

Minute

Orkney Islands Area Licensing Board

Tuesday, 9 October 2018, 12:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Barbara Foulkes, Alexander G Cowie, Norman R Craigie, Robin W Crichton, Steven B Heddle, J Harvey Johnston and Owen Tierney.

Clerk

- Gavin Mitchell.

In Attendance

Orkney Islands Council:

- Gillian Morrison, Executive Director of Corporate Services.
- David Brown, Environmental Health Manager and Licensing Standards Officer.
- Lillian Rendall, Legal Clerk.
- Hazel Flett, Senior Committees Officer.

Police Scotland:

- Chief Inspector Matthew Webb.

Observing

- Andrew McGinn, Convener, Local Licensing Forum.

Apology

- Duncan A Tullock.

Declaration of Interest

- Robin W Crichton – Item 4.

Chair

- Barbara Foulkes, Vice Chair.

1. Draft Minute of Meeting held on 23 August 2018

After consideration of the draft Minute of the Meeting of the Orkney Islands Area Licensing Board held on 23 August 2018, copies of which had been circulated, the Board:

Resolved, on the motion of Robin W Crichton, seconded by J Harvey Johnston, that the Minute of the Meeting of the Orkney Islands Area Licensing Board held on 23 August 2018 be approved as a true record.

2. Equality Outcomes

After consideration of a report by the Clerk to the Board, copies of which had been circulated, the Board:

Noted:

2.1. That the Board's current Equality Outcomes were published in April 2013.

2.2. That, in April 2017, it was agreed to extend the Board's current Equality Outcomes for a further year, with a full review to be undertaken in 2018 at the same time as the review of the Council's equality outcomes.

2.3. That a review of recent equality research published by a variety of bodies, including the Scottish Government and Equality and Human Rights Commission Scotland, had informed development of the Equality Outcomes.

2.4. The proposed revised Equality Outcomes 2018 to 2022, attached as Appendix 1 to the report by the Clerk to the Board which reflected:

- Priorities of The Orkney Partnership and The Council Plan.
- National priorities set by the Scottish Government.
- New duties arising from recent legislation changes.

2.5. That each Equality Outcome had a number of actions listed to indicate the work which would be undertaken to achieve that outcome and measures to evidence progress.

The Board resolved:

2.6. That the Equality Outcomes 2018 to 2022, attached as Appendix 1 to this Minute, be approved.

3. Review of Statement of Gambling Policy

After consideration of a report by the Clerk to the Board, copies of which had been circulated, the Board:

Noted:

3.1. That the Board's Statement of Gambling Policy, which was adopted on 8 October 2015, required review.

3.2. The draft revised Statement of Gambling Policy, attached as Appendix 1 to the report by the Clerk to the Board, which had been generally updated to:

- Satisfy online web-accessibility standards.
- Provide complete numbering identification for each paragraph and sub-paragraph.
- Follow a style similar to the Board's Statement of Alcohol Licensing Policy in so far as practicable or relevant.

The Board resolved:

3.3. That, subject to minor amendments and additions proposed by members of the Board, the draft revised Statement of Gambling Policy, referred to at paragraph 3.2 above, be approved for consultation.

3.4. That the Clerk to the Board should submit a report, to the meeting of the Board to be held on 24 January 2019, on the outcome of the consultation, referred to at paragraph 3.3 above, together with a final version of the Statement of Gambling Policy for adoption.

4. Tracy Groves

Application for Provisional Premises Licence

Tracy Groves, applicant, and Alex Findlater, accompanying the applicant, were present during consideration of this item.

Robin W Crichton declared a non-financial interest in this item, in that a close family member operated licensed premises in the near vicinity, and was not present during discussion thereof.

After consideration of a report by the Clerk to the Board, copies of which had been circulated, the Board:

Noted:

4.1. That Tracy Groves had submitted an application for a provisional premises licence in respect of 18 Shore Street, Kirkwall.

4.2. That the premises were to be converted for use as licensed premises.

4.3. That the application was for both off-sale and on-sale operating hours, within those permitted in terms of the Board's Statement of Alcohol Licensing Policy, as follows:

- Off-sale operating hours – 10:00 to 22:00 on Mondays to Sundays inclusive.
- On-sale operating hours:
 - 10:00 to 00:00 on Sundays to Thursdays inclusive.
 - 10:00 to 01:00 on Fridays/Saturdays and Saturdays/Sundays.

4.4. That the off-sale capacity sought was 0.54 square metre.

4.5. That the on-sale capacity sought was for 20 persons, comprising the following:

- 11 persons inside.
- 9 persons outside.

4.6. That no objections or representations had been received in relation to the application from Tracy Groves for a provisional premises licence in respect of 18 Shore Street, Kirkwall.

After hearing representations from Tracy Groves in support of her application for a provisional premises licence in respect of 18 Shore Street, Kirkwall, J Harvey Johnston, seconded by Owen Tierney, moved that the application be deferred to enable members of the Board to undertake a visit to the site.

Barbara Foulkes, seconded by Steven B Heddle, moved an amendment that the application from Tracy Groves for a provisional premises licence in respect of 18 Shore Street, Kirkwall, be approved.

On a vote being taken 4 members voted for the amendment and 2 for the motion, and the Board:

Resolved:

4.7. That the application from Tracy Groves for a provisional premises licence in respect of 18 Shore Street, Kirkwall, be granted, as follows:

- Off-sale operating hours – 10:00 to 22:00 on Mondays to Sundays inclusive.
- On-sale operating hours:
 - 10:00 to 00:00 on Sundays to Thursdays inclusive.
 - 10:00 to 01:00 on Fridays/Saturdays and Saturdays/Sundays.
- Off-sale capacity of 0.54 square metre.
- On-sale capacity for 20 persons, comprising the following:
 - 11 persons inside.
 - 9 persons outside.

5. Conclusion of Meeting

At 12:35 the Vice Chair declared the meeting concluded.

Signed: Barbara Foulkes.

Equality Outcomes 2018 - 2022

Equality Outcomes

2018 - 2022

Introduction

Equality, fairness and inclusion are at the heart of our organisation and in all that we do. Our commitment to promoting equality means that we recognise that we all have different needs and that we are taking steps to ensure that we are all able to achieve our potential.

Our workforce

We want to create a working culture where everyone is included and where they can be the best they can be whilst they are working for us. Our employees are our greatest asset and are key to the successful delivery of our services.

[Take a look at our Employee Survey...](#)

Our services

The wide range of services that we provide means that everyone in Orkney is likely to be affected by what we do and how we do it at some point in their lives; from education and elections to street lighting and sports and leisure facilities; our services need to be accessible and fit for purpose.

[Take a look at how we are performing...](#)

Our communities

By continuing to increase our understanding of our diverse communities we will be better placed to plan what we need to deliver to meet future needs. Community engagement and empowerment are important elements of our strategic planning. Making sure that we provide opportunities for everyone to have their say and to participate in decisions that affect them is integral to achieving our strategic priorities.

[Take a look at our Community Plan...](#)

Working together for a better Orkney

Orkney Islands Area Licensing Board has revised its Equality Outcomes for the period 2018 – 2022.

These outcomes aim to make a positive difference to the life chances of those who experience discrimination and disadvantage in Orkney.

This is our second set of equality outcomes building on the set of outcomes published previously.

Our equality outcomes link with our strategic priorities and plans to integrate the work we are already doing and to better focus our efforts in improving equality.

Much has already been achieved since the publication of our first set of equality outcomes, but we need to make sure that we continue to improve our work on equality matters. By reviewing and revising our equality outcomes on a regular basis we aim to make fairer decisions and to demonstrate that we are delivering real benefits for our communities and our employees.

Why is Equality important?

There is evidence that shows that not everyone has the same life chances as others and some groups of people face greater disadvantages than others.

The law and our duties

As a public authority in Scotland we must comply with the Public Sector Equality Duties (PSED) as set out under the Equality Act (2010). This is also known as the general equality duty. This means that as part of our day to day business we must show how we will:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct that is prohibited under the Act;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and those who do not share it.

We must also publish a set of equality outcomes that will help us achieve the aims of the general equality duty. Equality outcomes are not what we do, but the beneficial change or effect which results from what we do. These could be a change in attitudes or how people behave, or it could be improvements in knowledge and skills as a result of activities such as training.

Equality outcomes should be determined by local needs and should lead to improvements in the lives of those who experience prejudice, discrimination and disadvantage in the delivery of services and employment.

Our revised equality outcomes take account of the up to date evidence base of research and consultation. They also consider the emerging new requirements of legislation including the Fairer Scotland Duty, British Sign Language (Scotland) Act and the Gender Recognition Act.

Protected Characteristics are defined in the Equality Act (2010) as:

- Age.
- Disability.
- Gender Reassignment.
- Marriage and Civil Partnership.
- Pregnancy and maternity.
- Race.
- Religion or belief.
- Sex.
- Sexual Orientation.

About the people in Orkney

The 2011 Census gave us an update on equalities data for Orkney. Orkney has a total population of 21,349. Our population has increased by just over 10% since the previous 2001 Census figures.

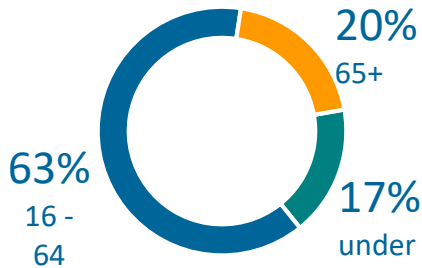
Population by gender¹



Life expectancy for men in Orkney is 80.3 years and for women it is 82.7 years.

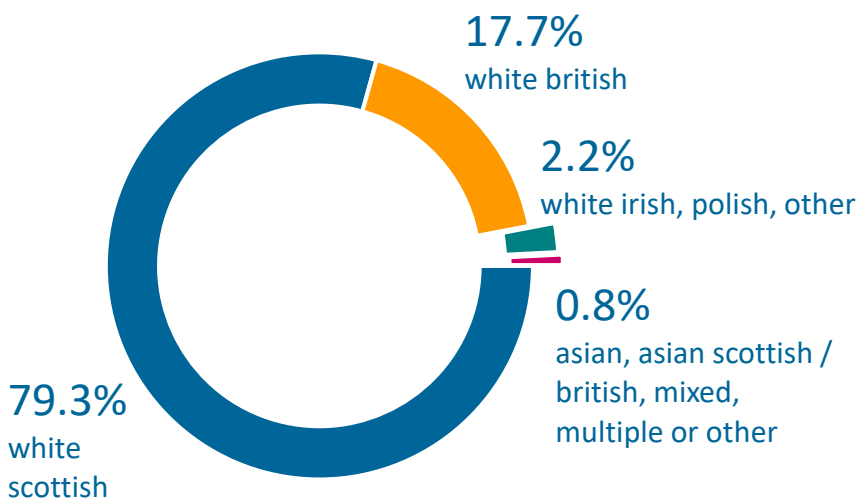
The Scottish national average is 77.1 years for men and 81.2 years for women.

Population by age²



Projected figures show that the highest population change by age band is growth of those aged 65 and over. Declines in all other age groups are expected.

Population by ethnicity³



¹ National Records of Scotland

² National Records of Scotland

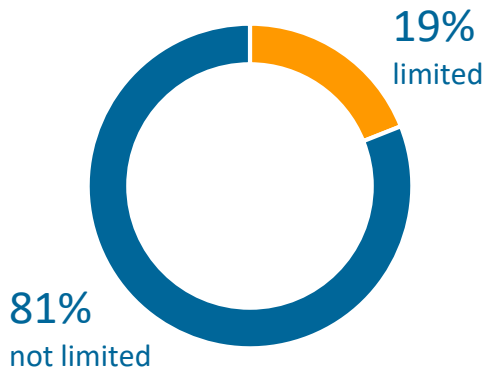
³ National Records of Scotland

A profile of Orkney

Orkney comprises 70 or so islands and skerries, of which up to 19 may be inhabited depending on the time of year. Orkney enjoys an outstanding natural environment with clean air and water, fine scenery, diverse wildlife and a unique cultural heritage.

But Orkney is not immune to the difficulties facing other remote and rural communities, including an ageing population, under-employment, low wages, a high cost of living, limited affordable housing, fuel poverty and access to essential services.

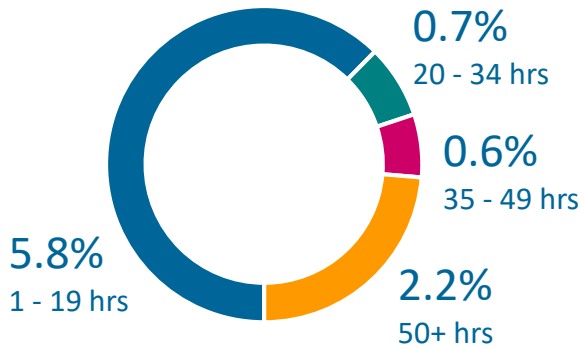
People with a disability or limiting long term illness



Orkney, along with Shetland, experienced the largest increases in people reporting a limiting health problem or disability when comparing the 2001 and 2011 Census figures.

More detailed analysis of the Scottish national data shows the highest proportion of long-term health condition (18.7%) as other condition followed by 6.7% identifying physical disability and 6.6% as Deafness or partial hearing loss.⁴

People who provide unpaid care



In comparison to the 2001 Census figures, the proportion of carers has increased by almost 16% in Orkney. The Scottish national data highlights that the proportion of people providing unpaid care declines with age until retirement, when it strongly increases. Figures for those aged over 65 who provide unpaid care is double that of the 50 – 64 age group. Unpaid care is estimated to contribute £10.3 billion to the Scottish economy in 2011.⁵

⁴ Scotland's Census.

⁵ 2011 census data analysis. Growing older in Scotland.

About our workforce

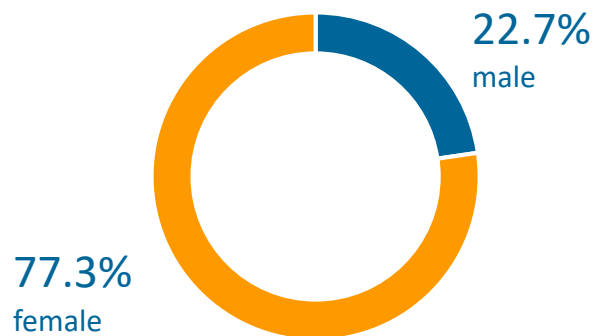
Orkney Islands Council employs 2,694 staff, either full time or part time. 86.8% of staff are non-teaching staff and 13.2% are teaching staff.

Gender

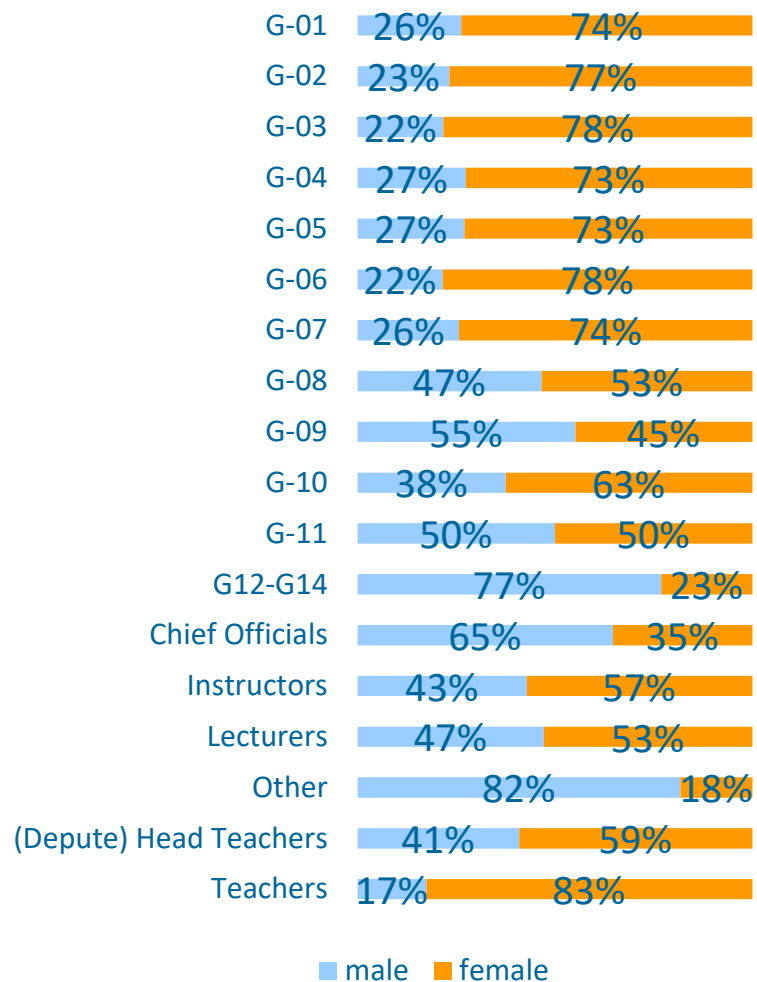
Current non-teaching workforce by gender



Current teaching workforce by gender



Current workforce by gender and grade

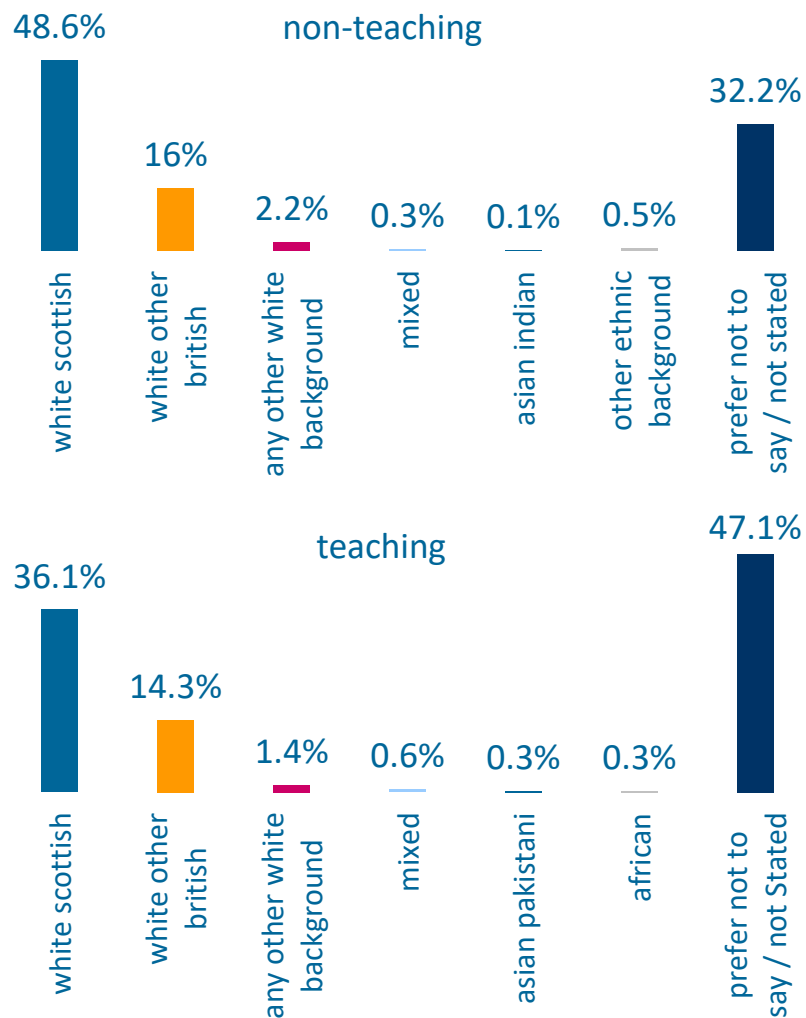


These figures differ marginally from the staff profile as relief workers are not included and some employees have been counted more than once as they are multiple post holders. At Orkney Islands Council, women are over-represented in Grades 1–7 and within the Teachers band.

Ethnicity

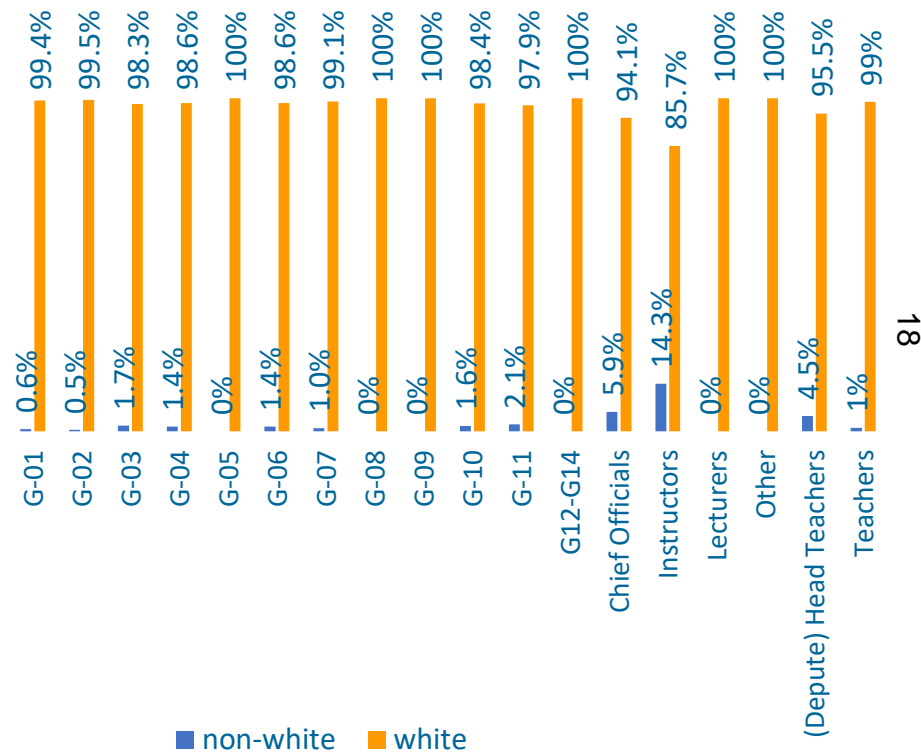
Current workforce by ethnicity

66.8% of OIC's non-teaching staff and 51.8% of OIC's teaching staff are from a white background.



Current workforce by ethnicity and grade

Note: This chart only presents white and non-white staff. Staff who have not stated their ethnicity have been included in the calculation but are not represented in the graph to make it more meaningful. Due to the low levels of disclosure it is difficult to make meaningful analysis of the data for this purpose.

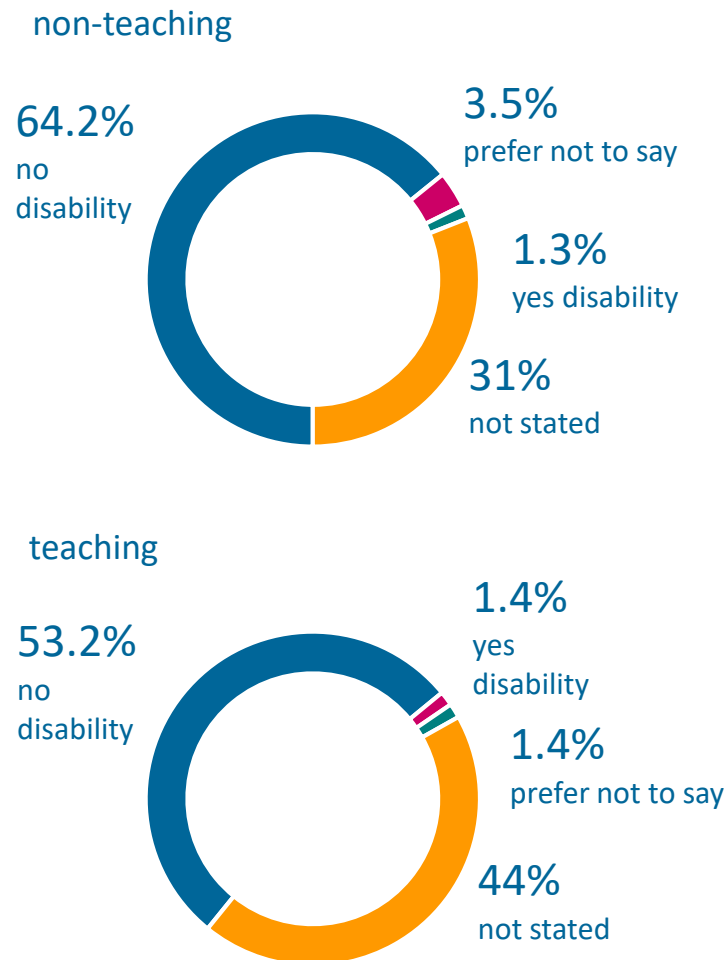


The workforce data by ethnicity is fairly representative of the population of Orkney, although ethnic diversity figures are lower in comparison to the Scotland average.

Disability

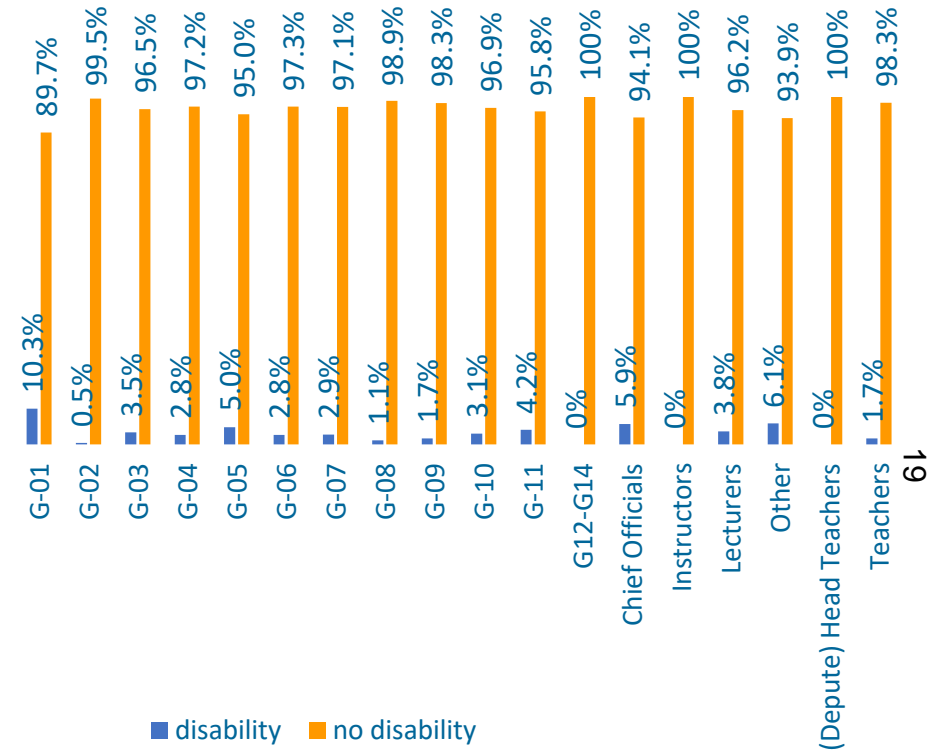
Current workforce by disability

3.5% of non-teaching staff at OIC have declared a disability along with 1.4% of teaching staff. The declaration rates for non-teaching staff are just over 32% and a little over 45% for teaching staff.



Current workforce by disability and grade

Note: Staff who have not stated whether they have a disability or not have been included in the calculation but are not represented in the chart to make it more meaningful.



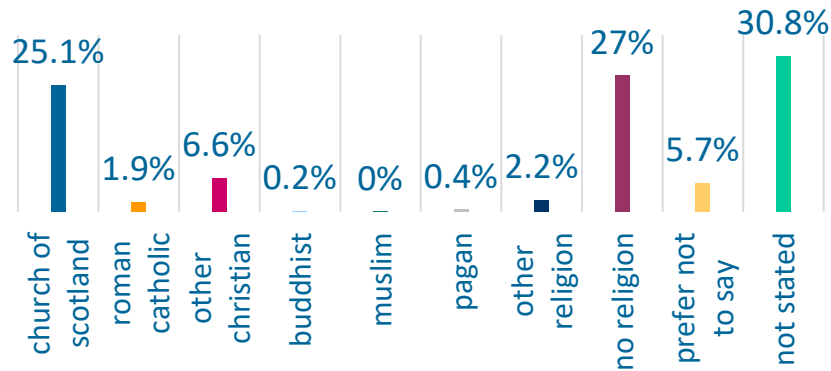
Analysis from regional employment patterns in Scotland 2015, shows the employment rate of those with a disability in Orkney is 73.5% compared with the overall employment rate of around 87%.

Religion

Current workforce by religion and belief

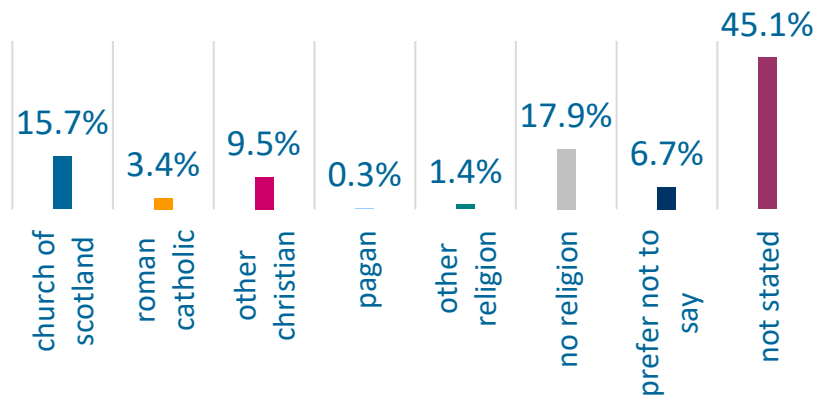
Among those who declared their religion / belief, the majority (27%) have no religion or are Church of Scotland (25.1%).

non-teaching



A significant number of teaching staff have not shared information relating to their religion and belief. Although, the figures from those who have declared this information are similar to non-teaching staff.

teaching

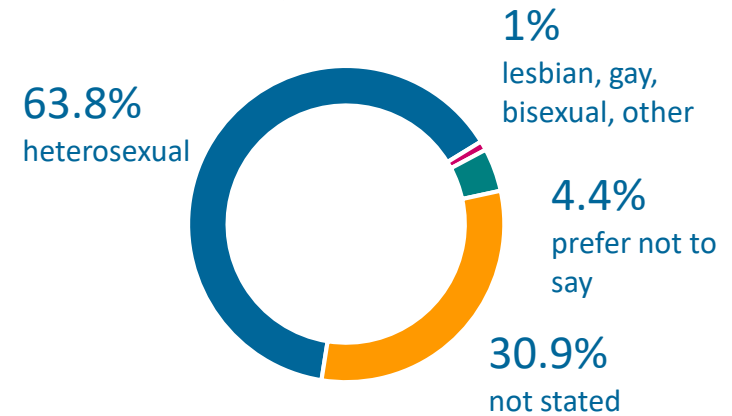


Sexual Orientation

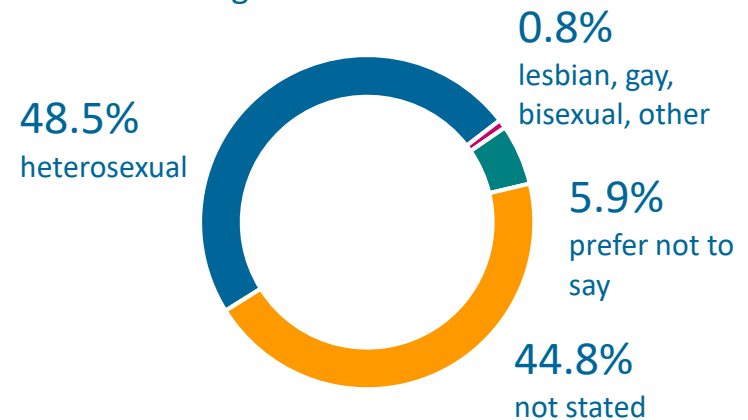
Current workforce by sexual orientation

Of those who have shared this information, the majority of both staff groups have identified as heterosexual and currently only around 1% have identified as lesbian, gay, bisexual or other.

non-teaching



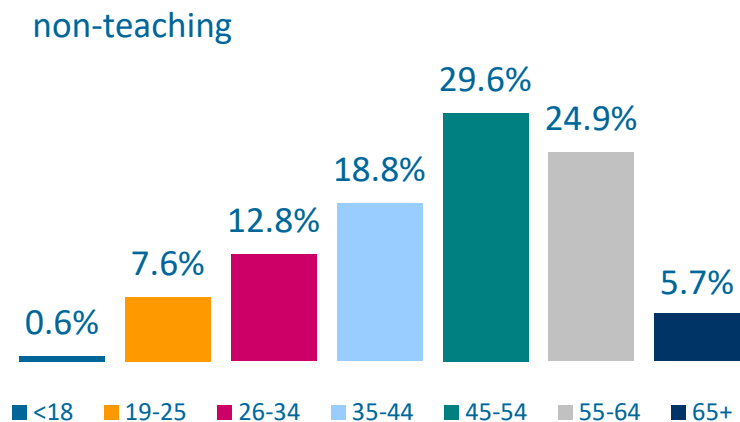
teaching



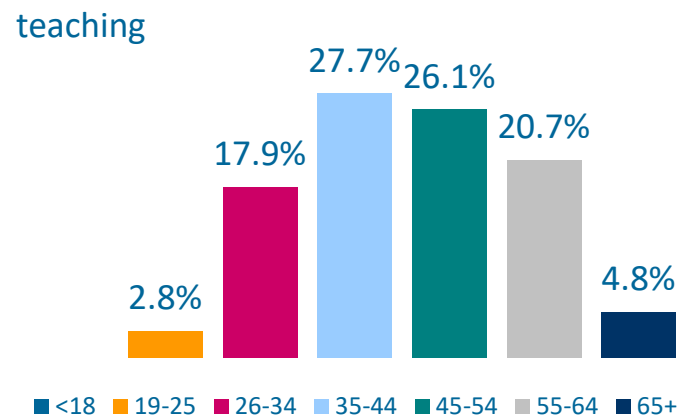
Age

Current workforce by age

Overall, non-teaching staff at the council are aged 35-64 (73.3%). Around 30% of non-teaching staff are over 55.



Similarly, the majority of teaching staff are aged between 35 and 64 (74.5%). Around 25% of teaching staff are over 55.



Employment in Orkney

Employment rates in Orkney (2016) were 86%, higher than the Scottish average of around 73%.

85.7% of working people in Orkney have permanent contracts in comparison to 94% of the Scottish average.

Gender

The overall employment rate for men in Orkney is 80.7% and for women is 91.6%, both higher than the Scottish averages at 76.9% and 69.2% respectively.

The gender employment gap is -10%, much lower than the national average of 7.6%. 48% of working women are in full-time work, around 10% lower than the national average.

Overall, full time employment levels have decreased slightly to 65.9%, and men are more likely to work full time than women.

Gender segregation remains apparent across several industry sectors and occupational groups in Orkney.

Age

The employment rate for older workers (50-64) was 82.8%, an increase of 8.1% since 2004. The youth (16-24) employment rate in Orkney is 78.1%, significantly higher than the national average of 55.7%.

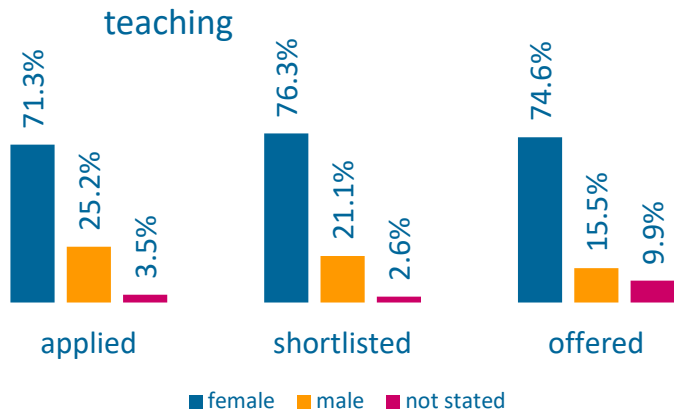
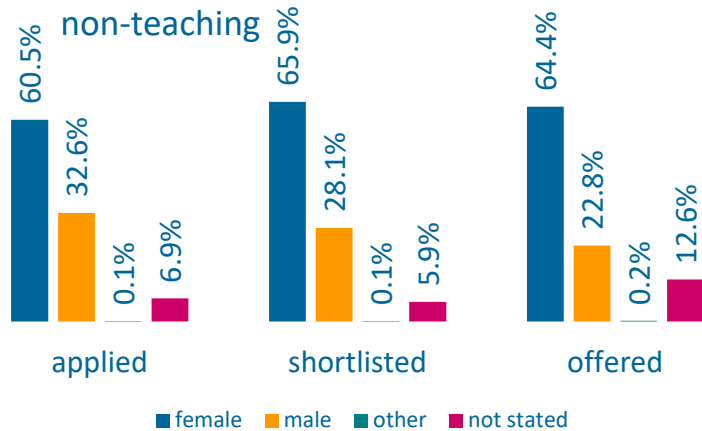
Disability

The employment rate for those with a disability (73.5%*) is 12.5 percentage points lower than for those with no disability.

Recruitment

Gender

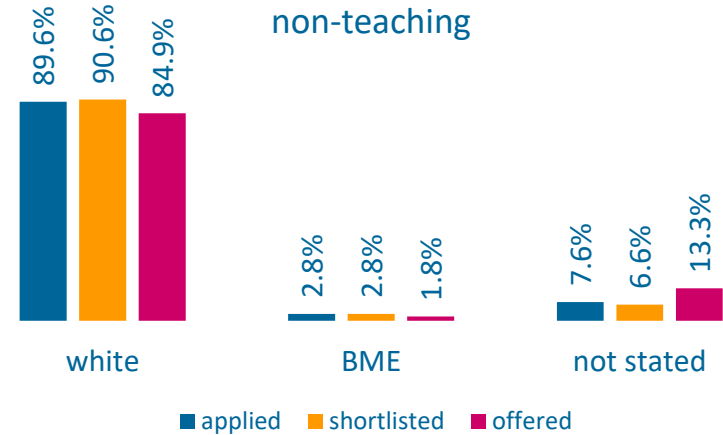
Proportion of applied, shortlisted and offered non-teaching and teaching staff by gender.



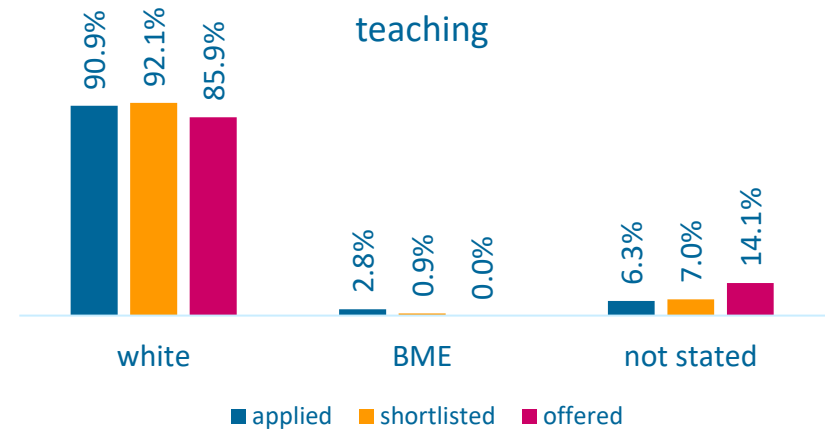
Overall the proportion of men and women who were offered is in line with those who applied and were shortlisted.

Ethnicity

Proportion of applied, shortlisted and offered non-teaching and teaching staff by ethnicity. (BME = Black Minority Ethnic).

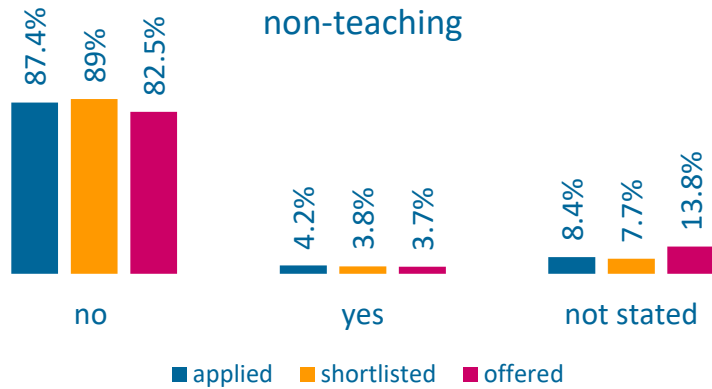


The proportion of non-teaching applicants who are from Black and Ethnic Minority backgrounds are fairly consistent at each stage of the recruitment process. However, the proportion declines at each stage for teaching staff.

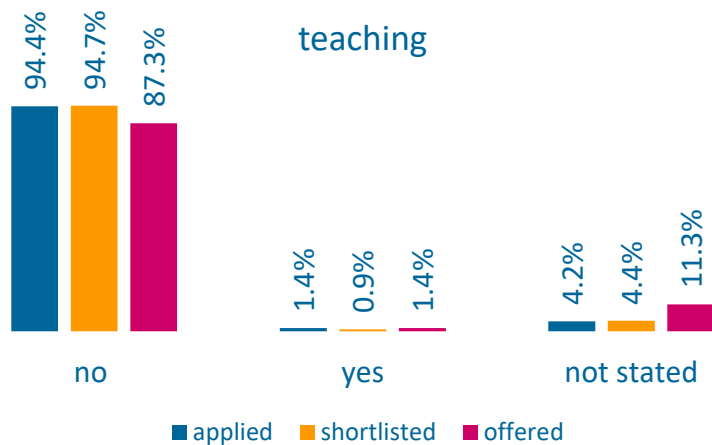


Disability

Proportion of applied, shortlisted and offered non-teaching and teaching staff by disability. Overall the proportion of people with a disability who were offered is in line with those who applied and were shortlisted for non-teaching staff.

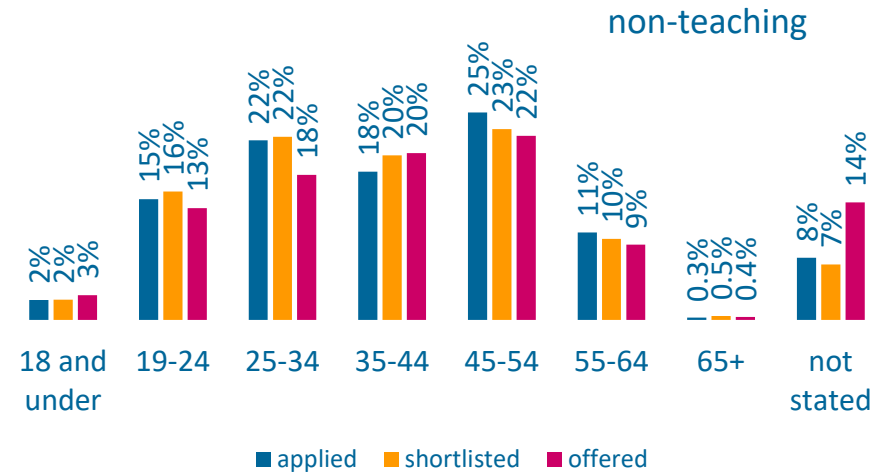


The proportion of people with a disability dips at shortlisting stage for teaching staff, although figures are low and it is difficult to make meaningful interpretation.

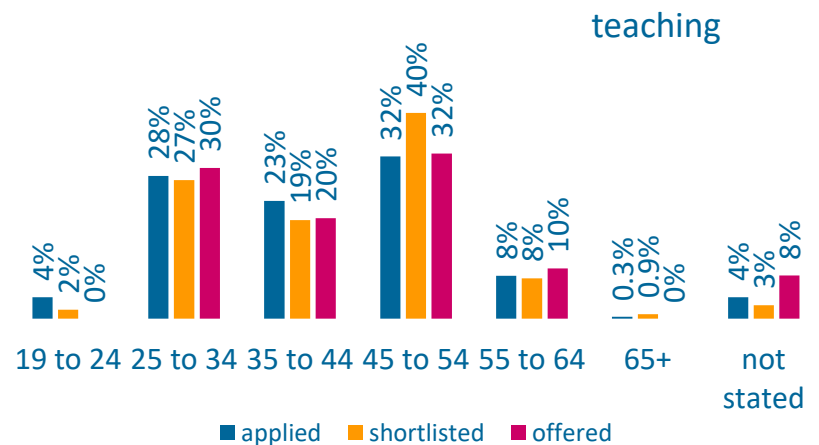


Age

Proportion of applied, shortlisted and offered staff by age.

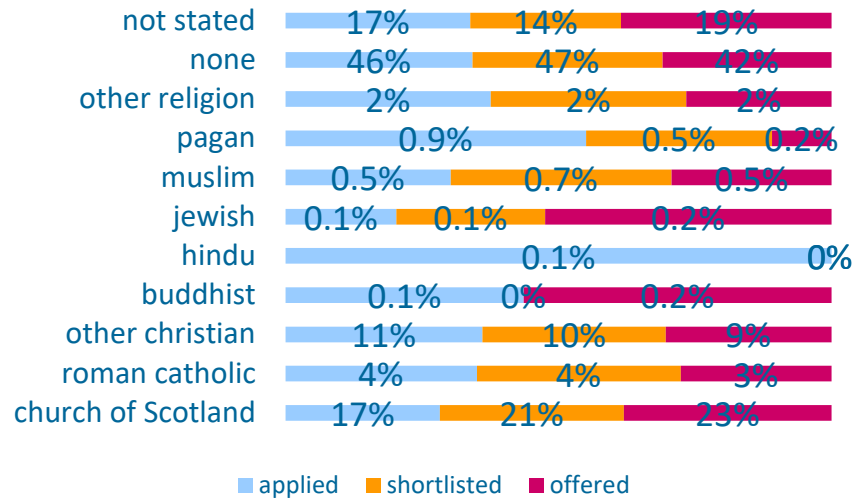


Overall the proportion of staff from each age group is broadly in line between applicants, shortlisted and offered, with a higher increase in shortlisted applicants aged 45-54, for teaching posts.

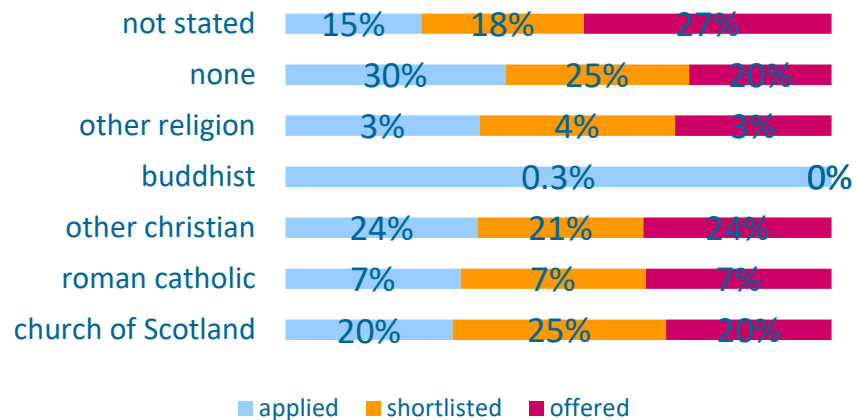


Religion and belief

Proportion of applied, shortlisted and offered non-teaching and teaching staff by religion and belief.



Overall, the proportion of applicants, shortlisted and offered staff is similar for all the different religions although in some cases, figures are too low to draw meaningful analysis.



Equality Outcomes Action Plan: Orkney Islands Area Licensing Board

Orkney Islands Area Licensing Board is committed to promoting equality, which means recognising that everyone has different needs and taking positive action to ensure that we are all able to participate in society. We want Orkney to be a community where we all have the opportunity to fulfil our potential.

Although the Board has a separate legal status from Orkney Islands Council, Board members are 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 Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (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.

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 following Specific Duties are addressed in the Council's Annual Equality report 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.

About the Board

The Board is constituted in terms of the Licensing (Scotland) Act 2005 and by law is responsible for the administration of liquor and gambling licensing in Orkney.

The Board has specific legal functions under the 2005 Act with regards to premises licensed for the sale of alcohol in Orkney and personal licence holders. Separately the Board also has specific legal functions under the Gambling Act 2005 with regards to premises licensed for the provision of gambling in Orkney.

Equality Theme:	People in Orkney have the opportunity to fulfil their potential throughout their life.
Links to National Outcomes:	We have tackled the significant inequalities in Scottish society. We realise our full economic potential with more and better employment opportunities for our people. We are better educated, more skilled and are more successful, renowned for our research and innovation. Our young people are successful learners, confident individuals, effective contributors and responsible citizens.
Links to Local Outcomes:	TOP Priorities: Strong Communities, OIC Priorities: Thriving Communities, Quality of Life.

Context:	What we are planning to do:	What is its intended outcome?	Who will do it?	Will additional resources be required?	When will it happen?	How will we recognise success?	How does this meet the General Duty? ²⁶
The commencement of section 179 of the Criminal Justice and Licensing (Scotland) Act 2010 requires an applicant for an alcohol premises or provisional premises licence to	The Board will seek to promote equal opportunity of access to licensed premises for people with a disability through the application of the relevant provisions of the Licensing (Scotland) Act 2005 and its	There will be an increased number of people with disabilities experiencing better opportunities to access licensed premises across Orkney.	Licensing Board.	Utilise existing resources.	Ongoing application of the requirements of Licensing (Scotland) Act 2005. Annual review and monitoring.	% returns of Disabled Access and Facilities Statement with licence application. Monitor any complaints received relating to accessibility to licensed premises in Orkney.	Eliminate discrimination and advance equality of opportunity for: Age and Disability.

Context:	What we are planning to do:	What is its intended outcome?	Who will do it?	Will additional resources be required?	When will it happen?	How will we recognise success?	How does this meet the General Duty?
include a Disabled Access and Facilities Statement with their application.	Statement of Alcohol Licensing Policy and specifically the requirements for a Disabled Access and Facilities Statement as part of the licensing application process.						

Equality Theme:	People in Orkney have an equal opportunity to access and shape public services.
Links to National Outcomes:	We have tackled significant inequalities in Scottish society. We live in well-designed, sustainable places where we are able to access the amenities and services we need. Our public services are high quality, continually improving, efficient and responsive to local people's needs
Links to Local Outcomes:	TOP Priority: Living Well – people are participating in their communities and the economy and are valued for their contribution. OIC Priority: Thriving Communities – communities are empowered to take decisions on services throughout Orkney.

Context:	What we are planning to do:	What is its intended outcome?	Who will do it?	Will additional resources be required?	When will it happen?	How will we recognise success?	How does this meet the General Duty?
It is not suggested that policies are not currently being applied fairly, but we aim for continuous improvement in relation to equalities in terms of policies and practices.	Continue to carry out Equality Impact Assessments for all relevant policies and practices.	Staff, Licensing Board members, the public, licence holders and applicants are confident that Licensing Board policies and practices are accessible and operate in a fair and non-discriminatory way.	Licensing Board.	Utilise existing resources.	Ongoing.	% of Equality Impact Assessments accompanying Licensing Board papers.	Eliminate discrimination, advance equality of opportunity and foster good relations for: All protected characteristics.