

Equality Impact assessment

Preliminary assessment form v4 / 2011

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The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Service:

Legal, licensing and registrars

Title of policy, service, function, project or strategy (new or old) :

Final Sex Establishment Licence Policy

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

Q1 - What is the aim of your policy, service, function, project or strategy?

To provide guidance for prospective applicants, person who wish to object to or support an application for a sex establishment licence and for members of the Council's Licensing Committee when making a decision in respect of an application.

This policy does not negate the need for the Committee to consider each application on its individual merits.

Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

This policy will give prospective applicants an early indication of whether their specific application is likely to be successful and the material facts that will be taken into consideration when determining an application.

It will also set out such rules and conditions that will apply, subject to any licence being granted.

The policy will also benefit persons who wish to make representation as regards the licensing of sex establishments as the policy will set out both the legal requirements, and material facts that the Council will consider when determining an application.

It should also be made clear that no policy document is absolute and that the Council may exercise its discretion when appropriate to do so and will consider each application on its own merits notwithstanding the adoption of any policy.

Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

Group	Negative	Positive / no impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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If the answer is "negative" or "unclear" consider doing a full EIA

Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy or maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?

yes No

Q7 - How have you come to this decision?

The Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 sets out the regulatory regime for the control of sex establishments which, if adopted by local authority, sets out the legal process for determining applications for such premises. The Authority must exercise its statutory function according to the provisions of the legislation.

The Police are a statutory consultee in respect of consideration of such applications and can proactively guide and advise the Licensing Authority on any concerns of this policy and in particular matters relating to crime.

The implementation of a policy for the control of sex establishments, but in particular, sexual entertainment venues, will bring into operation a system of regulation and monitoring which was previously non-existent for SEVs.

The policy will allow the Council to publish its criteria in respect of the licensing of such premises as well as introducing a system of regulation, conditions and codes of conduct subject to which a licence will be held.

This will ensure that the Council puts in place a positive scheme for the protection of workers employed at such premises and indeed protection to the public in terms of the nature of entertainment that may be provided at such premises and the manner in which it is provided.

In addition the policy expressly considers gender equality issues, including whether the proposed use, particularly at night would deter women from using the area comfortably or at all) and in relation to the number of sex establishments, the Licensing Authority has taken into account the promotion of gender equality, particularly in relation to reducing the fear of crime among women and community attitudes to sex establishments.

The Licensing Service undertook a 6 week public consultation exercise which elicited some 3,425 responses from members of the public. Of those total responses, only 116 persons were against the grant of sex establishment licences to existing premises.

If you have to complete a full EIA please contact the Equalities and diversity team if you require help
Tel: 023 9283 4789 or email: equalities@portsmouthcc.gov.uk

Q8 - Who was involved in the EIA?

Ross Lee, Senior Licensing Officer

This EIA has been approved by: Nickii Humphreys, Licensing Manager

Contact number:

023 9283 4604

Date:

5 October 2012

Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789

Email: equalities@portsmouthcc.gov.uk