



HIGHLAND LICENSING BOARD

COMBINED EQUALITY SCHEME

INTRODUCTION

Equal Opportunities legislation aims to ensure that people are not disadvantaged because of their age, gender, race, disability, religion or belief, or sexual orientation (the “equality strands”). In addition, there are duties, with regard to race, disability and gender, on public sector bodies, including Licensing Boards, to positively promote equal opportunities and eliminate discrimination in all their activities and set out their arrangements to do so in Equality Schemes.

The Race Relations (Amendment) Act 2000 introduced a new positive race equality duty to public bodies in 2001. This was followed by similar public sector duties for disability equality which came into effect in December 2006 and a duty on gender equality in April 2007. Each piece of legislation focuses upon delivering equality in the most appropriate way for the relevant groups.

The Highland Licensing Board’s new Combined Equality Scheme brings together the common features that promote equality across the equality strands and recognises that there will be differences in how the individual duties are met.

The Highland Licensing Board

The Highland Licensing Board is the licensing Board for the Local government area of Highland set up under section 5 of the Licensing (Scotland) Act 2005.

Within this area there are three divisions each with their separate Licensing Board:

- Caithness, Sutherland and Easter Ross Division
- Ross, Skye and Lochaber Division
- Inverness, Nairn, Badenoch and Strathspey Division

The Licensing Board is responsible for the administration of the liquor licensing system in Highland and processes:

- Personal Licenses
- Premises Licenses
- Occasional Licenses

A number of functions which are owned by the Licensing Board are delegated to the Clerk to the Board. Under the Licensing (Scotland) Act 2005, the Licensing Board are required to prepare a Policy Statement setting out its approach to administering Liquor Licensing applications. This policy statement is subject to 3 yearly review.

On a day to day basis in order to assist the licensing community and other persons Licensing staff are contactable in person, by telephone and e-mail in order to offer advice and guidance. A considerable number of licensing application forms are to be found on the Highland Council website together with guidance notes explaining Statutory requirements and local policies and procedures.

This Combined Equality Scheme recognises initiatives already taken by the Council in discharging its public duties.

Disability Equality

The Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005, requires the Licensing Board when discharging its functions to pay regard to the following:

- Promoting equality of opportunity between disabled persons and other persons;
- Eliminate unlawful discrimination under the Disability Discrimination Act;
- Eliminate harassment of disabled persons that is related to their disabilities;
- Promote positive attitudes towards disabled person's;
- Encourage participation by disabled person's in public life; and
- Take steps to take account of disabled person's disabilities, even when that may involve treating disabled person's more favourably than other persons.

In addition to these foregoing duties imposed by the Disability Discrimination Act (DDA), the Disability Discrimination(Public Authorities) (Statutory Duties)(Scotland)Regulations 2005 places the Licensing Board under a specific duty to produce a Disability Equality Scheme setting out what steps the Board will take towards fulfilling their general duty.

The requirement to produce a Scheme must include the Licensing Board's arrangements to:

- Involve disabled people in the development of the Disability Equality Scheme;
- Assess the impact of its policies and practices, or the likely impact of its proposed policies and practices, on equality for disabled persons.
- Set out within its Action Plan the steps and timescale it will take actions to promote disability equality.
- Gather information on the effect of its policies and practices on disabled persons.
- Make use of the information obtained and its arrangements for reviewing on a regular basis the effectiveness of the steps set out in the Action Plan.
- Implement the steps which it has set out in its Disability Equality Scheme and Action Plan.
- Report annually on the steps it has taken to fulfil the general disability duty and the steps it has taken over the last year to eliminate discrimination and promote equality of opportunity.
- Publish the Disability Equality Scheme.
- Review the Disability Equality Scheme every three years.

Race Equality

The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 places on public authorities, inclusive of licensing boards, a general duty to promote race equality. This general duty requires the Licensing Board to have regard for the need to:-

- Eliminate unlawful racial discrimination
- Promote equality of opportunity
- Promote good race relations between people of different racial groups.

The Licensing Board will ensure cognisance is taken of this general duty in respect of all the Boards functions.

Article 21 of the Race Relations Act 1976(Statutory Duties)(Scotland) Order 2002 places a duty on the Licensing Board to prepare and publish a Race Equality Scheme.

In its Race Equality Scheme the Licensing Board is required to set out how it will meet the general race duty to include the Licensing Board's arrangements to:-

- Assess and consult on the likely impact of its proposed policies on the promotion of race equality.
- Monitor its policies for any adverse impact on the promotion of race equality.
- Publish the results of such assessments, consultation and monitoring.
- Ensure public access to information and services it provides.
- Train staff in connection with the general and particular duties to promote race equality.
- Review the Race Equality Scheme every three years

These requirements have been incorporated within this Combined Equality Scheme.

Gender Equality

The Sex Discrimination Act 1975 as amended by the Equality Act 2006 imposes on public authorities a general duty to ensure the better performance of their duty to have due regard for the need to:

- eliminate unlawful discrimination and harassment, and
- promote equality of opportunity between men and women in carrying out their functions under the Sex Discrimination Act.

The Licensing Board is required by virtue of the Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007 to prepare and publish a Gender Equality Scheme. Under such a scheme the Board is required to set out how it will fulfil the general gender duty and include the Licensing Board's arrangements to:

- gather information on how its work affects women and men.
- consult with employee's, service user's, trade unions and other stakeholders.
- assess the different impact of policies and practices on both sexes and use the information to inform its performance.
- Identify priorities and setting out gender equality objectives.
- plan and take action to achieve gender equality objectives.
- publish the Gender Equality Scheme, reporting annually on progress and reviewing the scheme every three years.

These requirements have been incorporated into this Combined Equality Scheme.

The Combined Equality Scheme

In countenancing the principle of fairness which runs throughout the three strands of the equality legislation, the Licensing Board has amalgamated its suite of statutory duties within a Combined Equality Scheme.

The Combined Equality Scheme includes an Action Plan specific to each strand of equality legislation. This ensures that continuous review is part of the Board's general

work and is objective and outcome driven. Regular review and assignment of specific actions will assist in ensuring the timescale of delivery is met wherever possible.

The Licensing Board whilst sitting under the umbrella of the Local Authority's statutory remit is a separate legal entity. However the Board functions solely through the allocation of key resources by the Council. The Council has developed corporate processes within its Race, Disability and Gender Equality Schemes. This Combined Scheme recognises and compliments those corporate aims.

Board Policies and Functions

The current Board's Policy Statement states the way in which key licensing legislation will be integrated into local policies and procedures as applied in the Highland area. This Policy Statement is subject to 3 yearly review and can be amended earlier if required. Such reviews are accompanied by consultation with key stakeholder's to ensure the policy remains compliant and fit for purpose.

The Licensing Board in recognising its general equality duties will ensure that during such periods of consultation on policy that proper consideration is given to equality and if necessary seek additional guidance from equality groups.

The Licensing Board will be pro-active in their approach to equality in the exercise of its decision making functions in respect of everyday Licensing matters discharged through formal Board meetings and delegated powers.

Assessing the Impact of Licensing Board Functions, Practices and Procedures

The Licensing Board has concluded that all of its functions, practices and procedures in relation to receiving and processing applications, hearing and determining applications and the day to day interface by administration staff and Licensing Standard's Officers in providing a service to licence holders, agents and other interested parties should be regarded as having a high relevance in relation to general equality duties.

In carrying out these functions, practices and procedures, the Licensing Board will ensure that it does not discriminate against any person by reason of their gender, race or any disability. In particular, the Licensing Board will, where possible, adopt a proactive approach and try to anticipate the needs of people with disabilities. It will also identify whether there are any aspects of the service it provides which require to be tailored to meet the needs of groups of people on the grounds of gender or race.

Assessing the Impact of its Policies on Equality Issues

The Policy Statement of the Licensing Board as previously stated is subject to both statutory and needs based review; consideration of all three equality strands is a constituent part of such reviews.

Where proposals are made for altering existing Licensing Board Policy, a report will be submitted to the Board where such changes have an equality consideration which details:

- Any assessment of the impact of the proposed policy change on equality issues.
- Details of any consultation carried out to inform such assessment.
- Any action proposed as a result of the assessment and consultation.

Where any adverse impact is identified during an assessment, appropriate remedial measures will be implemented and the Action Plan updated to take account of these new measures.

Involving Stakeholders in the continuous monitoring of the Scheme.

Highland Council is a Local Authority with a strong tradition of community involvement and working with partner agencies.

Four Licensing Standards Officers have been employed covering the Highland Area. Their duties include daily liaison with the licensing community and interested parties. They are in an excellent operational position to assess how the Board's policies are working and obtaining feedback from stakeholders. Through regular meetings with the Board and the Licensing Clerk's they are able to recommend improvements to existing policy.

Where issues are identified in respect of any of the three equality strands support and guidance will be sought from the Highland Council Equal Opportunities Officer, based at Council Headquarters, Glenurquhart Road, Inverness who maintains contact with local groups with an interest in equality.

The Highland Licensing Forum has been established from Police, Health, Social Work, Education, Voluntary Organisations, Youth Representation and Licence Holders. The function of the Forum is:

- to keep under review the operation of the Licensing(Scotland)Act 2005 in the Forum's area.
- to keep under review the exercise of the relevant board of their functions.
- to give advice and make recommendations to the relevant board as the forum thinks appropriate.

The Forum will be consulted by the Board where a new policy is proposed especially in respect of the three equality strands to gather the appropriate knowledge as to the likely effect and success of any policy change. The Forum can also recommend changes and improvements in respect of policy to the Board. Where policies are relevant to the quality duties, equality groups will be involved.

In considering equality issues and in preparing future Combined Equality Schemes the Licensing Board will also take into account any changes in national policies or Council policies.

Gathering and Utilising Information

The Licensing Board will seek feedback on its service delivery from licence holders, prospective applicants, agents and members of the public who become involved within the licensing process. This information will enable the Board to benchmark its performance and identify areas of future service delivery which require adjustment. The information will also be used to gauge the progress of its Action Plan and when reviewing the Combined Equality Scheme.

Implementation of the Scheme

Continuous monitoring of progress of the Action Plan will be carried out by the Licensing Board and will be a feature of their joint meetings with the Licensing Forum. In the event it is not reasonable or practical for the Licensing Board to carry out a particular action, the action will be reviewed and alternative solutions will be sought if appropriate.

Annual Reporting

An annual progress report on the Action Plan associated with the Combined Equality Scheme will be made to the Highland Licensing Forum. This will form part of the joint meeting which requires to be held between the Licensing Board and the Highland Licensing Forum at least once each calendar year under the requirements of the Licensing(Scotland)Act 2005.

Publishing the Scheme

This Combined Equality Scheme will be published on the Licensing Board's pages on the Council website, www.highland.gov.uk/liquor licensing. The Scheme will be circulated to all Board members, the membership of the Highland Licensing Forum, Licensing Standard's Officers and all licensing staff. Hard copies will be available from, the Area Solicitor, Town House, Inverness IV1 1JJ. Alternative formats of the Scheme will be made available by request to the Area Solicitor at the foregoing address.

Review of the Scheme

The Combined Equality Scheme is intended to cover the period from June 2009 to June 2012 and will be the subject of review at the end of that period. However reviews of the Combined Equality Scheme relating to each of the three equality strands will be carried out as follows:

- Race Equality - November 2010
- Disability Equality - November 2011
- Gender Equality - June 2012

The Licensing Board will review the Implementation of the Combined Equality Scheme and Action Plan annually.

Training

Employee's servicing the Licensing Board are all employees of Highland Council. The training of these employees in connection with the duties under the equality legislation will be dealt with in the Council's Equality Schemes. In relation to Licensing Board members, equality issues will form part of the training provided to elected members by the Council's Employee Development team and Equal Opportunities Officer.

COMBINED EQUALITY SCHEME

ACTION PLAN

Strands (Race, Disability, Gender)	What we will do	When	Lead Responsibility
All	The Board will require that all Reports presented to the Board(s) proposing policies that have any significant relevance to Disability Equality, Racial Equality or Gender Equality will include an assessment of the impact of the proposed policy on these three equality strands.	Ongoing	Clerks to the Licensing Board(s)
All	Mechanisms will be put in place to ensure that policies, practices and functions will be assessed for relevance to equality.	Dec 2009	Clerks to the Licensing Board(s)
All	Explore mechanisms with the Highland Council Equal Opportunities Officer to determine how appropriate consultation on policies impacting on Disability, Race and Gender Equality can be carried out.	Jan 2010	Ian Cox. LSO. INBS.
All	The effects of policies will be subject to regular review as part of the review process in terms of the three strands of Equality.	Ongoing	Clerks to the Licensing Board(s)
All	Annual progress reports will on the combined progress report will be made to the Licensing Boards.	Jan 2010 and ongoing	Clerks to the Licensing Board(s)
All	The Scheme will be circulated to all Members and Officers of the Boards, the Highland Licensing Forum and all	October 2009	Clerks to the Licensing Board(s)

Strands (Race, Disability, Gender)	What we will do	When	Lead Responsibility
	Highland Licensing Standards Officers. Copies will be available on the Council's website.		
All	Translations and alternative formats of the Combined Schemes will be made available by arrangement when required by the Clerk of the Highland Licensing Board	As required	Clerk of the Highland Licensing Board
Disability	All meetings of the 3 Highland Licensing Boards will always be held in premises which have disabled access. All agendas of the Highland Boards will carry text informing that the venues have disabled access.	Ongoing for each meeting of the Highland Board(s)	Admin Offices to the Highland Board(s)
All (and age, sexual orientation, and religion/belief)	Publicity materials about the Hate Free Highland campaign for reporting and recording hate incidents and crimes (on the grounds of prejudice against equality groups) will be circulated to licensed premises.	Sept 2009	Licensing standards Officers
All (and age, sexual orientation, and religion/belief)	Effective information sharing arrangements will be set up with Northern Constabulary and other Community Planning partners that hate incidents or crimes complaints arising on licensed premises are timeously notified to the relevant Licensing Standards Officer for any necessary follow-up	By end of 2009	Licensing standards Officers and Hate Free Highland partners
All	Elected Members on the Licensing Boards will undertake equality and diversity awareness training as part of the Highland Council's programme of training for Members.	By end of 2009	Employee Development and Equal Opportunities
All	Equalities awareness training will continue to be included in the programme of training for Members of the Boards following any future elections	Ongoing.	Training Unit. HRC
All	All Licensing Standards Officers to undertake equality and diversity	Jan 2010	HRC Equality Officer and LSO's

Strands (Race, Disability, Gender)	What we will do	When	Lead Responsibility
	training		
All	Members of the Highland Licensing Forum to receive an awareness input from the Highland Council Equal Opportunities Officer on equality and diversity.	April 2010	HRC Equality Officer. Secretary to Highland Licensing Forum.
Gender	3 educational sessions on Violence Against Women will be held at Licensing Fora across Highland. (HCCP Violence Against Women Strategy 2008-11)	By Dec 2009	HCCP VAW Training and Awareness Group
Gender	Licensing Boards will insist that any form of commercial sexual exploitation/'adult entertainments' by paid workers, self employed workers or by a customer is clearly specified in the licensee's operating plan. (HCCP Violence Against Women Strategy 2008-11)	Target unknown	Licensing Boards