

## Bristol City Council Equality Impact Assessment Form

(Please refer to the Equality Impact Assessment guidance when completing this form)



Name of proposal	Sex Establishments Policy
Directorate and Service Area	Communities, Regulatory Services
Name of Lead Officer	Nick Carter

### Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

#### 1.1 What is the proposal?

The Council adopted a policy on the licensing of sexual entertainment venues in 2011. The policy is being reviewed and expanded to deal with all types of sex establishments. It sets out the policy framework to facilitate consideration of applications in respect of these premises and connected matters (such as requests to waive the need for a licence).

The purpose of the policy is to enable Bristol City Council to have clear guidelines in relation to the licensing of sex establishments in its area. The policy will set out the Council's approach to Licensing sex establishments that is clear to residents, applicants and workers and ensures a transparent and consistent approach; that gives direction and focus to the Licensing Committee in determining applications.

There are three types of premises which are covered by the broader definition of sex establishments:

- Sexual Entertainment Venues (SEVs)
- Sex Shops
- Sex Cinemas

There are statutory definitions of what these premises are, but a short description of each is included here:

Sexual Entertainment Venue:

These offer relevant entertainment. Relevant entertainment is a performance

which is intended to sexually stimulate, which may or may not include nudity. Any place where there is a performance primarily intended to sexually stimulate a live audience is likely to require a licence. An audience might be one person. Examples are lap/pole dancing and strip clubs.

Conversely a burlesque show might not require a licence, provided its primary purpose is not to sexually stimulate the audience, even if there is nudity.

Other examples might include life drawing classes or naked dinner clubs.

Any premises which has a licence to sell alcohol on the premises may provide relevant entertainment as defined above up to 11 times in a 12 month period, no more than once a month without an SEV licence. Some premises have a condition stating that this type of entertainment can't take place, and therefore they wouldn't be able to use the exemption.

There are currently two licensed SEVs in Bristol.

#### Sex Shop:

Any shop which mainly sells sex articles, including items for sexual stimulation, magazines intended to sexually stimulate, or films intended to sexually stimulate, commonly known as R-Rated films, would need a licence.

Shops which sell some sex articles, but primarily sell other items are unlikely to need a licence. For example some high street lingerie stores or health and beauty retailers which sell a small selection of sex articles alongside their main offer would be unlikely to need a licence.

There are currently four sex shops in Bristol.

#### Sex Cinema:

Any premises which shows films intended to sexually stimulate, commonly known as R-Rated films, would need a licence. Cinemas which only show films rated U, PG, 12A, 15 or 18 do not require a licence under this regime.

There are currently no sex cinemas in Bristol.

Any premises falling into the descriptions above would be likely to require a licence.

The current policy provides a framework for facilitating consideration of applications for licences for sexual entertainment venues. It sets out information about the application process, what is expected of applicants and how people can make objections about applications. It also sets out the types of controls that are available to the Council when decisions are made about licence applications and prescribes what action can be taken if complaints are received.

At a meeting of the Licensing Committee on 21 January 2011 members approved the existing policy, which came into effect in Bristol on 31 January 2011. The Licensing Committee is now being asked to consider a revision of the Council's current policy. It has been over seven years since the Council adopted the ability to licence sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. Although there is no statutory requirement to undertake a review, as a significant amount of time has passed the purpose of the review is to ensure the policy remains up to date and relevant.

## Step 2: What information do we have?

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

### 2.1 What data or evidence is there which tells us who is, or could be affected?

#### Academic Research

In 2015 the School of Sociology and Social Policy at the University of Leeds published an article entitled '*Regulating strip-based entertainment: sexual entertainment venue policy and the ex/inclusion of dancers' perspectives and needs*'. This article showcases a research, dissemination and impact study on the striptease industry that explores why key stakeholders (dancers) are excluded and ways that inclusion in policy development is achievable. Research findings include:

- One in four lap-dancers has a degree. Those dancers with degrees had not chosen dancing in place of a career in their chosen subject after university, but instead were combining it with other forms of employment or education. One third of women interviewed were using dancing to fund new forms of education or training.
- No evidence or anecdotes of forced labour or the trafficking of women.
- No evidence of lap dancing having connections to organised prostitution.

Some research into Sex Entertainment Venues in particular has highlighted the following,:

- It objectifies the workers.
- The venues attract and generate prostitution.
- Performers can suffer humiliation and sexual harassment on a regular

basis, from customers and staff/management.

- Many dancers begin working in lap dance clubs through lack of real choice.
- Working conditions and terms of employment of lap dancers are inadequate.
- Lap dancing clubs have a negative impact on women's safety in the local vicinity
- Lap dancing clubs normalises sexual objectification.

The links between the expansion of lap dancing clubs and an increase in the levels of sexual violence have been raised by organisations who work with victims and perpetrators of gender-based violence.

Whilst crime levels in the area where the two current SEVs are located are consistent within a city centre night time economy locality, there is no evidence to indicate any particular crime, or increased incidents of crime, associated with the two currently licensed premises.

### **Gender Equality**

Bristol is a signatory to the European Charter for Equality of Women and Men in local Life. One of the Principles of the Charter is the elimination of gender stereotypes which is seen as fundamental to achieving equality of women and men. Local and regional authorities must promote the elimination of the stereotypes and obstacles upon which the inequalities in status and condition of women are based, and which give rise to the unequal evaluation of the roles of women and men in political, economic, social and cultural terms. In addition, under Article 22.2 it must recognise that gender-based violence arises from the idea, on the part of the perpetrator, of the superiority of one sex over the other in the context of an unequal relationship of power.

At a Licensing Special Purposes Sub Committee in November 2014, Bristol Women's Commission stated that the continued licensing of Sexual Entertainment Venues by Bristol City Council fails to meet our obligations under the Charter, disregards the safety of women and girls, undermines the dignity of women and girls and diminishes the status of Bristol as a modern European City where both women and men can lead fulfilled lives in a safe and fair society.

It is said by some that the growth of lap dancing clubs nationally in particular has fed into what OBJECT terms 'sex-object' culture – the mainstreaming of the

sex and porn industries and the ever increasing sexual objectification of women and girls. OBJECT are a feminist group who campaign against the sexual objectification of women and the oppression of women as a sex class.

In Bristol the number of SEVs has decreased from five to two since this legislation was adopted by Bristol.

Sex Shops do not receive the same level of complaint or concern as sexual entertainment venues.

### **Complaints**

In November 2014 the chair of Bristol Fawcett complained about Central Chambers. The complainant stated

*"I visited their Facebook page (there is a link to it on their website). They have posted a link to a YouTube video about Lemmy from Motorhead and say that it was filmed in Central Chambers. At 1 minute 14 into the clip we clearly see a woman who is assumed to be an employee at the club, socialising in the bar area with her breast and nipple exposed in direct contravention of the Licence Conditions."*

In December 2014 the chair of Bristol Fawcett complained about Urban Tiger. The complainant states:

*"Following the (no doubt mischievous) coverage in the Bristol Post and on Twitter of Urban Tiger's advertising presence at the boxing match on 5th December ([twitter.com/urbanbristol](https://twitter.com/urbanbristol)) I thought I would just check what the definition of 'locality' is in SEV Conditions Q and whether teeshirts count as externally displayed advertisement? ... My issue is with the normalisation of the sex industry in our culture and our city, which is the effect of this kind of advertising."*

Complaints have not been received in relation to Sex Shops.

### **Public Views**

A pre-consultation questionnaire was undertaken as part of the policy review and reveals a wide range of responses to whether it is appropriate to have sex establishments both generally and in Bristol, providing some insight into the views of the public about these types of venues.

2.2 Who is missing? Are there any gaps in the data?

Although the policy relates to license holders, it has the potential to affect

anyone living in Bristol who comes into contact with a licensed premise. The Council is mindful of possible concerns of the local community and that there can be conflict between applicants and objectors.

SEVs are required to renew their licences annually, giving an opportunity for persons affected by them to put their views forward. Over the last seven years, objectors have exercised this right and the committee have been able to consider these views along with the applicants. This gives insight into the views of those who object to this type of activity.

Sex shops are also required to renew their licences annually, giving an opportunity for persons affected by them to put their views forward. Objections are rarely received in relation to these applications, and so it is generally concluded that there are no strong objections to them.

Generally objections are received from persons who do not want these types of venues to be licensed and only occasionally do people make representations in support in relation to either sexual entertainment venues or sex shops.

2.3 How have we involved, or will we involve, communities and groups that could be affected?

Comments were invited at an early stage in the review process, and the working group met with a number of individuals, interest groups, regulators and persons involved in the trade to hear their views. These persons and groups also submitted various documents, internet pages, and research to support their views.

A pre-consultation questionnaire was created to assist in drafting the revised policy. It was available for eight weeks on the council's website, and in other formats. It sought responses from the public to questions around the appropriateness of these types of venues in relation to locations, other types of premises, and specific areas of Bristol. Persons who had previously commented on applications, along with regulators such as the Police, persons involved in the trade, and the general public were invited to respond. The questionnaire garnered 1430 responses from a range of people.

The responses were varied and showed that some people thought sex establishments were acceptable within Bristol, and that others disagreed, saying that they were not appropriate.

The draft policy will be released for a full statutory consultation of 12 weeks,

and again the views of previous commenters, regulators, persons involved in the trade, and members of the public will be sought. The council will also seek to involve the Citizen Panel in this consultation.

The responses will help inform the final policy.

### **Step 3: Who might the proposal impact?**

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

#### **3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?**

##### **Age**

No negative impact anticipated.

Under 18s are not permitted to enter sex establishment premises, or be employed there.

##### **Disability**

No negative impact anticipated.

##### **Gender Reassignment**

Premises which admit men only or women only are likely to impact on people with this protected characteristic. We are not aware of any licensed premises which do not permit persons of a particular gender entering or being employed within Bristol.

##### **Marriage and civil partnership**

No negative impact anticipated

##### **Pregnancy and maternity**

No negative impact anticipated.

##### **Race**

No negative impact anticipated.

##### **Religion or belief**

Certain religions (Christianity, Islam, Judaism, Hinduism, Buddhism, and Sikh)

may be offended or have moral objections to the presence of a sex establishment.

### **Sex**

The majority of employees working in sexual entertainment venue premises are female whilst the majority of customers are male.

The potential for impact on gender equality stands out as the main issue of concern. In particular, there are concerns that sexual entertainment venues normalise negative attitudes towards women potentially reinforcing the view that women are subservient to men.

The policy includes detailed conditions relating to the venues in respect of advertising, protection of performers, and a range of other issues, with an aim on reducing the impact of the premises on the locality, and protecting those who choose to work there as well as the wider public.

### **Sexual Orientation**

No negative impact anticipated.

### **3.2 Can these impacts be mitigated or justified? If so, how?**

By securing a detailed framework for considering applications, including using information gathering powers, the policy ensures the council is well placed to identify any adverse impact in respect of all protected groups when it is engaged in considering applications.

The policy states for example that a license may be refused on various discretionary grounds. These are defined in the legislation, and overall there is a presumption that a licence will be granted unless one of the statutory grounds applies. The grounds include that the grant or renewal of the licence would be inappropriate, having regard -

- (i) to the character of the relevant locality; or
- (ii) to the use to which any premises in the vicinity are put; or
- (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

The policy has been designed in part with the protection of performers in mind and conditions, although specific to each venue, aim to ensure the protection of specified employees as well as reducing the impact on the wider public and the wider environment.

### **3.3 Does the proposal create any benefits for people with protected**

characteristics?

### **General**

It is intended that the regulatory controls offer protection to all SEV workers, residents, businesses and visitors in the city. The Council currently has in place a coherent and detailed framework for considering applications. The policy ensures the Council is well placed to identify any adverse impact in respect of all protected groups when it is engaged in considering applications. The current policy states:

*“the Council will take into account all relevant considerations including:-*

*The character of the locality:*

- *residential*
- *leisure*
- *educational establishments*

*Other uses in the locality:*

- *faith / religious institutions*
- *churches*
- *family friendly facilities*

*Impact on regeneration*

*Impact on tourism, including considerations of the perception of the City at gateway locations*

*Impact on retail attraction*

*Risk of public nuisance*

*Whether the locality is subject of stress caused by a cumulative impact of premises authorised to provide licensable activities under the Licensing Act 2003;*

*Impact on crime and disorder*

*Public perception of the safety of the locality and impact on that perception, e.g. typical footfall at material times, level of street lighting, use by lone females*

*Existence of social problems in the locality and impact on any initiatives to tackle them, e.g. kerb crawling, prostitution.*

*Levels of recorded crime*

*Levels of anti social behaviour”.*

These considerations and the impact they may have on communities are likely to be included in the public consultation.

In addition, a number of feminist and women’s organisations suggest that many people, particularly women, have concerns about the presence of Sexual Entertainment Venues in the city. Commenters have suggested that some

operators within the sex industry do not engage performers on reasonable terms or even make clear what the terms are. These concerns are considered relevant to the Council's equalities obligations and the standard conditions seek to control these practices.

The questionnaire undertaken had a response rate of 58% women, and 33% men. The questionnaire suggests that a proportion of respondents thought that it was appropriate to have sex establishments within Bristol, and a proportion disagreed. This suggests there is a wide range of views from both men and women as to whether this type of activity is appropriate and as to how it affects them.

### **Age**

The legislation prohibits persons under the age of 18 being admitted to or employed on licensed premises. This is seen as beneficial in wider social terms. It is also likely that any premise licensed as a sexual establishment venue will also be licensed under the Licensing Act 2003. This primary legislation provides for various offences and requirements associated with the protection of children from harm and the sale and consumption of alcohol by children.

The policy holds that sex establishments may be inappropriate near to particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. For this reason the policy is deemed to mitigate the impact upon younger people and children, faith groups and minority faiths groups.

### **Religion or belief**

The policy holds that sex establishments may be inappropriate near to particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. For this reason the policy is deemed to mitigate the impact upon younger people and children, faith groups and minority faiths groups.

### **Sex**

The policy aims to protect women living or working in or visiting the vicinity of sex establishments by diminishing the impact that SEVs are permitted to have on their surroundings, e.g. through limiting their numbers.

Some people suggest that the licensing of Sex Entertainment Venues has the

following impact:

- Regulating venues allows people freedom of choice to both work and frequent a SEV.
- Not allowing licensing of SEVs has the potential to push the trade underground, putting workers at risk.

Others have expressed concerns that it has a negative impact with the following issues raised:

- It objectifies the workers.
- The venues attract and generate prostitution.
- Performers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management.
- Many dancers begin working in lap dance clubs through lack of real choice.
- Working conditions and terms of employment of lap dancers are inadequate.
- Lap dancing clubs have a negative impact on women's safety in the local vicinity
- Lap dancing clubs normalises sexual objectification.

The policy has been designed in part with the protection of performers in mind and conditions, although specific to each venue, aim to ensure the protection of specified employees and ensure that concerns about prostitution, and sexual harassment do not occur in premises licences in Bristol. In addition they ensure that the impact of the premises on the locality is minimised and other persons using, working and living in the vicinity are protected.

A table has been included below with the risks and mitigations side by side to ensure the considerations are clearly and easily identifiable.

<b>Characteristic</b>	<b>Potential Impact</b>	<b>Possible mitigation</b>
Age	<u>Older people</u> : No negative impact anticipated.  <u>Young people</u> : No negative impact anticipated.	The legislation prohibits persons under the age of 18 being admitted to or employed on licensed premises. This is seen as beneficial in wider social terms. It is also likely that any premise licensed as a sexual

	<p>No negative impact anticipated.</p> <p>Under 18s are not permitted to enter sex establishment premises, or be employed there.</p>	<p>establishment venue will already be licensed under the Licensing Act 2003. This primary legislation provides for various offences and requirements associated with the protection of children and the sale and consumption of alcohol by children.</p> <p>The policy holds that sex establishments may be inappropriate near to particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. For this reason the policy is deemed to have a positive impact upon younger people and children, faith groups and minority faiths groups.</p>
Disability	No negative impact anticipated	No negative impact anticipated
Sex	<p>Premises which admit men only or women only are likely to impact on people with this protected characteristic. We are not aware of any licensed premises which do not permit persons of a particular gender entering or being employed within Bristol.</p>	<p>The policy aims to protect women living or working in or visiting the vicinity of sex establishments by diminishing the impact that SEVs are permitted to have on their surroundings, e.g. through limiting their numbers.</p> <p>Some people suggest that the licensing of Sex Entertainment Venues has the following impact:</p>

The majority of employees working in sexual entertainment venue premises are female whilst the majority of customers are male.

The potential for impact on gender equality stands out as the main anecdotal issue of concern. In particular, there are concerns that sexual entertainment venues normalise negative attitudes towards women and reinforce power imbalances between men and women.

The policy includes highly detailed conditions relating to the venues in respect of advertising, protection of performers and a range of other issues, with an aim on reducing the impact of the premises, and protecting those who choose to work there as well as the wider public.

- Regulating venues allows people freedom of choice to both work and frequent a SEV.
- Not allowing licensing of SEVs has the potential to push the trade underground, putting workers at risk.

Others have expressed concerns that it has a negative impact with the following issues raised:

- It objectifies the workers.
- The venues attract and generate prostitution.
- Performers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management.
- Many dancers begin working in lap dance clubs through lack of real choice.
- Working conditions and terms of employment of lap dancers are inadequate.
- Lap dancing clubs have a negative impact on women's safety in the local vicinity
- Lap dancing clubs normalises sexual objectification.

The policy has been designed

		in part with the protection of performers in mind and conditions, although specific to each venue, aim to ensure the protection of specified employees and ensure that concerns about prostitution, and sexual harassment do not occur in premises licences in Bristol. In addition they ensure that the impact of impact of the premises on the locality is minimised and other persons using, working and living in the vicinity are protected.
Sexual Orientation	No negative impact anticipated.	No negative impact anticipated
Pregnancy/Maternity	No negative impact anticipated.	No negative impact anticipated
Gender reassignment	Premises which admit men only or women only are likely to impact on people with this protected characteristic. We are not aware of any licensed premises which do not permit persons of a particular gender entering or being employed within Bristol.	No current negative impact anticipated.
Race	No negative impact anticipated.	No negative impact anticipated
Religion or Belief	Certain religions (Christianity, Islam, Judaism, Hinduism,	The policy holds that sex establishments may be inappropriate near to

	Buddhism, and Sikh) may be offended or have moral objections to the presence of a sex establishment	particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. For this reason the policy is deemed to have a positive impact upon younger people and children, faith groups and minority faiths groups
Marriage and Civil Partnership	No negative impact anticipated	No negative impact anticipated

#### 3.4 Can they be maximised? If so, how?

In adopting this licensing policy, the Licensing Authority recognises that residents need to live and work in a safe and healthy environment. The aim of licensing sexual entertainment venues is to protect and safeguard the public. The policy does not seek to undermine the rights of any person to apply under the policy for a variety of permissions, or have their application considered on its individual merits.

#### Step 4: So what?

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

#### 4.1 How has the equality impact assessment informed or changed the proposal?

The council's duty is to give due regard to the need to promote equality of opportunity, eliminate unlawful discrimination and promote good relations in the discharge of its licensing functions, principally the consideration and determination of applications for sexual entertainment venue licences and the consideration of requests that the requirement for a licence be waived.

In the consideration of this revised policy we do not think that the proposal will

lead to unequal access to applicants with protected characteristics. Whilst those aged under 18, or not resident in the UK are unable to apply for a sex establishment license, these exclusions are legally justified and included in the statutory provisions.

It is the impact on equalities groups that may be relevant to the duty in consequence of applications being granted or refused that is more challenging to identify and quantify. Relevant entertainment is a highly controversial activity about which many hold very strong opinions as is apparent from previous consultation responses.

The policy provides a detailed framework that should facilitate the decision makers in carefully scrutinising applications and applying their minds conscientiously to all relevant factors within the statutory framework that lays down how these decisions might be made. The policy includes a clear and unequivocal commitment to meeting the equalities duty in the exercise of all of the functions under the Act. The policy and the documentation flowing from it are intended to be a key means of facilitating compliance with all of the council's obligations.

4.2 What actions have been identified going forward?

12 Week consultation on the draft policy and reassessment of policy and EQIA after that time.

4.3 How will the impact of your proposal and actions be measured moving forward?

- We will publish a summary of consultation feedback
- Ongoing review of successful and unsuccessful licensing applications

Service Director Sign-Off:



Equalities Officer Sign Off:

Date: 30 January 2019

Date: