

## Statement of licensing policy - sex establishments

### Evidence based equality analysis

Main aims, purpose and outcomes and how does it fit in with the wider aims of the organisation:

The purpose of the policy is to set the framework which is largely defined in legislation (the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3) within which decisions will be made about the issue of sex establishments. A sex establishment is one which

- Sells sex toys, books or videos
- Shows explicit films to the public.
- Operates a sexual entertainment venue (for example a lap dancing club, strip club, pole/table dancing club or peep show)

Lead officer: Andy Challinor

Stakeholders: Public; licensed premises; members; businesses

Equality analysis is a valuable tool to help embed equality into everything we do

While process is important, equality analysis is essentially about outcomes.

Lack of evidence of discrimination is not evidence of a lack of discrimination.

It is not acceptable to say that a policy is applied uniformly to all groups and is therefore fair and equal. Applying a policy or procedure consistently may result in differential outcomes for different groups.

For each of the areas overleaf, an assessment needs to be made on whether the policy has a **positive, negative or neutral impact**, and brief details of why this decision was made and notes of any mitigation should be included. Where the impact is negative, this needs to be given a **high, medium or low assessment**. It is important to rate the impact of the policy based on the current situation

(i.e. disregarding any actions planned to be carried out in future).

**High impact** – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact** –some potential impact exists, some mitigating measures are in place, poor evidence

**Low impact** – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

|   | Neutral                 | Positive   | Negative   |
|---|-------------------------|--|--|
| Target group / area   |                         |  |  |
| <b>Race and ethnicity</b><br>(including Gypsies and Travellers; migrant workers, asylum seekers etc.)   |                         | <p>A register of all performers is kept therefore the policy enables protection for workers in these establishments (i.e. against trafficking and exploitation in the case of migrant workers).</p> <p>The policy was widely consulted upon however can be improved in future.</p> | <p>Low – There are only three premises currently in the borough.</p> <p>Future consultations can be improved to include better consultation with minority groups. See actions below.</p>   |
| <b>Disability</b><br>(as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities) | Will keep under review. | <p>Inclusivity statement on the policy.</p> <p>Policy can be read to a person accessing the policy on the Council’s website.</p>   | <p>Medium - hearing venues are determined by the facilities available at the Council. An equality analysis is required for these venues. Service correspondence changed to ensure that people invited to raise any issues at a hearing have their needs accommodated prior to any hearing.</p> |

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|---|---|--|--|
| <b>Gender/gender reassignment</b>   | N/A   |  |  |
| <b>Religion and belief</b>  | The law states that objections to these premises cannot be made on moral grounds. The policy is therefore not discriminatory.   | The policy is sensitive to the concerns of religious groups by limiting their potential location.                                |  |
| <b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual)  | N/A   |  |  |
| <b>Age</b> (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older older people 81+. The age categories are for illustration only as overriding consideration should be given to needs). | The policy states a minimum age of 18 to attend the venues and applying for license.<br><br>The policy prevents exposure to children of adult material by the conditions under the license. | The policy requires sex establishments must not be located near schools  |  |
| <b>Rural communities</b>  | The location of such venues is directed to central areas where access by public transport is likely to be best.   | Policy responds to feedback received from rural communities to locate these premises in commercial areas and not in rural areas. |  |
| <b>Areas of deprivation</b>   | N/A   |  |  |
| <b>Human Rights</b>   | The policy is primarily determined by legislation.  | Fees have been set to ensure there is a high level of  |  |

|  |     |  |  |
|--|-----|--|--|
|  |     | compliance with conditions and allow for regular inspections.  |  |
| <b>Health and Wellbeing</b> (consider both the wider determinants of health such as education, housing, employment, environment, crime and transport, as well as the possible impacts on lifestyles and the effect there may be on health and care services) |     | The policy goes beyond legislative requirements in stating that consultation for domestic and business premises within a 50 metre radius.<br><br>The policy seeks to protect health and wellbeing and provide for good standards of control. |  |
| <b>Procurement/Partnership</b> (if project due to be carried out by contractors/partners etc, identify steps taken to ensure equality compliance)  | N/A |  |  |

### Evidence:

Consultation Process (January 2011)

Report to Licensing Committee 22 Feb 2011


Minutes of Licensing Committee 22 February 2011

Documents available on request from [equalities@cheshirewestandchester.gov.uk](mailto:equalities@cheshirewestandchester.gov.uk), telephone 01244 976008

### Action plan:

| <b>Actions required</b>  | <b>Key Activity</b>  | <b>Priority</b> | <b>Outcomes required</b>   | <b>Officer responsible</b> | <b>Review date</b> |
|--|--|-----------------|--|----------------------------|--------------------|
| Establish inclusivity at hearings and in correspondence inviting people to hearings. | Establish adaptations in Council committee rooms<br><br>Include a statement in correspondence inviting people to speak at hearings to ask whether they have any needs to | High            | All rooms used for hearings to be capable of being adapted for hard of hearing, partially sighted or other disability. | Team leader licensing      | 1 May 2014         |

|   |   |        |  |   |                        |
|---|---|--------|--|---|------------------------|
|   | assist them present their information eg hearing loop, accessibility in a similar way to that used in school appeals. |        |  |   |                        |
| Improve consultation at the next review of the policy to improve consideration of impacts on minority groups. | Design the consultation at the review of the policy to include more minority groups.                                  | Medium | Greater feedback from minority groups than at consultation 2011. | Regulatory services manager compliance. | At next policy review. |

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| <b>Sign off</b>  |   |
| Lead Officer:  | Andrew Challinor  |
| Approved by Head of Service:   |  |
|  |   |
| <b>Moderation and/or Scrutiny</b>  |   |
| Date: 15 May 2013  |   |
| <b>Date analysis to be reviewed based on rating</b> (high impact – review in one year, medium impact - review in two years, low impact in three years) | Three Years   |

**Please forward the completed Equality Analysis to the Equality and Diversity Managers for publishing on the Council's website**