

# Equality Impact Assessment: Report and EIA Action Plan

## Purpose

<b>Policy/Service under development/review:</b>	Sex Establishment Policy
<b>Service Lead and Service Unit:</b>	Nananka Randle Communities
<b>People involved in EIA process:</b>	Nananka Randle Sarah Rogers Andy Williams
<b>Date EIA conversation started:</b>	23 November 2020

## Background

The Sex Establishment Policy ensures compliance with all statutory requirements placed on the council in relation to the licencing of sex establishments

The policy is being updated to adopt the provisions of [Local Government Miscellaneous Provisions Act](#) and [Policing and Crime Act 2009](#) to include all the BCP conurbation. The policy sets out the framework to facilitate consideration of applications in respect to these premises.

The purpose of the policy is to enable BCP Council to have clear guidelines in relation to the licensing of sex establishments in its area for applicants, residents and workers. This policy ensures a transparent consistent approach that gives direction and focus to the Licensing Committee in determining applications.

There are three types of premises which are covers by the broader definition of sex establishments. There are

- Sexual Entertainment Venues (SEV's)
- Sex Shops
- Sex Cinemas.

There are statutory definitions of what these are but in short:-

- SEV's provide relevant entertainment which is a performance which is intended to sexually stimulate, and this may or may not include nudity. Any place where such a performance takes place before an audience is likely to require a licence. Examples of this are lap dancing or strip clubs. There are currently three licenced SEV's in BCP area.
- Sex Shop mainly sells sex articles and/or films intended to sexually stimulate known as R Rated films. There are currently three sex shops in BCP area
- Sex Cinemas show films intended to sexually stimulate, commonly known as R Rated films. There are no sex cinemas in the BCP area.

Any premises falling into these definitions would require a licence. The policy will provide a framework for facilitating consideration of applications for licences for sexual establishments.

It sets out information about the application process, what is expected of applicants and how people can make objections. It also sets out the type 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 10<sup>th</sup> December 2020 a draft policy was agreed for public consultation.

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The original draft document presented to Licensing Committee provided options for members to discuss. This was around the setting of limits of premises within a defined locality (as previously contained within the Bournemouth Borough Council policy) or relying on area characteristics to control the location of such venues.

During the meeting it was noted that numbers and localities given in this section were historic. Members felt that these were no longer appropriate for the conurbation as a whole and if retained they may restrict customer choice. The Committee discussed the role of market forces in self-limiting the number of establishments which were viable. As this was a long term policy Members felt that it should include the flexibility to respond to the changing nature of local areas along with business/customer requirements. The Committee also talked about the impact that limiting numbers could have in increasing complacency among existing operators, stifling competition and creating potential monopolies, while unwittingly encouraging those operators unable to obtain a licence to bend the rules.

The Committee referred to Paragraph 10.2 of the policy which explained how it was intended that the Licensing Authority would treat each application received: on its merits, while considering the character of the locality and whether the grant of an application would be inappropriate having regard to its proximity to a comprehensive list of criteria. The Committee agreed that this list of criteria provided a robust framework to use when determining applications. Members felt that a consideration around the numbers, type and concentration of premises in a single area should be incorporated in the list as a safeguard.

The policy also contains general conditions for Sexual Establishments and then specific additional conditions for each type of licence. These conditions include the conduct and management of the venues

The draft document was amended accordingly and public consultation via an online survey took place for 4 weeks from 4 January – 1 February 2021. The survey alongside links to the draft policy document as sent to a number of consultees directly as well as publicised on the council's social media pages. In total there were 206 responses to the survey.

The respondent profile to the public survey is as follows:-

### Age

16 - 24 years	18	9%
25 - 34 years	40	20%
35 - 44 years	38	19%
45 - 54 years	47	23%
55 - 64 years	29	14%
65+ years	18	9%
Prefer not to say	14	7%

### Gender

Female	123	60%
Male	66	32%
Other	1	0%
Prefer not to say	15	7%

### Transgender

Yes	2	1%
No	179	90%
Prefer not to say	18	9%

### Sexual orientation

Heterosexual / straight	127	63%
Asexual	0	0%
Bisexual	17	8%

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Gay man	11	5%
Lesbian / gay woman	8	4%
Other (specify below if you wish)	1	0%
Prefer not to say	39	19%

### Disability

Yes - limited a lot	12	6%
Yes - limited a little	27	13%
No	143	70%
Prefer not to say	21	10%

### Ethnicity

White British	148	73%
Other white	18	9%
BAME	13	6%
Prefer not to say	25	12%

### Religion

No religion	106	52%
Christian	63	31%
Any other religion or belief (please specify below if you wish)	11	5%
Prefer not to say	23	11%

The main service users who will benefit from the policy include Licensed premises, residents and workers within the venues.

The Public Sector Equality Duty has been considered as part of the production of this EINA.

While it is recognised that anecdotal evidence of increased sexual violence around SEV;s has been provided during the consultation, local research by the Community Safety team and police analyst has demonstrated that there has been only one reported crime linked to these establishments during 2018 to 2020 when they were last open. Analysis of reported sexual violence across Bournemouth & Poole suggests that only 15% of all reports were in any way linked to Bournemouth's night-time economy.

A number of responses to the consultation related to the fear of harassment when walking past SEV venues, concerns of violence in and around SEV's potential victimisation of workers within the venues, general violence against women due to the presence of these establishments. This has been considered under negative outcomes in the findings. Suggestions provided within the public consultation as well as suggestion from the Community Safety Partnership Manager have been taken and included within the policy as a condition of their licence.

In response to these concerns and the fears expressed it is recognised that within the localities of the existing SEV's there is a safe bus in place at peak night-time economy times, the area is patrolled by street pastors and there are marshals overseeing general safety of patrons as they leave the area. All new applications will be assessed on their own merits and the locality characteristics will be considered.

There has been views expressed that link sexual entertainment venues to prostitution, sexual violence and harassment of women. However there is no local evidence that the existing venues in Bournemouth have such issues.

There is a view that not licensing sexual entertainment venues may drive the trade underground, operating without any controls, or that licensed premises might operate without controls through the exemption afforded to premises who have sexual entertainment on no more than eleven occasions per year.

### Summary of responses from workers within the SEV trade

#### 3 managers

Confirmed self employed status of dancers but also that the dancers choose where to work and if the environment is not safe and secure they will go elsewhere. As such clubs spend considerable money in ensuring the dancers are looked after at all times.

The best run clubs attract the best dancers.

#### 26 dancers provided feedback and all reflected similar thoughts and experiences :-

All confirmed they felt safe and secure with strict licensing rules adhered to and they enjoy the flexibility to set own shifts to fit into their lifestyles.

They confirmed choice of venue to work at is completely at the choice of the dancer and it is an enjoyable and lucrative business.

Dancers discuss venues and recommend the best clubs to work at, they confirmed investment in clubs is used to attract the best dancers.

Dancing can be safer than other work environments due to the security and licensing requirements.

Most dancers have further education degrees or vocational qualification and use dancing to further their educations. Many had other jobs or their own businesses and used dancing to top up incomes.

They do not feel exploited, they choose to operate their business in any club they wish at very little cost and earn an income which they could not do in any other industry. As with any industry some people will have a poor experience but on the whole performers do not feel exploited and feel safe.

Some felt that the negative feedback and 'feminist views' is not helpful and takes away their choice and rights to work in an industry and job role that they enjoy. Most felt that the negative views of exploitation were misplaced and in fact the dancers feel empowered as female.

Some raised concerns that if clubs no longer licenced it would be unsafe for girls who choose to stay in the industry

## Findings

### • ***Different Ages***

**Positive Outcome:** No under 18s permitted robust systems in place to safeguard against underage use.

On application, the location of venues will take into consideration the proximity of educational premises, childcare providers, playgrounds and other locality characteristics which impact on children and young people.

On application and renewal notices are displayed in three medial – in the press, via the councils website and also a physical notice on the venue which is accessible by all anyone in the area.

### • ***Those with mental disabilities***

**Positive Outcome:** Strict conditions as part of the policy are imposed to protect vulnerable patrons from exploitation.

### • ***Different sexes/genders***

**Positive Outcome:** Strict conditions as part of the policy are imposed to protect staff from unwanted attention when in private areas of the clubs.

The SEV's provide relatively lucrative employment to a number of women, and there is no evidence of coercion, trafficking or exploitation in the local venues

**Negative Outcome:** Fear and concerns of sexual harassment as a result of the SEV in the locality. These are duly considered, anecdotal evidence has been quoted which does not support these fears. Within the locality of the existing SEV's there is the safe bus, street pastors and night time marshals.

### • ***People with different religions or beliefs***

**Positive Outcome:** On application, the location of venues will take into consideration the

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proximity of religious premises and places of worship.

On application and renewal notices are displayed in three medial – in the press, via the councils website and also a physical notice on the venue which is accessible by all anyone in the area.

- ***People's human rights***

**Positive Outcome:** Strict conditions and policies regarding recruitment within venues to protect workers from Modern Slavery and human trafficking.

On application and renewal notices are displayed in three medial – in the press, via the councils website and also a physical notice on the venue which is accessible by all anyone in the area.

## Conclusion

### Summary of Equality Implications:

Overall the policy will have a positive impact because it enables a safe space for both dancers and patrons of the SEV's. The licence conditions ensure dancers have private dressing rooms and toilet facilities with security in place to protect these spaces. Conditions requiring codes of conduct for both dancers and patrons ensures standards of behaviour on both sides.

By regulating the industry and issuing licences BCP Council are having a positive impact on the trade, are not at risk of driving the activities underground whereby they would be unregulated and expose dancers and patrons to risk.

Although it is recognised that nationally there may be links between SEV's and the sex trade and sexual assaults on a local level within BCP there is no such established link. Police crime statistics show correlation between attendance of these venues and sexual crimes either in the vicinity or wider afield. The EIA is based on local evidence from those within the trade, police and crime statistics and not on assumptions.

The venues within BCP area are well run and have not been challenged on reapplication each year. The advertising of renewals is accessible to all via a number of mediums – website, physical copy on the venue and in the local press.

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### Equality Impact Assessment Action Plan

*Please complete this Action Plan for any negative or unknown impacts identified above. Use the table from the Capturing Evidence form to assist.*

Issue identified	Action required to reduce impact	Timescale	Responsible officer
Changes to proposed policy	Further consultation to be undertaken	June – July 2021	NR
Dancers can suffer harassment from customers and staff	Strict conditions to be imposed and any complaints would be followed up. Compliance visits to be made to clubs when they reopen after 19 <sup>th</sup> July	Ongoing	NR
Women's safety in Bournemouth Town Centre	Ensure that mitigating factors such as Marshalls, Safe Bus etc are in place to tackle town centre issues	Ongoing	AW