

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Resources	Service area: Entertainment Licensing
Lead person: Susan Holden	Contact number: 0113 39 51863

1. Title:

Is this a:

Strategy / Policy

 Service / Function

 Other

If other, please specify

2. Please provide a brief description of what you are screening

The Sex Establishment Statement of Licensing Policy sets out the principles the council will use to exercise its functions under the Local Government (Miscellaneous Provisions) Act 1982 as amended. Applicants for sex establishment licences are expected to read the policy before making their application and the council will refer to the policy when making its decisions.

1. Relevance to equality, diversity, cohesion and integration

All the council’s strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender

reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).		
Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	X	
Have there been or likely to be any public concerns about the policy or proposal?	X	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	X	
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 	X X X	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration
If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.
Please provide specific details for all three areas below (use the prompts for guidance).
<ul style="list-style-type: none"> • How have you considered equality, diversity, cohesion and integration? (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected) <p>The council's Licensing Committee formed a working group of licensing members and officers to develop a policy, set of standard conditions and application form to support the inclusion of sexual entertainment venues in the same legislation that currently licences sex shops and sex cinemas.</p> <p>During the development of the draft policy officers and licensing members invited views from organisations and people that would represent those people using and working within the service areas covered by this policy.</p>

This included:

- West Yorkshire Police - to discuss crime and disorder issues directly related to the operation of sexual entertainment venues
- LCCs Taxi and Private Hire Licensing - to discuss the issues relating to the vehicles associated with sexual entertainment venues who provide a transport service for customers
- LCCs Domestic Violence Team - to provide insight into women's issues, especially related to women who work in sexual entertainment venues.
- Leeds University, Sociology Dept - Prof Teela Sanders was invited to share her interim report on her research into Sexual Entertainment Venues. This work involved speaking with 300 dancers about their work and working conditions.

The working group considered the information provided by these groups and produced a first draft policy and set of conditions. The industry were invited to view the first draft with the view that the standard conditions would need to be practical and enforceable. The working group met with all eight existing sexual entertainment venue managers and their legal advisor at an open meeting where each of the provisions set out in the policy and conditions were reviewed.

In addition the working group visited four out of the eight premises during opening hours to view the practicality of the set of conditions.

This work was undertaken over a period of nine months with careful consideration given to equality, diversity and human rights at each step.

A final draft was produced and was provided for public consultation for 12 weeks. The council received 16 responses via the web form and in writing via email and letter. The working group considered these responses before producing the final policy, set of conditions and application forms/notices.

This document will be taken through the governance process, seeking approval from Executive Board. As this is an executive function the report will be available for call in by Corporate and Central Scrutiny Panel.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

1. West Yorkshire Police provided the information that sexual entertainment venues and sex shops do not give rise to concern in relation to reported crime. It was felt that the premises manage disorder in-house rarely allowing it to spill out onto the streets. The level of complaints to the Police about sex establishments is low. The police did feel that providing the people working within clubs a confidential crime reporting service would be beneficial as there was concern that the low levels of reported crime did not accurately reflect the actual crime occurring on the premises.
2. Leeds City Council's Taxi and Private Hire Licensing expressed concern about the number of unlicensed vehicles being used by sexual entertainment venues to transport customers to and from their premises. These vehicles should be licensed as private hire vehicles.
3. Prof Teela Sanders addressed the working group and discussed the issues that her research had uncovered. Briefly the dancers were concerned with:
 - Clearly displayed council rules in a number of places in the club: toilets, changing rooms etc
 - Offer a receipt for fines and fees – make sure fines and fees go through the books
 - Offer a receipt for dances where commission is taken
 - Monthly meetings to discuss rules, changes, get dancers' input
 - Prohibiting use of private booths
 - Insurance for the women
 - Limiting number of girls per capacity of club

The full research can be found at

<http://www.sociology.leeds.ac.uk/research/projects/regulatory-dance.php>

4. The Domestic Violence Team were pleased that women's issues and gender inequalities had already been considered in the first draft of the policy. They provided some assistance with the drafting of the section on equality in the policy. They supported the inclusion of the dancers welfare pack and offered to provide information in that pack and offered to work with the Police on the contents of the welfare pack by providing information relating to support after rape/sexual assault.
5. The industry made comments relating to the practicality of the conditions. In particular there was concern about the use of private booths. They reiterated that their main source of income is generated by the use of private booths and they are integral to their business.
6. The public consultation highlighted a number of concerns which echoed the concerns already considered around safety and welfare of women working within the clubs, the rights of pedestrians to use the streets without being harassed by clubs touting for business, the use of flyers, the discreetness of the clubs and their locations in sensitive areas.

• **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

1. A Dancers Welfare Pack to be developed that would include information related to the confidential reporting of crime, rape crisis lines, Crime Stoppers etc.
2. A condition was inserted which related to the licensing of vehicles. LCCs Taxi and Private Hire Licensing will pursue enforcement on unlicensed vehicles.
3. Although a number of the concerns were outside of the scope of the policy, a number of conditions were added requiring:
 - a Dancers Code of Conduct and Customer Code of Conduct to be clearly displayed.
 - A fine register to be in place
 - Stricter controls on the use of private booths
 - Stricter requirement for CCTV and the supervision of booths
4. The Working Group were very pleased to receive the comments made by the Domestic Violence Team and will be seeking assistance from them in the development of the welfare pack.
5. The Working Group carefully analysed their concerns about the use of private booths. In the end the main concerns were relating to the use of the booths for illegal sexual activities, and the safety of the dancers. As a consequence, and on balance, the working group felt that these concerns can be mitigated by tighter security and supervision and that a complete ban on their use was not proportionate. The use of CCTV in booths is already in place, but the additional requirement of a person supervising the booths who is in contact with registered door supervisors would provide the balance of privacy for the customer and security for the dancers.
6. The working group carefully considered all the responses to the consultation. A report has been written which describes how the working group has responded to the consultation which is available on request. Briefly the working group examined each response carefully, and reviewed the draft policy to ensure that every point was considered. Conditions were clarified where necessary. The main themes of the responses were the same themes the working group considered when producing the draft policy, i.e. welfare of staff working in the clubs, the external appearance and advertising of the sexual entertainment venues, the advertisement of sex shops, the use of vehicles, the location of the premises.

A number of the respondents felt the only way to ensure the council is carrying out its responsibility to address inequalities by eliminating discrimination is to not licence any sexual entertainment venues. The working group considered this point in particular both at the start of the process and at the end of the public consultation. Businesses operating as sexual entertainment venues in Leeds have a right under the Human Rights Act to operate their business. Additionally everything the council does should be fair and proportionate. A nil policy on the licensing of sexual entertainment venues would expose the council to a legal challenge under human rights grounds. In addition the council felt that it is more effective to consider equality and diversity and to provide a policy and standard conditions that mitigate inequalities. Sexual entertainment venues employ hundreds of women as dancers. The working group felt that raising standards and providing a fair working environment was very important and this is better enabled and enforced through licensing.

A number of respondents were concerned that although the conditions appeared robust, they would be unenforceable. The council's Entertainment Licensing team employs 6 enforcement officers who ensure compliance with a number of licences, including those issued under the Licensing Act 2003 (alcohol and entertainment) and the Gambling Act 2005 (gaming and betting). The enforcement team currently ensure compliance with the city's 5 sex shops and have worked with sexual entertainment venues to ensure compliance with their current licences.

In addition the working group felt that it was important that the effectiveness of the licensing regime be evaluated periodically and have decided to review the policy, standard conditions and application process (including the forms) 18 months after the regime comes into force. This will allow all venues to operate for 12 months under the new conditions and for the initial "new business" inspections to have taken place. The business owners will have gone through two licensing processes; new and renewal. We believe this timescale allows enough time for a thorough testing of the system, but is soon enough to effect any change needed.

5. If you are **not already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.****

Date to scope and plan your impact assessment:

Date to complete your impact assessment

Lead person for your impact assessment
(Include name and job title)

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
Nicola Raper	Section Head	8th June 2011
Cllr Armitage	Chair, Licensing Committee	8th June 2011

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

Date screening completed

8th June 2011

Date sent to Equality Team

8th August 2011

Date published

8th August 2011