

# THE CITY OF EDINBURGH LICENCING BOARD

## EQUALITY, DIVERSITY AND RIGHTS POLICY

EQUALITY ACT 2010 (SPECIFIC DUTIES) (SCOTLAND)  
REGULATIONS 2012

**Putting equality, diversity & rights at the heart of everything we do**

**January 2018**

### **1. Introduction**

## REPORT ON LICENSING BOARD'S DUTIES UNDER THE EQUALITY ACT 2010

- 1.1 This Policy sets out the commitment of the City of Edinburgh Licensing Board (the Board) to meeting its responsibilities in terms of Section 149 of the Equality Act 2010, Human Rights Act 1998 and the Scotland Act 2003.
- 1.2 The Policy sets out our equality, diversity and rights outcomes and the outputs against which we can measure progress to achieving these.
- 1.3 Although the Board has separate legal status from the City of Edinburgh Council (the Council) the Board is resourced entirely by the Council and the policy reflects this arrangement.
- 1.4 The close connections between the Board and the Council affords the Board the opportunity to benefit directly from the City of Edinburgh Council's Equality, Diversity and Rights Framework 2017 to 2021. The framework to advance equality, diversity & rights in and across the City of Edinburgh.
- 1.5 The Board's Equality, Diversity and Rights Policy was approved by the Board on 29th January 2018 and replaces the previous policy which was put into effect at the end of March 2015.

## 2. Legal Context

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- 2.1 As a public authority the Board must evidence its compliance with Section 149 of the Equality Act 2010 and Scottish specific duties which were imposed by secondary legislation which came into force in September 2011
- 2.2 The Board must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation or any other conduct that is prohibited under this Act
  - Advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it by tackling prejudice and promoting understanding
- 2.3 Protected Characteristics as defined by the Act are:
- Age
  - Disability (physical, learning & mental health)
  - Gender reassignment
  - Pregnancy and maternity
  - Race
  - Religion and belief (including non-belief)
  - Sex
  - Sexual Orientation
  - Marriage and civil partnership (only in terms of duty to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act)
- 2.4 The Scottish specific public-sector equality duties provide the Board with the framework with which to evidence due regard to and compliance with the general duty. The Board therefore has a duty to:
- Report progress on mainstreaming the equality duty
  - Publish equality outcomes and report on progress
  - Assess and review policies and practices
  - Gather and use employee information
  - Publish gender pay gap information
  - Publish statements on equal pay etc.
  - Consider award criteria and conditions in relation to public procurement
  - Publish in a manner that is accessible, etc.

### **3. The City of Edinburgh Licensing Board**

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- 3.1 Edinburgh, Scotland's inspiring capital, is dramatic and historic. The environment of the area has provided the basis for a successful tourist industry which brings cultural benefits to the city and is a vital part of its economy.
- 3.2 The population of the city of Edinburgh in 2017 was 508,102 and its total number of households was 241,359.
- 3.3 The city boundaries cover 264 square kilometres and the local government area is split into 17 wards. The number of councillors overall is 63. Ten councillors sit as members of the Licensing Board.
- 3.4 In addition to the duty prescribed in the Equality Act 2010 the Board has objectives laid down in statute specifically related to licensing functions. These can be found in the:
- The Licensing (Scotland) Act 2005
  - The Gambling Act 2005

The objectives laid out in the Licensing (Scotland) Act 2005 are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

The objectives laid out in the Gambling Act 2005 are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Board is under a statutory duty to promote the above objectives

- 3.5 The Board are supported by a number of City of Edinburgh Council employees including:
- Clerk
  - Depute Clerk
  - Administrative Support
  - Licensing Standards Officers

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The Board have established links with the Council's strategic team for equality support. A result of this arrangement is that the Board is represented on the Council's Equality, Diversity and Rights Project Team.

### **4. Equality, Diversity & Rights**

- 4.1 The Board is committed to embedding equality, diversity and rights at the heart of everything it does and agrees with the Council's proposals as set out in the Council's Framework to advance equality, promote diversity and enhance rights.
- 4.2 The Policy, in line with the Council's Framework, aspires to engage and empower citizens, communities, licensees and employees of licenced premises who share the protected characteristics in line with national community engagement standards.
- 4.3 This will be achieved by using the Council's approach to carrying out Integrated Impact Assessments (IIAs) and further detail is set out at Paragraph 7 below.

### **5. Mainstreaming**

- 5.1 The Board defines mainstreaming as:

“A long-term strategy to ensure that an equality and rights perspective (specifically the PSED) becomes an integral part of decision making and action across all areas of governance, management, policy making and service delivery.
- 5.2 Mainstreaming equality and rights is a valuable and effective strategy as it seeks to make explicit issues which have often remained at the margins of public policy. It is an approach that emphasises that equality and rights are central elements of all relevant Board activity, built in at the earliest opportunity and not bolted on as an afterthought.
- 5.3 Mainstreaming equality and rights also enables decisions about policies and services to be 'right first time' and thus unnecessary and often costly changes and remedies can be avoided.”

### **6. Equality outcomes**

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- 6.1 At the heart of this Policy is a set of equality, diversity and rights outcomes (and indicators) which are linked to the Board's Statement of Licensing Policy, Coalition Commitments and the Council's Business Plan.

In setting our equality, diversity and rights outcomes we have worked closely with the City of Edinburgh Council.

We have taken into account the views expressed during consultations with partners and stakeholders as part of Licensing Policy reviews, including: -

- Edinburgh Licensing Forum
- Edinburgh's Licensed Trade
- Community based organisations & agencies representing local communities
- Police Scotland
- Children and Families Services
- Health and Social Care
- NHS Lothian Health Board

- 6.2 The outcomes set have been based on the evidence gathered and are relevant to the aims and objectives of the Board.

A set of actions, aligned to each outcome, are also included in the outcomes action plan attached as an appendix to this policy. It is these actions which help the Board to deliver its mainstreaming duties.

## **7. Assess and review policies and practices**

- 7.1 The Board has previously adopted the City of Edinburgh Council's Equality and Rights Impact Assessment (ERIA) process as a way of delivering a programme of ongoing ERIA's of all relevant policies and services.
- 7.2 The Board intend to adopt the Council's proposed new integrated approach to impact assessments as a process as a way of delivering a programme of ongoing IIAs of all relevant policies and services.
- 7.3 In using the Council's proforma the Board will be able to document the evidence gathered and the consultation undertaken to influence and inform findings and recommendations.

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7.4 The results of IIAs will inform decisions taken by the Board. In this regard reference will be made to the key results of the IIA within all relevant Board reports. The results of the IIAs will also be published within appropriate timescales on the Council's website.

### **8. Gather and use employee information, publish gender pay gap information & Publish statements on equal pay, etc.**

8.1 In terms of specific public-sector equality duties the Board will refer to information collated by the Council's Employee Relations Team when publishing its biennial report satisfying the Equality and Human Rights Commissioner and legislative duties.

### **9. Monitoring, Reporting and Review**

9.1 Equality, Diversity & Rights policy outcomes will be reviewed annually by the Clerk. It will be the responsibility of the Clerk to the Board to coordinate the update regarding the implementation of the plan.

9.2 The Board will publish a biennial 'Equality, Diversity and Rights Progress Report' in line with the Equality Act 2010 legislative requirements.

9.3 This report will describe the progress achieved as a result of the implementation and delivery of all elements of the policy, with a specific focus on outcome delivery.

9.4 Interim reviews of the Policy may take place at any time during the lifetime of the policy. Approval for any consequent changes will be requested from the Board.

9.5 A review of the Policy has taken place during 2017 and the Board's policy and outcomes have been reviewed and updated. It is proposed that a further review of the policy will take place during 2020, with a view to publishing a new policy in spring 2021.

### **10. Publish in a manner that is accessible etc.**

10.1 This policy will be publicly available and accessible on the Council's website at [http://www.edinburgh.gov.uk/info/20023/licences\\_and\\_permits/960/licensing\\_board](http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/licensing_board)

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- 1.2 It will be available in printed and alternative formats, on demand, by contacting the Clerk to the Board or making a request to the Licensing Service.
- 10.3 The policy will be circulated to all members and officers of the Board and to the Licensing Forum and to the Council's Equality, Diversity and Rights Project Team.
- 10.4 Integrated Impact Assessments will be available on the Council's website at [http://www.edinburgh.gov.uk/info/20023/licences\\_and\\_permits/960/licensing\\_board](http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/licensing_board)
- 10.5 The bi annual report will be published no later than April 2019 and will be available on the Council's website at [http://www.edinburgh.gov.uk/info/20023/licences\\_and\\_permits/960/licensing\\_board](http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/licensing_board)
- 10.6 The report will also be available in printed and alternative formats on demand by contacting the Clerk to the Board or making a request to the Licensing Service
- 10.7 The bi annual report will be prepared by the Clerk and will evidence the Board's achievements in relation to its duties as detailed in the Equality Act 2010 and the secondary legislation detailing the specific public sector equality duties.

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