

Bristol City Council

Equality Impact Assessment



Name of proposal	Sex Establishments Policy
Directorate and Service Area	Communities, Regulatory Services
Name of Lead Officer	Nick Carter

Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

1.1 What is the proposal?

The Council adopted a policy on the licensing of sexual entertainment venues in 2011. The policy is being reviewed and expanded to deal with all types of sex establishments. It sets out the policy framework to facilitate consideration of applications in respect of these premises and connected matters (such as requests to waive the need for a licence).

The purpose of the policy is to enable Bristol City Council to have clear guidelines in relation to the licensing of sex establishments in its area. The policy will set out the Council's approach to licensing sex establishments that is clear to residents, applicants and workers and ensures a transparent and consistent approach; that gives direction and focus to the Licensing Committee in determining applications.

There are three types of premises which are covered by the broader definition of sex establishments:

- Sexual Entertainment Venues (SEVs)
- Sex Shops
- Sex Cinemas

There are statutory definitions of what these premises are, but a short description of each is included here:

Sexual Entertainment Venue:

These offer relevant entertainment. Relevant entertainment is a performance which is intended to sexually stimulate, which may or may not include nudity. Any place where there is a performance primarily intended to sexually stimulate a live audience is likely to require a licence. An audience might be one person. Examples are lap/pole dancing and strip clubs.

Conversely a burlesque show might not require a licence, provided its primary purpose is not to sexually stimulate the audience, even if there is nudity. Other examples might include life drawing classes or naked dinner clubs. Any premises which has a licence to sell alcohol on the premises may provide relevant entertainment as defined above up to 11 times in a 12 month period, no more than once a month without an SEV licence. Some premises have a condition stating that this type of entertainment can't take place, and therefore they wouldn't be able to use the exemption. There are currently two licensed SEVs in Bristol.

Sex Shop:

Any shop which mainly sells sex articles, including items for sexual stimulation, magazines intended to sexually stimulate, or films intended to sexually stimulate, commonly known as R-Rated films, would need a licence. Shops which sell some sex articles, but primarily sell other items are unlikely to need a licence. For example some high street lingerie stores or health and beauty retailers which sell a small selection of sex articles alongside their main offer would be unlikely to need a licence. There are currently four sex shops in Bristol.

Sex Cinema:

Any premises which shows films intended to sexually stimulate, commonly known as R-Rated films, would need a licence. Cinemas which only show films rated U, PG, 12A, 15 or 18 do not require a licence under this regime. There are currently no sex cinemas in Bristol.

Any premises falling into the descriptions above would be likely to require a licence. The current policy provides a framework for facilitating consideration of applications for licences for sexual entertainment venues. It sets out information about the application process, what is expected of applicants and how people can make objections about applications. It also sets out the types 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 21 January 2011 members approved the existing policy, which came into effect in Bristol on 31 January 2011. The Licensing Committee is now being asked to consider a revision of the Council's current policy. It has now been nearly ten years since the Council adopted the ability to licence sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. Although there is no statutory requirement to undertake a review, as a significant amount of time has passed the purpose of the review is to ensure the policy remains up to date and relevant.

NB Any decision to approve this updated policy must be made by the

Licensing Committee¹ rather than by Full Council or Cabinet etc.

Step 2: What information do we have?

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

2.1 What data or evidence is there which tells us who is, or could be affected?

Research

There has been some research into the lap dancing industry and the potential links between these 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 venue policy and the ex/inclusion of dancers' perspectives and needs'. This article showcases a research, dissemination and impact study on the striptease 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 evidence or anecdotes of forced labour or the trafficking of women.
- No evidence of lap dancing having connections to organised prostitution.

Other research into Sex Entertainment 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
- SEVs may attract and generate prostitution.
- Performers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management.
- Many performers begin working in lap dance clubs through lack of real choice.
- Working conditions and terms of employment for performers in SEVs are inadequate.

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. Amongst other research

¹ <https://www.bristol.gov.uk/licences-permits/licensing-committee>

there is evidence that the sexual objectification of women is linked to sexual violence perpetration in combination with alcohol use². There is also evidence in young people of a direct relationship between the sexual objectification of girls and aggression towards them³.

Whilst crime levels in the area where the two current SEVs are located are consistent within a city centre night time economy locality, we do not have evidence to indicate any particular crime, or increased incidents of crime, associated with the two currently licensed premises.

Gender Equality

Bristol is a signatory to the European Charter for Equality of Women and Men in local Life. One of the Principles of the Charter is the elimination of gender stereotypes which is seen as fundamental to achieving equality of women and men. Local and regional authorities must promote the elimination of the stereotypes and obstacles upon which the inequalities in status and condition of women are based, and which give rise to the unequal evaluation of the roles of women and men in political, economic, social and cultural terms. In addition, under Article 22.2 it must recognise that gender-based violence arises from the idea, on the part of the perpetrator, of the superiority of one sex over the other in the context of an unequal relationship of power.

At a Licensing Special Purposes Sub Committee in November 2014, Bristol Women's Commission stated that the continued licensing of Sexual Entertainment Venues by Bristol City Council fails to meet our obligations under the Charter, disregards the safety of women and girls, undermines the dignity of women and girls and diminishes the status of Bristol as a modern European City where both women and men can lead fulfilled lives in a safe and fair society.

It is said by some that the growth of lap dancing clubs nationally in particular has fed into what OBJECT terms 'sex-object' culture – the mainstreaming of the sex and porn industries and the ever increasing sexual objectification of women and girls. OBJECT are a feminist group who campaign against the sexual objectification of women and the oppression of women as a sex class.

In Bristol the number of SEVs has decreased from five to two since this legislation was adopted by Bristol.

Sex Shops do not receive the same level of complaint or concern as sexual entertainment venues.

² Understanding the Link Between Men's Alcohol Use and Sexual Violence Perpetration: The Mediating Role of Sexual Objectification. (University of Nebraska-Lincoln 2014)

³ The sexual objectification of girls and aggression towards them in gang and non-gang affiliated youth (University of Kent 2017)

Complaints

In November 2014 the chair of Bristol Fawcett complained about the SEV 'Central Chambers'. The complainant stated:

"I visited their Facebook page (there is a link to it on their website). They have posted a link to a YouTube video about Lemmy from Motorhead and say that it was filmed in Central Chambers. At 1 minute 14 into the clip we clearly see a woman who is assumed to be an employee at the club, socialising in the bar area with her breast and nipple exposed in direct contravention of the Licence Conditions."

In December 2014 the chair of Bristol Fawcett complained about the SEV 'Urban Tiger'. The complainant stated:

"Following the (no doubt mischievous) coverage in the Bristol Post and on Twitter of Urban Tiger's advertising presence at the boxing match on 5th December (twitter.com/urbanbristol) I thought I would just check what the definition of 'locality' is in SEV Conditions Q and whether teeshirts count as externally displayed advertisement? ... My issue is with the normalisation of the sex industry in our culture and our city, which is the effect of this kind of advertising."

Complaints have not been received in relation to Sex Shops.

Public Views

A pre-consultation questionnaire was undertaken as part of the policy review and reveals a wide range of responses to whether it is appropriate to have sex establishments both generally and in Bristol, providing some insight into the views of the public about these types of venues.

The questionnaire was open between 3 April 2018 and 31 May 2018 and sought responses from the public to questions around the appropriateness of these types of venues in relation to locations, other types of premises, and specific locations within Bristol.

1279 (90%) of responses were from members of the public, 82 (6%) were from members of the trade, 24 (1%) were from other businesses or organisations, 26 (2%) were from community groups or organisations, 17 (1%) were from interest groups, and 2 respondents did not provide this information.

1404 (98%) people answered one or more of the equalities monitoring questions. Most (58%) of respondents were women. Although the overall proportion of respondents who were not White British was broadly representative of Bristol census data, some particular ethnicities were under-represented. The views of young people and people aged 65+ were somewhat under-represented.

	Respondent Characteristic	Number of responses to questionnaire	% responses to equalities question
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Age	Under 18	2	<1%
	18-24	115	8%
	25-44	767	54%
	45-64	399	28%
	65-74	78	6%
	Over 75	11	1%
	Prefer not to say	50	4%
	No response to question	8	<1%
Sex	Female	835	58%
	Male	465	33%
	Prefer not to say	118	8%
	No response to question	12	1%
Transgender	Yes	27	2%
	No	1275	89%
	Prefer not to say	102	7%
	No response to question	26	2%
Ethnicity	White British	1136	79%
	Other White	119	8%
	Mixed / Dual Heritage	48	3%
	Black / Black British	11	1%
	Asian / Asian British	12	1%
	Other ethnic group	6	<1%
	Prefer not to say	89	6%
	No response to question	9	1%
Disability	Yes	125	9%
	No	1186	83%
	Prefer not to say	102	7%
	No response to question	17	1%
Religion	No religion	898	63%
	Christian	298	21%
	Buddhist	22	2%
	Hindu	1	<1%
	Jewish	10	1%
	Muslim	6	<1%
	Sikh	0	0%
	Any other religion or belief	61	4%
	Prefer not to say	125	9%
	No response to question	9	1%
Sexual orientation	Heterosexual (straight)	974	68%
	Lesbian, Gay or Bisexual	288	19%
	Prefer not to say	173	12%
	No response to question	15	1%

The questionnaire sought views on the appropriate number of SEVs in a range of areas.

The table below show the percentage of respondents who felt that zero (none) was the appropriate number for sexual entertainment venues and sex shops by types of area in the city.

Type of area	Sexual Entertainment Venues	Sex shop
residential area	58%	54%
deprived area	56%	51%
suburban area	53%	48%
industrial area	41%	34%
busy late night economy area	33%	27%
built up area e.g. shopping precincts/local high streets	42%	32%
city centre, or area immediately surrounding it	36%	27%
rural area	48%	43%

39% disagreed or strongly disagreed with the statement that it would be appropriate to have sex cinemas in Bristol.

A full consultation was undertaken subsequent to the pre-consultation questionnaire and also reveals a wide range of responses to the proposed draft policy, providing further insight into the views of the public about these types of venues.

The consultation was open between 16 August 2019 and 10 November 2019 and asked a number of questions in relation to the draft policy. It was also sent to the Citizen Panel for comment. The Citizen Panel is made up of over 1000 people representative of the population of Bristol and its demographics.

77% of responses to the main consultation were from members of the public, 9% were from members of the trade, 6% were from other businesses or organisations, 6% were from community groups or organisations or interest groups, and 9 councillors and one member of parliament completed the survey. In respect of the Citizen Panel 425 people responded, representing 35% of their membership, with 97% of them being members of the public.

The majority of people answered one or more of the equalities monitoring questions. Most (50%) of respondents were women. As with the pre consultation questionnaire, the overall proportion of respondents who were not White British was broadly representative of Bristol census data, but some particular ethnicities were under-represented. Similarly the views of young people and people aged 65+ were somewhat under-represented.

In each part of the review process we have also received representations in support of a nil-cap approach (i.e. no SEV premises should be licensed) including from Bristol Fawcett, Bristol Women's Voice, Bristol Women's

Commission, Police and Crime Commissioner, and Bristol Rape Crisis (SARSAS). Their representations primarily focus on the potentially negative impact of sexual entertainment venues on women and how they relate to the wider issues of gender equality.

	Respondent characteristic	Number of responses to questionnaire	% responses to equalities question
Age	18-24	81	8%
	25-34	254	24%
	35-44	215	21%
	45-54	151	14%
	55-64	141	14%
	65-74	51	5%
	75-84	10	1%
	85 or over	3	<1%
	Not given	140	13%
Gender	Female	523	52%
	Male	340	34%
	Prefer not to say	129	13%
	Other	17	2%
Transgender	Yes	13	1%
	No	858	86%
	Prefer not to say	131	13%
Ethnicity	White British / English / Irish / Scottish	743	71%
	Other White	49	5%
	Mixed / Multi ethnic group	27	3%
	Black / African / Caribbean / Black British	18	2%
	Asian / Asian British	12	1%
	Gypsy / Roma / Irish Traveller	5	<1%
	Other ethnic group	1	<1%
	Not given	190	18%

2.2 Who is missing? Are there any gaps in the data?

We do not have reliable local diversity data for some protected characteristics especially where this has not historically been included in statutory reporting.

Most of the detailed representation and feedback we have received have been regarding sexual entertainment venues rather than sex shops or sex cinemas. Whilst many of the issues raised would be likely to apply to sex cinemas, sex shops may not generally be perceived as having the same degree of potential negative impact. However some stakeholders have said the issues require further consideration.

Although the policy relates to license holders it has the potential to affect anyone living in Bristol who comes into contact with a licensed premise. The Council is mindful of possible concerns of the local community and that there can be conflict between applicants and objectors.

SEVs are required to renew their licences annually, giving an opportunity for persons affected by them to put their views forward. Over the last seven

years, objectors have exercised this right and the committee have been able to consider these views along with the applicants. This gives insight into the views of those who object to this type of activity.

Sex shops are also required to renew their licences annually, giving an opportunity for persons affected by them to put their views forward. Objections are rarely received in relation to these applications, and so it is generally concluded that there are no strong objections to them.

Generally objections are received from persons who do not want these types of venues to be licensed and only occasionally do people make representations in support in relation to either sexual entertainment venues or sex shops.

2.3 How have we involved, or will we involve, communities and groups that could be affected?

Comments were invited at an early stage in the review process, and the working group met with a number of individuals, interest groups, regulators and persons involved in the trade to hear their views. These persons and groups also submitted various documents, internet pages, and research to support their views.

A pre-consultation questionnaire was created to assist in drafting the revised policy. It was available for eight weeks on the council's website, and in other formats. It sought responses from the public to questions around the appropriateness of these types of venues in relation to locations, other types of premises, and specific areas of Bristol. Persons who had previously commented on applications, along with regulators such as the Police, persons involved in the trade, and the general public were invited to respond. The questionnaire garnered 1 430 responses from a range of people.

The draft policy was released for a consultation period of 12 weeks and the views of previous commenters, regulators, persons involved in the trade, and members of the public were sought. The views of the Citizen Panel were also sought.

NB Some prominent city leaders e.g. the Mayor of Bristol and Police and Crime Commissioner have publicly said that they oppose the current licensing arrangements and support ridding the city of sexual entertainment venues.

Step 3: Who might the proposal impact?

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?

For illustrative purposes we have highlighted in the table different mitigations / justifications / comments regarding for two contrasting options, however this does not mean that these are the only options available to the Licensing Committee:

Option 1:

SEVs - Nil Cap City Centre Locality, Nil Cap Old Market Locality, Nil Cap Bishopston/Redland/Cotham/Ashley Locality. The remaining localities are to be determined on a case by case basis. Sex Shops – Numbers remain as per current policy.

Option 2

SEVs – Maintain current numbers – 2 City Centre Locality, 1 Old Market Locality, Nil Cap Bishopston/Redland/Cotham/Ashley Locality.

The remaining localities are to be determined on case by case basis. Sex Shops – Numbers remain as per current policy.

Potential impact / issue	Mitigation / Justification / Comment	
General	Option 1: (locality nil caps introduced)	Option 2: (no change to current caps)
Whilst UK Parliament has established that SEVs are a lawful activity, Home Office Guidance 2010 states that a nil cap may be appropriate and some other local authorities have adopted this approach. The Council must consider this alongside the public sector equality duty.	As decision makers The Licensing Committee must fully understand and consider the issues that have been raised and take into account the potential wider impact for Bristol citizens when approving the revised Sex Establishment Venues policy. There is a view that if a nil cap policy was introduced this could lead to sexual entertainment to be 'driven underground', or that licensed premises might	

Potential impact / issue	Mitigation / Justification / Comment	
<p>The council has a public sector equality duty to have due regard when carrying out its functions to the need to eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity; and foster good relations⁴. There is a significant risk of challenge if the proposed policy approach does not sufficiently address this duty.</p>	<p>operate without controls under the exemption afforded to premises who have sexual entertainment on no more than eleven occasions per year⁵ (or TENs regime⁶). However there is a counter-view that if there was a 'nil-cap' policy then demand would also go down accordingly because the industry is fuelled by the supply of performers, not by a demand for performances. We are not aware of evidence at this time in other areas with a nil-cap of any marked increase in sexual entertainment evenings under the TENs regime.</p> <p>For both Option 1 and Option 2 – we are not currently aware of any significant potential negative impacts from the continuing licensing of Sex Shops.</p>	
Age	Option 1: (locality nil caps introduced)	Option 2: (no change to current caps)
<p>Underage people may attempt to enter SEV premises as a customer.</p> <p>Increased numbers of people living in the City Centre and Old Market including new student accommodation (predominantly for young people) may mean that the licencing of SEVs in these areas is no longer appropriate.</p>	<p>These potential issues would be entirely mitigated in those localities where a nil cap was introduced.</p>	<p>The legislation prohibits persons under the age of 18 being admitted to or employed on licensed premises. It is also likely that any premise licensed as a sexual establishment venue will also be licensed under the Licensing Act 2003. This primary legislation provides for various offences and requirements associated with the protection of children from harm and the sale and consumption of alcohol by children.</p> <p>The policy holds that sex establishments may be inappropriate near to particular sensitive uses, including schools, family leisure facilities, residential dwellings, youth facilities and cultural facilities.</p>

⁴ This is a brief summary of the PSED duty which is described in more detail here <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

⁵ Local Government (Miscellaneous Provisions) Act 1983, Schedule 3, S2A (3)(b)

⁶ Temporary Events Notices <https://www.bristol.gov.uk/licences-permits/temporary-event-notice>

Potential impact / issue	Mitigation / Justification / Comment	
		<p>The policy requires the Council to take into account on a case-by-case basis all relevant considerations including the character of the locality; residential, leisure and educational establishments; other uses in the locality including family friendly facilities; the risk of public nuisance; whether the locality is subject of stress caused by a cumulative impact of premises.</p>
Disability	Option 1: (locality nil caps introduced)	Option 2: (no change to current caps)
<p>The application and representation process for SEV licensing may not be sufficiently accessible or transparent for disabled people.</p>	<p>This potential issue would not be applicable in localities where a nil cap was introduced.</p> <p>See also Option 2 comments</p>	<p>We will ensure that the application and representation process has a clear timetable with information advertised online (licensing web pages) as well as being available in different languages and formats if requested. Responses can be made online or through electronic means as well as in hard copy.</p> <p>Public notice must be given of all applications and we intend to prescribe a form of application that facilitates public representations, including, for example, requiring applicants to identify the brand name under which the premises are intended to operate and other material information.</p> <p>The policy says that the council will also display additional notices in the area making use of street furniture and community notice</p>

Potential impact / issue	Mitigation / Justification / Comment	
		boards. It also intends to notify local councillors about applications within their wards.
Gender reassignment	Option 1: (locality nil caps introduced)	Option 2: (no change to current caps)
Premises which admit men only or women only may potentially discriminate against transgender / trans people.	This potential issue would not be applicable in localities where a nil cap was introduced. See also Option 2 comments	We are not aware of any licensed premises which do not permit persons of a particular gender entering or being employed within Bristol. Operators of licensed premises are required to comply with the Equality Act 2010.
Marriage and Civil Partnership	<i>No issues identified at this stage</i>	<i>No issues identified at this stage</i>
Pregnancy and Maternity	<i>No issues identified at this stage</i>	<i>No issues identified at this stage</i>
Race	<i>No issues identified at this stage</i>	<i>No issues identified at this stage</i>
Religion or Belief:	Option 1: (locality nil caps introduced)	Option 2: (no change to current caps)
Certain religions (e.g. Christianity, Islam, Judaism, Hinduism, Buddhism, and Sikh) may be offended or have moral objections to the presence of a sex establishment.	This potential issue would be entirely mitigated in localities where a nil cap was introduced. See also Option 2 comments	The policy holds that sex establishments may be inappropriate near to particular sensitive uses, including places of worship, and should have regard to any potential impact on these premises.
Sex	Option 1: (locality nil caps introduced)	Option 2: (no change to current caps)
Introducing a 'nil cap' policy in any locality where there are existing SEVs is likely to have a disproportionately negative impact on the livelihood of predominantly female employees.	We are not aware of any specific mitigation for this risk. A 'nil cap' policy approach would need to be justified on the basis that the overall benefit for citizens outweighs the potentially negative economic impact on a largely female workforce.	This potential issue would be entirely mitigated if there is no change to current policy.

Potential impact / issue	Mitigation / Justification / Comment	
<p>Safety of performers in SEVs: Some research has found that women who work in SEVs can be subject to high levels of abusive behaviour from customers e.g. verbal harassment and unwanted touching from customers⁷, and assaults experienced by performers may not always be reported to outside agencies by SEV staff. There is no standardised Code of Conduct that performers or audience members should comply with to protect the rights and safety of performers and aspects of the policy which aim to protect performers may not be complied with.</p> <p>Some stakeholders have raised the issue that the provision of literature and signposting to sexual problems, family planning and sexually transmitted diseases suggest that performers engage in prostitution and gender-based violence is a more likely occurrence during their work.</p>	<p>SEV workers may still be at increased risk of harm despite the strict rules imposed by licensing conditions.</p> <p>This potential issue would be entirely mitigated in localities where a nil cap is introduced.</p>	<p>Licensing conditions for SEV premises aim to protect employees and the policy has strict rules prohibiting any physical contact between workers and customers in SEVs.</p> <p>Licences can only be refused or revoked on statutory grounds, which are listed in the legislation. We would consider further how the wording of the final policy can ensure that the gravity of any evidence of harm to women linked to SEVs activity is properly considered, without prejudicing licensing hearings.</p> <p>The policy proposes a number of standard conditions attached to licences which include requirements for CCTV, code of conduct and rules for performers and customers, and prevention of physical contact between performers and customers. The code of conduct and rules must be displayed in the venue, and all staff and customers made aware of them.</p> <p>Unannounced enforcement visits take place which include randomised checks of the CCTV footage to ensure the rules are being followed. Penalties are available under the regime where breaches of the licence, or other concerns, are proven to have taken</p>

⁷ For example: University of Leeds Faculty of Education, Social Sciences and Law, The Regulatory Dance <http://www.sociology.leeds.ac.uk/research/projects/regulatory-dance>

Potential impact / issue	Mitigation / Justification / Comment	
		<p>place. Licences are required to be renewed on an annual basis, and concerns may also be raised at this time, with the licence able to be revoked, or additional conditions imposed, if deemed appropriate.</p> <p>We fully endorse providing information and guidance on sexual problems, family planning and sexual transmitted diseases in SEVs as it is good harm-reduction practice. Similar information and guidance is provided in many other places e.g. universities and we do not think that this is an indicator that performers in SEVs are engaged in prostitution or that gender-based violence is a likely occurrence in their work.</p>
<p><u>Sexual objectification of women:</u> activity in SEVs may be seen to reinforce gender inequality and contribute to a culture that perpetuates negative, sexist interactions between men and women - because the majority of activity in SEVs involves men paying women to dance for their sexual gratification.</p> <p>The granting of licences to SEV establishments may be seen to contradict other policies and obligations the City Council has in tackling exploitation and violence against women – e.g. The European Charter for Equality of Women and Men in Local Life, and Bristol Against Violence and Abuse Strategy 2015-2020, which specifically refers to sexual entertainment</p>	<p>This potential issue would be entirely mitigated by introducing a 'nil cap' policy.</p>	<p>We have not identified any direct mitigation for this potential issue. However SEVs are lawful activity and the licensing committee must assess the extent to which the proposed policy approach addresses the public sector equality duty (PSED) to eliminate harassment of women and advance equality of opportunity between men and women. They must also consider the PSED in conjunction with their statutory obligations under the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA82) under which sex establishments are licensed.</p>

Potential impact / issue	Mitigation / Justification / Comment	
<p>venues and includes an aim to challenge the sexualisation and subordination of women and children.</p>		
<p><u>Domestic Violence:</u> As above - there is a risk that by continuing to license SEVs the council is perpetuating a culture which promotes the sexual objectification of women, which research indicates has clear links to increased domestic violence.</p> <p>Nationally, 27% of women experience domestic abuse in their lifetimes, with negative impacts on mental and physical health and further impact on families including children. The rate of recorded domestic abuse incidents in Bristol has shown a significant rise over the last 2 years and 74% of victims were female⁸.</p> <p>Domestic violence may not happen in the vicinity of SEVs but be perpetrated by men at other time e.g. travelling home, or in peoples' homes as a direct result.</p>	<p>This potential risk would be entirely mitigated by introducing a 'nil cap' policy.</p>	<p>We have not identified a direct mitigation for this potential issue. Ensuring the safety of women is a shared responsibility for everyone including Bristol City Council, and other public bodies and organisations.</p> <p>The existing policy approach would need to be justified on the basis that SEVs are lawful activity and whilst there is academic research relating to the damaging effects of sexual entertainment on attitudes to women and girls, we do not have sufficient local evidence to clearly link Bristol SEV with an increase in crimes or sexual assaults in the vicinity of surrounding areas.</p>
<p><u>Sex trafficking:</u> There is a concern that trafficked or exploited women could end up working in SEVs and that clubs themselves have</p>	<p>This potential issue would be entirely mitigated in localities where a nil cap is introduced.</p>	<p>The draft policy states that no person shall be employed or shall perform at the premises who has unspent convictions for any</p>

⁸ [Bristol Women's Health 2017 JSNA Chapter](#)

Potential impact / issue	Mitigation / Justification / Comment	
<p>responsibility for checking documents.</p>		<p>Relevant Offence; No relevant entertainment shall be provided by any performer unless sufficient checks have been made of documents evidencing the performer's age, identity and right to work in the United Kingdom.</p> <p>These checks must also be available to the council on request, and unannounced spot checks are undertaken to ensure the documents are complete and the clubs are compliant with the requirement.</p>
<p><u>Safety outside premises (including feeling safe):</u> Women (including employees) may be at increased risk of assault in the vicinity of SEVs.</p> <p>There may be a negative impact on women passers-by if they find the presence of SEVs make them feel threatened or uncomfortable.</p>	<p>A number of responses in the consultation identified that some women feel uncomfortable or threatened simply by passing these types of premises, whether they are easily identifiable or not.</p> <p>This potential issue would be entirely mitigated in localities where a nil cap is introduced.</p>	<p>Whilst CCTV cannot alone ensure protection from crime it is a deterrent. The policy requires that licensed premises shall be sufficiently illuminated to ensure that usable CCTV images can be captured. There must be working CCTV and signage to say it is in operation, and there is consideration of sightlines and 'hidden' areas where effective monitoring may hampered.</p> <p>The policy stipulates that there must be no display on or outside of the licensed premises which indicates or suggests that sexual entertainment is provided there (except for agreed sign/branding), and no activity can be viewed from outside. There must be no personal solicitation, leafleting or adverts in the nearby area.</p>
<p>Sexual Orientation</p>	<p><i>No issues identified at this stage</i></p>	<p><i>No issues identified at this stage</i></p>

3.2 Can these impacts be mitigated or justified? If so, how?

See table in section 3.1. above for specific mitigations where identified.

Option 1: (locality nil caps introduced)

In summary - by introducing a nil cap for City Centre Locality, Old Market Locality, and Bishopston/Redland/Cotham/Ashley Locality we would mitigate the main concerns raised by stakeholders about potential issues for Bristol Citizens on the basis of their protected characteristics. However there would probably be a negative economic impact for those currently employed by SEVs (mostly women) which would need be justified on the basis of other benefits.

For Option 2 (no change to current caps)

By securing a detailed framework for considering applications, including using information gathering powers, this policy approach seeks to ensure that council is well placed to identify any adverse impact in respect of protected groups when it is engaged in considering applications. A licence may be refused on various discretionary grounds which are defined in the legislation, and overall there is a presumption that a licence will be granted unless one of the statutory grounds applies. The grounds include that the grant or renewal of the licence would be inappropriate, having regard -

- (i) to the character of the relevant locality; or
- (ii) to the use to which any premises in the vicinity are put; or
- (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

The policy has been designed in part with the protection of performers in mind and conditions, although specific to each venue, aim to ensure the protection of specified employees as well as reducing the impact on the wider public and the wider environment. There is an ability for the Council to set the appropriate number of premises or types of premises within a particular locality, and a wide range of issues can be considered when determining both the locality and what an appropriate number would be.

However it is not clear how this policy approach would entirely mitigate some of the wider concerns raised by the groups opposing the licensing of SEVs and whilst parliament deems them lawful the Council must still consider the PSED duties in this regard.

3.3 Does the proposal create any benefits for people with protected characteristics?

Option 1: This policy approach would help to carry out the commitments made in [The European Charter for Equality of Women and Men in Local Life](#), and [Bristol Against Violence and Abuse Strategy 2015-2020](#), which specifically refers to sexual entertainment venues.

Option 2: It is intended that regulatory controls offer protection to all SEV workers, residents, businesses and visitors in the city. This policy approach aims to ensure the Council is well placed to identify any adverse impact in respect of all protected groups when it is engaged in considering applications. The current policy states:

“The Council will take into account all relevant considerations including:-

- *The character of the locality:*
 - *residential*
 - *leisure*
 - *educational establishments*
- *Other uses in the locality:*
 - *faith / religious institutions*
 - *churches*
 - *family friendly facilities*
- *Impact on regeneration*
- *Impact on tourism, including considerations of the perception of the City at gateway locations*
- *Impact on retail attraction*
- *Risk of public nuisance*
- *Whether the locality is subject of stress caused by a cumulative impact of premises authorised to provide licensable activities under the Licensing Act 2003;*
- *Impact on crime and disorder*
- *Public perception of the safety of the locality and impact on that perception, e.g. typical footfall at material times, level of street lighting, use by lone females*
- *Existence of social problems in the locality and impact on any initiatives to tackle them, e.g. kerb crawling, prostitution.*
- *Levels of recorded crime*
- *Levels of anti-social behaviour”.*

3.4 Can they be maximised? If so, how?

Option 1: External communications to provide a clear message to equalities stakeholders and Bristol citizens about changes made to the policy approach

Option 2: By licensing sex establishment venues in a safe and appropriate manner there may be an opportunity for responsible providers to make their own organisational commitments to improving accessibility and advancing equality of opportunity for their workforce etc.

Step 4: So what?

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

4.1 How has the equality impact assessment informed or changed the proposal?

Relevant entertainment is a highly controversial activity about which many hold very strong opinions as is apparent from both the pre-consultation and

full consultation responses.

The equality impact assessment has highlighted a number of potential issues which may have a bearing on the overall policy approach. We have updated this assessment throughout the policy review to reflect our learning from engagement and consultation.

This updated EqIA is designed to provide a clear picture to decision makers of the relative risks and merits we are aware of from an equalities perspective which may arise from the different policy approaches available – by examining two potential and contrasting options.

However this is just a summary document and the EqIA does not describe in detail the research/evidence base regarding the potential link between sexual objectification and violence against women. To fully understand the potential equalities impact in this regard, decision makers should also refer to the various submissions from stakeholders (please see consultation report appendices).

The council has a legal duty is to give due regard to the need to promote equality of opportunity, eliminate unlawful discrimination and promote good relations in the discharge of its licensing functions, principally the consideration and determination of applications for sexual entertainment venue licences and the consideration of requests that the requirement for a licence be waived.

4.2 What actions have been identified going forward?

We have carried out a full consultation and updated the EQIA, and will move forward with updating the policy as appropriate in line with these responses.

Whichever approach is adopted we will ensure that the policy includes a clear and unequivocal commitment to meeting the equalities duty in the exercise of all of the functions under the Equality Act 2010 including the Public Sector Equality Duty. The policy and the documentation flowing from it are intended to be a key means of facilitating compliance with all of the council's obligations.

4.3 How will the impact of your proposal and actions be measured moving forward?

- A reassessment of the policy and updated EqIA
- A summary of consultation feedback has been published
- If the current overall policy approach is adopted we will carry out ongoing review of successful and unsuccessful licensing applications after that time.

Service Director Sign-Off:



Equalities Team Sign Off:

Reviewed by Equality and Inclusion Team

Date: 28/02/2021

Date: 12/2/2021

