

Equality Impact Assessment: Capturing Evidence

Purpose

Policy/Service under development/review:

Sex Establishment Policy

1. What sources of research and evidence do we currently have and what does it tell us?

Use recent & relevant consultation & engagement to demonstrate a clear understanding of those with a legitimate interest in the policy/service/process and the relevant findings

Evidence source: Research and Public Consultation

What could this mean for people with protected characteristics (see table at the end of the form) affected by policy/service under development/review?:

There has been research into the lap dancing industry and potential links between sex establishment venues and sexual violence. In 2015 the School of Sociology and Social Policy at the University of Leeds published an article entitled 'Regulating Strip based entertainment: sexual entertainment venues policy and the ex/inclusion of dancers perspectives and needs'. This article showcases a research, dissemination and impact study into this 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 evidence³ or anecdotes of forced labour or the trafficking of women.
- No evidence of lap dancing having connections with organised prostitution.

Other research into Sex Establishment Venues has concluded 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.
- Sex Establishment Venues may attract and generalise prostitution.
- Performers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management.
- Many performers being working in lap dancing clubs through lack of real choice.
- Working conditions and terms of employment for performers in SEV's are inadequate.

This policy will be applicable to 3 Sex Establishments and 3 Sex Shops

Public consultation took place in January 2-21 via the councils' website for 4 weeks and this was advertised via social media. The outcome of Sex Establishment Policy Consultation is detailed below.

The link to the consultation and policy was sent directly to consultees which are listed at appendix A.

The first question asked of the public related to the setting of limits and the statement read BCP Council should not seek to limit the number of sex establishments in any given area. 64% of respondents strongly disagreed with this, with only 21% strongly agreeing. Within these respondents people **aged 65+** were more likely to disagree (94%) than any other age group.

Females were more likely to disagree (80%) than males (57%). **Heterosexual** respondents were more likely to disagree (75%) than those from the LGBT community.

There were no significant differences by disability, ethnicity or religion.

The character of the locality was then considered, respondents were asked to agree or disagree with the proximity of the stated types of premises to be taken into account when considering a licence application.

A majority of respondents strongly agreed with all of the criteria for consideration. Residential premises, children's facilities such as schools and playgrounds, and shops aimed at children and families saw the strongest level of agreement. There was a sizeable minority that disagreed with many of the criteria. Between a quarter and a fifth of respondents disagreed or strongly disagreed with all except the first three criteria.

Residential premises

Overall, 79% of respondents agreed that the proximity of residential premises should be taken into account when considering licensing applications for sex establishments and 16% disagreed.

- Respondents **aged 65+ (100%) and 55-64 (90%)** were the **most** likely to agree, especially compared to those **aged 35-44 (62%)** who were **least** likely to agree.
- **89% of females** agreed compared to 63% of males. 28% of males disagreed.
- Respondents from a **BAME community** were more likely to **disagree** (31%) than respondents from white British or other white backgrounds.

Premises frequented by children, young persons or families (Schools, playgrounds, etc)

There was strong agreement that these premises should be considered when deciding whether to issue a licence for a sex establishment, with 87% of respondents agreeing and only 10% disagreeing. Since so many respondents agree, there are very few differences by protected characteristics. Respondents from a **BAME background** were more likely to disagree (31%) than other ethnic backgrounds.

Shops used by or directed at families or children

There was 79% agreement with this consideration and 14% disagreement.

- Respondents **aged 55-64 (90%)** and **aged 65+ (100%)** were more likely to agree than those **aged 35-44 (63%)**
- **Female respondents** were more likely to agree (85%) than **males (66%)**

Premises sensitive for religious purposes

There was 69% agreement that places of worship should be considered and 24% disagreement.

- Respondents **aged 65+ (94%)** were more likely to agree compared to those **aged 35-44 (50%)** and **aged 55-64 (63%)**
- **Females** were more likely to agree (82%) than **males (48%)**

Places and/or buildings of historical/cultural interest and tourist attractions

Overall, 65% of respondents agreed that historical / cultural buildings and tourist attractions should be considered while 25% disagreed.

- **Female** respondents were much more likely to agree (79%) than **males (41%)**
- Respondents **aged 65+ (88%)** were much more likely to agree compared to those **aged 35-44 (49%)**
- Respondents from an **other white ethnic background (89%)** were more likely to agree than those from a **white British background (60%)**

Cultural facilities

There was 65% agreement that the proximity of cultural facilities such as museums, theatres and cinemas should be considered and 27% disagreement.

- **Female** respondents were much more likely to agree (81%) than **males (37%)**
- Respondents **aged 65+ (88%)** were much more likely to agree compared to those **aged 35-44 (49%)**

- Respondents from an **other white ethnic background** (89%) were more likely to agree than those from a **white British background** (59%)

Parks and leisure

There was 70% agreement that public leisure facilities such as leisure centres, parks and open spaces should be considered and 23% disagreement

- **Female** respondents were much more likely to agree (85%) than **males** (46%)
- Respondents **aged 65+** (88%) and **aged 55-64** (79%) were much more likely to agree compared to those **aged 35-44** (53%)
- Respondents from an **other white ethnic background** (94%) were more likely to agree than those from a **white British background** (66%) or a **BAME background** (62%)

Community buildings

Two thirds (66%) of respondents agreed that community buildings such as community centres, libraries and drop in centres should be considered.

- **Female** respondents were much more likely to agree (81%) than **males** (43%)
- Respondents **aged 65+** (88%) were much more likely to agree compared to those **aged 35-44** (51%)
- **Heterosexual respondents** (69%) were more likely to agree than those who are **bisexual, gay, lesbian or other sexual orientation** (46%)

Social care facilities

72% of respondents agreed that places used by vulnerable persons such as day centres, hostels and other adult social care facilities should be considered and 23% disagreed.

- **Female** respondents were much more likely to agree (85%) than **males** (52%)
- Respondents **aged 65+** (94%) and **aged 55-64** (79%) were much more likely to agree compared to those **aged 35-44** (53%)

Medical facilities

66% of respondents agreed that hospitals and other medical facilities should be considered and 24% disagreed.

- **Female** respondents were much more likely to agree (81%) than **males** (40%)
- Respondents **aged 65+** (88%) were much more likely to agree compared to those **aged 35-44** (53%)
- Respondents from an **other white ethnic background** (89%) were more likely to agree than those from a **white British background** (62%)

Other sex establishments

Seven in ten respondents (70%) agreed that the number, type and concentration of other sex establishments already licenced within the locality should be considered and 24% disagreed.

- **Female** respondents were much more likely to agree (80%) than **males** (51%)
- Respondents **aged 65+** (94%), **aged 55-64** (79%) and **aged 45-54** (74%) were more likely to agree compared to those **aged 35-44** (47%).

There were two open questions on the survey where respondents could leave comments. The first asked if there were any other locality characteristics that should be considered and the second asked for any other comments on the policy. It was made clear that sex establishments are permitted by national legislation, so moral objections are not grounds for refusing a license. The draft policy covers both sex entertainment venues and sex shops. Many of the comments refer to entertainment venues rather shops.

There were 101 other comments made. Most of these were comments made either in support (19) of or opposition (60) to sex entertainment venues (SEVs). While the consultation did not seek opinions

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on whether sex establishments should be allowed or banned (since they are permitted by national legislation). Again, many of the comments focused on SEVs rather than shops.

Those opposed to SEVs described the venues and the activities within them as degrading and abusive to women. As such, many felt that the council would be failing in its equalities duty if such venues were permitted.

The Community Safety Partnership Manager has been consulted and she suggested that the policy should address concerns regarding human trafficking and modern slavery – this was also picked up in feedback from the consultation.

An analysis of crimes and Police incidents relating to the three sexual entertainment venues from 2018 to 2020, show only one crime where a female dancer was the victim of an assault (without injury) by a customer of the venue.

Two responses were received from dancers at some of the sexual entertainment venues, there both indicated that the women involved were happy in their roles, felt respected and safe in their work places.

A licensing committee member's workshop took place on 29th March 2021 with 5 members of the Licensing Committee and officers. This considered the legal framework, Public Sector Equality Duty, consultation feedback received and the community safety agenda. This workshop concluded that the policy does consider the PSED and that some recommended improvements to wording and some content following on from consultation is required. It was also decided to undertake a member engagement group to provide all BCP members with information about the purpose of the policy, recommendations made and why.

A second round of public consultation was agreed by the Licensing Committee on 19th May following agreed amendments to the policy. This consultation started on 14th June 2021 for four weeks and was circulated to all interested parties as well as all BCP members. The consultation advises that the main changes to the policy are:

- The inclusion of a section that specifically relates to existing licensed sex establishments
- A number of additional conditions in section B of the Appendix, relating to sex entertainment venues

All changes are highlighted in yellow in the [Draft Sex Establishments Policy document](#)

In addition, council members felt that they needed more understanding of opinions relating to different types of sex establishments before they make a decision about whether to adopt the draft policy, so we have included some questions about things that haven't changed.

Further additions to the EIA will be made following the conclusion of this consultation.

2. What additional research do we need?

Police statistics into crime related in and around the venues - completed

Gather the views of women working in these venues – venues were contacted and some responses have been received from dancers

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Second round of public consultation, following some changes to the proposed policy.

3. Are there any relevant policies/strategies that need to be considered as part of this process?

Statement of Licensing Policy, Equality and Diversity Policy, Corporate Strategy

4. What do we still need to know?

Opinions from religious groups was sought but local mosque was not included in the list – having checked our records the local mosque asked to be removed from the circulation list during a previous consultation.

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Findings

Please tick any characteristic that will be affected – there can be more than one.	Age ¹	Disability ²	Sex	Gender reassignment ³	Pregnancy and Maternity	Marriage and Civil	Race	Religion or Belief	Sexual Orientation	Armed Forces Community	Human Rights	Any other factors/groups e.g. socio-economic status/carers etc ⁴
Positive outcomes												
Robust systems in place to safeguard against underage use and vulnerable patrons from exploitation.	✓	✓	✓									✓
Robust systems in place to protect staff from unwanted attention.	✓		✓									
Conditions and policies in place to protect workers from modern slavery and trafficking.	✓		✓									✓
Locality Characteristics will be used to determine applications received and future locations on a case-by-case basis. Including the proximity to any religious premises or schools, playgrounds	✓		✓					✓				✓
Negative outcomes												
Concerns and fear of sexual harassment experienced in the locality of Sexual Entertainment Venues			✓								✓	
Sexual harassment experienced by staff or visitors within Sexual Entertainment Venues	✓		✓									

¹ Under this characteristic, The Equality Act only applies to those over 18.

² Consider any reasonable adjustments that may need to be made to ensure fair access.

³ Transgender refers people have a gender identity or gender expression that differs to the sex assigned at birth.

⁴ People on low incomes or no income, unemployed, carers, part-time, seasonal workers and shift workers

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List of Consultees

Angela Message, Keystone Law	angela.message@keystonelaw.co.uk ;
APPL Solutions Limited, Managing Director	solutions@applicensing.co.uk ;
BH Live	peter.gunn@bhlive.co.uk ;
Bishop of Salisbury	bishop.salisbury@salisbury.anglican.org ;
Bishop of Winchester	andrew.robinson@winchester.anglican.org ;
Blake Morgan, Solicitors	jon.wallsgrave@blakemorgan.co.uk ;
Bournemouth & District Law Society	office@bournemouthlaw.com ;
Bournemouth and Poole Safeguarding Adults Board	enquiries@bpsafeguardingadultsboard.com ;
Bournemouth and Poole Rough Sleepers Team, Assertive Outreach Worker (Alcohol)	info@mungos.org
Bournemouth Area Hospitality Association	bha@bha.org.uk ;
Bournemouth Branch of the Federation of Small Businesses	matthew@escapeyachting.com ;
Bournemouth Chamber of Trade & Commerce	president@bournemouthchamber.org.uk ;
Bournemouth Community Church	office@bournemouthcommunitychurch.com ;
Bournemouth Interpreters Group	AMarsh1004@aol.com ;
Bournemouth Magistrates' Court	do-bournemcgen@hmcts.gsi.gov.uk ;
Bournemouth Town Centre BID	gregg@towncentrebids.co.uk ;
Bournemouth Town Centre Chaplaincy	chaplain@clubchaplain.com ;
Bournemouth Town Centre Parish (The Diocese of Winchester)	ianterry@live.co.uk ;
Bournemouth Town Watch	jon.shipp@bournemouth.gov.uk ;
Bournemouth University	enquiries@bournemouth.ac.uk ;
Bournemouth University – Student Union Vice President Welfare Officer	suwpwelfare@bournemouth.ac.uk ;
Bournemouth University – Welfare and Communities Officer	dparman@bournemouth.ac.uk ;
British Beer & Pub Association	contact@beerandpub.com ;
CEDAW (Convention on the Elimination of all forms of Discrimination Against Women) (Women's Resource Centre)	admin@wrc.org.uk ;
Christchurch Chamber of Commerce	office@christchurchbusiness.co.uk
Christchurch Town Council	townclerk@christchurch-cc.gov.uk
Diageo	gbcustomerservice@diageo.com ;
Easy Tiger	jonathan@easytigerstore.com ;
End Violence Against Women	admin@evaw.org.uk ;
Enterprise Inns plc, Regional Manager	liz.appleton@enterpriseinns.com ;
Fawcett Society	info@fawcettsociety.org.uk ;
FYEO, CEO	alexfy eo@hotmail.co.uk