Equality Impact Assessment report

Full Equality Impact Assessment Report

(EIA 2011-12)

Date to Challenge Panel 14 April 2011
Title Sexual Entertainment Venues (SEVs) Policy
Author Equalities and Partnerships Manager, Finance and Resources
Contact details x 60022
SLB sponsor Executive Director of Housing, Regeneration and Environment
Purpose of report To detail and analyse the equality implications of the policy positions available to the Licensing Sub-Committee in the licensing of SEVs.

For discussion X
For decision
For action
For consultation

The licensing of Sexual Entertainment Venues (SEVs) is an emotive subject which has received a lot of debate at both a local and national level. Opinion is divided on the whether SEVs should be licensed. The issue is compounded by a body of research on lap dancing clubs (primarily females performing for male audiences) which is often contradictory and conflicting as to the impact SEVs have on the workers involved and the wider community.

Executive summary

It is on the basis of this conflicting evidence, that this EIA cannot recommend a particular policy position on SEVs to the Licensing Sub-Committee. However, the EIA does provide several recommendations designed to mitigate adverse impact associated with the licensing of SEVs, should this policy position be selected.
Recommendations

1. Should the council adopt a position to license SEVs, it is recommended that the Licensing Sub-Committee agrees to the conditions proposed by the Chair of the Institute of Licensing and the Fawcett Society below. These conditions would go some way to protecting the women and men who work in lap-dancing clubs. They would also go someway to address the concerns voiced about the perceived impact that such venues have on the wider community i.e. safety.

2. Include a reference within the SEV licensing policy that acknowledges that the council is committed to equality and has taken a number of steps within the policy to address equality issues relating to SEVs.

Audit trail

Consultation with corporate boards/officers/departments

<table>
<thead>
<tr>
<th>Name</th>
<th>Date sent</th>
<th>Date cleared/received</th>
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</thead>
<tbody>
<tr>
<td>Licensing Manager</td>
<td>01-04-11</td>
<td>04-04-11</td>
</tr>
<tr>
<td>F&amp;R Equalities and Partnerships team</td>
<td>01-04-11</td>
<td>18-04-11</td>
</tr>
<tr>
<td>Head of Policy, Research and Customer Relations, ACS</td>
<td></td>
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<tr>
<td>Head of Community Safety, ACS</td>
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<tr>
<td>Divisional Director of Public Realm, HRE</td>
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<td>Executive Director of HRE</td>
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1. Introduction

The council has legal requirements to pay due regard to equality before and during policy decision making. Due regard comprise two linked elements: proportionality and relevance. The initial screening for relevance of this business activity is summarised below. Given it’s relevance to equality a full assessment is deemed proportionate.

1.1 Section 1 – Stage 1 summary

<table>
<thead>
<tr>
<th>Business activity relevance to equality</th>
<th>High – needs very detailed and thorough process with significant external challenge. Full assessment required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Medium – needs reasonably robust process with some degree of external challenge. Full assessment</td>
</tr>
<tr>
<td></td>
<td>Low – needs a degree of rigor to confirm that it is in line with statutory duties but external challenge. Full assessment not required</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Relevance identified</th>
<th>Race</th>
<th>Gender &amp; Transgender</th>
<th>Disability</th>
<th>Age</th>
<th>Sexual Orientation</th>
<th>Faith or Belief</th>
<th>Social Factors</th>
<th>Human rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>High/Medium/Low</td>
<td>L</td>
<td>H</td>
<td>L</td>
<td>M</td>
<td>H</td>
<td>L</td>
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The completed stage 1 screening and scoping template is attached as appendix 1.

1.2 This full assessment builds on the stage 1 initial screening and provides the following:

- the aims and intention of the business activity;
- equality evidence collected;
- results of consultation and involvement;
- the impacts revealed; and
- justification of decisions made and action taken.

1.3 Business activity aims and intention

Why is it needed? Who is it aimed at? What is the intended outcome?

Background

SEVs are defined as premises offering live performances involving full or partial nudity such as stripping, pole dancing, peep shows, live sex shows, lap and/or table-dancing which are designed for the purpose of sexually stimulating the audience.

Lambeth’s Sex Establishment Policy follows Home Office guidance on ‘Sexual Entertainment Venues’. This follows the amendments to Section 27 of the Policing and Crime Act 2009 which reclassifies lap dancing clubs as sexual entertainment venues (SEVs) and gives local authorities in England and Wales the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

The new measures took effect on 06 April 2010 in England. As cabinet decided last year to adopt Section 27 of the Policing and Crime Act 2009 and the amendment of Schedule 3 of the
Local Government (Miscellaneous Provisions) Act 1982, those who live and work in Lambeth now have a greater say over if, how many and where lap dancing clubs open and operate.

Adopting Section 27 allows the council:

- To set a maximum number of SEVs (this can be none),
- To create a set of requirements that an applicant would have to satisfy (for example, not in a residential area, near a school or place of worship),
- Not to set a maximum number but to judge each application as it is received,
- To give priority to any existing SEV (currently three in the borough), which can demonstrate that they have a history of complying with the conditions of their licence and have not been subject to complaints.

The above options would also relate to sex cinemas and sex shops.

Policy development and aim

While the Full Council has ultimate responsibility and authority to decide the council’s position on SEVs, consultation was conducted with residents and key stakeholders to inform the development of this policy.

The draft policy sets Lambeth Council’s approach to the licensing and regulating of sex establishments in the borough. It is intended to guide potential applicants, holders of licences and those who wish to object to applications. The scope of the policy includes, sex shops, sex cinemas and sexual entertainment venues.

EIA scope

This EIA has been produced to contribute to the development of the council’s Sexual Entertainment Venues (SEVs) policy. It reviews the implications of taking a policy position to licence SEVs and identifies actions which may mitigate any associated adverse impact.
2. Section 2 – Sound, consistent equality data collection and analysis

EIAs should ensure that the business activity involvement and consultation approaches include communities and groups covered by the public sector duties and wider equality groups. This section sets out how equality information has been mapped, collected and analysed to better understand the likely impact of the business activity on equality and the main issues that could hinder the effective implementation.

2.1 Collecting and using data to identify the impact

<table>
<thead>
<tr>
<th>What does available data indicate about access and intended outcomes of the proposed business activity for different equalities groups?</th>
<th>In your response please identify:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Any further evidence captured or insight gained since stage 1.</td>
<td></td>
</tr>
<tr>
<td>• Equalities profile of service users/staff and beneficiaries - - race, gender, transgender, disability, age, sexual orientation, faith or belief equality or socio economic groups.</td>
<td></td>
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<tr>
<td>• Evidence from complaints.</td>
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i). London Borough of Hackney's SEV consultation

More than 2700 people responded to Hackney Council’s 2010 consultation on the licensing of sex entertainment venues. Overwhelmingly, 67% were against a ‘nil’ policy for SEVs.

Comments against the ‘nil’ policy included freedom of choice, opposition to the council making moral judgements, legal venues minimising the risk of illegal venues and causing unemployment by closing existing venues. Several additional comments highlighted the role of SEVs in providing safe sex and health advice to the gay community.

Comments for a ‘nil’ policy included worries about the objectification of women, residents feeling unsafe walking past the venues, the venues attracting and generating prostitution and general concern about immorality and seediness.

Having considered the responses to the consultation, Hackney is proposing to proceed with the nil policy across the whole borough. Hackney qualifies its stance by stating that:

“Given the level of opposition to the nil policy and in recognition of the existing establishments that have operated in Haggerston for a considerable period of time it is suggested that these existing premises be treated as a special exception to the nil policy in Haggerston only. Such exceptional circumstances will only be applied to the existing establishments if they can demonstrate that their premises is longstanding, well-run, and does not generate significant levels of concern among the community and/or statutory authorities”.

ii). London Borough of Islington SEV consultation

The LB of Islington received 114 responses to the consultation on the draft Sex Establishment Policy which was open for consultation between 4 October and 25 November 2010.

Of the 104 on line responses:

• 85% respondents were in favour of the council limiting the number of sex establishments operating in Islington.
• 71% were in favour of setting the limit at nil with an exemption for premises currently operating as sex establishments.
Islington Council decided to limit the number of SEV licences; however, the limitation will not apply when considering applications for premises that were already trading with express permission for the type of entertainment which is now defined as sexual entertainment on the date that the licensing provisions were adopted by the authority if they can demonstrate in their application.

iii). Profitable exploits: Lap dancing in the UK (for Glasgow City Council) 2004

This study was commissioned by the Glasgow City Council to analyse the impact of lap-dancing on those involved and the wider community to inform the council’s position on lap-dancing within the city. A number of methods were used, including a literature review; internet search; observational research in four clubs; and interviews with 20 dancers, 15 customers and a number of interviews with club owners, police officers, women’s groups and licensing officers.

The reports key conclusions and recommendations include:

- It can be concluded, from the body of evidence that some lap dance club owners and managers create conditions in which prostitution is likely to occur.
- There is evidence that activities within lap dancing clubs are in direct contradiction with equality between men and women, and normalises men’s sexual objectification of women.
- Lap dancing is becoming increasingly normalised and activities within the clubs can be seen as detrimental to gender equality.
- Working conditions and terms of employment of lap dancers are inadequate.
- 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.
- The requirement for dancers to ‘glamour model’ to advertise the club, and the evidence that some customers take covert photographs of the dancers whilst naked, links lap dancing clubs to pornography.

iv). Home Office

According to the Home Office, daily sexualised messages create conducive contexts for violence, reinforce gender inequalities and undermine information campaigns about healthy sexual relationships (Home Office VAWG Consultation, 2009). There is a clear link between the consumption of sexualised images and the acceptance of aggressive attitudes and behaviours as the norm (Home Office, 2010)

A considerable proportion of young women’s aspirations have been reduced to being glamour models and lap dancers (EVAW 2008); Women in Journalism (2007); Girls’ Schools Association (2010).


This University of Leeds study examines the supply of dancers, their working experiences of dancing and their working conditions; how industry management have mainstreamed lap dancing; and the competing interests between erotic dance businesses, law enforcement and licensing processes. The research involved a survey of 197 dancers and 35 in-depth interviews and initial research findings include:
• The researchers found no evidence or anecdotes of forced labour or the trafficking of women.

• There was no evidence of lap dancing having connections to organised prostitution.

• While lap dancing and strip clubs are workplaces, regulatory assessments, criteria and licensing process do not examine the industry from this perspective. As a result, dancers are open to financial exploitation, disciplinary measures and employment rights.

• Many dancers didn’t feel that they had access to knowledge about what the council imposed rules were.

• Improving the conditions for dancers related to:
  - Raising awareness of the need for work related insurance (as the majority are self-employed).
  - In order to improve security, panic alarms, more CCTV and door staff were cited as important.
  - Concerns were raised about the operation of private booths as endangering the dancers.
  - Understanding the potential for passing regulations which push SEVs underground which could make things worse for dancers.

v). Object’s concerns on the licensing of SEVs
Object is a campaigning and grass roots UK organisations which challenges ‘sex object culture’ – the normalising of the porn and sex industry through lads' mags, advertising or lap dancing clubs. They have developed a template to respond to local authorities SEV consultations. The key issues, and the evidence base, for their concerns are detailed below.

• Lap dancing clubs normalise the sexual objectification of women in contradiction to efforts to promote equality between women and men.

  The links between objectification, discrimination and violence against women are recognised at the international level by the legally binding United Nations Convention to Eliminate Discrimination Against Women (CEDAW), which has repeatedly called on states – including the British Government - to take action against the objectification of women\textsuperscript{ii}. Similarly the UK-based End Violence Against Women coalition has called on the UK Government to tackle the sexualisation of women and girls because it provides a ‘conducive context’ for violence against women\textsuperscript{iv}.

• Lap dancing clubs are a part of the sex industry and as such are linked with wider systems of prostitution

  Research shows that the structural conditions of lap dancing clubs, where women compete with one another for private dances, lead to some dancers offering sexual services to survive financially\textsuperscript{v}. Even if a club enforces a no touching rule and there is no sexual contact between dancer and customer, research further shows that strip clubs increase demand for nearby prostitution services\textsuperscript{vi}. This places lap dancing on a continuum of commercial sexual activity, irrespective of whether this sexual exchange occurs within the club itself.

• Lap dancing clubs have a negative impact on women’s safety in the local vicinity

  Research undertaken in the London Borough of Camden found a fifty percent
increase in sexual assaults in the borough after the rapid expansion of lap dancing clubs\textsuperscript{vii}. The UK Royal Institute of Town Planning has further drawn attention to concerns regarding the impact of lap dancing clubs on women in the local areas: ‘Evidence shows that in certain locations, lap dancing and exotic dancing clubs make women feel threatened or uncomfortable’\textsuperscript{viii}.

- **Lap dancing clubs have a negative impact on women’s safety in wider society**

Lap dancing clubs normalise the representation of women as being always sexually available. 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.

vi). **The impact of adult entertainment on rape statistics in Camden: A re-analysis (2011)**

This research challenges the study conducted by Lilith and Eaves housing in 2003. The 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. In spite of mathematical corrections to the statistics in the report, its original conclusions are still widely reported in both academic and mass media.

This paper presents a broader analysis of the impact of lap-dancing clubs by calculating accurate rates of incidence, analysing statistics from a longer time period, and comparing the results with crime rates in neighbouring boroughs of London. The study found that the rate of rape in Camden is lower than that in comparable boroughs, including ones with no such clubs. The overall trend for London boroughs, while higher than the national average, shows a decrease where national statistics are on the increase.

vii). **Local evidence**

Currently only three SEVs are operating explicitly in the borough. One application under the Licensing Act 2003 did receive representations from several residents stating that it has operated without complaint since it was granted. Two enquiries have been received about applying for new licences.

viii). **Summary of the key arguments for and against the licensing SEVs**

**For**

- 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 would not be a significant issue as we currently have so few 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 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.

2.2 Positive involvement and consultation

<table>
<thead>
<tr>
<th>What do stakeholders think about the business activity?</th>
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<tr>
<td>In your response please set out:</td>
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<tr>
<td>- The potential barriers to participation for the different equality groups.</td>
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<tr>
<td>- How you have consulted with key stakeholders in the process of developing the business activity to obtain their views on it.</td>
</tr>
<tr>
<td>- How feedback and challenge from informed groups and individuals will be used to ensure that the final business activity is robust, addresses identified need and promotes equality of opportunity.</td>
</tr>
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</table>

Licensing Sub-committee

The Cross Party Licensing Working Group have contributed to the development of this EIA. Their feedback challenged the initial recommendations of the EIA based on the contradictory nature of the evidence and this has been reflected in the final version of the EIA.

Consultation findings

29 responses to consultation were received. Overall a policy whereby applications were judged on their merits, was preferred to a nil policy. There was consensus that SEVs were not appropriate near schools or in residential areas. There was some recognition that Vauxhall was an area that might be more suitable of SEVs.

Unions

During the Hackney consultation on SEVs, the Hackney Trade Union of Councils was vocally opposed to a nil policy for the granting SEV licenses. Their opposition is grounded in the viewpoint that allowing SEVs, specifically lap-dancing clubs, to operate legally means that women (and male dancers) are protected by the licensing regime. It is the Hackney TUCs belief that the removal of SEV licenses could see the venues driven underground and operating unregulated, to the detriment of those work in work in the venues.
2.3 Gaps in information

<table>
<thead>
<tr>
<th>What gaps in information have you identified?</th>
<th>In your response please identify:</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>• Areas where more information is required and longer term measures to be taken to strengthen data.</td>
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While not a gap that can be plugged locally, a national study on the impacts of SEVs on both workers and the wider community would be welcomed to provide conclusive evidence to inform decision-making.

3. Section 3 – Assessing impact

It is essential to consider not just the intended consequences of the business activity but also any unintended consequence and barriers that might prevent it being effective for certain community groups. Where a business activity is found to have either positive or negative impact on a particular group it will need to be revised or justified within the permits of the law. This section sets out how equality information has been analysed and the likely impact identified.

3.1 Testing for negative impact and positive impact

<table>
<thead>
<tr>
<th>From evidence analysed could the business activity have differential, disproportionate or adverse impact on equality groups?</th>
<th>In your response please set out:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Take up of service by each equality group</td>
</tr>
<tr>
<td></td>
<td>• If adverse impact revealed how is this justified?</td>
</tr>
<tr>
<td></td>
<td>• If differential or disproportionate impact amount to unlawful indirect or direct discrimination how is this justifiable under legislation?</td>
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</table>

It is important to acknowledge that several of the initial licensing queries received by the council have come from gay male venues, however on a national level it is likely that the majority of lap-dancing venues will be of a heterosexual nature involving female performers and male viewers. Adopting a policy position allowing SEVs

The evidence provided in section 2.1 does not allow this EIA to draw a conclusion on whether SEVs have a positive or negative equality impact due to the largely contradictory nature of the research findings.

While, it is acknowledged that the research predominantly relates to heterosexual audiences with female dancers it can be extrapolated that male lap dancers performing for male audiences may have similar negative experiences in relation to health and safety and employment conditions. This is relevant to the Lambeth context given that a number of licenses may be requested by venues in Vauxhall catering to gay males.

Ultimately, while there may be considerable debate as to the detrimental impact SEVs have on both workers and the wider community, legislation allows for SEVs to exist. Should the council decide to allow SEVs to be licensed within Lambeth, a range of conditions are proposed in the next section to limit the potential negative impact.
3.3 Equality impact summary

<table>
<thead>
<tr>
<th>Potential impact identified</th>
<th>Race</th>
<th>Gender</th>
<th>Disability</th>
<th>Age</th>
<th>Sexuality Orientation</th>
<th>Faith or Belief</th>
<th>Socio-economic factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opportunity to promote equality</td>
<td>L</td>
<td>H</td>
<td>L</td>
<td>M</td>
<td>H</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Risk of differential/ Disproportionate/ adverse impact</td>
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<td>H</td>
<td>L</td>
<td>M</td>
<td>H</td>
<td>L</td>
<td>L</td>
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4. Section 4 - Addressing adverse impact and promoting equality

This section sets out specifics actions taken or to be taken to deal with any adverse impact and to promote equality.

4.1 Developing inclusive services and promoting equality

What are the main conclusions and the key changes that have been made to address adverse impact or to address potential unlawful discrimination, if any and to promote equality?

Please identify:
- Changes/adjustments to address impact identified
- Measures that will require wider decisions
- How the change will meet needs or accommodate difference and diversity
- How the change will promote positive attitudes and good relations between different groups and community relations generally
- How the business activity will be implemented and communicated to make it accessible and transparent

Recommendation 1: Should the council adopt a position to license SEVs, it is recommended that the council agrees to the conditions proposed by the Chair of the Institute of Licensing and the Fawcett Society below. These conditions would go some way to protecting the women and men who work in lap-dancing clubs. They would also go someway to address the concerns voiced about the perceived impact that such venues have on the wider community i.e. safety.

i). Conditions proposed by the Chair of the Institute of Licensing

1. No contact between performers and audience and a minimum of 1 metre separation between performers and audience.

2. Performers confined to stage area.


5. Prohibition of private booths.

6. CCTV coverage of all public areas.
7. Controls on exterior advertising and signage.
8. Prohibition of advertising in public spaces, including on billboards, telephone booth boards, and leafleting.

ii). Conditions proposed by the Fawcett Society
1. A register to be kept of all staff working each night and valid proof to be held on the premises of the age of each of the performers.
2. No fee to be charged by any club to a performer for working in the club.
3. Police to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges.
4. No smoking areas to be allowed at the front of clubs to minimise the potential harassment of women living, working and passing through the area. All smoking areas must be in private areas away from public spaces.
5. No advertising allowed in media that is not exclusively aimed at adults – this would exclude local and family newspapers for example.

**Recommendation 2:** Include a reference within the SEV licensing policy that acknowledges that the council is committed to equality and has taken a number of steps within the policy to address equality issues relating to SEVs.

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**Section 5 – Implementation and review**

<table>
<thead>
<tr>
<th>Actions Required</th>
<th>Timeframe</th>
<th>Budget</th>
<th>Lead Officer</th>
<th>Relevant PI</th>
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</thead>
<tbody>
<tr>
<td>The consultation findings to be added to the EIA.</td>
<td>April</td>
<td>NA</td>
<td>Licensing Manager</td>
<td></td>
</tr>
<tr>
<td>Should the council decide that the SEV policy is to allow SEVs to be licenced, that they review and adopt a number of the conditions proposed by the Chair of the Licensing Committee and the Fawcett Society (under recommendation 4).</td>
<td>N/A</td>
<td>Licensing Sub-Committee</td>
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</tbody>
</table>

**EIA publishing date:** ________________ **Policy review date:** ________________

**Full assessment sign-off**

<table>
<thead>
<tr>
<th>Name</th>
<th>Signature</th>
<th>Date</th>
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<tbody>
<tr>
<td>Dave Bright</td>
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<td>F&amp;R Equalities and Partnerships Manager</td>
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</tbody>
</table>


1979 Convention on All Forms of Discrimination Against Women (CEDAW) Article 5

Realising Rights, Fulfilling Obligations: An Integrated Strategy to End Violence Against Women (EVAW) 2008


Royal Town Planning Institute (2007), Gender and Spatial Planning, Good Practice Note 7, 10 December 2007