Equality Impact Assessment [version 2.10]

Title: Sex Establishments Policy	
☒ Policy ☐ Strategy ☐ Function ☐ Service ☐ Other [please state]	☐ New ☒ Already exists / review ☐ Changing
Directorate: Growth and Regeneration	Lead Officer name: Nick Carter
Service Area: Regulatory Services	Lead Officer role: Head of Regulatory Services

Step 1: What do we want to do?

The purpose of an Equality Impact Assessment is to assist decision makers in understanding the impact of proposals as part of their duties under the Equality Act 2010. Detailed guidance to support completion can be found here Equality Impact Assessments (EqIA) (sharepoint.com).

This assessment should be started at the beginning of the process by someone with a good knowledge of the proposal and service area, and sufficient influence over the proposal. It is good practice to take a team approach to completing the equality impact assessment. Please contact the Equality and Inclusion Team early for advice and feedback.

1.1 What are the aims and objectives/purpose of this proposal?

Briefly explain the purpose of the proposal and why it is needed. Describe who it is aimed at and the intended aims / outcomes. Where known also summarise the key actions you plan to undertake. Please use plain English, avoiding jargon and acronyms. Equality Impact Assessments are viewed by a wide range of people including decision-makers and the wider public.

This equality impact assessment is a live document, which we have continued to update in light of emerging evidence and consultation. The previous version of the EQIA can be found on the Council's website. The Council adopted a policy on the licensing of sexual entertainment venues in 2011. The policy is now being reviewed and expanded to deal with all types of sex establishments. It sets out the policy framework to allow consideration of applications in respect of these premises, as well as other 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 sets out the Council's approach to licensing sex establishments so that is clear to residents, applicants and workers - and ensures a transparent and consistent approach, as well as giving 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 several 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.

Any decision to approve this updated policy must be made by the Licensing Committee[1] rather than by Full Council or Cabinet etc.

1.2 Who will the proposal have the potential to affect?

☐ Bristol City Council workforce	☒ Service users	☒ The wider community
☐ Commissioned services	☒ City partners / Stakeholder organisations	

[1] https://www.bristol.gov.uk/licences-permits/licensing-committee

1.3 Will the proposal have an equality impact?

Could the proposal affect access levels of representation or participation in a service, or does it have the potential to change e.g. quality of life: health, education, or standard of living etc.?

If 'No' explain why you are sure there will be no equality impact, then skip steps 2-4 and request review by Equality and Inclusion Team.

If 'Yes' complete the rest of this assessment, or if you plan to complete the assessment at a later stage please state this clearly here and request review by the Equality and Inclusion Team.

☒ **Yes**	☐ **No**	[please select]

Step 2: What information do we have?

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

Please use this section to demonstrate an understanding of who could be affected by the proposal. Include general population data where appropriate, and information about people who will be affected with particular reference to protected and other relevant characteristics: https://www.bristol.gov.uk/policies-plans-strategies/measuring-equalities-success .

Use one row for each evidence source and say which characteristic(s) it relates to. You can include a mix of qualitative and quantitative data e.g. from national or local research, available data or previous consultations and engagement activities.

Outline whether there is any over or under representation of equality groups within relevant services - don't forget to benchmark to the local population where appropriate. Links to available data and reports are here Data, statistics and intelligence (sharepoint.com). See also: Quality of Life Survey; Bristol Open Data; Joint Strategic Needs Assessment (JSNA); Ward Statistical Profiles.

For workforce / management of change proposals you will need to look at the diversity of the affected teams using available evidence such as HR Analytics: Power BI Reports (sharepoint.com) which shows the diversity profile of council teams and service areas. Identify any over or under-representation compared with Bristol economically active citizens for different characteristics. Additional sources of useful workforce evidence include the Employee Staff Survey Report and Stress Risk Assessment Form

Data / Evidence Source [Include a reference where known]	**Summary of what this tells us**
Census 2011 and Census 2021 2011 Census Key Statistics About Equalities Communities	The Census details the demographic profile of Bristol. The detailed results of the 2021 census will not be available until later in 2022, so demographic data is still informed by 2011 census and other population related documents (listed below)
The population of Bristol	Updated annually. The report brings together statistics on the current estimated population of Bristol, recent trends in population, future projections and looks at the key characteristics of the people living in Bristol.
New wards: data profiles Ward Profiles - Power BI tool	The Ward Profiles provide a range of data-sets, including demographics, health and wellbeing disparities etc. for each of Bristol's electoral wards.
2021 Consultation Responses *(Please see Appendix 12 for further details as this EqIA only highlights the main findings)*	• Overall, the majority of respondents (86%) disagreed or strongly disagreed with a proposed (nil-cap) policy approach

<table>
<tr>
<td></td>
<td>

Female respondents somewhat more likely to agree with overall approach (although 70% still disagreed)
Proportions of respondents who feel safe in the city centre after dark (20%) are broadly comparable with other data from Quality of Life Survey, including that women feel less safe overall
Male respondents more likely to say SEVs have no impact on safety
Majority of respondents (79%) said they thought the impact of SEVs on the night time economy was positive or very positive, but this was lower (63%) for female respondents
Some differences by sexual orientation in the extent to which respondents feel SEV has an impact on safety and night-time economy
(See section 2.4 below for diversity summary of respondents, and Appendix 12 for full details)

</td>
</tr>
<tr>
<td><u>Quality of Life 2020-21 — Open Data Bristol</u>

<u>Bristol Quality of Life survey 2020/21 final report</u></td>
<td>
There are significant disparities based on personal characteristics and circumstances in the extent to which people in Bristol feel safe outdoors after dark, and for whom feeling safer from crime would encourage them to visit venues and events more often at night.
<table>
<tr><th></th><th>% who feel safe outdoors after dark</th><th>% for whom feeling safer from crime would encourage them to visit venues and events more often at night</th></tr>
<tr><td>Bristol Average</td><td>54.4</td><td>22.3</td></tr>
<tr><td>Most Deprived 10%</td><td>36.7</td><td>33.1</td></tr>
<tr><td>16 to 24 years</td><td>41.1</td><td>35</td></tr>
<tr><td>50 years and older</td><td>55</td><td>22.8</td></tr>
<tr><td>65 years and older</td><td>54.7</td><td>22.2</td></tr>
<tr><td>Female</td><td>45.2</td><td>27.5</td></tr>
<tr><td>Male</td><td>63.9</td><td>17.1</td></tr>
<tr><td>Disabled</td><td>38.6</td><td>32.4</td></tr>
<tr><td>Black, Asian and minority ethnic</td><td>60.6</td><td>25.7</td></tr>
<tr><td>Asian/Asian British</td><td>60.7</td><td>28.8</td></tr>
<tr><td>Black/Black British</td><td>69.7</td><td>30.6</td></tr>
<tr><td>Mixed/Multiple ethnic groups</td><td>61.5</td><td>14.4</td></tr>
<tr><td>White</td><td>54.2</td><td>21.8</td></tr>
<tr><td>White Minority Ethnic</td><td>51.6</td><td>22.8</td></tr>
<tr><td>White British</td><td>54.6</td><td>21.7</td></tr>
<tr><td>Christian</td><td>53.6</td><td>23.5</td></tr>
<tr><td>Other religion</td><td>55.1</td><td>33.2</td></tr>
<tr><td>No religion or faith</td><td>55</td><td>20.2</td></tr>
<tr><td>Single parent</td><td>38.8</td><td>29.6</td></tr>
<tr><td>Two parent</td><td>56.9</td><td>19.4</td></tr>
</table>
</td>
</tr>
</table>

	No qualifications	48.4	26.6
	Owner Occupier	56.3	19.1
	Rented from housing association	45	33.6
	Rented from the council	47	32.7
	Rented from private landlord	53.3	25.9
	Non degree qualifications	49.9	27.8
	Degree qualifications	57	19.5
	Part-time carer	54.5	23
	Full-time carer	46.6	33.8
	Carer (All)	52.6	25.5
	Parents (All)	54.6	20.7
	Lesbian, Gay or Bisexual	52	26.1

Local crime statistics Avon and Somerset Constabulary | Police.uk (www.police.uk) Bristol Cumulative Impact Assessment	Crime levels in the areas where the two current SEVs are located are consistent within a city centre night time economy locality, and we do not have evidence to indicate that any particular crime, or increased incidence of crime, is directly associated with the two currently licensed premises.
Research on wider impact of SEVs Example: Briefing Paper from Bristol Women's Voice Briefing VAWG and SEVs.docx (bristolwomensvoice.org.uk)	Some local stakeholders and respondents to the consultation have highlighted research examining the link between SEVs, sexual objectification of women, male attitudes, and potential links with sexual violence and domestic abuse – including e.g. that: • Lap dancing clubs normalise the sexual objectification of women. • Lap dancing clubs have a negative impact on women's safety in the local vicinity • SEVs may attract and generate prostitution. • Performers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management. • Many performers begin working in lap dance clubs through lack of choice. • Working conditions and terms of employment for performers in SEVs are inadequate. • Links between the expansion of lap dancing clubs and an increase in the levels of sexual violence • Evidence that the sexual objectification of women is linked to sexual violence perpetration in combination with alcohol use[2].

[2] Understanding the Link Between Men's Alcohol Use and Sexual Violence Perpetration: The Mediating Role of Sexual Objectification (University of Nebraska-Lincoln 2014)

	• Evidence in young people of a direct relationship between the sexual objectification of girls and aggression towards them[3].
European Charter for Equality of Women and Men in local Life	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. Bristol Women's Commission and other stakeholders have 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.
JSNA Health and Wellbeing Profile 2021/22 (Domestic Violence and Abuse)	Nationally, 27% of women experience domestic abuse in their lifetimes, with negative impacts on mental and physical health and further impact on families including children. In Bristol, females over the age of 16 are 2.9 times more likely to be a victim of a domestic abuse related crime than males. Nationally, the number of domestic abuse crimes recorded by the police in England and Wales in the year ending March 2021 increased by 6%; from 798,607 in the year ending March 2020 to 845,734. This follows increases seen in previous years and may reflect improved recording by the police alongside increased reporting by victims.
Nomis - Official Labour Market Statistics (nomisweb.co.uk)	Within the West of England, Bristol is the primary economic centre and prior to COVID-19 nearly half of all the jobs (44.8%) and enterprises (40.1%) were located in Bristol. The employment rate in Bristol is 78.1% which is higher than the national average at 74.8%. Bristol has a lower proportion of people employed in caring, leisure and other service occupations 6.9% than for Great Britain (9.2%). While the diverse and high skilled economy of the city has provided protection for some of our key industries and employment, there has been significant impact on key sectors e.g. hospitality, retail and leisure. 10,500 working age residents were unemployed in the 12 months ending December 2021.

[3] The sexual objectification of girls and aggression towards them in gang and non-gang affiliated youth (University of Kent 2017)

Delivering an inclusive economy post COVID-19 – Bristol Women's Commission	Local research into the impact of COVID-19 and women with recommendations on what decision makers can do to enable women to overcome barriers to work, including recognising the importance of self-employed and freelance workers to the economy.

2.2 Do you currently monitor relevant activity by the following protected characteristics?

☒ Age	☒ Disability	☒ Gender Reassignment
☒ Marriage and Civil Partnership	☒ Pregnancy/Maternity	☒ Race
☒ Religion or Belief	☒ Sex	☒ Sexual Orientation

2.3 Are there any gaps in the evidence base?

Where there are gaps in the evidence, or you don't have enough information about some equality groups, include an equality action to find out in section 4.2 below. This doesn't mean that you can't complete the assessment without the information, but you need to follow up the action and if necessary, review the assessment later. If you are unable to fill in the gaps, then state this clearly with a justification.

For workforce related proposals all relevant characteristics may not be included in HR diversity reporting (e.g. pregnancy/maternity). For smaller teams diversity data may be redacted. A high proportion of not known/not disclosed may require an action to address under-reporting.

We do not have reliable local diversity data for some protected characteristics, especially where this has not historically been included in statutory reporting. Most of the detailed representation and feedback we have received has been regarding sexual entertainment venues rather than sex shops or sex cinemas. Whilst many of the issues raised would be likely to apply to sex cinemas, sex shops may not generally be perceived as having the same degree of potential negative impact. However some stakeholders have said the issues require further consideration.

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. 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.

2.4 How have you involved communities and groups that could be affected?

You will nearly always need to involve and consult with internal and external stakeholders during your assessment. The extent of the engagement will depend on the nature of the proposal or change. This should usually include individuals and groups representing different relevant protected characteristics. Please include details of any completed engagement and consultation and how representative this had been of Bristol's diverse communities. See https://www.bristol.gov.uk/policies-plans-strategies/equalities-groups.

Include the main findings of any engagement and consultation in Section 2.1 above.

If you are managing a workforce change process or restructure please refer to Managing change or restructure (sharepoint.com) for advice on consulting with employees etc. Relevant stakeholders for engagement about workforce changes may include e.g. staff-led groups and trades unions as well as affected staff.

Past engagement and consultation:

We carried out a pre-consultation questionnaire as part of the original policy review which revealed a wide range of responses as to whether it was appropriate to have sex establishments both generally and in Bristol, providing some insight into the views of the public about these types of venues. The

questionnaire was open between 3 April 2018 and 31 May 2018 and 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 locations within Bristol. We carried out an initial consultation which also revealed a wide range of responses to the proposed draft policy, providing further insight into the views of the public about these types of venues. This consultation was open between 16 August 2019 and 10 November 2019 and asked a number of questions in relation to the draft policy. It was also sent to the Citizen Panel for comment. For further details on our previous engagement and consultation please see Section 2.1. of EQIA SEV Policy Review 2021

2021 Consultation:

More recently we carried out a public consultation for 12 weeks in September to December 2021 on a proposed 'nil-cap' approach to our Sex Establishment Policy. We asked a series of questions including whether people agree or disagree with a nil-cap (zero) approach for the city centre and other relevant areas; how safe people feel in the city centre after dark and how the presence of SEVs affects this; and about the impact of SEVs on Bristol's night time economy. Additionally we invited people to tell us any other comments about the proposals in a draft Sex Establishments Policy. The consultation was available online, and paper copies of the questions and alternative accessible formats were available on request. The questionnaire was publicised through media, social media and communications with the public - including relevant responsible authorities, equalities groups, and stakeholders. The majority (90%) of respondents were members of the public, and we had 6,273 responses overall, as well as additional comments and representations. See Appendix 12 for further details.

Diversity monitoring summary of 2021 consultation respondents:

- 58% were living in the City of Bristol; 22% from the wider Bristol area and adjoining local authorities
- Age: 19% aged 18-24; 9% aged 55+
- Female – 54%; Male 27%
- Non-Binary, Agender, Gender-fluid - 2%; Other 1%
- Disabled people – 11%
- Ethnicity: Asian/Asian British – 2%; Black/Black British – 2%; Mixed/Multi Ethnic 4%; Other Ethnic - <1%; White British – 68%; Other White ethnicity 7%; Gypsy, Roma + Traveller <1%
- Religion and Belief: No religion/belief 59%; Christian - 13%; Other faith group – 7% (of which Muslim 1%)
- Sexual Orientation: Heterosexual (Straight) - 44%; Lesbian, Gay or Bisexual – 28%, Other – 3%
- Trans – 2%

2.5 How will engagement with stakeholders continue?

Explain how you will continue to engage with stakeholders throughout the course of planning and delivery. Please describe where more engagement and consultation is required and set out how you intend to undertake it. Include any targeted work to seek the views of under-represented groups. If you do not intend to undertake it, please set out your justification. You can ask the Equality and Inclusion Team for help in targeting particular groups.

Any licensed premises are required to renew their licences annually, giving an opportunity for persons affected by them to put their views forward.

Step 3: Who might the proposal impact?

Analysis of impacts must be rigorous. Please demonstrate your analysis of any impacts of the proposal in this section, referring to evidence you have gathered above, and the characteristics protected by the Equality Act 2010. Also include details of existing issues for particular groups that you are aware of and are seeking to address or mitigate through this proposal. See detailed guidance documents for advice on identifying potential impacts etc. Equality Impact Assessments (EqIA) (sharepoint.com)

3.1 Does the proposal have any potentially adverse impacts on people based on their protected or other relevant characteristics?

Consider sub-categories (different kinds of disability, ethnic background etc.) and how people with combined characteristics (e.g. young women) might have particular needs or experience particular kinds of disadvantage.

Where mitigations indicate a follow-on action, include this in the 'Action Plan' Section 4.2 below.

GENERAL COMMENTS (highlight any potential issues that might impact all or many groups)

For illustrative purposes we have highlighted in the table below separate mitigations/comments regarding potential impact of two contrasting options, however this does not mean that these are the only options available to the Licensing Committee:

Option 1:
SEVs - Nil Cap City Centre Locality, Nil Cap Old Market Locality, Nil Cap Bishopston/Redland/Cotham/Ashley Locality. The remaining localities are to be determined on a case by case basis. Sex Shops – Numbers remain as per current policy.

Option 2
SEVs – Maintain current numbers – 2 City Centre Locality, 1 Old Market Locality, Nil Cap Bishopston/Redland/Cotham/Ashley Locality. The remaining localities are to be determined on case by case basis. Sex Shops – Numbers remain as per current policy.

Whilst UK Parliament has established that SEVs are a lawful activity, Home Office Guidance 2010 states that a nil cap may be appropriate, and some other local authorities have adopted this approach. The Council must consider this alongside the public sector equality duty.

The council has a public sector equality duty to have due regard when carrying out its functions to the need to eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity; and foster good relations[4]. There is a significant risk of challenge (for both options) if the policy approach does not sufficiently address this duty.

As decision makers The Licensing Committee must fully understand and consider the issues that have been raised and take into account the potential wider impact for Bristol citizens when approving the revised Sex Establishment Venues policy.

Some respondents have raised concerned that if a nil cap policy was introduced this could lead to sexual entertainment to be 'driven underground', or that licensed premises might operate without controls under the exemption afforded to premises who have sexual entertainment on no more than eleven occasions per year[5] (or TENs regime[6]). However there is a counter-view that if there was a 'nil-cap' policy then demand would also go down accordingly because the industry is fuelled by the supply of

[4] This is a brief summary of the PSED duty which is described in more detail here https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty
[5] Local Government (Miscellaneous Provisions) Act 1983, Schedule 3, S2A (3)(b)
[6] Temporary Events Notices https://www.bristol.gov.uk/licences-permits/temporary-event-notices

performers, not by a demand for performances. We are not aware of evidence at this time in other areas with a nil-cap of any marked increase in sexual entertainment evenings under the TENs regime.

The existing 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. There is an ability for the Council to set the appropriate number of premises or types of premises within a particular locality, and a wide range of issues can be considered when determining both the locality and what an appropriate number would be.

In the current policy approach a license may be refused on various discretionary grounds which 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 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".*

NB For both Option 1 and Option 2 – we are not currently aware of any significant potential negative impacts from the continuing licensing of Sex Shops.

PROTECTED CHARACTERISTICS	
Age: Young People	Does your analysis indicate a disproportionate impact? Yes ☒ No ☐
Potential impacts:	Underage people may attempt to enter SEV premises as a customer. Increased numbers of people living in the City Centre and Old Market including new student accommodation (predominantly for young people) may mean that the licencing of SEVs in these areas is no longer appropriate.

Mitigations / Comment:	Option 1(locality nil caps introduced): These potential issues would be entirely mitigated in those localities where a nil cap was introduced. Option 2 (no change to current caps): The legislation prohibits persons under the age of 18 being admitted to or employed on licensed premises. 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, family leisure facilities, residential dwellings, youth facilities and cultural facilities. The policy requires the Council to take into account on a case-by-case basis all relevant considerations including the character of the locality; residential, leisure and educational establishments; other uses in the locality including family friendly facilities; the risk of public nuisance; whether the locality is subject of stress caused by a cumulative impact of premises.
Age: Older People	Does your analysis indicate a disproportionate impact? Yes ☐ No ☒
Potential impacts:	
Mitigations / Comment:	
Disability	Does your analysis indicate a disproportionate impact? Yes ☒ No ☐
Potential impacts:	The application and representation process for SEV licensing may not be sufficiently accessible for disabled people.
Mitigations / Comment:	Option 1(locality nil caps introduced): This potential issue would not be applicable in localities where a nil cap was introduced. Option 2 (no change to current caps): We will ensure that the application and representation process has a clear timetable with information advertised online (licensing web pages) as well as being available in different languages and formats if requested. Responses can be made online or through electronic means as well as in hard copy. Public notice must be given of all applications, and we intend to prescribe a form of application that facilitates public representations, including, for example, requiring applicants to identify the brand name under which the premises are intended to operate and other material information. The policy says that the council will also display additional notices in the area making use of street furniture and community notice boards. It also intends to notify local councillors about applications within their wards.
Sex	Does your analysis indicate a disproportionate impact? Yes ☒ No ☐
Potential impacts:	Introducing a 'nil cap' policy in any locality where there are existing SEVs is likely to have a disproportionately negative impact on the livelihood of predominantly female employees. In the 2021 consultation there were 450+ references to this issue, including comments that potentially 100+ workers and auxiliary staff would be likely to lose their job, leading to significant financial hardship and further negative consequences. Some respondents have said that closing down legal strip clubs will further stigmatise workers and make it harder to maintain or enhance established workers' rights.
Mitigations / Comment:	Option 1 (locality nil caps introduced): We are not aware of any specific mitigation for this risk. A 'nil cap' policy approach would need to be justified on the basis that the overall benefit for citizens outweighed the potentially significant negative economic impact for a largely female workforce. Option 2 (no change to current caps): This potential issue would be entirely mitigated if there is no change to current policy.
Potential impacts:	Some research has found that women who work in SEVs can be subject to high levels of abusive behaviour from customers e.g. verbal harassment and

	unwanted touching from customers[7], and assaults experienced by performers may not always be reported to outside agencies by SEV staff. There is no standardised Code of Conduct that performers or audience members should comply with to protect the rights and safety of performers and aspects of the policy which aim to protect performers may not be complied with. Some stakeholders have raised the issue that the provision of literature and signposting to sexual problems, family planning and sexually transmitted diseases suggest that performers engage in prostitution and gender-based violence is a more likely occurrence during their work.
Mitigations / Comment:	Option 1 (locality nil caps introduced): SEV workers may still be at increased risk of harm despite the strict rules imposed by licensing conditions. Some consultation respondents have commented that they think SEV work is inherently harmful to workers – including that SEVs are an entry point into other sex work, and that female sex workers are at much higher risk of violence than in any other employment. This potential issue would be mitigated in localities where a nil cap is introduced, to the extent that if the venue is removed then any potential risk to the performer within that venue is also removed. Option 2 (no change to current caps): Some consultation respondents who are SEV workers have said they feel safe and would feel less safe if the clubs were to close. Licensing conditions for SEV premises aim to protect employees and the policy has strict rules prohibiting any physical contact between workers and customers in SEVs. Licences can only be refused or revoked on statutory grounds, which are listed in the legislation. We would consider further how the wording of the final policy can ensure that the gravity of any evidence of harm to women linked to SEVs activity is properly considered, without prejudicing licensing hearings. The policy proposes a number of standard conditions attached to licences which include requirements for CCTV, code of conduct and rules for performers and customers, and prevention of physical contact between performers and customers. The code of conduct and rules must be displayed in the venue, and all staff and customers made aware of them. Unannounced enforcement visits take place which include randomised checks of the CCTV footage to ensure the rules are being followed. Penalties are available under the regime where breaches of the licence, or other concerns, are proven to have taken place. Licences are required to be renewed on an annual basis, and concerns may also be raised at this time, with the licence able to be revoked, or additional conditions imposed, if deemed appropriate. We fully endorse providing information and guidance on sexual problems, family planning and sexual transmitted diseases in SEVs as it is good harm-reduction practice. Similar information and guidance is provided in many other places e.g. universities and we do not think that this is an indicator that performers in SEVs are engaged in prostitution or that gender-based violence is a likely occurrence in their work.
Potential impacts:	Activity in SEVs may be seen to reinforce gender inequality and contribute to a culture that perpetuates negative, sexist interactions between men and women - because the majority of activity in SEVs involves men paying women to dance for their sexual gratification. The granting of licences to SEV establishments may be seen to contradict other policies and obligations the City Council has in

[7] For example: University of Leeds Faculty of Education, Social Sciences and Law, The Regulatory Dance http://www.sociology.leeds.ac.uk/research/projects/regulatory-dance

	tackling exploitation and violence against women – e.g. The European Charter for Equality of Women and Men in Local Life, White Ribbon City status, and Bristol Against Violence and Abuse Strategy, which specifically refers to sexual entertainment venues and includes an aim to challenge the sexualisation and subordination of women and children.
Mitigations / Comment:	Option 1 (locality nil caps introduced): This potential issue would be mitigated in localities where a nil cap is introduced, to the extent that if the venue is removed then any potential reinforcement of gender inequality arising from that venue would then be removed. Option 2 (no change to current caps): We have not identified any direct mitigation for this potential issue. However SEVs are lawful activity, and the licensing committee must assess the extent to which the proposed policy approach addresses the public sector equality duty (PSED) to e.g. eliminate harassment of women and advance equality of opportunity between men and women. They must also consider the PSED in conjunction with their statutory obligations under the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA82) under which sex establishments are licensed.
Potential impacts:	Domestic Violence: As above - there is a risk that by continuing to license SEVs the council is perpetuating a culture which promotes the sexual objectification of women, which some research indicates has clear links to increased domestic violence. Domestic violence may not happen in the vicinity of SEVs but be perpetrated by men at other time e.g. travelling home, or in peoples' homes as a direct result.
Mitigations / Comment:	Option 1 (locality nil caps introduced): This potential issue would be mitigated in localities where a nil cap is introduced, to the extent that if the venue is removed then any potential sexual objectification of women arising from that venue would then be removed. Option 2 (no change to current caps): We have not identified a direct mitigation for this potential issue. Ensuring the safety of women is a shared responsibility for everyone including Bristol City Council, and other public bodies and organisations. The existing policy approach would need to be justified on the basis that SEVs are lawful activity and whilst there is academic research relating to the damaging effects of sexual entertainment on attitudes to women and girls, we do not have sufficient local evidence to clearly link Bristol SEV with an increase in crimes or sexual assaults in the vicinity of surrounding areas.
Potential impacts:	There is a concern that trafficked or exploited women could end up working in SEVs and that clubs themselves have responsibility for checking documents.
Mitigations / Comment:	Option 1 (locality nil caps introduced): This potential issue would be mitigated in localities where a nil cap is introduced, to the extent that if the venue is removed then any potential trafficking of exploitation of women arising from that venue would then be removed. Option 2 (no change to current caps): The draft policy states that no person shall be employed or shall perform at the premises who has unspent convictions for any Relevant Offence; No relevant entertainment shall be provided by any performer unless sufficient checks have been made of documents evidencing the performer's age, identity and right to work in the United Kingdom. These checks must also be available to the council on request, and unannounced spot checks are undertaken to ensure the documents are complete and the clubs are compliant with the requirement.
Potential impacts:	Safety outside premises (including feeling safe): Women (including employees) may be at increased risk of assault in the vicinity of SEVs.

	There may be a negative impact on women passers-by if they find the presence of SEVs make them feel threatened or uncomfortable. Some consultation respondents have commented that they think existing SEV premises are too close to transport hubs and student accommodation.
Mitigations / Comment:	Option 1 (locality nil caps introduced): A number of responses in the consultation identified that some women feel uncomfortable or threatened simply by passing these types of premises, whether they are easily identifiable or not. This potential issue would be mitigated in localities where a nil cap is introduced to the extent that if the venue is removed then any potential reduction in safety or perceived safety arising from that venue would then be removed. Option 2 (no change to current caps): Some consultation respondents felt SEVs provided a safe space with e.g. visible and helpful door staff, and that mainstream venues were significantly more problematic in terms of violence and sexual harassment. Whilst CCTV cannot alone ensure protection from crime it is a deterrent. The policy requires that licensed premises shall be sufficiently illuminated to ensure that usable CCTV images can be captured. There must be working CCTV and signage to say it is in operation, and there is consideration of sightlines and 'hidden' areas where effective monitoring may be hampered. The draft policy stipulates that there must be no display on or outside of the licensed premises which indicates or suggests that sexual entertainment is provided there (except for agreed sign/branding), and no activity can be viewed from outside. There must be no personal solicitation, leafleting or adverts in the nearby area.
Sexual orientation	Does your analysis indicate a disproportionate impact? Yes ☒ No ☐
Potential impacts:	Some respondents commented that the SEVs are welcoming because they are sex-positive and provide a safer space for LGBTQ+ and other marginalised communities.
Mitigations / Comment:	See above comments re. safety of premises and surrounding areas.
Pregnancy / Maternity	Does your analysis indicate a disproportionate impact? Yes ☐ No ☒
Potential impacts:	
Mitigations / Comment:	
Gender reassignment	Does your analysis indicate a disproportionate impact? Yes ☒ No ☐
Potential impacts:	Premises which admit men only or women only may potentially discriminate against trans and gender non-confirming people.
Mitigations / Comment:	Option 1 (locality nil caps introduced): This potential issue would not be applicable in localities where a nil cap was introduced. Option 2 (no change to current caps): We are not aware of any licensed premises which do not permit persons of a particular gender entering or being employed within Bristol. Operators of licensed premises are required to comply with the Equality Act 2010.
Race	Does your analysis indicate a disproportionate impact? Yes ☐ No ☒
Potential impacts:	
Mitigations / Comment:	
Religion or Belief	Does your analysis indicate a disproportionate impact? Yes ☒ No ☐
Potential impacts:	People from certain faith groups (e.g. Christianity, Islam, Judaism, Hinduism, Buddhism, and Sikhism) may be offended or have moral objections to the presence of a sex establishment.

Mitigations / Comment:	Option 1 (locality nil caps introduced): This potential issue would be entirely mitigated in localities where a nil cap was introduced. Option 2 (no change to current caps): The policy holds that sex establishments may be inappropriate near to particular sensitive uses, including places of worship, and should have regard to any potential impact on these premises on a case-by-case basis.
Marriage & civil partnership	Does your analysis indicate a disproportionate impact? Yes ☐ No ☒
Potential impacts:	
Mitigations / Comment:	
OTHER RELEVANT CHARACTERISTICS	
Socio-Economic (deprivation)	Does your analysis indicate a disproportionate impact? Yes ☒ No ☐
Potential impacts:	As above - introducing a 'nil cap' policy in any locality where there are existing SEVs is likely to have a disproportionately negative economic impact on the livelihood of predominantly female employees.
Mitigations / Comment:	See comments under 'Sex' above
Carers	Does your analysis indicate a disproportionate impact? Yes ☐ No ☒
Potential impacts:	
Mitigations / Comment:	
Other groups [Please add additional rows below to detail the impact for other relevant groups as appropriate e.g. Asylums and Refugees; Looked after Children / Care Leavers; Homelessness]	
Mitigations / Comment:	
Mitigations:	

3.2 Does the proposal create any benefits for people based on their protected or other relevant characteristics?

Outline any potential benefits of the proposal and how they can be maximised. Identify how the proposal will support our Public Sector Equality Duty to:

- ✓ Eliminate unlawful discrimination for a protected group
- ✓ Advance equality of opportunity between people who share a protected characteristic and those who don't
- ✓ Foster good relations between people who share a protected characteristic and those who don't

Option 1: This policy approach would aim to advance commitments towards women's equality such as those made in The European Charter for Equality of Women and Men in Local Life, White Ribbon city status, and Bristol Against Violence and Abuse Strategy (which specifically refers to sexual entertainment venues).

Option 2: This policy approach would preserve existing employment for a largely female workforce and aim to ensure the Council is well placed address any adverse impact in respect of protected groups when it is engaged in considering applications. It is intended that regulatory controls would offer protection to all SEV workers, residents, businesses and visitors in the city.

Step 4: Impact

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

What are the main conclusions of this assessment? Use this section to provide an overview of your findings. This summary can be included in decision pathway reports etc.

If you have identified any significant negative impacts which cannot be mitigated, provide a justification showing how the proposal is proportionate, necessary, and appropriate despite this.

Summary of significant negative impacts and how they can be mitigated or justified:
Option 1: (locality nil caps introduced) In summary - by introducing a nil cap for City Centre Locality, Old Market Locality, and Bishopston/Redland/Cotham/Ashley Locality the council would mitigate the main concerns raised by stakeholders about potential issues for citizens on the basis of their protected characteristics. However there would be likely negative economic impact for those currently employed by SEVs (mostly women) which would need be justified on the basis of other considerations. **Option 2 (no change to current caps)** In summary - by securing a detailed framework for considering applications, including using information gathering powers, maintaining the existing policy approach would seek to ensure that council is well placed to identify any adverse impact in respect of protected groups when it is engaged in considering applications. However it is not clear how this policy approach would entirely mitigate wider concerns raised by those opposing the licensing of SEVs, and whilst parliament deems them lawful the Council must still consider the PSED duties in this regard.
Summary of positive impacts / opportunities to promote the Public Sector Equality Duty:
Option 1: External communications to provide a clear message to equalities stakeholders and Bristol citizens about changes made to the policy approach. **Option 2:** By licensing sex establishment venues in a safe and appropriate manner there may be an opportunity for responsible providers to make their own organisational commitments to improving accessibility and advancing equality of opportunity for their workforce etc.

4.2 Action Plan

Use this section to set out any actions you have identified to improve data, mitigate issues, or maximise opportunities etc. If an action is to meet the needs of a particular protected group please specify this.

Whichever overall policy approach is adopted we will ensure that the policy includes a clear and unequivocal commitment to meeting the equalities duty in the exercise of all of the functions under the Equality Act 2010 including the Public Sector Equality Duty. 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.

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

How will you know if you have been successful? Once the activity has been implemented this equality impact assessment should be periodically reviewed to make sure your changes have been effective your approach is still appropriate.

Depending on the overall policy approach adopted, we will carry out ongoing review of successful and unsuccessful licensing applications after that time.

Step 5: Review

The Equality and Inclusion Team need at least five working days to comment and feedback on your EqIA. EqIAs should only be marked as reviewed when they provide sufficient information for decision-makers on the equalities impact of the proposal. Please seek feedback and review from the Equality and Inclusion Team before requesting sign off from your Director[8].

Equality and Inclusion Team Review:	**Director Sign-Off:**

[8] Review by the Equality and Inclusion Team confirms there is sufficient analysis for decision makers to consider the likely equality impacts at this stage. This is not an endorsement or approval of the proposal.

Reviewed by Equality and Inclusion Team	
Date: 07/07/2022	Date: