

Appendix 3

EQUALITY IMPACT ASSESSMENT

This should be carried out during the development stage of a new project, strategy, policy or service or when you are reviewing an existing project, strategy, policy or service.

By understanding and meeting people's differing needs we can provide more effective services.

Name and brief description of project, strategy, policy or service being assessed
<p>Sex Establishment/Entertainment Venue Licensing Policy</p> <p>To determine a policy with respect to the licensing of Sex Establishments that is fair, equitable, transparent, provides accountability, certainty, consistency and does not directly or indirectly discriminate on any grounds against any section of the population.</p> <p>Braintree District Council has resolved to adopt legislation which incorporates “sexual entertainment venues” within the categories of sex establishments regulated by the Council. The Licensing Authority has decided to set out a Sex Establishment/Entertainment Venue Licensing Policy and to undertake consultation with appropriate service users, businesses and potential licence holders.</p> <p>This policy has been produced in accordance with the powers conferred by the Local Government (Miscellaneous Provisions) Act 1982 and the Policing and Crime Act 2009, and also in accordance with “Sexual Entertainment Venues: Guidance for England and Wales” published by the Home Office in March 2010.</p> <p>This policy shall apply throughout the administrative area of Braintree District Council from the date of adoption. The licences specified in the Acts and covered by this policy are sex establishments (shops and cinemas) and sexual entertainment venues. The Council will adopt and carry out its function to licence sex establishments/entertainment venues with a view to protecting the public by administering the licensing regime in accordance with the law, considering each application on its merit, and adopting standard conditions. Additional conditions may be imposed by the Licensing Committee if considered reasonable and necessary. Any complaints will be investigated and appropriate follow up action taken. When taking enforcement action the Council as the Licensing Authority will have regard to Braintree District Council's Enforcement Policy.</p>

The results of the three month consultation undertaken in early 2014 highlighted no additional negative impacts that were not already highlighted in this document.

Information used to analyse the impact on people affected by the project, strategy, policy or service

State who will be affected, the relevant information you are using to assess how it will affect them, note any relevant consultation, surveys, etc.

Who will be affected by the policy?

- * Any person wishing to apply for a Sex Establishment licence issued under The Local Government (Miscellaneous Provisions) Act 1982.
- * Any persons wishing to enter a Sex Establishment/Entertainment Venue
- * Residential properties in the general vicinity of a Sex Establishment/Entertainment Venue
- * Commercial business in the general vicinity of a Sex Establishment/Entertainment Venue
- * The wider population

Information used to assess how the policy will affect stakeholders:

- * The Local Government (Miscellaneous Provisions) Act 1982.
- * The Royal Town Planning Institute's Gender and Spatial Planning Good Practice Note 7
- * Results of a 3 month consultation

Other information used:

- * Equality Act 2010
- * Sex licensing, The Institute of Licensing, Phillip Kolvin QC, 2010

Use the information above to assess the impact of your project, policy, strategy or service on people from the following protected groups: (these are defined by the Equality Act 2010)

Protected Group		Positive Impact/ Benefit	Negative Impact/ Disadvantage	Explanation – State how
Age	Children 0-16	√		<p>Young people under the age of 18 will be affected by the policy and the requirements of legislation.</p> <p>Under 18's will not be allowed to make an application for a Sex Establishment Licence in accordance with legislation.</p> <p>Under 18's will not be permitted to enter a licensed establishment in accordance with legislation.</p> <p>The authority believes that the age restriction specified above provides a positive impact/benefit on the protected group specified.</p>

	Young People 17-25	√		<p>Young people under the age of 18 will be affected by the policy and the requirements of legislation.</p> <p>Under 18's will not be allowed to make an application for a Sex Establishment Licence in accordance with legislation.</p> <p>Under 18's will not be permitted to enter a licensed establishment in accordance with legislation.</p> <p>The authority believes that the age restriction specified above provides a positive impact/benefit on the protected group specified.</p>
	Ages 26-59	√		No negative impact identified
	Older People 60+	√		No negative impact identified
Disability Include disabled people and/or carers	Blind/Partially Sighted	√		No negative impact identified
	Deaf/Hearing Impaired	√		No negative impact identified
	Wheelchair user/mobility difficulties	√		No negative impact identified
	Learning Difficulties	√		No negative impact identified
	Mental Health Difficulties	√		No negative impact identified
Gender	Men		√	<ul style="list-style-type: none"> • Single gender clubs • Protection of performers from harassment and threat to their dignity • The fear of the opposite sex being less welcome into a particular gender specific club

	Women		√	<ul style="list-style-type: none"> • The fear of women using the vicinity of premises • Single gender clubs • Protection of performers from harassment and threat to their dignity • The fear of the opposite sex being less welcome into a particular gender specific club
	Transgender		√	<ul style="list-style-type: none"> • Single gender clubs • Protection of performers from harassment and threat to their dignity • The fear of the opposite sex being less welcome into a particular gender specific club
	Pregnancy & Maternity impact	√		No negative impact identified
	Marriage & Civil Partnership	√		No negative impact identified
Race	White	√		No negative impact identified
	Asian	√		No negative impact identified
	Black	√		No negative impact identified
	Mixed Dual Heritage	√		No negative impact identified
Religion/Belief	Buddhist		√	Perceived offence caused by the presence of a sex establishment
	Christian		√	Perceived offence caused by the presence of a sex establishment
	Hindu		√	Perceived offence caused by the presence of a sex establishment
	Jewish		√	Perceived offence caused by the presence of a sex establishment
	Muslim		√	Perceived offence caused by the presence of a sex establishment

	Sikh		√	Perceived offence caused by the presence of a sex establishment
	Other – please specify	n/a	n/a	
Sexual Orientation	Lesbian Gay men Heterosexual Bi-sexual	√ √ √ √		
Other (optional)	Use to define Impact on any groups specific to this Strategy, Policy or Function not listed above.			

If you identified any negative impacts above then either:

(a) Your proposal, policy or service is treating people from a protected group above less favourably because of their age, disability, gender, race, religion, or sexual orientation

or

(b) Your proposal, policy or service is intended to treat everyone equally but, unintentionally, people from a protected group above can be particularly disadvantaged or treated less favourably than other others

√

PLEASE TICK WHICHEVER APPLIES

If you ticked (a) this is direct discrimination, which is illegal and you cannot proceed

If you ticked (b):

1. Can any negative impacts be minimized or removed? If so state what changes you will make.

N/a

2. If you cannot minimize or remove negative impacts they must be justified and you must state your justification

Age

Standard conditions attached to a sex shop licence state that no person under the age of 18 may be admitted to the premises and a notice to this effect must be displayed on the outside of the premises. The notice must state “No person under the age of 18 allowed. People under the age of 25 will be required to show proof of their age.” Standard conditions attached to a Sexual Entertainment Venue licence state that no person under the age of 18 years will be permitted in the premises whilst any live performance of sexual entertainment or live display of nudity is taking place, and a notice must be clearly displayed at the entrance to the premises stating “No person under 18 will be admitted”. There is also a standard condition that performers must be aged 18 years or over. The policy states that the authority will consider the character of the relevant locality when considering an application and will particularly take account of the density and proximity of various types of premises including parks and children’s play areas, educational establishments and youth clubs. It is likely that any premise licensed as a sexual establishment venue will already be licensed under the Licensing Act 2003. This primary legislation provides for various offences and requirements associated with the protection of children and the sale and consumption of alcohol by children.

Gender

The fear of women using the vicinity of premises – The Council has a discretion to refuse to grant or renew licences for sex establishments on the grounds that the licence would be inappropriate having regard to the character of the locality or the use of premises in the vicinity. Without prejudice to other elements of the policy, and whilst treating each new application on its own merits, the Council’s policy is ordinarily to refuse licences on these grounds for premises that are in close proximity to;

- (a) residential accommodation;
- (b) schools, nurseries and other premises used by children and vulnerable persons;
- (c) parks or other recreational areas used by children and other vulnerable persons;
- (d) religious centres and places of religious worship;
- (e) youth, community and leisure centres;
- (f) access routes to and from premises listed above;
- (g) historic buildings or visitor attractions;

(h) an area designated either as an area under regeneration, or due to be regenerated.

However the Statement of Licensing Policy for Sex Establishments (including Sex Shops, Sexual Entertainment Venues and Sex Cinemas) and the Equality Impact Assessment does not take into account any planning considerations that may arise from an application.

Single Gender clubs – The legislation, guidance and policy are directed to the consideration and processing of applications from any person and premises that meets the statutorily directed criteria which must be adhered to in the application process. The licensing authority holds a neutral stance in relation to all matters providing the application criteria are met by the applicant. The only reasons for rejecting an application stem from the statutory requirements of the application process and the only representations and objections that may be considered by the licensing authority that may lead to a decision not to grant a licence relate exclusively to the requirements of agreed policy and legislation. An application could not for example be rejected simply on the grounds on an exclusive gender issue.

Protection of performers from harassment and threat to their dignity – 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.

The fear of the opposite sex being less welcome into a particular gender specific club – The policy is silent on this subject and does not aim to impose a condition(s) on a licensed premises to require a particular gender entrance to a particular venue. Each operator will be required to ensure compliance with any specific legal requirement that may apply to prevent discrimination.

Religion or belief

Some people may have a religion or belief that is offended by sex establishments/entertainment venues. The policy notes that it is lawful to operate such venues and that such businesses are a legitimate part of the retail and leisure industries. The licensing authority's role is to administer the licensing regime in accordance with the law. This law empowers local people and the community to be involved in the licensing process. The policy also states that the authority will consider the character of the relevant locality when considering an application and will particularly take account of the density and proximity of various types of premises including religious buildings.

If you identified any positive impacts is there anything further you can do to increase or extend the positive benefits? If so state what changes you will make

The policy will be reviewed and any identified benefits will be included in any future revisions.

Completed By: D Mellini



Approved By (Senior Manager) L Crabb



Service: Licensing

Date : 16th April 2014

Each service should retain the signed copy of the Assessment.

An electronic copy should be sent to angve@braintree.gov.uk for publication on the Council's website – this is a requirement to ensure that we meet our statutory duties under the Equality Act 2010.