

# *Falkirk Council Licensing Board*

**The Equality Act 2010**

**The Equality Act 2012 (Specific Duties)  
Scotland Regulations 2012**

**Multi-Equality Strategy 2013**

## Consultation Detail

Details of consultation process – details of consultees are contained in Appendix 4.

**This draft strategy is published on the licensing authority's website at [www.falkirk.gov.uk](http://www.falkirk.gov.uk) and is available for you to view at the District Court Offices, Municipal Buildings, Falkirk between 9am and 5pm Monday to Fridays.**

If you would like this information to be given to you in an alternative format or language, you, or a friend or relative can contact us in any of the following ways:

Phone: 01324 501575

E-mail: [licensing@falkirk.gov.uk](mailto:licensing@falkirk.gov.uk)

Write To: The Clerk to the Licensing Board  
Falkirk Council  
Municipal Buildings  
West Bridge Street  
Falkirk  
FK1 5RS

## Contents

	Page
Consultation Details	2
Contents	3
1 Introduction	4
2 About the Licensing Board	4-6
3 Our Functions and Policies	6-8
4 Consultation	8-9
5 Action	9
6 Monitoring	9-10
7 Publicity	10
8 Contact Details for Licensing Office	11
APPENDIX 1 – Action and Equality Outcomes	12
APPENDIX 2 – Licensed Premises Statistics	14
APPENDIX 3 - The Community of Falkirk	15-17
APPENDIX 4 - Consultation	18

## **1 Introduction**

1.1 This Strategy sets out the commitment of Falkirk Council Licensing Board (“the Board”) to meeting our responsibilities under the Public Sector Equality Duties to those defined under the Equality Act 2010 in relation to the 9 different protected characteristics:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion of Belief
- Sex
- Sexual Orientation

The Strategy explains the actions the Board has already taken and will take in this regard. Although the Board has a separate legal status from Falkirk Council (“the Council”), it is resourced entirely by the Council. The close connections between the Board and the Council affords the Board the opportunity to benefit directly from the actions already taken or proposed by the Council to ensure that it fulfils all the equality obligations. This is reflected in the Strategy set out on the following pages.

1.2 This Strategy was approved by the Board on 23 October 2013 and replaces the previous individual Race, Gender and Disability Equality Schemes.

1.3 If you wish to submit any comments on this document at any time, please address them to:

The Clerk to the Licensing Board  
Falkirk Council  
Municipal Buildings  
West Bridge Street  
Falkirk  
FK1 5RS

E-mail: [licensing@falkirk.gov.uk](mailto:licensing@falkirk.gov.uk)

## **2 About the Licensing Board**

### **Constitution**

The Board is constituted in terms of the Licensing (Scotland) Act 2005. The Board is entrusted with the administration of liquor licensing and with certain other statutory duties.

The Board is comprised of 10 elected members of the Council, elected at the first Council Meeting after each ordinary Council election. A Licensing Board must consist of at least 5 members.

Board meetings are held in public but deliberations can be made in private. All decisions taken by the Board must be made in public.

## **Board Meetings**

Falkirk Council Licensing Board meets every month (with the exception of July) in the Council Chambers. The Chambers are located in the Municipal Buildings which are suitable for and accessible to disabled persons. The dates of meetings are available on Falkirk Council's website. There is an Induction Loop System for the benefit of hearing-aid users in the Council Chambers. For those who do not have English as a first language, the Board can utilise the services of interpreters and/or translators, if requested, to ensure that its proceedings and decision-making process is clear and transparent.

## **Statutory Governance**

The Equality Act 2010 ("the Act") replaced the existing equality legislation and consolidates anti-discrimination laws into a single Act. The Act identifies 9 different protected characteristics which are detailed in section 1.1 of this Strategy. A key measure within the Act is the Public Sector General Equality Duty which requires public bodies to be pro-active in tackling discrimination by

- Eliminating discrimination
- Promoting equality of opportunity
- Fostering good relations between those who share a protected characteristic and those who do not.

The General Equality Duty is supported by the Specific Duties, which came into effect on 27 May 2012. The specific duties provide a framework to help public sector organisations meet their general duty and include the duty to report progress on mainstreaming the equality duty.

Apart from the equalities duties set out above, there are objectives laid down in statute specifically related to the Board's work around which it must organise the licensing functions:

### **Licensing Statutory Provisions:**

- The Licensing (Scotland) Act 2005
- The Gambling Act 2005

### **The Licensing Objectives**

The regimes under the Licensing (Scotland) Act 2005 and the Gambling Act 2005 set out broad aims which the Board must and will support in all its functions, which are:

#### The Licensing (Scotland) Act 2005

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

## The Gambling Act 2005

- 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

### **Our Staff**

The Board is supported by a Clerk assisted by a range of support staff. All staff carrying out the Board's responsibilities are recruited and employed by the Council. Falkirk Council also employs two Licensing Standards Officers who, whilst not officers of the Board, undertake duties in connection with the enforcement of the Licensing Scotland Act 2005, the provision of advice to licensees and members of the public and the carrying out of mediation where appropriate

The Clerk to the Board has recently been appointed as Falkirk Council's corporate Equalities Champion. As a member of the Council's Corporate Management Team (CMT), the Equalities Champion works to embed equality within the Council's business planning and processes by engaging Members, CMT, Services and Community Planning Partners. Coming from a legal background, the Equalities Champion has a strong technical knowledge of the Equalities agenda and has a clear commitment to improving equality of opportunity, providing strong leadership with a clear link to Elected Members.

### **Mainstreaming Equality**

Mainstreaming is an approach to delivering equality within an organisation. It is primarily a long-term strategy aimed at ensuring that equal opportunity principles and practices are integrated into every aspect of an institution from the outset. The focus should not only be internal (mainstreaming equality principles into procedures and systems) but also external (mainstreaming equality principles into policies and customer service delivery). Mainstreaming provides a framework that facilitates and complements equal opportunities legislation and other equality measures.

This strategy deals with Equality Impact Assessments, Consultation, Monitoring and collection of data and sets out the Board's equality objectives (outcomes).

Training is also integral to mainstreaming equalities. Members and staff all need to have an awareness of equalities issues as well as an understanding of their responsibilities under legislation and in terms of this strategy. As the Board is comprised of elected members of the Council, they are subject to an ongoing training programme which, whilst not specific to the Board's business, includes equalities issues. Staff are subject to the Council's training regime and requirements as employees of the Council.

## **3 Functions and Policies of the Board**

Broadly speaking, the Board's functions are to:

- Accept and process to grant, vary, transfer, review or refuse all applications for liquor premises licences

- Accept and process to grant, vary, review or refuse all applications for personal licences
- Accept and process to grant, vary or refuse all applications for occasional extensions and occasional licences
- Accept and process to grant, vary, transfer, review or refuse all applications for gaming premises licences
- Accept and process to grant, vary, transfer, review or refuse all applications relative to Gambling Premises and the operation of gaming machines in alcohol licensed premises and members clubs.
- Accept and process to grant, vary, review or refuse registrations for Non-Commercial Societies.
- Formulate, consult on and adopt policies in relation to the Board's licensing functions.
- Provide general support and guidance to the trade and the community on the above.

## **Policies**

The Board has the following policies in place

- Policy Statement in terms of the Licensing (Scotland) Act 2005
- Statement of Licensing Principles in terms of the Gambling Act 2005

## **Equality Impact Assessment**

The way in which the Board develops policies and conducts its activities should reflect its commitment to diversity and equality. The Board recognises that it must ensure its policies and procedures do not discriminate, and that it considers equality fully when it develops new policies and activities or consider changes to any of this.

Impact Assessments will be conducted using Equalities Impact Assessment Forms and Guidance developed by the Council. Falkirk Council has had an Equality Impact Assessment (EQIA) process in place for a number of years. The purpose of the Equality Impact Assessment process is to assess the impact of a particular policy or function on different protected characteristics and where appropriate lessen or remove any potential adverse impact. The evidence gained from the initial screening is used to inform the ongoing development of policies and/or functions and any adverse impact or barriers which are identified will be investigated and alternatives considered. The EQIA toolkit is being reviewed to incorporate Poverty Assessments to ensure well informed decisions are made in respect of service delivery to meet the needs of our community.

Any new policies that are proposed, or indeed any new functions that arise, will be impact assessed, as will any proposed changes or re-design of existing functions and policies.

All reports then presented to the Board proposing new policies setting out new functions or proposing changes that have relevance to any equality strand will include details of:

- The assessment of the impact on the equalities strands;

- Consultation carried out in conjunction with that assessment; and
- Any action, including monitoring where appropriate, proposed in consequence of that assessment and consultation.

This will enable the Board to consider these matters in reaching decisions.

## 4 Consultation

At the heart of the equality duties is the requirement to consult and involve people to assess the Board's progress on achieving its duties. The Board recognises that to improve equalities and eradicate discrimination stakeholders have to be involved not only in identifying potential discrimination but also in developing solutions and reviewing the progress and impact of those solutions. To maximise the benefits from involvement and to make sure that people have the opportunity to contribute fully, the Board will ensure that external stakeholders are involved in assessing our policies and activities. To that end, the Board will consult with the bodies detailed below on all new policies, or functions, or changes to these, on all impact assessments and on the development of this Strategy

### Licensing Forum

The Licensing Forum ("the Forum") is the medium through which the Board can engage with representatives of all parts of the community and ensure community views are taken into account in the development of Board policies and guidelines.

The Licensing (Scotland) Act 2005 lays down statutory groups that must be represented within the Forum, these being:

- Holders of premises licences and personal licences
- The Chief Constable
- Persons having functions related to health, education or social work
- Young persons
- Persons resident within the Forum's area
- Licensing Standards Officer

The Act also prescribes minimum and maximum numbers for the Forum.

At present there are 15 members, comprising:

- 4 holders of premises licences and personal licences
- 1 representative of the Chief Constable
- 3 persons having functions related to health, education or social work
- 1 young person
- 4 persons resident in the Falkirk Council area
- 1 representative of the Health Board
- 1 Licensing Standards Officer

There are currently no vacancies.

The Board's aim is to become a public body that is closely in touch with its stakeholders. The Board recognises the need to understand the nature of the people it serves if it is to respond adequately to their needs and priorities. Members of the Board are accountable to the public and



must demonstrate that they are credible to, and meeting the needs of, all stakeholders and not just some of them.

The Board understands that equality of opportunity cannot be achieved merely by treating everyone in the same way. Therefore, the success of its policies and functions in the future will depend on its ability to work with representatives of diverse groups more widely. The Forum is the main vehicle for this involvement and the makeup of the Forum is therefore of primary importance. The Council is responsible for the appointment of and support for the Forum.

### **Forth Valley Lesbian, Gay, Bisexual and Transgender (LGBT) Development Group**

The Forth Valley Lesbian, Gay, Bisexual and Transgender (LGBT) Development Group consists of agency and community representatives working within or working across the Forth Valley area with a positive and active interest in LGBT issues. Two of the aims of the group are to promote greater understanding and raise awareness of LGBT-related issues to the public and relevant bodies, and to identify ways of combating discrimination and homophobia, biphobia and transphobia within legislation, education, press & media, and work environments.

### **Falkirk Disability Access & Assessment Group**

Falkirk Disability Access & Assessment Group works across the Falkirk area to remove the barriers to social inclusion for people affected by disability. They have a role liaising with local authorities and other public bodies on access matters.

### **Central Scotland Regional Equality Council (CSREC)**

Central Scotland Regional Equality Council (CSREC) is an autonomous voluntary organisation which brings together representatives from the statutory authorities, voluntary organisations and individuals who support the aims of the Equality Council.

### **Staff**

Licensing staff have been involved in the development of this Strategy.

## **5 Action**

The measures proposed by the Board and the Equality Outcomes that it has set are as detailed in the Action Plan listed in **Appendix 1** to this Strategy.

## **6 Monitoring**

Monitoring is a way of ensuring that the Strategy is being implemented and working. It will highlight whether any particular action has been effective and what other action is required. The Clerk, at the direction of the Board, will be responsible for implementing the Action Plan contained within this Strategy and providing an Annual Report to the Board on progress towards meeting the Equality Outcomes.

The Board will review its Equality Outcomes every 4 years.

## **Service Delivery**

The Board encourages feedback at any time both generally and specifically in response to consultations during the application process and when disseminating information.

## **Equalities Monitoring Form**

The Equalities Monitoring Form is currently being reviewed by Falkirk Council and the Board will use the most up to date version of the form. This will be distributed with all application forms and also made available on the Falkirk Council Licensing Board website pages. Information will be collated, analysed and reported to the Board as part of the Annual Report.

Annual audits of complaints will be undertaken in January each year and an Equalities Monitoring Form issued to those involved in the process. Information will be collated, analysed and reported to the Board as part of the Annual Report.

## **Equalities Incident Monitoring Forms**

The forms used will be the reviewed versions which will reflect the work done by the Council. These will be available for use by staff as necessary, including the Licensing Standards Officers, who are the initial contact with regard to complaints. These will be collated and reported to the Board as part of the Annual Report.

## **7 Publicity**

### **Strategy**

The Board will make publicly available its Strategy. This will be accessible on the Council's website at: [www.falkirk.gov.uk](http://www.falkirk.gov.uk)

It 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 office.

The Strategy will be circulated to all members and officers of the Board and to the Licensing Forum.

The Board encourages feedback and comment at any time.

### **Impact Assessments**

Impact Assessments (including consultation information) will be available on the Council's website at: [www.falkirk.gov.uk](http://www.falkirk.gov.uk)

They 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 office.

### **Annual Reports**

These reports will be published no later than April every year and will be available on the Council's website at: [www.falkirk.gov.uk](http://www.falkirk.gov.uk)

They 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 office.

Annual Reports will be prepared by the Clerk and, as stated in this Strategy, will contain details of:

- Progress against the Action Plan and Equality Outcomes
- Equalities Monitoring Statistics
- Equalities Incidents

## **8 Contact Details**

### **Falkirk Licensing Board**

Clerk to the Licensing Board	Telephone: 01324 501575
Falkirk Council	
Municipal Buildings	Fax: 01324 501588
West Bridge Street	
Falkirk	Legal Post: LP1
FK1 5RS	Falkirk - 2

Licensing queries can be e-mailed to –

*[licensing@falkirk.gov.uk](mailto:licensing@falkirk.gov.uk)*

Licensing information can be found on the Council's website at –

*[www.falkirk.gov.uk](http://www.falkirk.gov.uk)*

## Appendix 1

### Action and Equality Outcomes

*Protected characteristics: age; disability; gender re-assignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.*

<b>Licensing Board - Equality Outcomes and Action Plan</b>					
The operation of the Licensing Board will contribute to fair, effective and efficient decision making					
The Licensing Board will provide effective leadership of equalities activity through its processes of compliance and monitoring					
The Licensing Board will contribute to the health, safety and well - being of the people of Falkirk					
<b>Lead Service</b>	<b>2013 – 2014 Actions</b>	<b>2014 – 2015 Actions</b>	<b>2015 – 2016 Actions</b>	<b>2016 – 2017 Actions</b>	<b>Result / Annual review</b>
<b>Chief Executive Office (Governance Division)</b>	Increase Board Members' and licensing board staff's understanding and awareness of the general and specific equality duties. Members are able to access Falkirk Council's equality e-learning package		Electoral cycle: Licensing Board Members understand and are aware of the general and specific equality duties. Members are able to access Falkirk Council's equality e-learning package.		Members will be familiar about equality legislation and how it impacts on decision making.
	Licensing policy review (3 year cycle) will be subject to an equality and poverty impact assessment				Completed EPIA
	Equality will be embedded into the licensing compliance and monitoring processes	Will develop a process for capturing equality monitoring information from personal licenceholders (5 year cycle).  Process developed for premises licenceholders (annual cycle)		Equality will be embedded into the compliance and monitoring reporting cycle.	
	Based on the findings from licensing reviews the Licensing Board staff will arrange <b>one</b> relevant information <b>event per year</b> targeted at licence holders.				The purpose of this will be to ensure increased compliance by licence holders resulting in a reduction of licensing reviews.

## Appendix 2

### Licensed Premises Statistics\*

<b>PREMISES LICENCES (LIQUOR)</b>	
On Sales	114
Off Sales	142
On & Off Sales	79
Registered Clubs	31
<b>TOTAL</b>	<b>366</b>
<b>PERSONAL LICENCES (LIQUOR)</b>	
Applied for to date	1361
<b>APPLICATIONS FOR EXTENDED HOURS ON PREMISES LICENCES</b>	
Applied for to date	477
<b>APPLICATIONS FOR OCCASIONAL LICENCES</b>	
Applied for to date	1145
<b>PREMISES LICENCES (GAMING)</b>	
Betting	41
Bingo	2
Adult Gaming Centre	6
Family Entertainment Centre	0
Notice of Automatic Entitlement	64
Gaming Machine Permits	3
Club Gaming Permits	0
Club Gaming Machine Permits	0
Lotteries Registrations	145
<b>TOTAL</b>	
* Information correct at 22 April 2013.	

### Licence Holders

The Board historically has not sought, and hence has not recorded, as part of the application process, Equalities Monitoring Information. Monitoring information will now be sought from all applicants. It has been possible, however, to extract gender statistics from our records relating to holders of personal licences.

<b>GENDER</b>	
Male	48%
Female	52%

## Appendix 3

### The Community of Falkirk

The Falkirk Council area sits at the centre of Scotland and encompasses Falkirk, Grangemouth, Polmont, Denny, Stenhousemuir, Larbert, Bonnybridge and Bo'ness in its 297 square kilometer footprint. According to the 2011 Census, the population of Falkirk was 156,000 which is a 7.4% growth rate since 2001 - the seventh largest increase in Scotland.

#### 1. Gender

According to the 2011 Census, there were 76,100 men (48.8% of the total) and 79,900 women (51.2%) living in the Falkirk Council area in 2011.

#### 2. Disability

According to the Scottish Household Survey (2009-10), 15% of Falkirk's population had a disability, 13% had a limiting long term illness, and 19% had both. In February 2012, 2,950 people claimed Employment Support Allowance, 5,130 claimed Incapacity Benefit, and 10,630 claimed Disability Living Allowance.

#### 3. Age

The age structure of Falkirk as per the 2011 Census is as follows:

Age Group	Total	Falkirk %	Scotland %
0 – 4	9300	6	5.5
5 – 14	17300	11.1	10.6
15 - 24	18100	11.6	13.1
25 – 44	43000	27.5	26.4
45 – 64	43000	27.5	27.5
65 – 74	14100	9.1	9.1
75+	11300	7.2	7.8

#### 4. Race

In 2001, the Census identified minority ethnic communities made up 1% of the population of Falkirk, half the Scotland figure of 2.0%. The largest group is Pakistani followed by Chinese and Indian. Since 2001, there has been an influx to the UK of migrants from the EU, particularly from the east European accession states. The Workers Registration Scheme, which ran from 2004 to 2011, recorded some 1,350 people from Eastern Europe coming to Falkirk within this period, of whom around half were from Poland and 20% each from Lithuania and Slovakia. These figures however, are not a reliable indicator of the number of people from eastern Europe living in the area, as they do not include dependents and there is no guarantee that people who originally registered in any local authority area remained there – they may have returned home, or moved on to another area. It is hoped that the results of the 2011 census will give a better

picture of how many of these people have remained in the area. The number of registrations of Polish people has decreased substantially since a peak in 2007; the number of registrations of Romanian people is relatively small but has increased substantially since 2007.

## 5. Religion and Belief

The 2001 Census, the population of Falkirk indicated the following religious affiliations:

Religion	% of Falkirk Population
Church of Scotland	48.24
Roman Catholic	12.9
Other Christian	4.91
Jewish	0.04
Buddhist	0.06
Muslim	0.55
Another Religion	0.37
Hindu	0.03
Sikh	0.04
None	28.76
Not Answered	4.91

## 6. Gypsy / Travellers

There is a significant Gypsy/Traveller population within Scotland (no official figures exist). Gypsy/Travellers can experience a number of problems, which include negative stereotyping, housing, health and education difficulties. The media can portray a negative slant on Gypsy/Traveller culture. Falkirk Council employs a Travelling Persons Officer who is based at the Travelling Persons Site, Redding Industrial Estate, Redding, Falkirk. There are 15 hard stand pitches with individual access to a chalet with toilet and washing facilities. One of the chalets is suitable for a wheelchair user. All caravans can be connected to an electricity supply. The site has its own CCTV system. Further details on how to apply for a pitch and how the pitches are allocated can be found on the Falkirk Council website.

## 7. Lesbian, Gay, Bisexual and Transgender (LGBT)

The UK Government estimates that 5-7% of the population are gay, lesbian or bisexual. Applying this to Falkirk's population suggests there are potentially between 7,720 and 10,800 lesbian, gay or bisexual adults in Falkirk. According to the British Social Attitudes Survey 2008, 94.6% of the population states that they are heterosexual, 0.6% are gay, 0.3% are lesbian, 0.4% are bisexual, 1.6% of respondents 'could not choose', and 2.5% did not answer. According to the Household Survey experimental statistics 2010/11, 1.4% of Scotland's population is gay, lesbian or bisexual. If these Scottish and UK figures are applied to Falkirk, it is estimated that there are just over 2,000 gay, lesbian or bisexual people in the Falkirk Council area.

No data is available on the number of transgender and transsexual people within the Falkirk Council area.

Falkirk Council is a partner in the Forth Valley LGBT Development Group ([www.lgbtyouth.org.uk/falkirk](http://www.lgbtyouth.org.uk/falkirk)).

FK1include is a group for lesbian, gay, bisexual and transgender young people and their friends and allies aged 13-26. The group meets at Park Street Community Education Base, Park Street, Falkirk every Thursday between 6.30-8.30pm.

## **Falkirk Council Employees**

Falkirk Council is the largest local employer within Falkirk.

### **1. Gender**

The employment pattern in the Council is heavily gender segregated: men are concentrated in technical roles such as technical services and construction repairs and maintenance and women work mostly in areas such as social renewal, learning and people development, clerical and administrative, and business support.

In March 2012, women represented approximately 72% of the council's workforce, but tended to be clustered in lower grades.

49% of female employees work part-time compared to 10% of male employees. The percentage of part-time employees who are female is increasing and the percentage of males who work part-time has remained static, or in some services shrunk.

### **2. Disability**

1.8 % of the workforce state that they are disabled. However, this figure will be inaccurate because many employees will not 'self-declare' and many will become disabled during their working life. 24% of disabled employees work part-time compared with 41% of non-disabled employees.

### **3. Age**

The majority (56%) of Falkirk Council's workforce is above 44 years of age. Only 20% of the workforce is under 35 years of age. 4.3% of the workforce is aged between 16 and 24 compared with 11.25% of the local population. 2.3% of the workforce is aged between 65 and 74.

### **4. Race**

The majority (99.45%) of Falkirk Council's workforce is White. Only 0.55% of the workforce are from minority ethnic communities, although they make up at least 1% of the population of Falkirk.

### **5. Religion and Belief**

The majority of Falkirk Council's workforce (66.92%) is Christian. 27.22% of the workforce state that they have no religion, and 2.57% belong to other religions. The largest non-Christian group is Muslim, but all the major religions are represented throughout the workforce.

### **6. Lesbian, Gay, Bisexual and Transgender (LGBT)**

There is currently no specific information available.



## Appendix 4

### Consultation

This draft schedule is available on our website at [www.falkirk.gov.uk](http://www.falkirk.gov.uk)

It will be sent to all the consultees listed below and will be sent to any other interested party on request.

The consultation period is 3 June 2013 to 20 September 2013. Thereafter all responses will be considered and any appropriate adjustments made.

If you require any further information, please contact the Clerk to the Board, Falkirk Council, Municipal Buildings, West Bridge Street, Falkirk, FK1 5RS.

#### Schedule of Consultees

1. Falkirk Licensing Board and its staff
2. Licensing Standards Officers
3. Falkirk Local Licensing Forum
4. Forth Valley LGTB Development Group
5. Falkirk Disability Access & Assessment Group
6. Central Scotland Regional Equality Council.

