional Board must consist of not less than one third of the total number of Members of the Council for wards within the particular division.
- 1.3 All revenue received by the Boards from the fees and licence applications must be transferred to the Council. The Council is charged with responsibility for providing accommodation for meetings of the Boards and all necessary expenses in respect of the proceedings of the Boards. All staff carrying out the Boards' responsibilities are 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 in relation to equalities issues. It affords the Boards the opportunity to benefit directly from the actions already proposed by Council Directorates to ensure the Council's compliance with Disability Equality obligations. This is reflected in 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 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 publish 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 relevant, to build the general duty into their 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 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 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 on 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 three years. 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 legal status separate 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, under its corresponding corporate processes, laid out in its own Scheme.

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

- 4.1 The assistance of the Council's DDA Development Officers 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 their 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 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 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 their

general duty and their relative significance in this context. In doing so, it has taken advice from the Council's DDA Development Officer. It has determined that all the listed functions should be regarded as having a high relevance in relation to the general duty.

## 6.2 Statutory Functions

6.3 The Boards accepts and processes to determination and if appropriate monitoring in relation to all applications for:-

### 6.3.1 Under the Licensing (Scotland) Act 2005

- premises licences
- occasional licences
- temporary licences
- provisional licences
- personal licences
- variation of licences
- review of licences
- transfer of licences
- extensions of licensing hours
- the supply of alcohol by retail
- the supply of alcohol in members' clubs

### 6.3.2 Under the Gambling Act 2005

- Casinos
- Bingo Premises
- Betting Premises
- Tracks
- Adult Gaming Centres
- Licensing Family Entertainment Centres
- Unlicensed Family Entertainment Centres
- Prize Gaming and Prize Gaming Permits
- Occasional Use Notices
- Temporary Use Notices
- Registration of Small Society Lotteries

6.3.3 In terms of both Acts the Boards must agree and publish a Policy Statement (Statement of Policy in terms of Section 6 of the Licensing (Scotland) Act 2005 and Statement of Principles in terms of Section 349 of the Gambling Act 2005, respectively). Both consultation processes involve a wide range of organisations and individuals, including diversity groups. Consultation on the renewal of the Gambling Statement was undertaken in August-October 2009.

6.3.4 The Boards are also involved in the preparation of their Overprovision Statement in terms of Section 7 of the Licensing (Scotland) Act. The Statement, when finalised will set out the extent to which each Board considers there to be overprovision of licensed premises or licensed premises of a particular description in any locality within their area.

## **7. Consultation and Impact Assessment**

7.1 The Boards are required 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 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 any proposed policy or review or renewal of that policy.

7.2 The Boards are required to have and identify arrangements for monitoring their 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. This issue will also be explored in discussions with the DDA Development Officers and relevant organisations.

## **8. Involving Disabled People**

8.1 As part of the Boards' existing consultation process this Scheme will be forwarded to the statutory consultees, Licensed Trade Associations,

Pubwatches, and the Alcohol and Drug Action Team. The Boards have also included consultation with the Council's DDA Development Officers. Involvement of the local Disability Access Panel will be a crucial part of this consultation.

## **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 them 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 to identify the arrangements which they will make to publish the results of any assessments, consultations and monitoring they carry out to establish whether their 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 are also required to identify the arrangements they will make for ensuring public access to information and the services they provide. The Boards are governed by the Licensing (Scotland) Act 2005 and relative secondary legislation in respect of access to information concerning applications and licences granted. The Licensing Board will use its consultation process to determine what action if any is required and achievable to develop public awareness.

10.4 This Scheme, each annual report and renewal of the scheme will be published on the Council's website. It will be circulated to all members and officers of the Boards and to the members of the Dumfries and Galloway Licensing Forum. Copies will be available from the licensing offices listed at Section 13 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 when required.

## **11. Training**

11.1 The Boards will identify suitable arrangements for training staff in relation to their duties to promote disability equality and ensure equality of opportunity. The Boards are committed to ensuring that support staff receive adequate training in these areas.

11.2 As indicated in the introduction at paragraph 1.3, the staff of the Boards are employees of Dumfries and Galloway Council and appropriate training will be delivered as part of the Council's Scheme. Awareness will be increased with features on equalities issues and changes in legislation, and through articles in appropriate internal publications and the Council's Talkback Communications initiative.

11.3 The Boards consider that their own members should receive training in their duties to promote disability equality and to ensure equality of opportunity. Equalities awareness was 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 Equality Schemes, which contains a commitment to the training of Chief Officers and elected members.

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

12.1 This scheme came into effect on 3 December 2009, will subsist for a 3 year period 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 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

#### **Annandale and Eskdale Divisional Licensing Board**

The Depute Clerk	Telephone	01461 207013
Dumfries and Galloway Council	Fax	01461 207029
Council Offices		
High Street		
Annan		
DG12 6AQ		

#### **Nithsdale Divisional Licensing Board**

The Depute Clerk	Telephone	01387 245951
Dumfries and Galloway Council	Fax	01387 252978
Municipal Chambers		
Buccleuch Street		
Dumfries		
DG1 2AD		

#### **Stewartry Divisional Licensing Board**

The Depute Clerk	Telephone	01776 888430
Council Offices	Fax	01776 704819
Sun Street		
Stranraer		
DG9 7JJ		

#### **Wigtown Divisional Licensing Board**

Depute Clerk	Telephone	01776 888428
Council Offices	Fax	01776 704819
Sun Street		
Stranraer		
DG9 7JJ		

Licensing queries can be e-mailed to –

Licensing information can be found on the Council's website at  
[www.dumgal.gov.uk](http://www.dumgal.gov.uk)

**DUMFRIES AND GALLOWAY LICENSING BOARDS**  
**DISABILITY EQUALITY SCHEME – ACTION PLAN**

	What the Boards will do	When the Boards will do it		
		2010	2011	2012
<b>1. The Disability Equality Scheme Paragraph 12</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 Boards' members</li> </ul>	✓	✓	✓
<b>2. Monitoring Paragraph 4</b>	<ul style="list-style-type: none"> <li>Consider the implementation of a voluntary disability-monitoring scheme covering applicants for licences.</li> </ul>	✓		
	<ul style="list-style-type: none"> <li>Consider extending this monitoring to complaints processed by the Boards</li> </ul>	✓	✓	
<b>3. The Boards' Functions Paragraphs 6 and 9</b>	<ul style="list-style-type: none"> <li>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.</li> </ul>	✓		

	What the Boards will do	When the Boards will do it		
		2010	2011	2012
<b>4. Consultation Paragraph 7</b>	<ul style="list-style-type: none"> <li>Require all reports presented to the Boards proposing policies that have any significant relevance to disability equality to include details of:  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.</li> </ul>	✓	✓	✓
	<ul style="list-style-type: none"> <li>Create and develop Liaison Group of Board Members and members of Dumfries and Galloway Disability Access Panel and other representative groups to develop scheme or participate within existing framework and explore best means of promoting equalities issues among licensed trade and other key stakeholders</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 DDA Development Officer.</li> </ul>	✓	✓	✓

	What the Boards will do	When the Boards will do it		
		2010	2011	2012
<b>5. Publicity Paragraph 10</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 Boards will use their consultation process to determine what action if any is required to develop public awareness.</li> <li>The Scheme will be published and circulated to all members and officers of the Boards. Copies will be available at the Boards Licensing Offices and on the Council's website.</li> </ul>	✓	✓	✓
	<ul style="list-style-type: none"> <li>The Scheme will be circulated to all licensing staff, to Council Members, to the Members of the local Licensing Forum(s) and to the Council's DDA Development Officer, as well as to any other interested parties.</li> </ul>	✓		
	<ul style="list-style-type: none"> <li>Translations and alternative formats will be made available by arrangement when required, in accordance with the standards adopted by Dumfries and Galloway Council.</li> </ul>	✓	✓	✓

	What the Boards will do	When the Boards will do it		
		2010	2011	2012
<b>6. Training Paragraph 11</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 2011</li> </ul>		✓	
	<ul style="list-style-type: none"> <li>Equalities awareness will be included in the training given to Licensing staff.</li> </ul>	✓		