

***PERTH AND KINROSS LICENSING BOARD***

*SEX DISCRIMINATION ACT 1975  
SEX DISCRIMINATION (PUBLIC AUTHORITIES)  
(STATUTORY DUTIES) (SCOTLAND) ORDER 2007*

***GENDER EQUALITY SCHEME***

10 January 2008

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## LIST OF CONSULTEES

- All members of the Perth and Kinross Licensing Board
- The general public
- All staff employed in Perth and Kinross Council's Licensing Section
- Perth and Kinross Council's Equalities Planning Officer

## YOUR VIEWS ON THE SCHEME

The Gender Equality Scheme is an evolving Plan. Your comments will help to shape it and would be welcome.

Every effort will be made to encourage and support those who wish to offer their views. Should you require any assistance please discuss this with a member of staff. Translations and alternative formats will be made available on request.

If you wish to submit any comments on this document at any time, please send them

- By letter to  
The Clerk to Perth and Kinross Licensing Board  
Council Offices  
2 High Street  
Perth  
PH1 5PH

- By email to [liquorlicensing@pkc.gov.uk](mailto:liquorlicensing@pkc.gov.uk)

- By fax to 01738 475189

You can also access this document on the Council's website at [www.perthshire.com](http://www.perthshire.com) by selecting "Law and licensing".

## DEALING WITH THE PUBLIC

Perth and Kinross Licensing Board ("the Board") will ensure that it is in a position to deliver what it promises in terms of this Gender Equality Scheme.

## **PERTH AND KINROSS LICENSING BOARD**

### **SEX DISCRIMINATION ACT 1975**

### **SEX DISCRIMINATION (PUBLIC AUTHORITIES) (STATUTORY DUTIES)(SCOTLAND) ORDER 2007**

### **GENDER EQUALITY SCHEME 2007-2010**

#### **1. Introduction**

1.1 Perth and Kinross Licensing Board ('the board') is the board constituted for the local government area of the Perth and Kinross in terms of the Licensing (Scotland) Act 2005. 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 12 Members of Perth and Kinross Council ("the Council") elected at the first Council meeting after each ordinary Council election. The Board must consist of not less than one quarter of the total number of Members of the Council.

1.3 All revenue received by the Board from fees and licence applications must be transferred to the Council. The Council is charged with responsibility for providing accommodation for meetings 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 connection between the Board and the Council means that the Board is aware of the 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 to ensure the Council's compliance with its gender equalities obligations. This is reflected in this Scheme.

1.5 This Scheme will last for three years. During this period the Licensing (Scotland) Act 2005 will replace the existing legislation and appropriate revisions will be made to this Scheme.

#### **2 Gender Equality**

2.1 In terms of the Sex Discrimination Act 1975 ("the Act"), as amended by the Equality Act 2006 (and other amending legislation), 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 unlawful discrimination and harassment under the Act;

2.1.2 Promote equality of opportunity between men and women;

These 2 elements will be referred to throughout this Scheme as "the general duty".

2.2 In terms of the Sex Discrimination (Public Authorities)(Statutory Duties)(Scotland) Order 2007 (“the Order”) the Board has been placed under a specific duty to prepare and publish a Gender Equality Scheme.

2.3 The functions and policies of the 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 gender equality, the Board will also seek, where appropriate, to build the general duty into its structures and future activities.

### **3 The Gender Equality Scheme**

3.1 The Gender Equality Scheme (“the Scheme”) is the Board’s plan stating how it intends to meet the general duty.

3.2 In the Scheme, the Board is required to set out overall objectives which have been identified as being necessary for it to perform the general duty.

The Scheme should then set out the actions which the Board has taken or intends to take to:-

- gather information on the effect of its policies and practices on men and women including the extent to which the service takes account of the needs of men and women;
- make use of this information, and any other relevant information to assist the Board in performing its equalities duties and in particular in the regular review of the effectiveness of the scheme and for revising it.
- assess the impact of policies and practices, or the likely impact of their proposed policies and practices on gender equality
- consult relevant staff, service users and others (including trade unions); and
- achieve the fulfilment of the objectives.

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 legal status separate 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, under its corresponding corporate processes, laid out in its own Scheme, with the Board’s attention focussed on the way its functions are offered and undertaken.

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

4.1 The assistance of the Council's Equalities Planning Officer will be sought in relation to the carrying out of gender monitoring including consideration of establishing a gender monitoring scheme. Consideration will be given to collecting data by reference to age, disability, ethnicity and gender and to extending this monitoring to complaints processed by the Board.

#### **5. Objectives, Action Plan and Implementation**

5.1 The measures proposed by the Board for meeting its general and specific duties to promote gender 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 Equality Scheme, where appropriate, will be reflected in the Board's proposed measures.

5.2 There are some specific actions, as detailed in the action plan for this Scheme which the Board will implement in order to promote gender equality. The action plan is attached as Appendix 1.

5.3 The Board will within three years of the publication of this Scheme, take the steps which it has set out in the 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.

##### **6.2 Statutory Functions**

6.2.1 The Board accepts and processes to grant, renewal or refusal all applications for:-

- Alcohol licences in terms of the Licensing (Scotland) Act 1976, and the Licensing (Scotland) Act 2005;
- Premises licences and various permits in terms of the Gambling Act 2005

6.2.2 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 lesser remedy.

6.2.3 The Board makes a number of decisions in terms of alcohol licensing affecting the day to day management or hours of operation of premises licensed for the sale of alcohol.

6.2.4 Formulating, consulting on and adopting policies in relation to the exercise of the Board's licensing function.

### 6.3 Non-Statutory

The Board regulates its meetings, delegation of decision making and other aspects of internal administration as required. For the purposes of the Gender Equality Scheme, such regulation is considered to be included within the Board's policies.

6.4 The Board has determined that all of its functions have a high relevance to the general duty and that all of its policies, including proposed policies have equivalent status.

## 7. Consultation and Impact Assessment

7.1 The Board is required to have and identify arrangements for assessing and consulting on the likely impact of their proposed policies on the promotion of gender 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 gender equality will include details of:

- Any assessment of the impact of the proposed policy on gender equality ;
- Any consultation carried out in conjunction with that assessment; and
- Any action, including monitoring, where appropriate, proposed in consequence of that assessment and consultation.

The Board will consider these matters in reaching a decision on any proposed policy. In particular, the Board will have regard to them when reviewing its Statements of Licensing Principles under the Gambling Act 2005 and its Statement of Licensing Policy under the Licensing (Scotland) Act 2005.

7.2 The Board is required to have and identify arrangements for monitoring its policies for any adverse impact on equality between women and men. It is proposed that the effects of policies will be subject to regular scrutiny as part of the annual review process.

## 8. Gathering and Utilising Information

8.1 The gathering of information regarding the Board's service delivery will be carried out under the Council's data collection arrangements.

8.2 The Council continually reviews its gender equality monitoring procedures with regard to data collection. All employees including licensing board staff are subject to the same safeguards and parameters.

8.3 In addition to existing and planned Council procedures for gathering and utilising information, the Board 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 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 the Scheme and action plan, and in the preparation of any subsequent Gender Equality Scheme. Relevant remedial measures will be proposed and implemented and the action plan updated accordingly.

## **9 Publicity**

10.1 The board is required 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 gender 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 Gender Equality Scheme itself) is required.

10.3 The board is also required to identify the arrangements it will make for ensuring public access to information and the services it provides. In respect of access to information concerning applications and licences granted, the board is governed by the Licensing (Scotland) Act 1976 and the new Licensing (Scotland) Act 2005.

10.4 This scheme and action plan and the three yearly reports, which will be produced after each three year review, will be published on the council's licensing webpage at: [www.perthshire.com](http://www.perthshire.com).

10.5 This scheme and action plan will be circulated to all members and officers supporting the Board. Copies will be available from the Licensing Section, Perth and Kinross Council, 2 High Street, Perth PH1 5PH between 9am and 5pm Mondays to Fridays. 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.

## **10. Training**

10.1 As indicated in the introduction at paragraph 1.3, Licensing staff are employees of Perth and Kinross Council and appropriate training in relation to the gender equality duty will be delivered and arranged by the Council as part of its Scheme. Awareness will be increased with features on equalities issues and changes in legislation, and through articles in appropriate internal publications.

10.2 As indicated in the introduction at paragraph 1.2 all Board members are members of the Council and appropriate training in relation to the gender equality duty will be delivered through the Council's Gender Equality Scheme, which contains a commitment to the training of Chief Officers and elected members.

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

11.1 This scheme is intended to cover the period to 28 June 2010 and will be subject to a full review at the end of that period.

11.2 The Scheme will also be annually reviewed 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 Boards' own experience of participation in consultation with such representative bodies as the Boards consider appropriate.

**12 APPENDIX 1  
PERTH AND KINROSS LICENSING BOARD  
GENDER EQUALITY SCHEME – ACTION PLAN**

	What the Board will do	The Board will do it		
		2007/8	2008/9	2009/10
1 The Gender Equality Scheme paragraph 11	<ul style="list-style-type: none"> <li>Review the Scheme 3 yearly</li> </ul>			√
	<ul style="list-style-type: none"> <li>Review the Scheme annually and report to Board members</li> </ul>	√	√	√
2 Monitoring paragraph 4	<ul style="list-style-type: none"> <li>Consider the implementation of a voluntary gender monitoring scheme covering applicants for a licence.</li> </ul>		√	
	<ul style="list-style-type: none"> <li>Consider extending this monitoring to complaints processed by the Board.</li> </ul>		√	
3 The Board's Functions paragraph 6 and 8	<ul style="list-style-type: none"> <li>Consider conducting an audit of all existing Board policies to ensure that the Council will fulfil its gender equality obligations in terms of the Council's and the Board's Schemes</li> </ul>			√
4 Consultation paragraph 7	<ul style="list-style-type: none"> <li>Require all reports presented to it proposing policies that have any significant relevance for gender equality to include details of :-               <ul style="list-style-type: none"> <li>- Any assessment of the impact of the proposed policy on gender equality</li> <li>- Any consultation carried out in conjunction with that assessment</li> <li>- Any action, including monitoring where appropriate, proposed in consequence of that assessment and consultation.</li> </ul> </li> </ul>	√	√	√
	<ul style="list-style-type: none"> <li>The effects of policies will be subject to regular scrutiny as part of</li> </ul>	√	√	√

	the annual review process.			
5 Publicity paragraph 10	<ul style="list-style-type: none"> <li>Publish and circulate the Scheme to all members of the Board and make copies available at the Board's public office and on the Council's website.</li> </ul>	√		
	<ul style="list-style-type: none"> <li>Circulate the Scheme to all licensing staff, to the Members of the local Licensing Forum(s) and to the Council's Equalities Planning Officer, as well as to any other interested parties.</li> </ul>	√		
	<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>Translations and alternative formats will be made available by arrangement when required, in accordance with the standards adopted by the Council.</li> </ul>	√	√	√