

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

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.	
Name of policy, service or function. If a policy, list any associated policies:	Consultation on the Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a Rotherham Sex Establishment Policy.
Name of service and Directorate	Community Safety and Street Scene, Regeneration and Environment
Lead manager	Lewis Coates
Date of Equality Analysis (EA)	22/10/18
Names of those involved in the EIA (Should include at least two other people)	Tom Smith, Lewis Coates
<p>Aim/Scope</p> <p>Any sex shop and 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 initial 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.

The EIA will be regularly reviewed and updated throughout the process and will be finalised following the proposed public consultation, prior to agreement of the Policy.

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?

This EIA is being undertaken prior to public consultation about the adoption of Schedule 3 and the Policy. Equality information will be sought as part of the proposed consultation in order to identify any gaps.

The need for monitoring arrangements will be assessed following consultation, and addressed as part of the implementation of the adoption and Policy, should it be agreed by Council and Cabinet.

Engagement undertaken with customers. (date and group(s) consulted and key findings)

A full consultation on adoption of schedule 3 of the 1982 Act and a proposed Sex Establishments Policy which will aim to engage with a wide range of customer and stakeholders.

Engagement undertaken with staff about the implications on service users (date and group(s) consulted and key findings)

A full consultation on adoption of schedule 3 of the 1982 Act and a proposed Sex Establishments Policy which will engage with staff within the Council's Licensing Service.

The Analysis

How do you think the Policy/Service meets the needs of different communities and groups?

The proposed adoption of Schedule 3 and the subsequent proposed adoption of a Sex Establishments Policy would support local communities and those from protected groups to challenge the presence of sex establishments in their area, according to a set criteria.

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

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

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

The Council's proposed Sex Establishment Licensing Policy, seeks to identify defined

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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 to have a positive impact upon local communities, younger people and children, and faith groups.

In terms of gender, the proposed policy has 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.

Examples of harassment of women in public spaces in the vicinity of sexual entertainment venues have been reported. The proposed policy will have a positive impact by ensuring that sexual entertainment venues are only located in appropriate places.

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

What affect will the Policy/Service have on community relations?

It is currently 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 particular communities.

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

Time Period 2019/2020

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)
Undertake a full consultation on adoption of schedule 3 of the 1982 Act and a proposed Sex Establishments Policy.	A, D, S, GR, RE, RoB, SO, C	02/19
Name Of Director who approved Plan	Paul Woodcock	Date

***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
<p>Initial web-based assessment undertaken prior to proposed consultation process.</p>	<p>Potential positive impacts on local communities, women, younger people and children, and faith groups have been identified.</p> <p>The potential to limit the impact of sex establishments on the character or amenity of local areas, will limit the impact of such establishments on women, young people, different communities and faiths.</p> <p>The potential to regulate sex establishments employment practices through a policy, also has potential positive impacts on the women working within these establishments.</p> <p>The initial assessment is that there is unlikely to be any direct positive or negative impact on other protected groups, such as the LGBT+ community, pregnant women, civil partnerships or marriage, carers, or other groups.</p>	<p>To undertake a thorough and robust consultation on adoption of schedule 3 of the 1982 Act and a proposed Sex Establishments Policy, to fully assess any potential equality and diversity impacts.</p>