

CLACKMANNANSHIRE LICENSING BOARD

EQUALITIES STATEMENT

CLACKMANNANSHIRE LICENSING BOARD EQUALITIES SCHEME

PART I - INTRODUCTION

1.1 Clackmannanshire Licensing Board ("the Board") is the Board constituted for the Local Government Area of Clackmannanshire in terms of the Licensing (Scotland) Act 2005. The Board is responsible for the administration of liquor and gambling licensing within Clackmannanshire and in particular is responsible for the processing of applications for the following:-

- . Grants of licences under the Licensing (Scotland) Act 2005; and
- . Grants of licences and permits under the Gambling Act 2005.

1.2 The Board comprises nine Members of Clackmannanshire Council ("the Council") elected at the first Council meeting after each ordinary Council election. While the Board's members are also members of the Council, the Board is a separate legal body and operates independently of the Council.

1.3 All revenue received by the Board from licence and permit application fees must be transferred to the Council. The Council is responsible for providing accommodation for Board meetings and for all necessary expenses in respect of the proceedings of the Board. All staff carrying out the Board's responsibilities are appointed and employed by the Council.

1.4 The close connections between the Board and the Council mean that the Board is aware of and able to benefit from the actions taken by the Council in compliance with race, disability and gender equality obligations.

1.5 The Equalities Scheme contained herein sets out how the Board will ensure compliance with their relevant obligations under the applicable legislation

**CLACKMANNANSHIRE LICENSING BOARD
EQUALITIES SCHEME
PART II - RACE EQUALITIES SCHEME**

- **RACE RELATIONS (AMENDMENT) ACT 2000**
- **RACE RELATIONS ACT 1976 (STATUTORY DUTIES) (SCOTLAND) ORDER 2002**

RACE EQUALITY SCHEME

1. Race Equality

1.1 In terms of the Race Relations (Amendment) Act 2000 and the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002, the Board has duties to:-

- eliminate unlawful racial discrimination.
- promote equality of opportunity.
- promote good race relations between people of different racial groups.

1.2 In pursuance of its duties under the legislation, the Board has an obligation to prepare and publish a Race Equality Scheme and this document constitutes the Board's Race Equality Scheme ("the Scheme").

1.3 The Scheme identifies the functions and policies of Clackmannanshire Licensing Board that require to be monitored and assessed to ensure that the Board is complying with its general statutory duty. The Board will seek to reflect the general statutory duty in its structures and activities.

2. The Race Equality Scheme

2.1 The Scheme is the Board's plan stating how it intends to meet its general duty. The Board is required in the Scheme to identify those of its functions and policies or proposed policies which are considered relevant to issues of race equality. The Scheme must go on to identify the Board's arrangements for:-

- assessing and consulting on the likely impact of its proposed policies on the promotion of race equality;
- monitoring its proposed policies for any adverse impact on the promotion of race equality;
- publishing the results of its assessments, consultations and monitoring;
- ensuring public access to information and services; and
- training staff in connection with its general and particular duties for the promotion of race equality.

2.2 The Scheme is intended to cover the period from adoption to December 2010 and will be subject to review at the end of that period.

3. Monitoring of Applications for Licences

3.1 The Board will seek, in co-operation with the Council, to implement a race monitoring scheme. Data will be cross-referenced to data gathered in relation to other equalities e.g. disability equality. Consideration will be given to extending this monitoring to complaints processed by the Board.

3.2 The Board will introduce its own specific monitoring in relation to licensing applications.

4. The Board's Functions

4.1 The Board is a statutory body which derives its powers from principally the Licensing (Scotland) Act 2005 and the Gambling Act 2005.

4.2 The Board's principal business is the consideration of applications for various types of licence under the above statutes.

4.3 In relation to each category of licence there are a number of different applications that may be submitted. These may include for example -

- applications for new personal and premises licences;
- applications for extended hours and occasional licences for licensed premises and personal licence holders;
- applications for variations or transfer of licences.

4.4 In addition to the consideration of applications detailed in paragraph 4.2, the Board performs a number of other functions in relation to licences e.g. considering review of licences.

5. Consultation

5.1 The Board is required to have and identify arrangements for assessing and consulting on the likely impact of its proposed policies on the promotion of race equality. All policies that may be presented to the Board in the future shall include details of:-

- an assessment of the impact of the proposed policy on race equality.
- any consultation carried out in conjunction with that assessment.
- any action proposed in consequence of that assessment and consultation.

5.2 The Board shall have regard to the provisions of the Scheme in reaching any decision on a proposed policy.

5.3 The Board shall monitor the operation of its Statement of Licensing Policy and any policy that may be introduced in the future for any adverse impact on race equality and the effects of any such policies shall be subject to regular scrutiny.

6. Publicity

6.1 The Board shall, in relation to any policies that may be adopted in the future, identify the arrangements the Board shall make to publish the results of any assessments, consultations and monitoring that may be carried out to establish whether or not its policies have any impact on racial equality. The Board shall also keep under review any requirement for further publicity in connection with any policy that may be adopted by the Board.

6.2 The Scheme shall be circulated to all Members and Officers of the Board and a public notice shall be published on the Council's website (www.clacksweb.org) advising of the existence of the Scheme and its availability online and for inspection at the Board's public office at Greenfield, Alloa.

The public notice shall invite comments and feedback for use in connection with review of the Scheme.

7. Complaints

The Board shall deal appropriately with all complaints made to it with regard to race equality. The Board shall consider whether there are any barriers to the making of complaints and what action can be taken in relation to any such barriers.

8. Training

8.1 The Board will identify arrangements for training staff in relation to their duties to promote racial equality and ensure equality of opportunity. The Board is committed to ensuring that its support staff receive adequate training in these areas.

8.2 The staff of the Licensing Board are employees of the Council and appropriate training will be delivered by the Council to all its staff.

8.3 The Board considers that its own members should receive training in its duties to promote racial equality and to ensure equality of opportunity. Equalities awareness will be included in the induction training for members of the Board. As members of the Council, Board members will have the benefit of relevant training provided by the Council

9. Action Plan

The Scheme identifies the actions that shall be taken by the Board to meet its general and particular duties to promote race equality and the attached action plan contains a summary of these actions.

RACIAL EQUALITY SCHEME ACTION PLAN

What the Board will do and when it will do it

Review

Review the Scheme three yearly

Review the Scheme annually and report to the Board members

Assessment

Assessing the impact of its policies and practices on racial equality

Consultation

Require all reports presented to it proposing policies that have any significant relevance to disability equality to include details of:-

- any assessment of the impact of the proposed policy on racial equality;
- any consultation carried out in conjunction with that assessment;
- any action, including monitoring where appropriate, proposed in consequence of that assessment and consultation; and
- Discuss with the Clackmannanshire Local Licensing Forum an appropriate means of consulting on policies potentially impacting on disability equality.

The effects of policies will be subject to regular scrutiny as part of the annual review process. This issue will also be explored in discussions with the Clackmannanshire Local Licensing Forum

Publicity

As part of the annual review process consider whether further publicity including publicity in relation to the Scheme itself is required.

The Licensing Board will use its consultation process to determine what action if any is required to develop public awareness

The Scheme will be published and circulated to all members and officers of the Board. Copies will be available from the Council by writing to:

Licensing Administrator
Greenfield
Alloa
FK10 2AD

Tel: 01259 452093
Email: licensing@clacks.gov.uk

The Scheme will be published on the Council's website (www.clacks.gov.uk)

The Scheme will be circulated to all staff employed in the Licensing Section, to Council members and to any other interested parties

Translations and other formats will be made available by arrangement

Training

Equalities awareness will be included in the induction training for members of the Board.

Equalities awareness will be included in the training given to Licensing Board staff

Council Equality Scheme

Where any matters of the Scheme do not cover the subject matter in hand, the Board will comply with Clackmannanshire Council's Equalities Scheme 2007-2010 (as amended)

**CLACKMANNANSHIRE LICENSING BOARD
EQUALITIES SCHEME
PART III - DISABILITY EQUALITIES SCHEME**

- **DISABILITY DISCRIMINATION ACT 1995**
- **THE DISABILITY DISCRIMINATION (PUBLIC AUTHORITIES) (STATUTORY DUTIES)(SCOTLAND) REGULATIONS 2005**

DISABILITY EQUALITY SCHEME

1. Disability Equality

1.1 In terms of the Disability Discrimination Act 1995 (the “Act”) as amended by the Disability Discrimination Act 2005 the Board has been placed under a general duty when carrying out its functions to have due regard to the need to:-

1.1.1 eliminate discrimination that is unlawful under the Act;

1.1.2 eliminate harassment of disabled persons that is related to their disabilities;

1.1.3 promote equality of opportunity between disabled persons and other persons;

1.1.4 take steps to take account of disabled persons’ disabilities, even where that involves treating disabled persons more favourably than other persons;

1.1.5 promote positive attitudes towards disabled persons; and

1.1.6 encourage participation by disabled persons in public life.

These six elements will be referred to throughout this Scheme as the general duty.

1.2 In terms of the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 (the “Regulations”) the Board has been placed under a specific duty to prepare and publish a Disability Equality Scheme. The Scheme has been prepared and published in accordance with that duty.

1.3 The Board will reflect the general duty in all its functions and policies.

2. The Disability Equality Scheme

2.1 The Disability Equality Scheme (“the Scheme”) is the Board’s plan stating how it intends to meet its general duty.

2.2 In its Scheme, the Board is required to identify those of its functions and policies, or proposed policies, which it considers relevant to issues of disability equality.

The Scheme should include a statement of:

2.2.1 The steps proposed to be taken towards fulfilment of its duty, set out in the Scheme and Action Plan;

2.2.2 The arrangements for gathering information on the effect of its policies and practices on disabled persons, for reviewing on a regular basis the effectiveness of the Scheme and for revising it; and

2.2.3 The arrangements for making an annual report.

2.3 As a matter of practice the Board will continually monitor the implementation of the Scheme.

2.4 Although the Board has a legal status, separate from the Council, it is resourced entirely by the Council and the statements at paragraph 2.2 above will be compiled with largely by the Council, under its corresponding corporate processes.

3. Monitoring

3.1 The Board will seek, in co-operation with the Council, to implement a disability monitoring scheme and also in relation to analysing data ingathered. Data will be cross-referenced to data gathered in relation to other equalities e.g. race equality. Consideration will be given to extending this monitoring to complaints processed by the Board.

3.2 The Board will introduce its own specific monitoring in relation to licensing applications.

4. Action Plan and Implementation

4.1 The Action Plan appended to the Scheme contains the Board specific actions which are proposed. However, it is recognised that the Board has a role to play in implementation of the Council's Disability Equality Scheme and the Board will contribute as appropriate to this implementation.

4.2 The Board will implement the actions within the Action Plan within the life of the Scheme. It is recognised that during the period it may become inappropriate to implement a particular action e.g. if review of the Scheme suggests a better alternative. In such circumstances the alternative action will be implemented.

5. Statutory Functions

5.1 The Board is a statutory body which derives its powers from principally the Licensing (Scotland) Act 2005 and the Gambling Act 2005.

5.2 The Board's principal business is the consideration of applications for various types of licence under the above statutes.

5.3 In relation to each category of licence there are a number of different applications that may be submitted. These may include for example -

- applications for new personal and premises licences;
- applications for extended hours and occasional licences for licensed premises and personal licence holders;
- applications for variations or transfer of licences.

5.4 In addition to the consideration of applications detailed in paragraph 5.2, the Board performs a number of other functions in relation to licences e.g. considering review of licences.

6. The Board's Policies

6.1 From the introduction of this Scheme, all reports presented to the Board proposing policies that have any significant relevance to disability equality will include details of:

6.1.1 any assessment of the impact of the proposed policy on disability equality;

6.1.2 any consultation carried out in conjunction with that assessment; and

6.1.3 any action, including monitoring where appropriate, proposed in consequence of that assessment and consultation.

7. Involving Disabled People

7.1 The Board will ensure that disabled people are actively involved in the development of all Board policies and that the views of disabled are reflected in all aspects of the Board's functions.

7.2 Appropriate mechanisms will be developed to ensure that consultation is meaningful and that the outcome of consultations are properly reflected in the work of the Board.

7.3 The Council in terms of the Licensing (Scotland) Act 2005 is required to establish a Local Licensing Forum. The Board will liaise with the Council to ensure that every effort is made to ensure representation of disabled persons on the Forum.

8. Gathering and Utilising Information

8.1 The Board itself will establish information gathering processes in relation to its equality duty. It will also make use as appropriate of relevant information gathered by the Council.

8.2 The Board will ensure that all information gathered is properly analysed and that the results are used to inform decision making processes and to assist in reviewing the Scheme and Action Plan.

9. Publicity

9.1 The Board shall, in relation to any policies that may be adopted in the future, identify the arrangements the Board shall make to publish the results of any assessments, consultations and monitoring that may be carried out to establish whether or not its policies have any impact on disability equality. The Board shall also keep under review any requirement for further publicity in connection with any policy that may be adopted by the Board.

9.2 The Scheme shall be circulated to all Members and Officers of the Board and a public notice shall be published on the Council's website (www.clacksweb.org) advising of the existence of the Scheme and its availability online and for inspection at the Board's public office at Greenfield, Alloa.

The public notice shall invite comments and feedback for use in connection with review of the Scheme.

10. Training

10.1 The Board will identify arrangements for training staff in relation to their duties to promote disability equality and ensure equality of opportunity. The Board is committed to ensuring that its support staff receive adequate training in these areas.

10.2 The staff of the Licensing Board are employees of the Council and appropriate training will be delivered by the Council to all its staff.

10.3 The Board considers that its own members should receive training in its duties to promote disability equality and to ensure equality of opportunity. Equalities awareness will be included in the induction training for members of the Board. As members of the Council, Board members will have the benefit of relevant training provided by the Council.

11. Duration, Review and Annual Report

11.1 The Scheme is intended to cover the period from adoption to December 2010 and will be subject to a full review at the end of that period.

11.2 The Scheme will also be reviewed annually at the anniversary of its introduction and a report will be made to the Board. This will allow the Board to take account of any comments received from individuals or organisations in relation to the Scheme, as well as the Board's own experience of participation in consultation with such representative bodies as the Board considers appropriate.

12.3 The Scheme will also be reviewed as appropriate as the Licensing (Scotland) Act 2005 and the Gambling Act 2005 are implemented.

DISABILITY EQUALITY SCHEME ACTION PLAN

What the Board will do and when it will do it

Review

Review the Scheme three yearly

Review the Scheme annually and report to the Board members

Assessment

Assessing the impact of its policies and practices on disability equality

Consultation

Require all reports presented to it proposing policies that have any significant relevance to disability equality to include details of:-

- any assessment of the impact of the proposed policy on disability equality;
- any consultation carried out in conjunction with that assessment;
- any action, including monitoring where appropriate, proposed in consequence of that assessment and consultation; and
- Discuss with the Clackmannanshire Local Licensing Forum an appropriate means of consulting on policies potentially impacting on disability equality.

The effects of policies will be subject to regular scrutiny as part of the annual review process. This issue will also be explored in discussions with the Clackmannanshire Local Licensing Forum

Publicity

As part of the annual review process consider whether further publicity including publicity in relation to the Scheme itself is required.

The Licensing Board will use its consultation process to determine what action if any is required to develop public awareness

The Scheme will be published and circulated to all members and officers of the Board. Copies will be available from the Council by writing to

Licensing Administrator
Greenfield
Alloa
FK10 2AD

Tel: 01259 452093

Email : licensing@clacks.gov.uk

The Scheme will be published on the Council's website (www.clacks.gov.uk)

The Scheme will be circulated to all staff employed in the Licensing Section, to Council members and to any other interested parties

Translations and other formats will be made available by arrangement

Training

Equalities awareness will be included in the induction training for members of the Board.

Equalities awareness will be included in the training given to Licensing Board staff

Council Equality Scheme

Where any matters of the Scheme do not cover the subject matter in hand, the Board will comply with Clackmannanshire Council's Equalities Scheme 2007-2010 (as amended)

**CLACKMANNANSHIRE LICENSING BOARD
EQUALITIES SCHEME
PART IV - GENDER EQUALITY**

- **Sex Discrimination Act 1975 (as amended)**
- **The Equality Act 2006**
- **The Sex Discrimination (Public Authorities) (Statutory Duties) (Scotland) Order 2007**

Gender Equality Scheme

1. The Gender Equality Duty

1.1 The Sex Discrimination Act 1975, as amended by the Equality Act 2006, and the Sex Discrimination (Public Authorities) (Statutory Duties)(Scotland) Order 2007, imposes a General Duty on all public authorities, including local 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.
- The Board's General Duty is to service users. The Board's staff are employees of the Council and benefit from the Council's General Duty obligations in terms of the Council's Gender Equality Scheme.

1.2 The Board is a public authority in terms of the above regulations and requires to produce a Gender Equality Scheme, containing Gender Equality Objectives which have been determined by taking account of relevant information and evidence.

1.3 The functions and policies of the Board require to be monitored and assessed to ensure that the Board is complying with the General Duty.

1.4 The General Duty provides the Board with the opportunity to review its functions and policies and to challenge prejudice and discrimination through the services it provides.

1.5 In supporting the general principles of gender equality, the Board will also seek, where appropriate, to build the General Duty into its structures and future activities.

2. The Gender Equality Scheme

2.1 The Gender Equality Scheme (“the Scheme”) is the Board’s plan stating how it intends to meet the General Duty. The Licensing Board is required to prepare and publish a Gender Equality Scheme.

2.2 In the Scheme, the Board is required to identify those of its functions and policies, or proposed policies, which it considers relevant to issues of Gender Equality. In its Gender Equality Scheme the Board is required to set out how it will meet the General Duty and include the Board’s arrangements for:-

- gathering information on how its work affects women and men
- consulting with employees, service users and other stakeholders.
- assessing the different impact of policies and practices on both sexes and use this information to inform its work
- identifying priorities and setting gender equality objectives
- planning and taking action to achieve gender equality objectives
- Publishing the Gender Equality Scheme, reporting annually and reviewing progress every three years

2.3 The initial duration of the Scheme is three years. A review of the Scheme is required every three years, but, as a matter of practice the Board will continually monitor the implementation of the Scheme.

2.4 Although the Board is a separate entity from the Council its accommodation, resources and staff are all provided to the Board by the Council. As such, the above arrangements will be carried out under the Council’s corresponding corporate processes as set out in its Gender Equality Scheme.

3. Action Plan and Implementation

3.1 The measures proposed by the Licensing Board for meeting the general and specific duties to promote gender equality will be carried out as part of the Council’s corporate measures in this regard. The Action Plan in the Council’s Gender Equality Scheme, where appropriate, will be reflected in the Board’s proposed measures.

3.2 There are some specific actions, as detailed in the Gender Equality Scheme Action Plan (“the Action Plan”) which is attached as Appendix 1, which the Licensing Board will seek to implement in order to promote gender equality.

3.3 The Board will, within three years of the publication of the Scheme, take the steps which it has set out in the Action Plan, unless, in all the

circumstances it would be unreasonable or impractical to do so. In that event, the Board will consider other and alternative measures if appropriate.

4. The Board's Functions

4.1 The Board is a statutory body which derives its powers from principally the Licensing (Scotland) Act 2005 and the Gambling Act 2005.

4.2 The Board's principal business is the consideration of applications for various types of licence under the above statutes.

4.3 In relation to each category of licence there are a number of different applications that may be submitted. These may include for example -

- applications for new personal and premises licences;
- applications for extended hours and occasional licences for licensed premises and personal licence holders;
- applications for variations or transfer of licences.

4.4 In addition to the consideration of applications detailed in paragraph 4.2, the Board performs a number of other functions in relation to licences e.g. considering reviews of licences.

5. Consultation and Impact Assessment

The Board has consulted stakeholders as to how the Board can prevent discrimination, victimisation and harassment from occurring and how the Board could promote gender equality.

5.2 The Board's Gender Objectives

The Board propose setting the following Gender Equality Objectives, and shall add or amend the same, once the responses to the questionnaire have been considered and have been identified following the analysis of the questionnaire issued:-

- to ensure that the services provided by the Board are free from direct and indirect discrimination on the grounds of gender and will promote equal opportunity for men and women;
- to encourage licence holders to promote gender equality within their licensed premises;
- to support the aims of Clackmannanshire Council's Gender Equality Scheme in relation to Licensing staff; and
- to take positive action to achieve these objectives.

5.3 The Board is required to have and identify arrangements for assessing and consulting on the likely impact of their proposed policies on promotion of gender equality. The Board recognises that the steps required in respect of each policy will vary depending on the nature of the policy and the surrounding circumstances. From the introduction of this Scheme, all reports presented to the Board proposing policies that have any significant relevant to gender equality will include details of:-

- any assessment of the impact of the proposed policy on gender equality;
- any consultation carried out in conjunction with that assessment; and
- any action, including monitoring, where appropriate, proposed in consequence of that assessment and consultation.

The Board will consider these matters in reaching its decision on the proposed policy. In particular, the Board will have regard to them when developing and consulting on their Statements of Licensing Principles under the Gambling Act 2005 and the Licensing (Scotland) Act 2005.

5.4 The Board is required to have and identify arrangements for monitoring its policies for any adverse impact on gender equality. It is proposed that the effects of policies will be subject to regular scrutiny as part of the annual review process.

6. Gathering and Utilising Information

6.1 The gathering of information regarding the Board's service delivery will be carried out under the Council's data collection arrangements.

6.2 The Council continually reviews its equality monitoring procedures with regard to data collection.

6.3 In addition to existing and planned Council procedures for gathering and utilising information, the Board will consider methods of ingathering feedback on service delivery from licensees and members of the public who become involved in the licensing process. This will inform the Board regarding the future service delivery and will allow it to consider making adjustments to that service delivery, where necessary. The Board will use the information when they review the Scheme and Action Plan, and in the preparation of any subsequent Gender Equality Scheme. Relevant remedial measures will be proposed and implemented and the Action Plan updated accordingly.

7. Publicity

The Scheme will be published on the Board's pages on the Council's website. It will be circulated to all Licensing Board Members, members of the Local Licensing Forum and all Licensing staff. Copies will also be available, on request from the Council's Licensing Section, Kilncraigs, Greenside St, Alloa, FK10 1EB. This will encourage feedback and

comment as part of the ongoing review of the Scheme. Translations and alternative formats will be made available by arrangement on request.

8. Training

8.1 The Council will identify arrangements for training staff in relation to their duties to promote gender equality and ensure equality of opportunity. The Council is committed to ensuring that its staff receive adequate training in these areas.

8.2 The Board's staff are employees of the Council and appropriate training will be delivered as part of the Council's Gender Equality Scheme. Awareness will be increased with features on equalities issues and changes in legislation, and through articles in appropriate internal publications.

8.3 The Board considers that its members should receive training in respect of their duties to promote gender equality and to ensure equality of opportunity. Equalities awareness will be included in the induction training for the members of the Board and as members of the Council they shall also receive training through the Council's Equalities Scheme.

9. Duration, Review and Annual Report

9.1 The Scheme will cover the period from its publication until 2010 and will be subject to a full review at the end of that period.

9.2 The Scheme will also be reviewed annually in June of each year and a report will be made available to the Board. This will allow the Board to take account of any comments or suggestions received from individuals or organisations in relation to the Scheme, and to use any relevant information from the Board's own experience of participation in consultation with such representative bodies as the Board considers appropriate.

GENDER EQUALITY SCHEME ACTION PLAN

What the Board will do When the Board will do it

Review

Review the Scheme three yearly

Review the Scheme annually and report to the Board members

Assessment

Assessing the impact of its policies and practices on gender equality

Consultation

Require all reports presented to it proposing policies that have any significant relevance to gender equality to include details of:-

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- any consultation carried out in conjunction with that assessment;
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Equalities awareness will be included in the training given to Licensing Board staff

Council Equality Scheme

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