

# **Aberdeenshire Licensing Boards**

**Race Relations Act 1976**

**Race Relations (Amendment) Act 2000**

**Race Equality Scheme 2008 - 2011**

**Consultation on replacement of Scheme and  
Action Plan**

**23<sup>rd</sup> May 2008**

## Legal Duties

The Race Equality Duty has been created by the Race Relations (Amendment) Act 2000, which amends the Race Relations Act 1976 to place a duty on public authorities, when carrying out their functions, to have due regard to the need to:-

- Eliminate unlawful race discrimination and harassment; and
- Promote equality of opportunity and good race relations between people from different racial groups.

Unlawful discrimination can be either direct or indirect.

**Direct racial discrimination** means treating a person less favourably than another on racial grounds.

**Indirect racial discrimination** means that a requirement or condition which is applied to everyone:

- Can only be met by a considerably smaller proportion of people from a particular racial group;
- Is to their detriment; and
- Cannot be justified on non-racial grounds.

**Racial grounds** are on grounds of colour, race, and nationality or ethnic or national origins.

**Institutional Racism** is the “collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour, which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people.”

Licensing Boards are classed as a public authority in terms of these Regulations, and produced a Race Equality Scheme in November 2003. This Scheme proved to be unworkable and has not been kept up-to-date. A copy of this scheme can be found at [www.aberdeenshire.gov.uk/licensing](http://www.aberdeenshire.gov.uk/licensing) .

The Board have revised their Race Equality Scheme and intend to produce a revised Action Plan. Again, copies of the draft Scheme

can be found on the Boards' website. Alternatively, paper copies are available from the licensing office listed at the end of this document.

## **Consultation on the Proposed Revised Scheme**

The Boards' Scheme is an evolving Plan. **Your views are important and help to shape that Plan.** To that end the Boards are looking for your input as part of their consultation on the revised Scheme.

In carrying out this consultation the Boards are seeking the views of:-

- 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
- Grampian Race Equalities Council
- Grampian Racist Incident Partnership
- Community Planning's Access to Aberdeenshire Group

The Boards would greatly appreciate it if you would take 10 minutes to complete an on line questionnaire. The questionnaire can be found at [www.aberdeenshire.gov.uk/licensing](http://www.aberdeenshire.gov.uk/licensing) . If you do not have access to the internet, paper copies can be made available on request as listed at the end of this document.

Please submit your response by 29<sup>th</sup> August 2008 at the latest.

Fiona M. Stewart  
Depute Clerk

St. Leonards  
Sandyhill Road  
Banff  
AB45 1BH

Telephone 01261 813320

Fax 01261 815664

E-mail [Fiona.stewart@aberdeenshire.gov.uk](mailto:Fiona.stewart@aberdeenshire.gov.uk)

**Race Equality Scheme  
Questionnaire  
2008**

**Direct Discrimination**

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

1. are you aware of any **direct** discrimination towards ethnic minority groups 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.

**Race Equality Scheme  
Questionnaire  
2008**

**Indirect Discrimination**

Indirect discrimination is when the same rules apply to everyone but they affect one ethnic group of persons more than another.

2. Are you aware of any **indirect** discrimination towards ethnic minority groups 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.

**Race Equality Scheme  
Questionnaire  
2008**

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



**Race Equality Scheme  
Questionnaire  
2008**

**Harassment**

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

4. Are you aware of any **Harassment** towards ethnic minority groups 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.

**Race Equality Scheme  
Questionnaire  
2008**

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

**Race Equality Scheme  
Questionnaire  
2008**

**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. Are you aware of any **victimisation** towards ethnic minority groups 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.

**Race Equality Scheme  
Questionnaire  
2008**

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



**Race Equality Scheme  
Questionnaire  
2008**

**Employment Within Licensing Services of Aberdeenshire Council**

8. Are you aware of any discrimination on the grounds of race within licensing Services in Aberdeenshire Council?

Yes

No

9. If you are aware of discrimination on the grounds of race, 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 race equality within Aberdeenshire Licensing Boards? If so, please say what they are.

**Race Equality Scheme  
Questionnaire  
2008**

**What could the Licensing Boards do?**

11. What could the Licensing Boards do to promote race equality?

12. You have seen the draft actions that the Boards have indicated in their proposed Action Plan to be completed over the next 3 years. Do you think the actions are achievable within the timescale set down? Are there any other actions that you think the Board would be able to take in order to comply with the legal requirements?

**Race Equality Scheme  
Questionnaire  
2008**

**General Information and Monitoring Form**

Under the Race 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 – Notes are provided at the end of the form*

<p><b><u>Marital Status</u></b>      <input type="checkbox"/> No declaration</p> <p><b>Are you:</b></p> <p><input type="checkbox"/> Married/Civil Partnership</p> <p><input type="checkbox"/> Single</p> <p><input type="checkbox"/> Living with partner</p> <p><input type="checkbox"/> Separated/Divorced</p> <p><input type="checkbox"/> Widowed</p>	<p><b><u>Religion or Belief</u></b>      <input type="checkbox"/> No declaration</p> <p><b>Are you:</b></p> <p><input type="checkbox"/> Church of Scotland    <input type="checkbox"/> Catholic</p> <p><input type="checkbox"/> Protestant                <input type="checkbox"/> Hindu</p> <p><input type="checkbox"/> Other Christian         <input type="checkbox"/> Sikh</p> <p><input type="checkbox"/> Buddhist                 <input type="checkbox"/> Jewish</p> <p><input type="checkbox"/> Muslim                    <input type="checkbox"/> No religion/belief</p> <p><input type="checkbox"/> Other (please write in):</p>
<p><b><u>Disability</u></b>      <input type="checkbox"/> No declaration</p> <p><b>Are you:</b></p> <p><input type="checkbox"/> Disabled</p> <p><input type="checkbox"/> Hidden Disability</p> <p><input type="checkbox"/> Not disabled</p> <p><b>If you have ticked the disabled box what type of disability do you have:</b></p> <p><input type="checkbox"/> Physical or motor impairment</p> <p><input type="checkbox"/> Visual impairment</p> <p><input type="checkbox"/> Learning Difficulties</p> <p><input type="checkbox"/> Epilepsy</p> <p><input type="checkbox"/> Mental Health Issues</p> <p><input type="checkbox"/> Hearing Impairment</p> <p><input type="checkbox"/> Diabetes</p> <p><input type="checkbox"/> Communication Difficulties</p> <p><input type="checkbox"/> Long-term illness</p> <p><input type="checkbox"/> Other Disability</p>	<p><b><u>Sexual Orientation</u></b>      <input type="checkbox"/> No declaration</p> <p><b>Are you:</b></p> <p><input type="checkbox"/> Bisexual</p> <p><input type="checkbox"/> Heterosexual/straight</p> <p><input type="checkbox"/> Gay man</p> <p><input type="checkbox"/> Gay woman/lesbian</p> <p><b><u>Trans Identity</u></b>      <input type="checkbox"/> No declaration</p> <p><b>Have you ever considered yourself to be a Trans Person?</b></p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><b><u>Caring</u></b>      <input type="checkbox"/> No declaration</p> <p><b>Do you have a caring responsibility?</b></p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

**What is Your Ethnic Origin**

No declaration

Choose one section from **A** to **E** then tick the appropriate box to indicate your cultural background

**A. White**

Scottish

Welsh

English

Northern Irish

Irish

British

Any other White Background, **please write in**

.....

**B. Mixed**

Any mixed background, **please write in**

.....

**C. Asian, Asian Scottish, Asian English, Asian Welsh, or other Asian British**

Indian

Pakistani

Bangladeshi

Chinese

Any other Asian background, **please write in**

.....

**D. Black, Black Scottish, Black English, Black Welsh, or other Black British**

African

Caribbean

Any other black background, **please write in**

.....

**E. Other ethnic background**

Gypsy/Traveller

Polish

Any other background, **please write in**

.....

**Please see the notes overleaf for assistance with completion of each section**

## **Notes**

### **Statement**

The Boards recognise the importance of equality of opportunity. The Boards aim to achieve this by ensuring the operation of fair and consistent practices that take account of the diversity of groups and individuals. Equality is an issue for everyone, who must adhere to, and can expect, certain standards of behaviour.

### **Information for the Completion of the Equality and Diversity Monitoring Form**

All information provided on the Equality and Diversity Monitoring Form is treated with the strictest of confidence and is not made available to anyone other than for monitoring purposes. If you do not wish to provide information relating to a specific category please tick the 'No declaration' box, which is next to the heading of each section. All sections are detailed within the Human Rights Act 1998.

### **Marital Status**

Please tick the box that best describes your current marital status.

### **Disability (The Disability Discrimination Act 2005)**

Please tick the box that is relevant to you. Disability is any physical or mental impairment that has a substantial (i.e. not minor or trivial and long-term adverse effect on your ability to carry out normal day-to-day activities, such as effective communication, eating, washing, walking and going shopping).

### **Religion or belief (The employment Equality (Religion or Belief) Regulations 2003)**

Please tick the box that is relevant to you. Should you belong to a specific religious or belief group that is not listed, choose either 'other Christian' or 'Other' and identify the group to which you belong in the space provided.

### **Ethnic Origin The Race Relations (Amendment) Act 2000)**

Please tick the box which best describes your ethnic origin. The classifications are based on the 2001 Census in order that comparisons may be made with the local population. Our ethnic background describes how we think of ourselves. This may be based on many things, including our skin colour, language, culture, ancestry or family history. Ethnic background is not the same as nationality or country of birth.

### **Sexual Orientation (The Employment Equality (Sexual Orientation) Regulations 2003)**

Please tick the box that is relevant to you. These classifications are based on recommendations made by Stonewall Scotland.

### **Trans Identity (The Gender Recognition Act 2004)**

Please tick the box if you ever considered yourself to be a Trans person (transgender).

### **Caring Responsibilities (The Work and Families Act 2006)**

Carers are persons with caring responsibilities that have an impact on their working lives. These persons are responsible for the care and support of disabled, sick or elderly partners, relatives or friends who are unable to care for themselves.

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 Race Equality Scheme and make sure that the Boards have taken people's views into account.

Please return your completed questionnaire by **Friday 29<sup>th</sup> August 2008**.

Staff can e-mail their response to [fiona.stewart@aberdeenshire.gov.uk](mailto: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](mailto:fiona.stewart@aberdeenshire.gov.uk)