Aberdeenshire Licensing Boards

Sex Discrimination Act 1975, as amended

The Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007

Meeting the Gender Equality Duty

Consultation Document

14th May 2007

Legal Duties

The Gender Equality Duty has been created by the Sex Discrimination (Public Authorities)(Scotland) Order 2007, which amends the Sex Discrimination Act 1975 to place a duty on public authorities, when carrying out their functions, to have due regard to the need to:-

- Eliminate unlawful discrimination and harassment; and
- Promote equality of opportunity between men and women.

Unlawful discrimination means:

- Direct and indirect discrimination against women and men, in employment and education, in goods, facilities and services and in the exercise of public functions;
- Harassment, sexual harassment and discrimination on the grounds of pregnancy and maternity leave;
- Discrimination on the grounds of gender reassignment in employment and vocational training;
- Direct and indirect discrimination in the employment field on the grounds that a person is married or a civil partner;
- Victimisation as a result of raising or intending to raise a complaint; or acting as a witness or giving evidence in support of someone raising a complaint.

Licensing Boards are classed as a public authority in terms of these Regulations, and require to produce a Gender Equality Scheme, grounded on evidence-based objectives.

Definition of Gender

The legal definition of gender refers to the wider social roles, attitudes, values and behaviours attributed to women and men by society. For example, traditionally, a gender role would suggest that women should look after the children, while men go out to work.

The Gender Equality Commission focuses on the following groups of people -

- Men
- Women

- Boys
- Girls
- Transsexuals/Gender re-assignment (commonly called "sex change")
- Pregnancy
- Maternity/paternity/maternity support leave
- Married People or Single People[1]

Requirement for Consultation

In setting the Boards' Gender Equality Objectives, the Boards first require to consult with stakeholders on gender equality issues and to take into account any relevant evidence.

The Boards will consult with:-

- Individual Licence holders
- The Aberdeenshire, Banffshire and Kincardineshire Licensed Trade Association
- Local Pubwatch Groups
- Statutory Consultees
- Licensing Board Members
- Aberdeenshire Council's Equalities Officer
- Local Solicitors
- The Aberdeenshire Community Safety Forum
- The Aberdeenshire Alcohol and Drugs Action Team
- All Licensing staff within Aberdeenshire

The Boards would greatly appreciate it if you would take 10 minutes to complete the attached questionnaire.

I have provided a return envelope for your reply. Please submit your response by 1st June 2007 at the latest.

Fiona M. Stewart
Depute Clerk

[1] Source: Gender Equality Duty: Guidance on the Duty for Local Government in Scotland, March 2007

APPENDIX 2

Gender Equality Scheme
Questionnaire
2007

Direct Discrimination

Direct Discrimination is: where a person is treated less favourably than another on the grounds of gender.

1. For each of these groups of people defined under gender (e.g. women, men, boys, girls, transsexuals, etc.) are you aware of any **direct** discrimination in the following aspects of Aberdeenshire Licensing Boards?

Please outline below the group you think is affected and tick each box where you think direct discrimination has occurred.

Group	**Appointment of Board Members/Office Bearers & Officials**	**Application Processing**	**Objections/ Complaints**	**Boards' Procedures**	**Taking & Implementing Decisions**	**Enforcement**	**Formulating & Applying Policies**

1a. If you have ticked any of these boxes, please give a brief description of the discrimination involved.

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Indirect Discrimination

Indirect discrimination is when the same rules apply to everyone but they affect one gender more than another e.g. if there is no good reason for everyone to begin work at 6.00a.m., this may affect women with young children more than men.

2. For each of the groups of people defined under gender, are you aware of any **indirect** discrimination in the following aspects of Aberdeenshire Licensing Boards?

Please outline below the group you think is affected and tick each box where you think indirect discrimination has occurred.

Group	**Appointment of Board Members/Office Bearers & Officials**	**Application Processing**	**Objections/ Complaints**	**Boards' Procedures**	**Taking & Implementing Decisions**	**Enforcement**	**Formulating & Applying Policies**

2a. If you have ticked any of these boxes, please give a brief description of the discrimination involved.

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3. Can you suggest anything that Aberdeenshire Licensing Boards could do to prevent discrimination on the grounds of gender?

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Harassment

Harassment is when a person is subject to abuse, hostile behaviour or other unwelcome conduct because of their gender.

4. For each of these grounds of people defined under gender are you aware of any **Harassment** in the following aspects of Aberdeenshire Licensing Boards?

Please outline below the group you think is affected and tick each box where you think harassment has occurred.

Group	**Appointment of Board Members/Office Bearers & Officials**	**Application Processing**	**Objections/ Complaints**	**Boards' Procedures**	**Taking & Implementing Decisions**	**Enforcement**	**Formulating & Applying Policies**

4a. If you have ticked any of these boxes, please give a brief description of the harassment involved.

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5. Can you suggest anything that the Aberdeenshire Licensing Boards could do to prevent harassment on the grounds of gender?

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Victimisation

Victimisation is punishing or treating someone unfairly because they have made a complaint of discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint.

6. For each of these groups of people defined under gender are you aware of any **victimisation** in the following aspects of Aberdeenshire Licensing Boards?

Please outline below the group you think is affected and tick each box where you think victimisation has occurred.

Group	**Appointment of Board Members/Office Bearers & Officials**	**Application Processing**	**Objections/ Complaints**	**Boards' Procedures**	**Taking & Implementing Decisions**	**Enforcement**	**Formulating & Applying Policies**

6a. If you have ticked any of these boxes, please give a brief description of the victimisation involved.

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7. Can you suggest anything that the Aberdeenshire Licensing Boards could do to prevent victimisation on the grounds of gender?

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Employment Within Licensing Services of Aberdeenshire Council

8. Are you aware of any occupational segregation within licensing Services in Aberdeenshire Council? (The term 'occupational segregation' refers to the way in which men and women are concentrated in different types of employment, often due to stereotypes about what work is suitable for their sex)

Yes ☐

No ☐

9. If you are aware of occupational segregation, please suggest what actions could be taken by the Council or the Licensing Boards to eliminate it.

10. Are you aware of any other barriers to gender equality within Aberdeenshire Licensing Boards? If so, please say what they are.

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What could the Licensing Boards do?

11. Thing about men, women, boys, girls, transsexuals etc., what could the Licensing Boards do to promote gender equality?

12. Please suggest any further improvements that could be made within Aberdeenshire Licensing Boards to address gender inequality.

Gender Equality Scheme
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General Information

Under the Gender Equality Duty, the Licensing Boards need to gather information on the background of people accessing their Services on the basis of ethnicity, disability, age, sexual orientation and other equality issues. This information will be collated to provide statistical information against which the Boards will assess whether the service provided is complying with equalities legislation.

Your answers to the following questions about yourself will help the Boards to understand everyone's concerns better.

Please tick one box only for each question asked

13. Are you male? YES ☐ NO ☐

Under 16? ☐
Over 16? ☐

14. Are you female? YES ☐ NO ☐

Under 16? ☐
Over 16? ☐

15. Are you employed in Licensing Services in Aberdeenshire Council? YES ☐ NO ☐

Thank you for taking the time to complete this survey. It will help the Boards to produce a good Gender Equality Scheme and make sure that the Boards have taken people's views into account.

Please return your completed questionnaire by **Friday 1st June 2007.**
Staff can e-mail their response to fiona.stewart@aberdeenshire.gov.uk

All other stakeholders should return their completed survey by post using the envelope provided or to the following address:

For the Attention of Fiona Stewart
Aberdeenshire Council
Law and Administration
St. Leonards
Sandyhill Road
Banff, AB45 1XH For those who are on legal post to LP6, Banff

If you have any queries about the survey, please contact:

Fiona M. Stewart 01261 813320 fiona.stewart@aberdeenshire.gov.uk