

The Public Sector Equality Duty

The Equality Duty requires public bodies to have **due regard** to the need to:

- Eliminate unlawful discrimination harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

Protected Characteristics:

- Age
- Disability
- Gender Reassignment
- Pregnancy and Maternity
- Marriage and Civil Partnership (elimination of discrimination only)
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Due Regard means consciously thinking about the three aims of the Duty as part of the process of decision-making. For example:

- How they act as employers
- How they develop, evaluate and review policy
- How they design, deliver and evaluate services
- How they commission and procure from others

Advancing equality of opportunity involves considering the need to:

- Remove or minimise disadvantages suffered by people because of their protected characteristics
- Meet the needs of people with protected characteristics
- Encourage people with protected characteristics to participate in public life or in other activities where their participation is low

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the Equality Duty may involve treating some people better than others, as far as this is allowed in discrimination law. This could mean making use of an exception or positive action provisions in order to provide a service in a way that is appropriate for people who share a protected characteristic.

Officers should:

Keep an adequate record showing that the equality duties and relevant questions have been actively considered.

Be rigorous in both inquiring and reporting to members the outcome of the assessment and the legal duties.

Final approval of a proposal, can only happen after the completion of an equality impact assessment. It is unlawful to adopt a proposal contingent on an equality impact assessment

Central Bedfordshire Equality Impact Assessment



Title of the Assessment:	Review of Sex Establishment Policy	Date of Assessment:	12/08/13
Responsible Officer	Name: Susan Childerhouse	Extension Number:	74394
	Title: Head of Public Protection		
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Stage 1 - Setting out the nature of the proposal and potential outcomes.

Stage 1 – Aims and Objectives	
1.1 What are the objectives of the proposal under consideration?	<p>We are required to undertake reviews relating to the licensing of premises for specific activities. This is a review of the policy relating to sex establishments in Central Bedfordshire.</p> <p>The Central Bedfordshire area currently has two premises that require licensing as sex establishments. These are;</p> <ul style="list-style-type: none"> • One (1) licensed Sex Shop in the Dunstable area; and • One (1) licensed Sex Shop in the Sandy/Biggleswade area.
1.2 Why is this being done?	<p>The policies are reviewed every three years. The Council is mindful of possible concerns of the local community and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities.</p>
1.3 What will be the impact on staff or customers?	<p>Customers – Residents may see a reduction in the numbers of establishments operating in Central Bedfordshire although any that are operating will not be close to residential premises</p> <p>Businesses will be restricted in relation to the sighting of a sex establishment</p> <p>Staff will have a clearer process for approving or refusing applications</p>
1.4 How does this proposal contribute or relate to other Council initiatives?	<p>Promote health and well being and protecting the vulnerable</p>

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1.5 In which ways does the proposal support Central Bedfordshire’s legal duty to:

- Eliminate unlawful discrimination harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

In order to take account of residents feelings on sex establishments in the area, the Council recently conducted a telephone survey of 1,123 residents across Central Bedfordshire on the subject of sexual entertainment venues. The profile of the people interviewed was broadly representative of the population in terms of their age, gender, ethnicity and location.

63% of respondents said that they did not believe licences for sexual entertainment venues should be granted in the area as a whole, with at least 80% of respondents indicating they were opposed to these venues operating in the vicinity of religious buildings, schools, residential areas, parks, and places frequented by children, families and vulnerable adults.

1.6 Is it possible that this proposal could damage relations amongst groups of people with different protected characteristics or contribute to inequality by treating some members of the community less favourably such as people of different ages, men or women, people from black and minority ethnic communities, disabled people, carers, people with different religions or beliefs, new and expectant mothers, lesbian, gay, bisexual and transgender communities?

No the consultation undertaken suggests support to differing degrees from all of the different communities within Central Bedfordshire.

Stage 2 - Consideration of national and local research, data and consultation findings in order to understand the potential impacts of the proposal.

Stage 2 - Consideration of Relevant Data and Consultation

In completing this section it will be helpful to consider:

- **Publicity** – Do people know that the service exists?
- **Access** – Who is using the service? / Who should be using the service? Why aren't they?
- **Appropriateness** – Does the service meet people’s needs and improve outcomes?
- **Service support needs** – Is further training and development required for employees?
- **Partnership working** – Are partners aware of and implementing equality requirements?
- **Contracts & monitoring** – Is equality built into the contract and are outcomes monitored?

2.1. Examples of relevant evidence sources are listed below. Please tick which evidence sources are being used in this assessment and provide a summary for each protected characteristic in sections 2.2 and 2.3.

Internal desktop research

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	Place survey / Customer satisfaction data	Demographic Profiles – Census & ONS
	Local Needs Analysis	Service Monitoring / Performance Information
	Other local research	
Third party guidance and examples		
*	National / Regional Research	Analysis of service outcomes for different groups
	Best Practice / Guidance	Benchmarking with other organisations
	Inspection Reports	
Public consultation related activities		
*	Consultation with Service Users	* Consultation with Community / Voluntary Sector
	Consultation with Staff	* Customer Feedback / Complaints
	Data about the physical environment e.g. housing market, employment, education and training provision, transport, spatial planning and public spaces	
Consulting Members, stakeholders and specialists		
*	Elected Members	Expert views of stakeholders representing diverse groups
*	Specialist staff / service expertise	
<p><i>Please bear in mind that whilst sections of the community will have common interests and concerns, views and issues vary within groups. E.g. women have differing needs and concerns depending on age, ethnic origin, disability etc</i></p> <p>Lack of local knowledge or data is not a justification for assuming there is not a negative impact on some groups of people. Further research may be required.</p>		
2.2. Summary of Existing Data and Consultation Findings: - Service Delivery Considering the impact on Customers/Residents		
	<p>- Age: e.g. Under 16 yrs / 16-19 yrs / 20-29 yrs / 30-44 yrs / 45-59 yrs / 60-64 yrs / 65-74 yrs / 75+</p> <p>Older age groups are more likely to oppose the granting of licences than younger age groups (35% of 18-34 year olds against compared with 52% of 35 to 54 year olds and 50% of residents aged 55 and over).</p> <p>- Low impact</p>	
	<p>- Disability: e.g. Physical impairment / Sensory impairment / Mental health condition / Learning disability or difficulty / Long-standing illness or health condition / Severe disfigurement</p> <p>There is no difference in the response received from those stating that they had a long standing illness, disability or infirmity (16%) to the general population</p>	

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<ul style="list-style-type: none"> - Low Impact
<ul style="list-style-type: none"> - Carers: <i>A person of any age who provides unpaid support to family or friends who could not manage without this help due to illness, disability, mental ill-health or a substance misuse problem</i> - Low Impact
<ul style="list-style-type: none"> - Gender Reassignment: <i>People who are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex</i> - Low Impact
<ul style="list-style-type: none"> - Pregnancy and Maternity: <i>e.g. pregnant women / women who have given birth & women who are breastfeeding (26 week time limit then protected by sex discrimination provisions)</i> - Low Impact
<ul style="list-style-type: none"> - Race: e.g. Asian or Asian British / Black or Black British / Chinese / Gypsies and Travellers / Mixed Heritage / White British / White Irish / White Other <p>Non-white British residents are more likely to oppose the granting of licences than white British residents (52% of non-white British residents against compared with 47% of white British residents).</p> <ul style="list-style-type: none"> - Low Impact
<ul style="list-style-type: none"> - Religion or Belief: <i>e.g. Buddhist / Christian / Hindu / Jewish / Muslim / Sikh / No religion / Other</i> - Low Impact
<ul style="list-style-type: none"> - Sex: <i>e.g. Women / Girls / Men / Boys</i> <p>A variety of research into Sex Entertainment Venues has highlighted the following:</p> <p>For</p> <ul style="list-style-type: none"> • It's about allowing people freedom of choice to both work and frequent a SEV. • Not allowing licensing of SEVs pushes the trade underground, putting workers at risk; however, for Lambeth this was not found to be a significant issue due to low number of venues. • The Regulatory Dance study found no evidence or anecdotes of forced labour or the trafficking of women. • The Regulatory Dance study found no evidence of lap dancing having connections to organised prostitution. • A reanalysis of a 2003 study reported the impact of lap-dancing clubs on sexual assault in Camden and had a significant influence on the perception of the contribution of adult entertainment to crime statistics found that the rate of rape in Camden is lower than that in

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comparable boroughs.

Against

- It objectifies the workers.
- The venues attract and generate prostitution.
- There is strong evidence that dancers 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.

Women are more likely than men to oppose the granting of licenses for sex entertainment venues in Central Bedfordshire (56% against compared with 38% of men).

- **Sexual Orientation:** e.g. *Lesbians / Gay men / Bisexuals / Heterosexuals*
- **Low Impact**

- **Other:** e.g. *Human Rights, Poverty / Social Class / Deprivation, Looked After Children, Offenders, Cohesion, Marriage and Civil Partnership*

There are some differences by geography, with those in small villages more likely to oppose the granting of licenses compared with other areas (69% against) as are those in the South of Central Bedfordshire (51% against) compared to those in the North (43% against).

- **Low Impact**

2.3. Summary of Existing Data and Consultation Findings – Employment Considering the impact on Employees **No one will be employed directly by the Council**

- **Age:** e.g. *16-19 / 20-29 / 30-39 / 40-49 / 50-59 / 60+* **Not Applicable**

- **Disability:** e.g. *Physical impairment / Sensory impairment / Mental health condition / Learning disability or difficulty / Long-standing illness or health condition / Severe disfigurement* **Not Applicable**

- **Carers:** e.g. *parent / guardian / foster carer / person caring for an adult who is a spouse, partner, civil partner, relative or person who lives at the same address* **Not Applicable**

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<p>- Gender Reassignment: <i>People who are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex</i> Not Applicable</p>
<p>- Pregnancy and Maternity: <i>e.g. Pregnancy / Compulsory maternity leave / Ordinary maternity leave / Additional maternity leave</i> Not Applicable</p>
<p>- Race: <i>e.g. Asian or Asian British / Black or Black British / Chinese / Gypsies and Travellers / Mixed Heritage / White British / White Irish / White Other</i> Not Applicable</p>
<p>- Religion or Belief: <i>e.g. Buddhist / Christian / Hindu / Jewish / Muslim / Sikh / No religion / Other</i> Not Applicable</p>
<p>- Sex: <i>Women / Men</i> Not Applicable</p>
<p>- Sexual Orientation: <i>e.g. Lesbians / Gay men / Bisexuals / Heterosexuals</i> Not Applicable</p>
<p>- Other: <i>e.g. Human Rights, Poverty / Social Class / Deprivation, Looked After Children, Offenders, Cohesion, Marriage and Civil Partnership</i> Not Applicable</p>
<p>2.4. To what extent are vulnerable groups more affected by this proposal compared to the population or workforce as a whole? There is no additional impact on vulnerable groups</p>
<p>2.5. To what extent do current procedures and working practices address the above issues and help to promote equality of opportunity?</p> <p>The current procedures are not specific enough in their definition of locality.</p> <p>The Council has set a proposed limit on the distance a sex establishment may be sited in relation to sensitive areas or premises . Having regard to its analysis the Council has determined that the appropriate distances to be maintained is 500m from those types of premises set out below.</p> <ul style="list-style-type: none"> • Schools, nurseries or any other premises substantially used by or for children under 16 years of age • Areas frequented by children and families • Residential areas • Parks or other recreational areas used by or for children under 16 years of age • Areas frequented by vulnerable adults • Areas associated with family leisure and retail • Community buildings • Churches or other places of religious worship • Buildings or locations where leisure activities are undertaken • Sites of historical or heritage value <p>The above locations were identified by at least 75% of residents surveyed in the telephone survey as being unsuitable to be located in close proximity to a sexual entertainment venue.</p>

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Given the characteristics of Central Bedfordshire this will result in a nil policy in many areas, those areas where it is likely a licence will be granted are industrial areas or adjacent to main transit routes through the area.

The policy includes strict requirements which

- Ensure that the external appearance of venues is not contentious
- Prohibit entry for anyone under 18 and
- Protect the safety of workers within sexual entertainment venues

An additional public consultation was run from Monday, 10 June to Friday, 30 August 2013. The consultation was open to all residents in Central Bedfordshire, and the council also specifically communicated with Town & Parish Councils, local neighbouring authorities and local partners, in order to ensure that everyone has an opportunity to have their say.

2.6. Are there any gaps in data or consultation findings

No

2.7. What action will be taken to obtain this information?

Not Applicable

Stage 3 - Providing an overview of impacts and potential discrimination.

Stage 3 – Assessing Positive & Negative Impacts

Analysis of Impacts	Impact?		Discrimination?		Summary of impacts and reasons
	(+ve)	(- ve)	YES	NO	
3.1 Age				No	There are differences in the level of support by gender, age and ethnicity. Women are more likely than men to oppose the granting of licenses for sex entertainment venues in Central Bedfordshire (56% against compared with 38% of men). Older age groups are more likely to oppose the granting of licences than younger age groups (35% of 18-34 year olds against compared with 52% of 35 to 54 year olds and 50% of residents aged 55 and over). Non-white British residents are more likely to oppose the granting of licences than white British residents
3.2 Disability				No	
3.3 Carers				No	
3.4 Gender Reassignment				No	
3.5 Pregnancy & Maternity				No	
3.6 Race				No	
3.7 Religion / Belief				No	
3.8 Sex				No	
3.9 Sexual Orientation				No	

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<p>3.10 Other e.g. <i>Human Rights, Poverty / Social Class / Deprivation, Looked After Children, Offenders, Cohesion Marriage and Civil Partnership</i></p>				<p>No</p>	<p>(52% of non-white British residents against compared with 47% of white British residents).</p> <p>There are some differences by geography, with those in small villages more likely to oppose the granting of licenses compared with other areas (69% against) as are those in the South of Central Bedfordshire (51% against) compared to those in the North (43% against).</p>
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Stage 4 - Identifying mitigating actions that can be taken to address adverse impacts.

Stage 4 – Conclusions, Recommendations and Action Planning

4.1 What are the main conclusions and recommendations from the assessment?
 Summary of key findings

By way of summary, this section highlights the four key findings from the survey. In broad terms the research finds that overall there is more opposition than support for the granting of sex entertainment licenses and majority support for the introduction of a NIL policy on licensing sex entertainment venues. If Central Bedfordshire Council was to grant such licenses, residents are clear that there should be notable location restrictions and operating conditions applied:

There is more opposition than support for the granting of sex entertainment licenses in residents’ local areas and anywhere in Central Bedfordshire

Overall, 63% of residents oppose the granting of licenses for sex entertainment venues in their local area, with 27% in support and 10% not sure. Less residents oppose the granting of licences anywhere in Central Bedfordshire compared with the level of support for granting licenses in residents’ local areas. However, more residents still oppose than support the granting of licences anywhere in Central Bedfordshire with 47% opposing the granting of licenses, 42% in support and 11% not sure. Men, younger people and white British residents are more likely than other residents to support the granting of sex entertainment venue licenses.

It is worth noting the level of ‘not sure/don’t know’ responses which stands at 10% or more. This highlights the difficulty some respondents faced in coming to a firm view about a complex issue, with many making the point that their support or opposition would depend on the location and regulation of sex entertainment venues.

There is majority support for a NIL policy on licensing sex entertainment venues

55% of residents support a NIL policy on licensing sex entertainment venues, with 39% in opposition and 6% not sure. There are differences in the level of support by gender, age and ethnicity, similar to the pattern of the level of support for granting licenses in residents’ local areas and Central Bedfordshire. Women, older people and non- white British residents are more likely to support a NIL policy than other residents.

The survey results highlight a polarisation in views. Some residents are simply just against or not

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interested in sex entertainment venues. In contrast, other residents support freedom of choice, believe each licensing application should be considered on its own merits and are not against appropriately located and well regulated sex entertainment venues. 28 Central Bedfordshire Council: Sex Entertainment Venue Survey 2013 Report by Public Perspectives Ltd

Sex entertainment venues should not be located near areas frequented by children and residential areas, with business/industrial estates and out of town locations considered the most suitable locations

If Central Bedfordshire Council was to grant sex entertainment venue licenses, the locations where there is the strongest agreement that sex entertainment venues should not be located near are schools (91% at least tend to agree), areas frequented by children and families (89%), residential areas (88%), parks (88%), areas frequented by vulnerable adults (84%), areas associated with family leisure and retail (84%), community buildings (81%) and churches/places of religious worship (80%). The locations where the level of disagreement is greater than the level of agreement that sex entertainment venues should not be located near are alcohol or entertainment licensed premises (50% at least tend to disagree that sex entertainment venues should not be located near such a location), business/industrial estates (49%) and out of town locations (57%).

There are high levels of support for the introduction of significant operating conditions

If Central Bedfordshire Council was to grant sex entertainment venue licenses, the vast majority of residents, regardless of whether they support the granting of licenses or not, support the introduction of significant operating conditions. These conditions include management and staffing (supported by 92%), noise (90%), maintenance and repair (87%), external appearance (86%), hours of opening (84%) and access to premises (83%) operating conditions. Respondents also identified some other potential conditions, especially minimum age restrictions and local advertising conditions.

There are no adverse impacts due to the changes in the policy and the change in policy will not lead to discrimination

4.2 What changes will be made to address or mitigate any adverse impacts that have been identified?

None identified

4.3 Are there any budgetary implications?

No

4.4 Actions to be taken to mitigate against any adverse impacts: None Identified

Action	Lead Officer	Date	Priority



Stage 5 - Checking that all the relevant issues and mitigating actions have been identified

<p>Stage 5 – Quality Assurance & Scrutiny: Checking that all the relevant issues have been identified</p>
<p>5.1 What methods have been used to gain feedback on the main issues raised in the assessment?</p>
<p>Step 1: Has the Corporate Policy Advisor (Equality & Diversity) reviewed this assessment and provided feedback? Yes</p>
<p>Summary of CPA’s comments:</p> <p>The CPA (E&D) has been involved in the development of the EIA.</p>
<p>Step 2: 5.2 Feedback from Central Bedfordshire Equality Forum</p> <p>Equality Forum Comments on Licensing Policy for Sex Establishments</p> <p>20 June 2013:</p> <p>Members of the Forum highlighted the following issues;</p> <ul style="list-style-type: none"> • Some members of the Forum indicated that they didn’t want to restrict people’s right to access legal businesses but that at the same time there was a need to consider the impact on vulnerable people and whether or not a nil policy was actually more desirable • There was support for the conditions that the Council builds into the policy to promote the safety of the dancers. The Forum also supported the checks that are made by the out of hours service. • The current establishment in Dunstable is within the proposed limits for proximity to schools and churches. Will the establishment be encouraged and assisted to find alternative premises? • A member of the Forum highlighted that the impact of these establishments on women needs to be considered and the types of people who are drawn into the area as a result. Such establishments can change the identity and surroundings of an area and draw in people with sex addictions. The connection with an escalation of sexual violence should be a key concern. • The negative impact of pornography on the intimacy of family relationships and children was highlighted. • It was felt that the need for tolerance should be balanced against the need to protect vulnerable groups. Sex offenders can be released back into the community with insufficient thought as to the protection of the community. • A member of the Forum highlighted the negative impact that the Ampthill establishment had had on her family. It was noted that the establishment was no longer operating as a sexual entertainment venue due to lack of demand. • Members of the Forum suggested that the council should make it clearer, as part of the consultation that it was possible to adopt a nil policy approach and queried whether the questionnaire alerts people to the fact that they could support endorsement of a nil policy. It was noted that the consultation form includes boxes for free text responses which allows people to give a full range of views • There was support for the suggestion to increase publicity of the consultation exercise. The Forum was advised that the consultation process was being advertised extensively through all the usual channels such as website, social media, News Central and had also been featured in the local papers. • The Forum supported the provisions within the policy to limit the location of such establishments. <p>Following the meeting, the website link to the online consultation survey was re-circulated to members of the Forum and they were advised that question 2 of the survey enables them to indicate if they would prefer a stricter policy to be adopted. The Forum members were encouraged to circulate the link amongst</p>



their networks.

Stage 6 - Ensuring that the actual impact of proposals are monitored over time.

Stage 6 – Monitoring Future Impact	
6.1	How will implementation of the actions be monitored?
6.2	What sort of data will be collected and how often will it be analysed?
6.3	How often will the proposal be reviewed?
6.4	Who will be responsible for this?
6.5	How have the actions from this assessment been incorporated into the proposal?

Stage 7 - Finalising the assessment.

Stage 7 – Accountability / Signing Off	
7.1	Has the lead Assistant Director/Head of Service been notified of the outcome of the assessment
Name: _____ Date: _____	
7.2	Has the Corporate Policy Adviser Equality & Diversity provided confirmation that the Assessment is complete?
Date: _____	