

RMBC - Equality Analysis Form for Commissioning, Decommissioning, Decision making, Projects, Policies, Services, Strategies or Functions (CDDPPSSF)

<p>Under the Equality Act 2010 Protected characteristics are Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity. Page 6 of guidance. Other areas to note see guidance appendix 1.</p>	
<p>Name of policy, service or function. If a policy, list any associated policies:</p>	<p>Sex Establishments Licensing Policy</p>
<p>Name of service and Directorate</p>	<p>Community Safety and Street Scene, Regeneration and Environment</p>
<p>Lead manager</p>	<p>Tom Smith</p>
<p>Date of Equality Analysis (EA)</p>	<p>February to May 2019</p>
<p>Names of those involved in the EA (Should include at least two other people)</p>	<p>Tom Smith, Lewis Coates</p>
<p>Aim/Scope (who the Policy /Service affects and intended outcomes if known)</p> <p>Any sex shop or sex cinema located within the Borough of Rotherham requires a licence from the Council issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'). Such premises are referred to in the 1982 Act as 'sex establishments'.</p> <p>At the present time, all premises in Rotherham that provide lap dancing or similar activity require a premises licence issued under the Licensing Act 2003 rather than being licensed as 'sex establishments'.</p> <p>Although the Licensing Act 2003 provides local authorities with the ability to regulate establishments where lap dancing or similar entertainment takes place, this legislation did not give communities sufficient powers to control where lap dancing clubs and the like, were established. Similarly, Councils were not provided with sufficient powers in relation to the regulation of such premises, such as the requirement for sex establishments to apply for an annual licence with appropriate conditions being attached.</p> <p>The Policing and Crime Act 2009 came into effect in April 2010 and reclassified lap dancing clubs and similar as 'sexual entertainment venues', adding these to the category of 'sex establishment' within the 1982 Act. These provisions allow local authorities to consider and determine applications on potentially wider grounds than is permitted under the Licensing Act 2003, and allows local people a greater say over the regulation of sex establishments in their area.</p> <p>Importantly, the amendments to the 1982 Act allows local authorities to set a policy in relation to the licensing of sex establishments that sets out the Council's approach to the licensing of these premises, including the setting of conditions, restrictions on locations and limits on the number and type of sex establishments within the area.</p> <p>However, the amendments to the 1982 Act only apply where they are adopted by local authorities.</p>	

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This Equality Impact Assessment (EIA) seeks to address any identified equality and diversity issues of the adoption of Schedule 3 of the 1982 Act, and of the adoption of a Sex Establishments Licensing Policy by Cabinet in May 2019.

The adoption of the Policy will affect two existing Sex Establishments (one Sex Shop and one Sexual Entertainment Venue) in Rotherham.

The Policy will allow the Local Authority to better regulate Sex Establishments, taking account of the views of residents, including the appropriate number and localities for such establishments and the establishment of welfare conditions for those working within such establishments.

It will ensure that the Local Authority takes account of its Public Sector Equality duty in licensing such establishments.

What equality information is available? Include any engagement undertaken and identify any information gaps you are aware of. What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

A full public consultation on adoption of schedule 3 of the 1982 Act and a proposed Sex Establishments Policy was undertaken between 19th December 2018 and 20th February 2019. Responses were received from a broad cross-section of stakeholders.

422 responses were received in total. Two-thirds (68%) of respondents were residents of the Borough (289 respondents), with the remainder being: individuals living outside of the Borough (86 respondents), business owners (15 respondents), workers in the industry (7 respondents), Religious organisations (8 respondents), Charitable groups (7 respondents), and Women's groups (16 respondents).

It should be noted that, whilst many people and groups object to Sex Establishments on moral grounds, Home Office Statutory Guidance (based on case law) is clear that objections to Sex Establishments on these grounds should not be considered by Local Authorities. Any Policy set must therefore be on the basis of the appropriateness in terms of the number of such establishments in a particular locality, the appropriateness in terms of the character of the locality, or the use to which any premises in the vicinity are put. In any given area, the Local Authority can decide that nil is the appropriate number of premises based on impact on the character or amenity of a local area.

The consultation was therefore constructed to elicit responses related to these issues of impact on the character and amenity of local areas, rather than on moral issues.

In assessing the impact of the Policy (and Sex Establishments more generally) on the Borough, the Council has also taken account of its own corporate strategies and priorities as represented by Rotherham's Council Plan, Children and Young People's Plan, the Rotherham Safeguarding Adults Board Strategy and the Safer Rother Partnership Plan.

The Council has also considered its proposed Sex Establishment Licensing Policy in the context of its Public Sector Equality Duty as set out in the Equality Act 2010.

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<p>Engagement undertaken with customers. (date and group(s) consulted and key findings) See page 7 of guidance step 3</p>	<p>Engagement undertaken as part of the above consultation.</p>
<p>Engagement undertaken with staff about the implications on service users (date and group(s)consulted and key findings) See page 7 of guidance step 3</p>	<p>Engagement undertaken as part of the above consultation.</p>

The Analysis

How do you think the Policy/Service meets the needs of different communities and groups? Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity . Rotherham also includes Carers as a specific group. Other areas to note are Financial Inclusion, Fuel Poverty, and other social economic factors. This list is not exhaustive - see guidance appendix 1 **and** page 8 of guidance step 4

The proposed Sex Establishments Licensing Policy clearly sets out how public consultation has been taken account of in setting Policy. There is clear and unequivocal public support for the regulation of Sex Establishments and for the setting of a Policy that ensures Sex Establishments can only operate in places where they will not impact on the amenity or character of the locality.

It is the Council’s belief that Sexual Entertainment Venues are not in-keeping with a culturally rich and diverse Borough. In particular Sexual Entertainment Venues tend not to be inclusive, appeal only to a narrow sector of the community (generally male) and are unlikely to enhance the cultural or child friendly reputation of the Borough.

The council has had due regard to the need to advance equality of opportunity between men and women, under its Public Sector Equality Duty. It considers that the presence of Sexual Entertainment Venues in any locality of Rotherham will not advance the equality of opportunity of women workers or residents. It is considered that Sexual Entertainment Venues lead to the sexual objectification of women and therefore are not in-keeping with the principles of Equality.

Feedback has also been received that Sexual Entertainment Venues in particular impact on their local vicinity, in terms of the use of such areas by women in particular. Examples of harassment of women in public spaces in the vicinity of sexual entertainment venues have been reported.

From recent inspections of Sexual Entertainment Venues there is evidence that working practices, such as fining, or a lack of management of activities, could be leading to an exploitation of workers. For example, there is evidence that workers will, if not managed effectively, go beyond the licensed conditions in place, in order to make more money from customers. Feedback from the consultation, from women’s groups, and from a small

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number of women who used to work in the industry, adds further weight to these arguments.

It should be noted that, by and large, responses from women currently working in the industry, and from the industry itself, did not however reflect this position.

A number of respondents reflected that the regulation of such establishments could impact negatively on workers financially, as they would not be able to find alternative work at equivalent rates of pay. Support for workers who are affected in this way is being considered.

There is less evidence that there are any specific equality issues associated with Sex Shops.

Analysis of the actual or likely effect of the Policy or Service:

See page 8 of guidance step 4 and 5

Does your Policy/Service present any problems or barriers to communities or Group? Identify by protected characteristics Does the Service/Policy provide any improvements/remove barriers? Identify by protected characteristics

The Council's proposed Sex Establishment Licensing Policy, identifies defined areas that would not be appropriate locations for sex establishments, or would not fit in with the character of such areas. For this reason the proposed policy is deemed likely to have a positive impact upon local communities, younger people and children, and faith groups.

In terms of gender, the proposed policy is likely to have a positive impact by helping to protect women living or working in or visiting the vicinity of sex establishments by diminishing the impact that sexual entertainment venues (SEVs) are permitted to have on their surroundings, e.g. through limiting their numbers and controlling the external appearance, advertising and solicitation associated with such premises.

It should be noted again, that any decision to refuse a licence application cannot be made on moral grounds or that the establishment may cause offence. The Policy has therefore taken account of this principle when seeking to address concerns raised by different communities or groups.

The proposed Policy will therefore deliver a positive benefit to different communities and groups.

What affect will the Policy/Service have on community relations? Identify by protected characteristics

It is assessed that the proposed policy could have positive implications for community relations, in that it will restrict sex establishments to those areas where it is deemed there would be no negative impact on the character or amenity of particular communities.

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Please list any **actions and targets** by Protected Characteristic that need to be taken as a consequence of this assessment and ensure that they are added into your service plan.

Website Key Findings Summary: To meet legislative requirements a summary of the Equality Analysis needs to be completed and published.

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Equality Analysis Action Plan - See page 9 of guidance step 6 and 7

Time Period

Manager: Tom Smith Service Area: Community Safety and Street Scene Tel: 01709 822902

Title of Equality Analysis:

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic.

List all the Actions and Equality Targets identified

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
To monitor the impact of the Policy on communities and groups with protected characteristics and include any actions at the point of periodic review of the Policy	A, D, S, GR, RE, RoB, SO, PM, CPM, C	Ongoing
Name Of Director who approved Plan	Paul Woodcock	Date 20 th May 2019

*A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups

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Website Summary – Please complete for publishing on our website and append to any reports to Elected Members SLT or Directorate Management Teams

**Completed
equality analysis**

Key findings

Future actions

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Completed equality analysis	Key findings	Future actions
<p>Directorate: Regeneration and Environment</p> <p>Function, policy or proposal name: Sex Establishments Licensing Policy</p> <p>Function or policy status: New (new, changing or existing)</p> <p>Name of lead officer completing the assessment:</p> <p>Tom Smith</p> <p>Date of assessment: 9th May 2019</p>	<p>It is found that the Council's proposed Sex Establishment Licensing Policy will have positive effect in dealing with Equality related impacts from such establishments.</p> <p>The Policy defines areas that would not be appropriate locations for sex establishments, or would not fit in with the character of such areas and for this reason the proposed policy is deemed likely to have a positive impact upon local communities, younger people and children, and faith groups.</p> <p>In terms of gender, the proposed policy is likely to have a positive impact by helping to protect women living or working in or visiting the vicinity of sex establishments by diminishing the impact that sexual entertainment venues (SEVs) are permitted to have on their surroundings, e.g. through limiting their numbers and controlling the external appearance, advertising and solicitation associated with such premises.</p>	<p>To monitor the impact of the Policy on communities and groups with protected characteristics and include any actions at the point of periodic review of the Policy</p>