

THE ABERDEENSHIRE LICENSING BOARD

REPORT TO THE ABERDEENSHIRE LICENSING BOARD – 22nd February 2023

EQUALITIES ACT 2010

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

EQUALITIES MAINSTREAMING & OUTCOMES 2021 – 2025 Progress Report

1 Executive Summary/Recommendations

- 1.1 Licensing Boards are public bodies separate to Local Authorities for the purpose of the Equality Act 2010 and therefore require to publish their own policies and action plans relating to the Act. The Licensing Board has worked in partnership with Aberdeenshire Council and the Education Authority in Aberdeenshire in complying with our Equality duties.
- 1.2 The current Board adopted the Equality Policy and Outcomes approved by its predecessor Board at their meeting in June 2022. The document can be found [here](#) (Item 11(i)).
- 1.3 The Equalities Act 2010 (Specific Duties)(Scotland) Regulations 2012 (“the 2012 Regulations”) places a duty on the Council, the Education Authority and the Licensing Board to provide a progress report every two years.
- 1.4 The Council, the Board and the Education Authority publish a joint Progress Report and the purpose of this report is for the Board to consider the part of the progress report relating to the work of the Board prior to approval of the Progress report at Full Council in due course.
- 1.5 **The Licensing Board is recommended to:**
 - 1.5.1 **Consider the progress made by the Board towards meeting the Public Sector Equality Duty and specific duties in terms of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 as set out at Section 7 of the draft Progress Report attached as Appendix 1 to this Report.**
 - 1.5.2 **Approve Section 7 of the Progress Report for Publication as part of a joint Progress Report on behalf of Aberdeenshire Council, the Aberdeenshire Licensing Board and the Aberdeenshire Education Authority in due course.**
 - 1.5.3 **Note that the draft Progress Report also requires to be approved by the Education and Children’s Services Committee and Aberdeenshire Council prior to publication on the Council’s website.**
 - 1.5.4 **Note that the Board’s website will be updated to provide the necessary links to the Progress Report once published by Aberdeenshire Council.**

2. Decision Making Route

- 2.1 This matter has not been considered by the Board previously

3. Discussion

- 3.1 The Public Sector Equality Duty, referred to as the General Duty, is a legal duty under the Equality Act 2010 whereby Local Authorities, Local Education Authorities and Licensing Boards must give 'due regard' to (or to consciously consider) protected characteristics specified in the Act when exercising their public functions.
- 3.2 Furthermore, the Scottish Government passed the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, which came into force in May 2012. These specific duties require all three of the above-named entities to identify and publish fresh Equality Outcomes every four years, and to publish an equality outcomes progress report every two years. This report asks the Board to consider and approve the latest progress report for the three authorities.
- 3.3 Considerable work has been undertaken regarding the integration of equalities into the council's structure, and in respect of our approved Equality Outcomes. It is two years now since publishing the current outcomes, and the Equality Mainstreaming & Outcomes Progress report 2021 - 2025 is now put before the Licensing Board for consideration on progress made in matters relating to the Licensing part of the Equality Outcomes.
- 3.4 The legislation states that an interim report on progress must be made in relation to mainstreaming equalities and also that progress made in respect of the Equality Outcomes is published. The aim is to build on previous work and promote a fairer, more inclusive Aberdeenshire where everyone can feel part of the community and ensure that equalities are always an important consideration in everything we do.
- 3.5 Furthermore we require to publish information in relation to the following:-
- Assess and review policies and practices;
 - Gather and use employee information;
 - Report and publish gender pay gap information;
 - Consider award criteria and conditions in relation to public procurement; and
 - Publish in an accessible manner.

In the main, the Board publishes information in relation to the assessment and review of policies and practices. The Board employs no staff directly, it is administered by Aberdeenshire Council and therefore the remainder of the above bullet points fall within the remit of Aberdeenshire Council and not the Board.

- 3.6 The Progress Report is attached as **Appendix 1** to this report. Section 7 of the report relates to the work of the Board. The section highlights:
- The appointment of an Equalities Ambassador from the Board Members following the election in May 2022
 - The completion of mandatory training by the new Board Members is covered under section 2.21 of the progress report.
 - Continued use of interpretation services if required in relation to licensing hearings
 - The main evidence is in respect of the use of Integrated Impact Assessments in relation to review of Board policies and where any application being considered by the Board requires the Board to consider equalities issues specifically
 - Use of the Council template for reports including Integrated Impact Assessments
 - Board Agendas and Minutes highlight the requirement for the Board to consider equalities issues in making their decisions

3.7 The Progress report will also be considered by the Education and Children’s Services Committee of Aberdeenshire Council (date unknown – possibly 23rd March 2023) and is currently being presented to the Licensing Board for approval. This will be followed by a report to Full Council (date unknown – possibly 27th April 2023) for approval. The purpose of this is to have the joint report approved by all three authorities, those being Aberdeenshire Council, Aberdeenshire Education Authority and Aberdeenshire Licensing Boards, in a transparent manner.

4 Priorities, Implications and Risk

4.1 The Council priorities do not apply to this report as they are set by Aberdeenshire Council and the Licensing Board is a separate entity to Aberdeenshire Council.

4.2 The table below shows whether risks and implications apply if the recommendation(s) is (are) agreed.

Subject	Yes	No	N/A
Financial		X	
Staffing		X	
Equalities and Fairer Duty Scotland	X		
Children and Young People’s Rights and Wellbeing	X		
Climate Change and Sustainability		X	
Health and Wellbeing		X	
Town Centre First		X	

4.3 There are no staffing or financial implications arising from this report.

4.4 An integrated impact assessment has been carried out as part of the development of the proposals set out above. It is included as Appendix 2 and

- *23 positive impacts have been identified under the duties relating to Equalities and Children and Young People’s Rights and Wellbeing.*
- *No negative impacts have been identified*

4.5 There are no risks on a Corporate or Strategic level as these relate to Aberdeenshire Council and the Licensing Board is a separate entity.

Karen Wiles

Clerk to the Board

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Date 10th February 2023

Appendices

Appendix 1: Progress Report

Appendix 2: Integrated Impact Assessment