

# Everyone different, everyone matters



## Equality & Community Cohesion Impact Assessment (EIA)

<b>Directorate:</b> Public Services <b>Service Area:</b> Licensing	<b>Lead Officer:</b> Fiona Goldsmith <b>Date completed:</b> September 2018
<b>Service / Policy / Function or Procedure to be assessed:</b> <b>Sex Establishments Licensing Policy</b>	
<b>Is this:</b> New / Proposed <input type="checkbox"/> Existing/Review <input type="checkbox"/> Changing <input checked="" type="checkbox"/> (Please tick appropriate box)	<b>Review date:</b> September 2021

## Part A - Initial Assessment to determine if a full Impact Assessment is required

### What are the aims and objectives/purpose of this service, policy, function or procedure?

To determine a fair, equitable and transparent policy approach to the licensing of Sex Entertainment Venues in Calderdale.

A sexual entertainment venue (SEV) is defined in the Local Government (Miscellaneous Provisions) Act 1982 section 2A (1) as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.” Relevant entertainment is defined at 2A(2) as (a) any live performance; or (b) any live display of nudity; which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Calderdale Council’s Sex Establishment Policy follows Home Office guidance on ‘Sexual Entertainment Venues’. This follows the amendments to Section 27 of the Policing and Crime Act 2009 which reclassifies lap dancing clubs as sexual entertainment venues and gives local authorities in England and Wales the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. These provisions allow local authorities to refuse an application on potentially wider grounds than is permitted under the Licensing Act 2003 Act, section 27 allows the council:

- To set a maximum number of SEVs (this can be none),
- To create a set of requirements that an applicant would have to satisfy (for example, not in a residential area, near a school or place of worship),
- Not to set a maximum number but to judge each application as it is received,
- To give priority to any existing SEVs, which can demonstrate that they have a history of complying with the conditions of their licence and have not been subject to complaints.

### Please indicate its relevance to equality by selecting yes or no

	Yes	No
Eliminating unlawful discrimination, victimisation and harassment	X	
Advancing equality of opportunity	X	
Fostering good community relations	X	

**If not relevant and this is agreed by your Head of Service**, the Impact Assessment is now complete - please send a copy to your Directorate Equality Champion & to the Cohesion and Equality Team. **If relevant**, a full Impact Assessment needs to be undertaken (PART B below).

## PART B: Full Impact Assessment

### Step 1 – Identifying outcomes and delivery mechanisms (in relation to what you are assessing)

What outcomes are sought and for whom?	A fair, equitable and transparent sex establishment licensing policy for: Any person wishing to apply for a Sex Establishment licence issued under The Local Government (Miscellaneous Provisions) Act 1982. * Any persons wishing to enter a Sex Establishment/Entertainment Venue * Residential properties in the general vicinity of a Sex Establishment/Entertainment Venue * Commercial business in Calderdale
Are there any associated policies, functions, services or procedures?	The Local Government (Miscellaneous Provisions) Act 1982. * The Royal Town Planning Institute's Gender and Spatial Planning Good Practice Note 7 Equality Act 2010 Policing and Crime Act 2009
How will this service be delivered? (e.g. direct service delivery, commissioned/outsourced etc)	CMBC Licensing Team
If partners (including external partners) are involved in delivering the service, who are they?	West Yorkshire Police

### Step 2 – What does the information you have collected, or that you have available, tell you?

**What evidence/data already exists about the service and its users?** (in terms of its impact on the 'equality strands', i.e. age, disability, gender identity, race, religion or belief, sex, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups) and **what does the data tell you?** e.g. are there any significant gaps?

Some examples of research/study are highlighted below:

#### Profitable exploits: Lap dancing in the UK (for Glasgow City Council) 2004

This study was commissioned by the Glasgow City Council to analyse the impact of lap-dancing on those involved and the wider community to

inform the council's position on lap-dancing within the city.

<http://www.glasgow.gov.uk/CHttpHandler.ashx?id=8107&>

The study concluded the following:

- Lap dancing clubs, contrary to the opinion of club owners interviewed for the purposes of this study, are part of the sex industry
- Lap dancing is becoming increasingly normalised
- Activities within the clubs can be seen as detrimental to gender equality
- The buying and selling of sexual services does occur in some lap dance clubs
- Current licensing conditions are inadequate and fail to enable local authorities to control the proliferation of such establishments within their locale
- Working conditions and terms of employment of lap dancers are inadequate and problematic
- There is strong evidence that dancers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management
- There is a strong public lobby opposing lap dance clubs in the UK and elsewhere
- Many dancers begin working in lap dance clubs through lack of real choice
- The requirement for dancers to 'glamour model' to advertise the club, and the evidence that some customers take covert photographs of the dancers whilst naked, links lap dancing clubs to pornography

### **The Regulatory Dance: Sexual Consumption in the Night Time Economy 2011**

This University of Leeds study examined the supply of dancers, their working experiences of dancing and their working conditions; how industry management have mainstreamed lap dancing; and the competing interests between erotic dance businesses, law enforcement and licensing processes. The research involved a survey of 197 dancers and 35 in-depth interviews.

<https://beta.ukdataservice.ac.uk/datacatalogue/studies/study?id=6875&type=Data%20catalogue>

'The project found that many younger women are entering dancing as it offers the benefits of flexible, cash-in-hand work that requires minimal commitment or responsibility. Women generally enjoyed their work and its advantages, although there were regular reports of harassment from customers. Women were using dancing strategically to either further their education or career or position themselves better in the labour market in the future. There were issues raised regarding some clubs' lack of consideration for the welfare of their workers. Most notably, there was evidence of financial exploitation from managers as women would pay high 'house fees' and commission, often earning very little money after a shift. The project found no evidence connecting lap dancing to organised prostitution or trafficking. The project found that lap dancing is a precarious form of work which was ironically enabling women to avoid insecure employment and personal circumstances in the future'.

There is currently only one licenced SEV in Calderdale, La Salsa based in Halifax Town Centre.

**Has there been any consultation with, or input from, service users, staff or other stakeholders?** If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please list which specific groups or communities you are going to consult with and when.

**List of Consultees**

- All Calderdale Ward Councillors
- Members of Parliament
- West Yorkshire Police
- Advertisements placed in all Local Newspapers, Halifax Courier, Brighouse Echo, Hebden Bridge Times and Todmorden News
- Representatives of Current Licence Holders
- Objectors of Previous Applications
- Calderdale Children's and Adults Safeguarding Service
- Calderdale Community Safety Service
- Notice placed at Halifax Town Hall and Halifax Customer First

**Responses received include:**

**West Yorkshire Police** consulted on 9<sup>th</sup> June 2017 specifically in relation to section 5 of the Policy, which relates to locality.

WY Police response stated that the 'policy seems sensible', their view was that there should be a limit to the number of venues within Calderdale as any additional venues may cause demand on the police

**Adults and Childrens Safeguarding Team** consulted on 9<sup>th</sup> June 2017 specifically in relation to section 5 of the Policy

Policy looks sound and subsequent monitoring will assist in establishing any potential safeguarding issues.

**Are there any complaints, compliments, satisfaction surveys or customer feedback that could help inform this assessment? If yes, what do these tell you?**

**On Street Survey** carried out in Halifax Town Centre, Hebden Bridge Town Centre, Todmorden Town Centre, Sowerby Bridge Town Centre, Brighouse Town Centre and Elland Town Centre on the draft Licensing of Sex Establishments Statement of Licensing Policy carried out between 8<sup>th</sup> August 2017 and 8<sup>th</sup> November 2017 relating to the following:

- a. removal of conditions 6 of the Standard conditions for Sexual Entertainment Venues, which relates to the performers at all times wearing a non-transparent g-string or similar piece of clothing on the appropriate part of the body
- b. whether there should be a limit on the number of sexual entertainment venues in Calderdale.

Question raised: Should there be a condition attached to the sexual entertainment venue licence which requires that “performers at all times shall wear a non-transparent g-string or similar on the appropriate part of the body, and at no time will it reveal any part of their genitalia or anus”, or should there not be a condition requesting the performers to wear a g-string at all times?

<b>Todmorden – 9 responses</b>	<b>Hebden Bridge – 11 Responses</b>	<b>Halifax – 14 Responses</b>	<b>Sowerby Bridge - 24 Responses</b>	<b>Brighouse – 10 Responses</b>	<b>Elland – 2 Responses</b>
7 Keep condition	8 Keep Condition	9 Keep Condition	16 Keep Condition	4 Keep Condition	2 Keep Condition
1 Remove Condition	2 Remove Condition	2 Remove Condition	3 Remove Condition	6 Remove Condition	
1 Should be personal choice for dancer	1 Should be personal choice for dancer	3 Should be personal choice for dancer	4 Should be personal choice for dancer		
			1 Not sure		

The majority of people who answered the survey said there should be a limit on the number of Sexual Entertainment Venues within Calderdale; there are inappropriate locations to grant or renew a licence within Calderdale; there should be a maximum number for specific localities within the Borough.

#### **La Salsa – Application for renewal of licensing application and request for the removal of condition (6 Dec 2014)**

La Salsa had been licensed as a sexual entertainment venue since December 2010 and the licence was due to expire on 12<sup>th</sup> December 2014. The premises were operated in accordance with the Council’s Standard Conditions for sexual entertainment venues. The licence holder had applied to have condition 6 removed from the licence conditions which required dancers to wear a G-string at all times. The applicant attended the meeting and addressed the Committee. Representatives from the Women’s Centre also attended the meeting and addressed the Committee.

**RESOLVED** that amendment to Condition 6 of the Council’s Conditions for Sexual Entertainment venues in respect of these premises be refused for the following reasons:

- (i) significant concerns regarding public safety of the dancers and vulnerable members of the public in the vicinity of the Premises; and
- (ii) the increased likelihood of crime and disorder.

The provisions of Committee Procedure Rule 8 having been complied with a recorded vote was taken. Six Members voted for the Resolution and four Members voted against the Resolution.

### Step 3 – Identifying the impact

#### a. Is there any impact on individuals or groups in the community?

(think about age, disability, gender identity, race, religion or belief, sex, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups)

#### **Barriers:**

What are the potential or known barriers/impacts for the different 'equality strands' set out below? Consider:

- **Where** you provide your service, e.g. the facilities/premises;
- **Who** provides it, e.g. are staff trained and representative of the local population/users?
- **How** it is provided, e.g. do people come to you or do you go to them? Do any rules or requirements prevent certain people accessing the service?
- **When** it is provided, e.g. opening hours?
- **What** is provided, e.g. does the service meet everyone's needs? How do you know?

\* Some barriers are justified, e.g. for health or safety reasons, or might actually be designed to promote equality, e.g. single sex swimming/exercise sessions, or cannot be removed without excessive cost. If you believe any of the barriers identified to be justified then please indicate which they are and why.

#### **Solutions:**

What can be done to minimise or remove these barriers to make sure everyone has equal access to the service or to reduce adverse impact? Consider:

- Other arrangements that can be made to ensure people's diverse needs are met;
- How your actions might help to promote good relations between communities;
- How you might prevent any unintentional future discrimination.

	<b>Barriers/Impacts identified</b>	<b>Solutions (ways in which you could mitigate the impact)</b>
<b>Age</b> (including children, young people and older people)	<p>Although under 18's are not allowed to make an application for a Sex Establishment Licence or permitted to enter a licensed establishment in accordance with legislation underage people may be attracted to and attempt to access venues to access entertainment and alcohol.</p> <p>The policy has a positive impact upon younger people as sex establishments are deemed to be inappropriate in the vicinity of schools children's nurseries, youth clubs, children's centres, toy shops and establishments which children under 18 years of age may reasonably be expected to attend such as community facilities including, but not limited to, swimming pools, leisure centres, public parks, library's.</p> <p>The policy has a positive impact upon vulnerable older people as sex establishments are deemed to be inappropriate in the vicinity that are used for sheltered housing and accommodation for vulnerable people.</p>	<p>Standard conditions attached to a Sexual Entertainment Venue license state that no person under the age of 18 years will be permitted in the premises whilst any live performance of sexual entertainment or live display of nudity is taking place. There is also a standard condition that performers must be aged 18 years or over.</p> <p>It is likely that any premise licensed as a sexual establishment venue will already be licensed under the Licensing Act 2003. The Licensing Act provides for various offences and requirements associated with the protection of children and the sale and consumption of alcohol by children.</p> <p>The Council has a discretion to refuse to grant or renew licences for sex establishments on the grounds that the licence would be inappropriate having regard to the character of the locality or the use of premises in the vicinity.</p>

<b>Disability</b> (including carers)	No adverse impact identified at this time	
<b>Race</b> (including Gypsies & Travellers and Asylum Seekers)	Perceived offence likely to be caused to some people/communities of faith by the presence of a sex establishment.	The Council has a discretion to refuse to grant or renew licenses for sex establishments on the grounds that the license would be inappropriate having regard to the character of the locality or the use of premises in the vicinity – this includes
<b>Religion or Belief</b> (including people of no religion or belief)		

		<p>religious buildings. The standard conditions of license also include that:</p> <ol style="list-style-type: none"> <li>The shop frontage of the licensed premises shall be of such a nature that the inside of the licensed premises is not visible.</li> <li>The contents of the licensed premises must not be visible when the door or doors of the licensed premises is/are open.</li> <li>The sign or advertisement relating to the licensed premises should be approved by the Council</li> <li>There shall be no signs placed outside of the licensed premise.</li> <li>There shall be no window display of licensed sex articles</li> </ol>
<b>Gender Re-assignment</b> (those that are going through transition: male to female or female to male)	The fear of being less welcome into a particular gender specific club	The licensing authority holds a neutral stance in relation to all matters providing the application criteria are met by the applicant. Representations and objections that may be considered by the licensing authority that may lead to a decision not to grant a licence relate exclusively to the requirements of agreed policy and legislation.
<b>Pregnancy and Maternity</b>	No adverse impact identified at this time	
<b>Sex</b> (either male or female and including impact on men and women)	The fear of the opposite sex being less welcome into a particular gender specific club	The licensing authority holds a neutral stance in relation to all matters providing the application criteria are met by the applicant. Representations and objections that may be considered by the licensing authority that may lead to a decision not to grant a license relate exclusively to the requirements of agreed policy and legislation.
	The fear of women using the vicinity of premises	The policy has a positive impact by helping to protect women living or working in or visiting the vicinity of sex establishments by diminishing the impact that sex establishment venues are permitted to have on their surroundings, e.g. through limiting

		their numbers and controlling the external appearance, advertising and solicitation associated with such premises.
<b>Sexual orientation</b> (including gay, lesbian, bisexual and heterosexual)	No adverse impact identified at this time	

**b. Is there/will there be any impact on staff?**

(think about the diversity of the workforce delivering the service and relevant training and development needs)

<b>Employee Characteristic</b>	<b>Barriers/Impacts identified</b>	<b>Solutions (ways in which you could mitigate the impact)</b>
<b>Age</b>	No known impact (at this time) on Council staff due to age, disability, gender reassignment, pregnancy and maternity or marriage and civil partnership as VSE staffing will be employed by the operator and not the Council.	Each operator will be required to ensure compliance with any specific legal requirement that may apply to prevent discrimination and protect the health and safety of employees.
<b>Disability</b>		
<b>Gender reassignment</b>		
<b>Pregnancy &amp; Maternity</b>		
<b>Marriage and Civil Partnership</b>		
<b>Race</b>	Some Council employees may object to undertaking monitoring visits to SEV's due to religious reasons	Consider reasonable adjustments for Council staff citing religious exemptions when requested to undertake monitoring visits to SEV's
<b>Religion or Belief</b>		
<b>Sex</b>	<p>Employees and performers may suffer from harassment and a threat to their dignity</p> <p>Removal of licensing condition 6 may increase the risk of inappropriate touching of staff and increase the risk of harassment of SEV staff and threat to their dignity</p>	<p>The policy has been designed in part with the protection of performers in mind and conditions to ensure the protection of specified employees.</p> <p>Each operator will be required to ensure compliance with any specific legal requirement that may apply to prevent discrimination and harassment.</p>

	Some Council employees may feel vulnerable when undertaking monitoring visits to SEV's	Consider reasonable adjustments for vulnerable Council staff, including paired staffing
<b>Sexual Orientation</b>	No known impact on Council staff at his time	Each operator will be required to ensure compliance with any specific legal requirement that may apply to prevent discrimination.

#### **Step 4 – Changes or mitigating actions proposed or adopted**

**Having undertaken the assessment are there any changes necessary to the existing service, policy, function or procedure? What changes or mitigating actions are proposed?**

In response to the concerns about monitoring it is proposed that Licensing Enforcement Officers will carry out a minimum of 5 routine unannounced inspections to any licensed sexual entertainment premises per year to ensure compliance with the policy and conditions.

#### **Step 5 – Monitoring**

**How are you going to monitor the existing service, policy, function or procedure?**

As above and monitor complaints and concerns raised

### **Part C - Action Plan**

Barrier/s or improvement/s identified	Action Required	Lead Officer	Timescale
Some Council employees may object to undertaking visits to SEV's due to religious reasons	Consider reasonable adjustments for Council staff citing religious exemptions when requested to check SEV's	Manager of Licensing Team	Immediate and ongoing
Female Council employees may feel vulnerable when undertaking monitoring visits to SEV's, specifically late night visits.	Consider reasonable adjustments for vulnerable Council staff, including paired staffing	Manager of Licensing Team	Immediate and ongoing

**EIA approved by:**

Relevant Head of Service:	Date:
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**Please send an electronic copy of the EIA to the Cohesion and Equality Team and unless the EIA contains sensitive or confidential information ensure the document is uploaded to the EIA Register on the Intranet.**

**A brief summary of the EIA will be placed on the Council's website.**

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