

Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief

- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping

a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people’s different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive’s	Lead officer responsible for EIA	Suzanne Hickey
Name of the policy or function to be assessed:	Sex Establishments Policy		
Names of the officers undertaking the assessment:	John Miley		
Is this a new or an existing policy or function?	Existing		
<p>1. What are the aims and objectives of the policy or function?</p> <p>The policy aims to provide guidance for the Council, applicants and public in properly considering applications for sexual entertainment venues (SEV), ensuring that local communities are able to engage in the process of consideration of such applications.</p>			

The policy also sets out a number of conditions and requirements for applicants to undertake as part of the application process

2. What outcomes do you want to achieve from the policy or function?

The policy is intended to define how applications are made and dealt with under the relevant legislation. It also sets out matters that applicants must consider when making such applications and gives clear guidance on matters to be considered by the licensing authority when determining the applications.

3. Who is intended to benefit from the policy or function?

The beneficiaries of the policy will be:

- Applicants
- Premises staff and performers
- Police
- Public and local residents
- Licensing authority

4. Who are the main stakeholders in relation to the policy or function?

The main stakeholders in relation to the policy are:

- Operators of SEVs,
- Premises staff and performers
- Police,
- Public and local residents
- Licensing authority

5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?

None. There have been no applications or premises in the Borough since well before the policy was approved and none since.

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

The Licensing Authority, Nottinghamshire Police and the Nottinghamshire Authorities Licensing group (NALG) worked together to

develop the policy to address any potential impact any application may have.

The policy deals with:

- the Licensing Authorities grounds for refusal,
- the suitability of the applicant,
- the location of any proposed venue together with the layout, character and conditions relating to the venue.
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The policy reminds applicants of their duty under the Equality Act 2010 to provide facilities to enable admission to disabled people.

The policy also requires applicants to risk assess operation of the premises on an annual basis.

It sets out operating conditions protecting both the staff and customers from exploitation, requiring “codes of conduct” for customers and dancers which must be displayed both internally and externally and clearly visible.

Persons under the age of 21 will not be allowed on the premises either as a customer or dancer.

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

There has been no consultation in respect of the current policy. However should any revision to the policy be planned or undertaken a full and comprehensive consultation will be undertaken. The results of any such consultation will be presented to the Licensing and Appeals Committee for consideration prior to any revision taking place.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality**

groups or communities differently? If yes, can this be justified?

The policy does not target or exclude any particular body. It does however, set out a number of grounds for consideration which may affect particular groups or communities that may be impacted by an application. It would affect all these groups equally.

Every application for a sex establishment will undergo a robust consideration with all applications requiring a hearing by the Licensing Authority. Applications must be advertised in the Nottingham Evening Post and a notice displayed at or near the premises.

Any group who may feel targeted, excluded or disadvantaged by an application will have the opportunity to make a representation.

As there have been no applications before or since the policy was introduced, further information may become available for consideration

• Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?

The policy will apply equally across all groups and communities in the borough. Any affected party will have the ability to access and contribute to and decision made under the policy.

• Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?

There are no barriers in respect of the policy being accessed and utilised by any equality group or community. The policy is available for all to use.

• Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?

There is no indication that the policy would contribute to equality and good relations between different groups. However there is potential for groups to unite to contribute to any decision made under the policy.

- **What further evidence is needed to understand the impact on equality?**

As there have been no applications affected by the policy to date, no evidence is available. Any applications or revisions of the policy may generate further evidence for consideration and this will be included in any report presented.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age:

The policy specifically notes that locations in particular areas are potentially sensitive to siting an SEV.

i.e. Schools, nurseries, play areas, sheltered housing, etc.

The policy also requires that under 21's may not access the premises as customers or dancers.

Disability:

No adverse impact has currently been identified. There has been no application or grant of premises licence to date. Should such an application be received, careful consideration will be given to any action that be identified as necessary.

Gender:

No adverse impact has currently been identified. There has been no application or grant of premises licence to date. Should such an application be received, careful consideration will be given to any action that be identified as necessary.

Gender Reassignment:

No adverse impact has currently been identified. There has been no application or grant of premises licence to date. Should such an application be received, careful consideration will be given to any action that be identified as necessary.

Marriage and Civil Partnership:

No adverse impact has currently been identified. There has been no application or grant of premises licence to date. Should such an application be received, careful consideration will be given to any action that be identified as necessary.

Pregnancy and Maternity:

No adverse impact has currently been identified. There has been no application or grant of premises licence to date. Should such an application be received, careful consideration will be given to any action that be identified as necessary.

Race:

No adverse impact has currently been identified. There has been no application or grant of premises licence to date. Should such an application be received, careful consideration will be given to any action that be identified as necessary.

Religion and Belief:

The policy specifically notes that locations in particular areas are potentially sensitive to siting an SEV.
i.e. places of worship

No adverse impact has currently been identified. There has been no application or grant of premises licence to date. Should such an application be received, careful consideration will be given to any action that be identified as necessary.

Sex:

No adverse impact has currently been identified. There has been no application or grant of premises licence to date. Should such an application be received, careful consideration will be given to any action that be identified as necessary.

However activities provided by premises licensed under the policy may impact upon certain gender specific groups. Such an impact would need to be considered during the application process.

Should any evidence emerge of an adverse impact, the policy may be reviewed to address the matter.

Sexual Orientation:

No adverse impact has currently been identified. There has been no application or grant of premises licence to date. Should such an application be received, careful consideration will be given to any action that be identified as necessary.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service: Suzanne Hickey