

Moray Council Equality Impact Assessment

Important

Under the Equality Act 2010 we must assure that all decisions are taken only after an active assessment of the impact of the decision on people affected by the decision. Where necessary, those who may be affected should be consulted beforehand.

If this is not done, the decision could be unlawful and the council can be prevented from acting upon the decision until the impact has been assessed. This will result in major delays in the implementation as well as financial, reputational and other potential damage and loss to the council.

London Councils had decided to cut £10 million from their grants budget of £26 million. No act of consideration or assessment was given of the impact of the decision on the users of services supported by the grants. Court action was taken by the users against the councils. The Court decided in January 2011 that the decision was unlawful and instructed the councils to assess the impact of the decision. The Court also decided that no grant was to be terminated until 3 months after the conclusion of the assessment exercise.

Service: Corporate Services

Department: Licensing & Regulatory

Title of policy/activity: Licensing of Sex Entertainment Venues

1. What are the aims and objectives of the policy/activity?

Section 76 of the Air Weapons and Licensing (Scotland) Act 2015 provides for a new licensing regime for SEVs by amending Part III and Schedule 2 of the Civic Government (S) Act 1982. From 26 April 2019, local authorities will be permitted to licence such venues under the 1982 Act. Although, this new licensing regime is not mandatory, each local authority as licensing authority has been given the opportunity to decide whether they wish to licence SEVs. Local authorities that do not currently have any sexual entertainment venues may wish to carefully consider whether there would be merit in making a resolution and setting a number (including nil) of such venues for their area to allow them to control the number of sexual entertainment venues operating in their area in the future. If no resolution is determined, it will be possible for any SEV to operate within the area unregulated until a SEV licensing regime is put in place.

Following, the Licensing Committee's decision to carry out an initial consultation and mapping exercise, the Committee must now decide to licence SEVs taking into consideration all the circumstances. In order to establish whether SEVs should be licensed or not, the Committee is invited to review the implications of taking a policy position to licence SEVs and identify actions why may mitigate any associated adverse impact.

2. List the evidence that has been used in this assessment

Internal data (customer satisfaction surveys; equality monitoring data; customer complaints)	An initial consultation has been carried out by Officers beginning on 9 July 2019 and ending on 19 August 2019. However, the consultation was extended for a period of two additional weeks to allow for further responses from community groups to be received and considered by the Committee. The Consultation came to an end on 26 August 2019. The consultation was made available to all internal departments at Moray Council, religious organisations and groups, women's and children's organisation, local businesses, the education authority, the Police and Community Councils and individuals. The consultation
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	<p>received total of [167] responses.</p> <p>Of the 167 responses:</p> <p>53% were not in favour of the Council Licensing SEVs, while 47% were in favour of Licensing SEVs.</p> <p>The question of whether a maximum limit for SEVs should be set was also put forward as part of the consultation. In total 109 responses were received.</p> <p>66% were in favour of setting a maximum number for SEVs, while 34% did not believe that a limit should be set. 64 respondents specifically left comments relating to the maximum number to be set. 34 respondents advised that the maximum number should be set at zero, while 30 respondents provided various suggestions which included:</p> <p>1 per locality, up to a maximum of three within Moray, 2-3 within Moray, no more than 1 within Moray and a maximum of two in Elgin.</p>
Consultation with officers or partner organisations	<p>The consultation was also circulated internally to the following within Moray Council to disseminate to their teams:</p> <p>Head of Housing and Property Head of Direct Services Head of Schools and Curriculum Development Community Planning and Development Manager Head of Development Services Head of Lifelong Learning, Culture and Sport Integrated Children's Services Head of HR and ICT Head of Legal and Democratic Services Corporate Policy Unit Manager Business Support Team Manager Head of Financial Services</p> <p>A response was received from the Head of Legal and Democratic Services who advised that there were no comments from Registrars, Committee Services, Customer Services, Revenue Benefits and Non Domestic Rates. A response was also received from the Head of Integrated Children Services on behalf of Children and Family Services who advised that they did not believe SEVs should be licensed as these kinds of licences for these kinds of premises were rarely about promoting equality and challenging discrimination.</p>
Consultation with community groups	<p>The consultation was extended to the following groups within Moray: Community Planning Area Forums, Community Councils, the Moray Federation of Village Halls and Associations, the Joint Community Councils of Moray and the Moray Forum by the Community Support Manager at Moray Council.</p>
External data (statistics, census, research)	<p><u>Profitable exploits: Lap dancing in the UK (for Glasgow City Council) 2004</u></p> <p>This study was commissioned by the Glasgow City Council to analyse the impact of lapdancing on those involved and the wider community to inform the council's position on lapdancing 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.</p> <p>The reports key conclusions and recommendations include:</p> <ul style="list-style-type: none"> • It can be concluded, from the body of evidence that some lap dance club owners and managers create conditions in which prostitution is

	<p>likely to occur.</p> <ul style="list-style-type: none"> • 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. <p><u>Home Office</u></p> <p>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).</p> <p>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).</p> <p><u>The Regulatory Dance: Sexual Consumption in the Night Time Economy 2011</u></p> <p>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:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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.
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Other	
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3. Detail any gaps in the information that is currently available?

None

4. What measures will be taken to fill the information gaps before the policy/ activity is implemented?
These should be included in the action plan

Measure	Timescale

5. Are there potential impacts on protected groups? Tick as appropriate

	Positive	Negative	None	Unknown
Age – young		✓		
Age – elderly		✓		
Disability		✓		
Race		✓		
Religion or belief			✓	
Sex		✓		
Pregnancy and maternity			✓	
Sexual orientation		✓		
Gender reassignment		✓		
Marriage and civil partnership			✓	

6. What are the potential negative impacts?

1. There are concerns put forward by women's groups around the objectification of women and the stigma which is attached to women who are seen as sex objects. Gender equality is undermined as audiences are predominantly male and females providing that entertainment, whilst clubs providing such activities reinforce the image of women as sex objects.
2. The opening of such venues may also increase prostitution, trafficking and crime.
3. Arguably women of certain racial and ethnic groups, indigenous and immigrant populations may be more vulnerable to trafficking. Any impact may be difficult to quantify.
4. Evidence suggests that a considerable proportion of young women's aspirations have been reduced to being glamour models and lap dancers.

7. Have any of the affected groups been consulted. If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps.

The consultation was extended to all individuals, businesses, local community groups and organisations, internal departments in the Council, religious groups and women's groups within Moray to obtain a comprehensive understanding of the impact of SEVs on these groups.

8. What mitigating steps will be taken to remove those impacts? These should be included in the action plan.

Mitigating step	Timescale
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<p>1. Should the Licensing Committee choose to adopt the position to licence SEVs, it is recommended that the Council consider in addition to any mandatory conditions prescribed by Scottish Ministers consider any additional conditions that may be required to assist in the protection of women and men who would be employed to work within such premises. The following matters might, where appropriate, be covered by a condition:</p> <p><u>Protection of Customers</u></p> <p>Entry prices and any prices for compulsory purchases to be clearly displayed on exterior of the premise.</p> <p>No charge shall be applied unless the customer has had the opportunity to read and digest the tariff of charge.</p> <p>Rules for customers prominently displayed within the premise.</p> <p><u>Children/non-users</u></p> <ul style="list-style-type: none"> • Use of challenge 25 policy • Maintenance of refusals books • Controls on exterior advertising and signage • Prevention of exterior visibility into the premises • Control on leafleting. <p><u>Protection for Performers/prevention of crime and disorder</u></p> <ul style="list-style-type: none"> • Performers to be trained in code of conduct. • Rules of conduct for customers and display of such rules. • No contact between performers and audience, before, during and after performance. • Performers confined to stage area. • No audience participation. • No photography. • Controls of levels of nudity. <p><u>The premise</u></p> <ul style="list-style-type: none"> • Prohibition of private booths. • Prevention of access by customers to non-public areas. • No alterations to premises without consent of Council. <p><u>Nuisance</u></p> <ul style="list-style-type: none"> • Customer notices requesting quiet departure. • Dispersal policy. • Dedicated taxi service. <p><u>Legal Compliance</u></p> <ul style="list-style-type: none"> • Periodic checking of employment records and eligibility to work in the UK. • Retention of payment/remuneration records • Interview and written confirmation to ensure that performers are participating voluntarily. <p><u>Management Standards</u></p> <ul style="list-style-type: none"> • Presence of licensee/written delegate at all times 	<p>If a decision is taken to licence SEVs then any resolution will have a 12 month lead in time to ensure licensing processes are in place.</p>
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<ul style="list-style-type: none"> Secure retention of CCTV recorded material and disclosure only to authorised persons. Training of door staff in club rules. Drug Monitoring Display of notices informing customers of presence of CCTV <p>2. Ensure that within any SEV policy that is drafted that the Committee acknowledged that the Council is committed to equality and has taken a number of steps within the policy to address equality issues relating to SEVs.</p>	12 months from any decision to licence, as above
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9. What steps can be taken to promote good relations between various groups? These should be included in the action plan.

In considering the subject of SEV licensing the Council will take into account the results of the public consultation which included various groups.

10. How does the policy/activity create opportunities for advancing equality of opportunity?

There may be a connection between SEVs and a culture that perpetuates violence against women. Both the Moray Council and the Moray Licensing Board are committed to pursuing an equality outcome of reducing domestic abuse. A decision to licence SEVs can support this commitment through more rigorous control.

11. What monitoring arrangements will be put in place? These should be included in the action plan.

Any licences that are issued by the Licensing Committee shall be subject to various conditions. These premises will be monitored by Moray Council's Licensing Standards Officers to ensure that any licensed premises adhere to the conditions of their licence. Where a premise fails to adhere to any conditions contained in their licence, the LSO will have the power to advise the Licensing Committee and if required the Police of any breach of the licence. In addition, under the legislation, the Licensing Committee reserves the power to revoke a licence that has been granted on the grounds that a condition of the licence has been breached.

12. What is the outcome of the assessment? Tick as appropriate.

1	No impacts have been identified	
2	Impacts have been identified, these can be mitigated as outlined in question 8	✓
3	Positive impacts have been identified in relation to the need to:	
	a) Eliminate discrimination, harassment, victimisation and other behaviour prohibited by the Equality Act 2010	
	b) Promote equality of opportunity	
	c) Foster good relations between groups who share a protected characteristic and those who don't.	
4	The activity will have negative impacts which cannot be mitigated fully	

13. Set out the justification that the activity can and should go ahead despite the negative impact?

If the Licensing Committee chose to licence SEVs within Moray, these premises will be ultimately be subject to a number of conditions within their license issue by the licensing authority as well as by Scottish Government. In addition, any such premise that did open within Moray would be closely monitored by Police Scotland together with Moray Council Licensing Standards Officers to ensure that these conditions were adhered to at all times.

Sign off and authorisation

Department	Licensing and Regulatory
Title of Policy/activity	Licensing of Sex Entertainment Venues
We have completed the equality impact assessment for this policy/activity.	Name: Rhoda Banfro Position: Solicitor Date: 20/08/2019
Authorisation by Director or Head of Service	Name: Position: Date:

The impact assessment should now be authorised by either the Director or Head of Service.

Please return this form, along with the completed screening process and full assessment forms, to the Equal Opportunities Officer, Chief Executive's Office.

Action plan

Action	Start	Complete	Lead Officer	Expected Outcome	Resource Implications