

Equality and Fairness Analysis

Report assessing the impact of proposed changes and decisions

Report or policy title & date of meeting (Cabinet / Board report or policy title)	Licensing Sub Committee 23 rd January 2020
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Responsible Director/Assistant Director	Tim Whelan
Decision Makers	Licensing Sub Committee
Date EaFA and report sent to the Equalities Email	January 2020

This form is used to demonstrate any potential impacts on groups protected under the Equality Act, and any other identified group who may be affected. It should be used to assess the impact of new projects, services, initiatives and changes in the way we deliver services that will affect staff, residents and service users, and help decision makers to understand any anticipated impacts.

Where this report relates to Council, Cabinet, Scrutiny or Board Reports, this form must be completed and a first draft submitted to EqualitiesEmail@lewes-eastbourne.gov.uk at least **10** days before the deadline for draft Cabinet/ relevant meeting reports. This allows us time to process your analysis, seek feedback from our EaF Groups and work with you to make any necessary improvements.

We have various engagement groups who can review and provide feedback on your analysis. Contact the Equality team if you would like to engage with these groups ahead of completing your analysis.

The Public Sector Equality Duty

The Council and its companies must, in the exercise of our functions and in our decision making, have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

The second aim (advancing equality of opportunity) involves, in particular, having due regard to the need to:

- Remove or minimise disadvantages experienced by people because of their protected characteristics.
- Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

It describes the third aim (fostering good relations) as tackling prejudice and promoting understanding between people who share protected characteristics and those who do not.

It explains that compliance with the general equality duty may involve treating some people more favourably than others, as long as this is within the law.

By thoroughly assessing what we do against the general duty we are able to make better decisions, leading to better outcomes for people who work for us and for people who access our services and facilities.

An Equality and Fairness Analysis should be carried out when

- developing or reviewing strategies, plans, policies and procedures;
- proposing changes to the services delivered or the way these are delivered
- proposing new services, functions, projects or initiatives.

Assessing the impact of the options you are considering

In your answers to the questions in this analysis, please spell out any positive or negative impacts relating to the three general duties which are to:

1. Eliminate discrimination, harassment and victimisation
2. Advance equality of opportunity between people who share a characteristic and those who do not share it;
3. Foster good relations between people who share a characteristic and those who do not share it.

You need to think about the protected characteristics below as defined in the [Equality Act 2010](#)

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage and civil partnership**
- **Pregnancy and maternity**
- **Race and ethnicity**
- **Religion, belief and culture**
- **Sex**
- **Sexual orientation**

The Council's Equality and Fairness Policy states that 'we also recognise that **socio-economic status** can be a significant barrier to equality of opportunity'.

Information on key demographic data and an Area Profile covering Equalities can be found on the [East Sussex in Figures' website](#).

Question 1)

What is your proposal and what will change as a result?

Please give an overview of your proposals. What decisions are you seeking?

The Council is responsible for considering representations against the application to renew a Sexual Entertainment Venue (SEV) Licences. An application has been received by Eastbourne Borough Council the 'Appropriate Authority', to renew the Sexual Entertainment Venue Licence.

Sexual Entertainment Venue is defined as any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant Entertainment means: any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonable to be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means.)

Question 2)

- a. Who will be affected by the changes and how? Thinking about groups protected under the Equality Act, what impact do you anticipate for these groups? *Explain your answer on the next page*

		Positive	Negative	Neutral
What will be the impact? Consider who the policy/ decision is intending to benefit and what the expected outcomes are. Assess each characteristic and indicate what impact you anticipate for each group.	Age			X
	Disability			X
	Gender reassignment			X
	Marriage and civil partnership			X
	Maternity and pregnancy			X
	Race			X
	Religion or beliefs		X	
	Sex		X	
	Sexual orientation			X
Which parts of the Public Sector Equality Duty are most relevant to the policy?	1. Eliminate discrimination, harassment and victimisation		X	
	2. Advance equality of opportunity		X	
	3. Foster good relations		X	

Use this space to explain your answer to 2) a. and expand on either the positive or negative impact you have identified for each group.

Religion or belief

It is acknowledged that such establishments may contravene some religious or held beliefs, although it's possible that people may disagree with SEVs in principle, whether connected to a religion or not. The council should, however, give consideration to whether the premises is in close proximity to religious buildings as well as its location overall.

Sex

Although the establishment may have both male and female employees as well as clientele, there is concern around such establishments perpetuating gender stereotypes and working against the progress to advance equality within the protected characteristic of sex.

There is scope to perceive the licencing of such an establishment as condoning the objectification of women, rather than working to eradicate it, and there is risk associated to acting in a manner unaligned to the council's published Equality Policy.

The council has received a submission from Eastbourne & District Soroptimists who oppose the renewal, stating:

"As Soroptimists, we aim to help transform the lives and status of women and girls by advocating for equity and equality and creating safe and healthy environments. How does a strip club in the centre of Eastbourne help us achieve our goals?"

Public Sector Equality Duty aims

It is unlikely that licensing of the establishment will go any way towards meeting the PSED aims, being to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations between people who share a characteristic and those who do not share it.

Although it should be noted that women ought to have the opportunity to take up lawful employment as they wish, this should be weighed against the potential harm generated not only to the advancement of equality for women, but the council's standing as a progressive authority which advocates equality and fairness as a cornerstone in all that it does.

The Equality and Human Rights Commission explains that the Equality Act:

“..Describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.”¹

The Women and Equalities Committee spoke to Karon Monaghan QC, who stated that such venues:

“Have an impact on the wider community because they promote the idea that sexual objectification of women and sexual harassment commonly in those environments is lawful and acceptable.” Ms Monaghan continued: “How are we doing that in the 21st century? We are not going to get rid of sexual violence if we mandate the sexual objectification of women in licensed venues.”²

Despite the lawful status of Sexual Entertainment Venues, the committee should be minded to weigh up its licensing capacity with the potentially adverse impact on the protected characteristic of sex, principally women and girls in this context.

b. What mitigations have you identified for each negatively impacted group? If you cannot identify any please explain e.g. a replacement service does not exist/ there is no resource. (There is a space for action planning at the end of this document)

Consider any additional steps the Council could take to enhance (where positive or neutral) or mitigate any negative impacts. Mitigations may include the expansion of one service to cover the restriction of another/ ensuring promotional material is designed with target audience in mind / etc

Although the council in its function as a licensing committee works within current legislation and regulations, note should be taken of what safeguards and checks would be in place. The Women and Equalities Committee report on Sexual Harassment of Women and Girls in Public Places (2018) produced a recommendation that:

Local authorities should consult with local stakeholders including sexual violence specialists and women’s groups to conduct a gender equality impact assessment before setting their policy on sexual entertainment venues and when considering licence applications and renewals. They should consider adopting stringent zero tolerance conditions for any existing sexual entertainment venues. These conditions should make it clear that they will withdraw licenses following evidence of harm to women in and around sexual entertainment venues and following evidence of any failure to follow conditions designed to keep women safe within venues.³

Question 3)

What information have you used to assess the above anticipated impacts on different groups?

Have you conducted any consultation or carried out any research? Use this space to explain any

¹ Meeting the Equality Duty in Policy & Decision Making – The Equality & Human Rights Commission

² Sexual Harassment of Women and Girls in Public Places Report (2018) – House of Commons Women and Equalities Committee

³ Sexual Harassment of Women and Girls in Public Places Report (2018) – House of Commons Women and Equalities Committee

data (internal and external), academic research, theories, models you have taken into account.

The Council has an external Equalities Stakeholder Group who receive and comment on EaFAs. If you attended the group please outline any comments or feedback. (There is a section to follow where you can record comments from the group).

- The Equality and Human Rights Commission PSED Guidance
- The Women and Equalities Committee report on Sexual Harassment of Women and Girls in Public Places (2018)
- Eastbourne Borough Council Equality and Fairness Policy
- Eastbourne & District Soroptimist submission, December 2019

Next steps: Send your first draft to EqualitiesEmail@lewes-eastbourne.gov.uk **10 days** ahead of the Cabinet report deadline. Once complete (allowing for edits) it will be forwarded to members of the Equality and Fairness Planning (internal) Group and Stakeholder Group (external) for their comments. They will give any feedback or suggest amendments directly to you as the report author within 5 working days. Confidential reports will be sent to the internal Planning Group only.

If you receive any comments or suggestions from a member of the Stakeholder Group please reply by email with: *'Thank you for your comments. We will take these into consideration and you will receive feedback at the next meeting of the Equality and Fairness Stakeholder Group'.*

Question 5)

- a. Set out below any comments from members of the EaF Planning or Stakeholder Groups.**

None received at the time of publication.

- b. Response to feedback.** *Describe any changes you have made to your policy / proposals as a result of the feedback. If you are not proposing changes in response to any of the feedback, please explain why.*

Record any actions in the table at the end of this document.

Executive Summary

This is for you to paste into your Council / Cabinet / Committee / Member Board report. Keep this to 2–3 paragraphs only and incorporate any points raised by members of the EaF Planning and/ or Stakeholder Group and including actions.

Pate this summary in your report under the heading **Implications for Equality and Fairness.**

An Equality analysis has been undertaken on these proposals. This has concluded that;

Although the establishment may have both male and female employees as well as clientele, there is concern around such establishments perpetuating gender stereotypes and working against the progress to advance equality within the protected characteristic of sex.

Despite the lawful status of Sexual Entertainment Venues, the committee should be minded to weigh up its licensing capacity with the potentially adverse impact on the protected characteristic of sex, principally women and girls in this context.

Action Planning

Issue identified	Action to be completed	Lead Officer	Required Resources	Target Date	Measure of Success

Approval	
I confirm I have approved this Analysis and will review the action plan to ensure it is completed within the dates identified	<i>To be signed and dated by Head of Service</i>
I confirm that I have received this Analysis and approved it	<i>To be signed and dated by Director/Assistant Director</i>

Please now send this report to EqualitiesEmail@lewes-eastbourne.gov.uk and to the Cabinet Officer / Company Secretary with your final report.