

East Dunbartonshire Licensing Board

The Equality Act (2010) (Specific Duties) (Scotland)
Regulations 2012

Mainstreaming Report 2017

Introduction

East Dunbartonshire Licensing Board is the licensing authority for the East Dunbartonshire area under the Licensing (Scotland) Act 2005 and the Gambling Act 2005. The Board is distinct from the Council, but is wholly comprised of Council members. Ten members are elected to the Board at the first Council meeting after each ordinary Council election.

Although separate from the Council, the Board is entirely resourced by the Council. It is supported by a Clerk, Depute Clerks and administrative staff all of whom are employed by the Council. There are also 2 Licensing Standards Officers employed by the Council. All application fee revenue received by the Board must be transferred to the Council.

Equality Duty

East Dunbartonshire Licensing Board is a public authority under the Equality Act 2010. As a public authority it has a duty to ensure that it is conducting its activities with due regard to the need to:-

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not.

In view of the sharing of resources between the Board and the Council, and the commonality of Equality duty, the following duties are addressed in the Council's Report, to which this Report is attached:-

- To gather and use employee information to better perform the equality duty;
- To publish gender pay gap information;
- To publish statements on equal pay;
- To consider award criteria and conditions in relation to public procurement.

Board members are required to undertake training in terms of the Licensing (Scotland) Act 2005 before they may sit on the Board. They are also provided with more general training to assist them in their quasi-judicial decision making roles as Councillors as well as Licensing Board members. This training includes equality and diversity awareness training.

Licensing Board Objectives

The broad objectives of the licensing regimes for which the Board has responsibilities under the Licensing (Scotland) Act 2005 and the Gambling Act 2005 are respectively as follows:

The Licensing (Scotland) Act 2005

Appendix 1

- 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

Licensing Activities

The Acts, related Regulations and Government and Guidance set out the Board's responsibilities and functions for regulating alcohol sales and gambling activities within the East Dunbartonshire area. These include formulating policy, receiving and processing applications, considering complaints and reviewing licences. In exercising its functions the Board must have regard to the respective licensing objectives.

The Board has the following policies;-

Statement of Licencing Policy in terms of Section 6 of the Licensing (Scotland) Act 2005
Statement of Principles in terms of Section 349 of the Gambling Act 2005

Functions under the Licensing (Scotland) Act 2005

Following the Council elections in May 2017 and the subsequent election of a new Licensing Board a new Statement of Policy, including an overprovision policy, will be prepared by the Board in terms of the Licensing (Scotland) Act 2005. As part of the preparation process the draft Statement will be sent for comment, to statutory consultees and interest groups selected by the Board having regard to the Equality duty. The East Dunbartonshire Council's guidance and toolkits will be used to monitor the new policy by carrying out an equality impact assessment.

The Board's more general functions include:

- Receiving, processing and determining a variety of applications such as those for premises licence, personal licence and occasional licences;
- Receiving, processing and determining applications to vary or transfer licences;
- Reviewing licences.

Functions under the Gambling Act 2005

When preparing its Statement of Principles the Board is required to consult with prescribed bodies and persons. By carrying out an equality impact assessment using the East Dunbartonshire Council's guidance and toolkits, the Board's future policy will be monitored.

The Board's more general functions for regulating gambling activities, such as betting and gaming machine use, include;

- Receiving, processing and determining a variety of applications such as premises licence and permit applications;
- Receiving, processing and determining applications to vary or transfer licences;
- Reviewing licences.
- Registering Societies for small society lotteries
- Reporting to the Gambling Commission

Licensing Board Accessibility

The Board's Licensing pages and application forms are available online with alternative formats and language versions available on request.

The Licensing Board which generally conducts its hearings in public, take place on the first floor chambers of the Council headquarters which are accessible by lift and are served by a hearing induction loop.