



Licensing Urgency Sub-Committee Report

Meeting:	Licensing Urgency Sub-Committee
Date:	Friday 17 th February 2012
Classification:	For General Release
Title:	Sexual Entertainment Venues – Adoption of Standard Conditions
Wards Affected:	All
Financial Summary:	There are no financial implications arising from this report.
Report of:	The Strategic Directors for City Planning and Premises Management

1. Executive Summary

- 1.1 The report resolves to prescribe standard conditions which will apply generally to all Sexual Entertainment Venue Licences under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).

2. Recommendations

- 2.1 To make regulations prescribing the schedule of standard conditions attached to this report at Appendix A in respect of sexual entertainment venues. These standard conditions being the terms, conditions and restrictions on or subject to which sexual entertainment licences are in general to be granted, renewed or transferred.

3. Reasons for Decision

- 3.1 The Council made a resolution to adopt the new licensing regime for Sexual Entertainment Venues with effect from the 1st October 2011. The first applications under the new licensing regime will be determined by the council after March 2012. By adopting standard conditions, which will apply generally to all sexual entertainment venue licences, the council will promote and publicise the minimum standards to which all venues will be expected to operate, and be generally consistent between different venues.

4. Background, including Policy Context

- 4.1 In 2009 the Policing and Crime Act 2009 (2009 Act) was given Royal Assent. The 2009 Act, amongst other things amended the Local Government (Miscellaneous Provisions) Act 1982 (1982 Act) introducing a new category of sex establishments called 'sexual entertainment venues'. This amendment allows the Council to regulate lap dancing clubs and other similar venues as sex establishments.
- 4.2 The Council resolved to adopt this legislation on the 4th April 2011 with effect from 1st October 2011 (defined as the 1st appointed day). Applications for sexual entertainment venues can be made from the 1st appointed day.
- 4.3 Any operator who holds a Licensing Act 2003 Premises Licence that currently permits sexual entertainment (defined by the 1982 Act as relevant entertainment) can continue to provide that entertainment under their existing licence until 30th September 2012 or until such time as their application is determined (whichever is the later).
- 4.4 Any operator that does not currently have a licence that enables them to provide relevant entertainment cannot provide that entertainment without a sex establishment licence being in force.
- 4.5 No applications for sexual entertainment venue licences can be granted before 1st April 2012 (defined as the 2nd appointed day).
- 4.6 From the 1st October 2012 no operator can offer relevant entertainment without a sex establishment licence issued by the Council (apart from existing operators who may be awaiting the outcome of any appeal where their application has been rejected by the Council).
- 4.7 The council has adopted and published a Statement of Licensing Policy relating to the licensing of sexual entertainment venues which it is intended will be applied in conjunction with the proposed standard conditions to set and maintain standards in sexual entertainment venues in the city.

5 Standard Conditions

- 5.1 Paragraph 13 of Schedule 3 of the 1982 Act as amended gives the council power to make regulations prescribing standard conditions applicable to licences for sexual entertainment venues, that is to say, terms, conditions and restrictions on or subject to which sexual entertainment licences are in general to be granted, renewed or transferred by the council.
- 5.2 It is intended that by adopting standard conditions, which will apply generally to all sexual entertainment venue licences, the council will promote and publicise the minimum standards to which all venues will be expected to operate, and be generally consistent between different venues.
- 5.3 The publication of standard conditions in conjunction with the Statement of Licensing policy relating to sexual entertainment venues will make potential licence holders aware of the minimum general standards for the operation of a sexual entertainment venue expected by the council when drafting their application and address these issues accordingly.
- 5.4 Potential objectors to applications will also be aware of those conditions which will be applied generally to all licences.
- 5.5 All applications for the grant, renewal, variation or transfer of sexual entertainment venues will however be determined on their own individual merits and applications to waive or modify the application of standard conditions in an individual case will always be considered.
- 5.6 Discussions with stakeholders on proposed standard conditions, including existing lap dancing premises operators and recognised amenity societies, took place during the summer of 2011.
- 5.7 Formal public consultation on the proposed standard conditions was carried out between 26 October and 5 December 2011. 9 public consultation responses, amenity society representatives, police and licensing officers were considered and discussed by the Cabinet member and Chairman of the Licensing Committee prior to producing the attached draft standard conditions attached at Appendix A.
- 5.8 An Equalities Impact Assessment on the proposed policy and standard conditions was carried out and is attached at Appendix B.

6 Legal Implications

- 6.1 Paragraph 13 of Schedule 3 of the 1982 Act as amended gives the council power to make regulations prescribing standard conditions applicable to licences for sexual entertainment venues, that is to say, terms, conditions and restrictions on or subject to which sexual entertainment licences are in general to be granted, renewed or transferred by the council.

Appendix

Appendix A – Proposed Standard Conditions applicable to Sexual Entertainment Venue Licences

Appendix B – Equalities Impact Assessment

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Chris Wroe on Tel: 020 7641 5903 or email: cwroe@westminster.gov.uk

BACKGROUND PAPERS

- Policing and Crime Act 2009
- Local Government (Miscellaneous Provisions) Act 1982
- Statement of Licensing Policy relating to Sexual Entertainment Venues

Standard Conditions for SEV premises

Definitions

Relevant Entertainment is defined as:

- (a) any live performance; or
- (b) any live display of nudity;

which is of a nature that, ignoring financial gain, it must reasonably 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).

Performer is defined as any person operating at a sexual entertainment venue who carries out any activity falling within the definition of Relevant Entertainment.

Conditions which apply to all Sexual Entertainment Venue premises

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the establishment, its premises or any of its events, facilities, goods or services.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.

10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service;
 - (i) any breach of licence conditions reported by a Performer
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate.
17. There shall be no physical contact between Performers whilst performing.

18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Relevant entertainment shall only be provided in booths, or other areas of the premises where private performances are provided, where the booth or area does not have a door or other similar closure, the area is constantly monitored by CCTV, and access to the booth or other area is adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.



EQUALITY IMPACT ASSESSMENT TOOL

The council has a statutory duty to consider the impact of its decisions on age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, and Sex (gender) and sexual orientation.

The council also has a duty to foster good relations between different groups of people and to promote equality of opportunity.

Completing an EIA is the simplest way to demonstrate that the Council has considered the equality impacts of its decisions and it reduces the risk of legal challenge. EIAs should be carried out at the earliest stages of policy development or a service review, and then updated as the policy or review develops. EIAs must be undertaken when it is possible for the findings to inform the final decision. Keep all versions of your EIA. An EIA should be finalised once a final decision is taken.

When you should undertake an EIA:

- You are making changes that will affect front-line services
- You are reducing the budget of a service, which will affect front-line services
- You are changing the way services are funded and this may impact the quality of the service and who can access it
- You are making a decision that could have a different impact on different groups of people
- You are making staff redundant or changing their roles (particularly if it impacts on frontline services).
- EIAs also need to be undertaken on how a policy is implemented even if it has been developed by central government (for example cuts to grant funding).

Who should undertake the EIA:

- The person who is making the decision or advising the decision-maker

Guidance and tools for completing EIAs are available on the WIRE:

<http://rewire/supportunits/policyplanningandperformance/Pages/Equalities.aspx>

When you have completed an EIA, please send the final copy to Jessica Bradford (PPP): jbradford@westminster.gov.uk

From April 2011, all EIAs will be published on the council's website.

SEB will monitor compliance with the requirement to complete EIAs.

SECTION 1: DETAILS OF EQUALITY ANALYSIS

1.1	Title
	Sexual Entertainment Venues Statement of Licensing Policy 2012, and Standard Conditions.
1.2	<p>What are you analysing?</p> <ul style="list-style-type: none"> • What is the purpose of the policy/project/activity/strategy? • In what context will it operate? • Who is it intended to benefit? • What results are intended? • Why is it needed?
	<p><u>What is the purpose of the policy/project/activity/strategy?</u> The Statement of Licensing Policy relating to Sexual Entertainment Venues (SEVs) includes a vision statement which states “We want to make sure that Westminster continues to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit.” The adoption of associated standard conditions will assist in promoting this vision and the policy aims and objectives.</p> <p><u>In what context will it operate?</u> The Statement of Licensing Policy relating to Sexual Entertainment Venues and the adoption of associated standard conditions will be applied in the context of managing the night time economy in Westminster by balancing the needs of residents, businesses and visitors within the city through the appropriate regulation of licensed premises. The policy will specifically complement the introduction of the revised statutory licensing regime for SEVs which has been adopted in Westminster.</p> <p>The policy compliments related licensing, planning, and other policies and strategies adopted by the council and its partners.</p> <p><u>Who is it intended to benefit?</u> It is intended that all residents, businesses and visitors will benefit from appropriately regulated licensed premises operating within a well managed night time economy.</p> <p><u>What results are intended?</u> The policy and standard conditions are intended to ensure that minimum standards relating to the operation and management of SEVs are appropriately set and maintained.</p> <p><u>Why is it needed?</u> The council adopted a new legislative regime for the licensing of SEVs in April 2011. The policy and standard conditions set out how the council will determine applications and exercise its powers generally under the new licensing regime.</p>
1.3	Details of the lead person completing the EIA
	<p>(i) Full Name: Chris Wroe</p> <p>(ii) Position: Licensing Policy and Strategy Manager</p> <p>(iii) Unit: City Planning</p> <p>(iii) Contact Details: 0207 641 5903; cwroe@westminster.gov.uk</p>
1.4	Date sent to PPP

	30 January 2012
1.5	Version number and date of update
	Version 1 – 30 January 2012
1.6	Date of publication
	3 February 2012 as Appendix to Cabinet member report

SECTION 2: EQUALITY ANALYSIS

2.1	If you are planning changes to a current service, which customers from the protected groups are using the service currently?															
	<p>How many people use the service currently? What is this as a % of Westminster's population?</p>	<p>Westminster has an estimated residential population of approximately 250,000. This swells to over 1m everyday as a result of the influx of workers, visitors and tourists that visit the area.</p> <p>The policy particularly relates to the night time economy, especially in the West End, where the night time customer base has been estimated at over 250,000.</p>														
	Age	<p>Westminster population demographics (%)</p> <table border="1"> <thead> <tr> <th>%</th> <th>Percentage of total</th> </tr> </thead> <tbody> <tr> <td>16-24</td> <td>16%</td> </tr> <tr> <td>25-34</td> <td>30%</td> </tr> <tr> <td>35-44</td> <td>18%</td> </tr> <tr> <td>45-49</td> <td>18%</td> </tr> <tr> <td>60+</td> <td>18%</td> </tr> <tr> <td>Working full time</td> <td>48%</td> </tr> </tbody> </table> <p>Source: Westminster City Council</p> <p>Westminster has a higher proportion of working-age residents, and a lower proportion of younger and older residents than the London average. There is no information available on the number of persons proposing to undergo, is undergoing or has undergone gender reassignment.</p>	%	Percentage of total	16-24	16%	25-34	30%	35-44	18%	45-49	18%	60+	18%	Working full time	48%
%	Percentage of total															
16-24	16%															
25-34	30%															
35-44	18%															
45-49	18%															
60+	18%															
Working full time	48%															
	Disability	<table border="1"> <thead> <tr> <th></th> <th>Number</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Limiting long-term illness</td> <td>25,835</td> <td>10.36</td> </tr> <tr> <td>Not Good Health - Total</td> <td>14,980</td> <td>6.01</td> </tr> </tbody> </table> <p>Source: Census 2001, Office for National Statistics (ONS)</p> <p>Census data on Long Term Limiting Illness (LTLI) which is defined as an 'illness, health problem or disability which limits daily activities or the work' is used a proxy for disability. One of the major issues with the use of data</p>		Number	%	Limiting long-term illness	25,835	10.36	Not Good Health - Total	14,980	6.01					
	Number	%														
Limiting long-term illness	25,835	10.36														
Not Good Health - Total	14,980	6.01														

		<p>from this source is that it is entirely down to self-assessment, and that perceptions may vary across ages cultures, ages and areas.</p> <p>Disability according to the 1995 DDA applies to someone who has a physical or mental impairment, which has an effect on their ability to carry out normal day-to-day activities. That effect must be substantial and adverse and long term (i.e. it has lasted or is likely to last for at least a year or for the rest of the life of the person affected).</p> <p>The census offers no breakdown diagnosis for residents with Long Term Limiting Illness, so it is impossible to ascertain whether problems are relate to visual, hearing, mobility, learning, mental health, disfigurement or other (such as epilepsy) disabilities, and therefore whether social conditions are appropriate. The information collected in the census on limiting long-term illness does not equate to the definition of disability in the Equality Act 2010. However, it is the best indicator of the number of disabled persons in Westminster. In Westminster 14.8% of people were recorded as having a long term limiting illness through the census, applied to the current population that would represent around 35,164 people. 21% of households contain at least one disabled person, 3% contain two or more and 1.5% are households where the disabled resident is also the main carer. Westminster has fractionally lower levels of people suffering from LTLI than London as a whole, but follows a very similar trend in residents accumulating LTLI's as they get older.</p>
	Gender	Westminster's population is split almost 50/50 male and female. There are more women aged 20-29 and over 65 than men but more men between the ages of 30-49.

Race and Ethnicity

Estimated resident population by ethnic group, mid-2007 (experimental statistics)

Ethnicity	Total		
	All	Male	Female
All Groups	234.1	117.2	116.9
White: British	115.7	59.0	56.7
White: Irish	6.1	2.8	3.3
White: Other White	43.5	21.4	22.1
Mixed: White and Black Caribbean	1.8	0.8	0.9
Mixed: White and Black African	1.5	0.7	0.8
Mixed: White and Asian	3.7	1.9	1.8
Mixed: Other Mixed	3.4	1.7	1.7
Asian or Asian British: Indian	12.7	6.4	6.1
Asian or Asian British: Pakistani	3.8	1.9	1.7
Asian or Asian British: Bangladeshi	5.2	2.6	2.6
Asian or Asian British: Other Asian	4.8	2.5	2.2
Black or Black British: Black Caribbean	5.5	2.4	3.2
Black or Black British: Black African	7.5	3.7	3.8
Black or Black British: Other Black	1.6	0.7	0.9
Chinese or Other Ethnic Group: Chinese	7.8	3.8	4.0
Chinese or Other Ethnic Group: Other	9.6	4.5	5.0

Source: Mid Year Estimates 2007, Office for National Statistics (ONS)

There are several sources of ethnicity data of residents, both of which use the 2001 census as a base. Westminster's ethnicity data only partially shows how diverse the population really is, as there are a wider number of nationalities found within each ethnic group than anywhere else in the UK. This diversity also means that there are no dominant groups.

Westminster's prominence as a cultural and business venue attracts international migrants from all over the globe, and as an additional pull there are sizeable community groups such as Arab and Chinese which are more prevalent in the city than elsewhere, who attract more in-migration from their countries of origin.

Westminster is also home to the largest number of short-term international migrants, and is also likely to be a home for substantial numbers of irregular or illegal migrants.

Religion or belief

	Total	% of total Population
Christian	99,797	55
Buddhist	2,392	1.3
Hindu	3,497	1.9
Jewish	7,732	4.3
Muslim	21,346	12
Sikh	400	0.2
Any other religion	945	0.5
No religion	29,300	16
Religion not stated	15,877	8.8

Source: Census 2001, Office for National Statistics (ONS)

The 2001 census was the first to try and capture information about people's religion, and the response was optional. There is, therefore, no previous information from which to make comparisons. Categories in 2001 were Christian, Buddhist, Hindu, Jewish, Muslim, Sikh, Other, No Religion and Not Stated.

Just over half of Westminster's residents are Christian, whilst the next largest group of residents stated that they had 'no religion'. Islam was the third largest religion in the City. 71.7% of the average English authority's residents were Christian, Westminster's proportion is considerably lower (55.1%). The proportion of Westminster's residents (16.2%) with no religion was higher than the national average (14.6%), but lower than the Inner London average (18.3%). Westminster's population also contains the highest proportion of Buddhist residents in the country, the 8th highest Jewish and the 13th highest Muslim.

Sexual orientation

It is difficult to estimate the size of the LGBT population. Sigma research carried out a needs assessment of LGBT people in Lambeth, and estimated the size of the population to be 5% (Keogh et al, 2006). This took into account a national survey which found that 3.9% of women and 5.5% of men aged 16-44 and living in London had had a same gender sex partner in the previous 5 years. Other studies have found that the population proportion in inner London is higher than that of London in general (estimated at 7% on the City Parochial Foundation Website) a greater representation than the UK as a whole. This and the presence of the scene in Soho suggest that in Westminster the consideration of the needs of LGBT people should be greater than in the rest of the UK.

Using the 5% estimate and applying this to the population over 15 years old in Westminster, suggests that 10,165 LGBT people live in Westminster. This is a conservative estimate and does not consider the large LGBT population who work or visit the city.

2.2

Are there any equality groups that are overrepresented in the monitoring information relative to their size of the population? If so, this could indicate that the proposal may have a disproportionate impact on this group even if it is a universal service. Information about Westminster's population is on the Equalities page on the WIRE.

	See below.
2.3	Are there any equality groups that are underrepresented in the monitoring information relative to their size of the population? If so, this could indicate that the service may not be accessible to all groups or there may be some form of direct or indirect discrimination occurring.
	See below.
2.4	<p>What other evidence can you use to assess impact? For example:</p> <ul style="list-style-type: none"> • Results of consultation or engagement activity • Analysis of enquiries or complaints • Benchmarking monitoring information with other local authorities • National research <p><i>If you do not have enough evidence you may need to take steps to fill in your information gaps – for example meeting with stakeholders, conducting surveys etc (the amount of evidence you need should be proportionate to what it is you are assessing. For example, changes to the eligibility for social care required a substantial consultation, as well as assessment of the numbers of people affected. However, a change to the frequency of bin collections will require less evidence to effectively assess impact).</i></p>
	<p>The council has carried a series of informal consultation exercises with stakeholders in order to shape the proposals which were then subject to formal public consultation.</p> <p>This informal consultation included meetings with existing SEV operators, representatives of amenity societies and residents groups, and through a report to the licensing committee.</p> <p>Formal consultation carried out between 26th October 2011 and 5 December 2011 attracted responses from businesses and their representatives, resident groups, and academics and representatives of self employed performers.</p> <p>The Cabinet Member for Enterprise and Volunteering and the Chairman of the Licensing Committee have been involved in steering the drafting of proposals and formal decisions relating to the policy statement and standard conditions are expected to be made by the Cabinet member and a licensing urgency sub-committee respectively in the next few days.</p>
2.5 & 2.6	<p>Will people from all equality groups be able to access the council service in question? Think about the customer journey and whether any barriers may exist for different groups along the way (from finding out about the service, at the access points, when receiving the service etc). Separate guidance on identifying barriers is available on the WIRE.</p> <p>What negative impacts or disadvantage could stem from the changes you are proposing on people from the different groups? Could any part of the policy discriminate unlawfully (this includes direct & indirect discrimination, victimisation and harassment)? If there is any discrimination the action must stop immediately and advice sought.</p>

	<p>People from all equality groups will continue to be able to access SEVs under the policy and with the adoption of the standard conditions. The policy and standard conditions apply universally to all premises. It is not considered that any part of the policy or standard conditions discriminate unlawfully.</p> <p>Representation has been made that the adoption of the proposed standard conditions would discriminate against a particular form of sexual entertainment which is currently provided at a premises which caters for the gay community.</p> <p>In considering this representation the council is of the view that the adoption of the proposed standard conditions are necessary to promote the policy aims and objectives generally in SEVs but that all premises will be considered on their own merits based on their own individual circumstances. When considering whether any particular form of sexual entertainment should be licensed the council may exercise its discretion to waive any standard condition in appropriate circumstances.</p>
<p>2.7</p>	<p>Is there anything you can do to promote equality of opportunity? This means the need to:</p> <ul style="list-style-type: none"> • Remove or minimise disadvantages suffered by equality groups • Take steps to meet the needs of equality groups • Encourage equality groups to participate in public life or any other activity where participation is disproportionately low • Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary <p>Is there anything you can do to foster good relations between people who share a protected characteristic and those who do not? This means:</p> <ul style="list-style-type: none"> • Tackle prejudice • Promote understanding
	<p>The implementation of the proposed policy and adoption of standard conditions is intended to promote equality of opportunity.</p> <p>Representations were received from academics who have studied the industry, and representatives of lap dancers who work in at SEVs. Concerns were expressed that women working as performers should not be exploited either sexually or financially by SEVs. Specific standard conditions were discussed and some included within the proposals which are aimed at removing any such exploitation. The council considers that other measures which were requested to be included in standard conditions but not part of these proposals can be included where appropriate in the individual circumstances of any SEV.</p>
<p>2.8</p>	<p>Are there changes proposed in related policy areas or services? How are you taking into account the combined impact of these changes? <i>Small changes in a policy area may cause some disadvantage, but the cumulative effect of changes in related areas could have a significant impact. A separate EIA will need to be undertaken where a number of changes are planned in a service area or where multiple changes are planned in different service areas that could impact on an equality group (for example changes in adult services, children's service, and transport/public realm changes could lead to a significant impact on disabled people, which may not be identified by looking at the changes individually)</i></p>
	<p>No significant changes are being made to any related policy area or service.</p>

2.9	<p>Considering your answers above, what are the issues, barriers, impacts you have identified and what can you do to reduce any negative impacts? Also include any issues you will need to take into account as your policy develops.</p>								
	<table border="1"> <thead> <tr> <th data-bbox="252 344 730 517"> Column A – Issues or barriers, things to take into account </th> <th data-bbox="730 344 1509 517"> Column B – what changes can be made to remove or reduce barriers or negative impacts (Remember to think about the Council as a whole, another service area may already be providing services which can help to deal with any negative impact). </th> </tr> </thead> <tbody> <tr> <td data-bbox="252 517 730 1106"> <p>1. Representation has been made that the adoption of the proposed standard conditions would discriminate against a particular form of sexual entertainment which is currently provided at a premises which caters for the gay community.</p> <p>2. Concerns were expressed that women working as performers should not be exploited either sexually or financially by SEVs.</p> </td> <td data-bbox="730 517 1509 1106"> <p>Changes to the standard conditions not necessary as they apply universally and are not considered to discriminate.</p> <p>Information and advice to be given to applicants and licensing sub-committee that standard conditions may be waived in appropriate circumstances when considering the merits of any individual application.</p> <p>Specific standard conditions were discussed and some included within the proposals which are aimed at removing any such exploitation. The council considers that other measures which were requested to be included in standard conditions but not part of these proposals can be included where appropriate in the individual circumstances of any SEV.</p> </td> </tr> </tbody> </table>	Column A – Issues or barriers, things to take into account	Column B – what changes can be made to remove or reduce barriers or negative impacts (Remember to think about the Council as a whole, another service area may already be providing services which can help to deal with any negative impact).	<p>1. Representation has been made that the adoption of the proposed standard conditions would discriminate against a particular form of sexual entertainment which is currently provided at a premises which caters for the gay community.</p> <p>2. Concerns were expressed that women working as performers should not be exploited either sexually or financially by SEVs.</p>	<p>Changes to the standard conditions not necessary as they apply universally and are not considered to discriminate.</p> <p>Information and advice to be given to applicants and licensing sub-committee that standard conditions may be waived in appropriate circumstances when considering the merits of any individual application.</p> <p>Specific standard conditions were discussed and some included within the proposals which are aimed at removing any such exploitation. The council considers that other measures which were requested to be included in standard conditions but not part of these proposals can be included where appropriate in the individual circumstances of any SEV.</p>				
Column A – Issues or barriers, things to take into account	Column B – what changes can be made to remove or reduce barriers or negative impacts (Remember to think about the Council as a whole, another service area may already be providing services which can help to deal with any negative impact).								
<p>1. Representation has been made that the adoption of the proposed standard conditions would discriminate against a particular form of sexual entertainment which is currently provided at a premises which caters for the gay community.</p> <p>2. Concerns were expressed that women working as performers should not be exploited either sexually or financially by SEVs.</p>	<p>Changes to the standard conditions not necessary as they apply universally and are not considered to discriminate.</p> <p>Information and advice to be given to applicants and licensing sub-committee that standard conditions may be waived in appropriate circumstances when considering the merits of any individual application.</p> <p>Specific standard conditions were discussed and some included within the proposals which are aimed at removing any such exploitation. The council considers that other measures which were requested to be included in standard conditions but not part of these proposals can be included where appropriate in the individual circumstances of any SEV.</p>								
2.10	<p>Now you have considered the potential or actual effect on equality, what action are you taking now? Document the reasons for your decision.</p> <table border="1"> <tbody> <tr> <td data-bbox="252 1294 708 1440"> 1. No major change (no impacts identified) </td> <td data-bbox="708 1294 1509 1440"> Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination and you have taken all appropriate steps to advance equality & foster good relations between groups. </td> </tr> <tr> <td data-bbox="252 1440 708 1514"> 2. Adjust the policy </td> <td data-bbox="708 1440 1509 1514"> You will take steps to remove barriers or to better advance equality. </td> </tr> <tr> <td data-bbox="252 1514 708 1626"> 3. Continue the policy (impacts identified) </td> <td data-bbox="708 1514 1509 1626"> You will adopt your proposal, despite any adverse effect provided you are satisfied that it does not unlawfully discriminate and it is justified. </td> </tr> <tr> <td data-bbox="252 1626 708 1738"> 4. Stop and remove the policy </td> <td data-bbox="708 1626 1509 1738"> There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminating. </td> </tr> </tbody> </table>	1. No major change (no impacts identified)	Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination and you have taken all appropriate steps to advance equality & foster good relations between groups.	2. Adjust the policy	You will take steps to remove barriers or to better advance equality.	3. Continue the policy (impacts identified)	You will adopt your proposal, despite any adverse effect provided you are satisfied that it does not unlawfully discriminate and it is justified.	4. Stop and remove the policy	There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminating.
1. No major change (no impacts identified)	Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination and you have taken all appropriate steps to advance equality & foster good relations between groups.								
2. Adjust the policy	You will take steps to remove barriers or to better advance equality.								
3. Continue the policy (impacts identified)	You will adopt your proposal, despite any adverse effect provided you are satisfied that it does not unlawfully discriminate and it is justified.								
4. Stop and remove the policy	There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminating.								
	<p><i>Please indicate which one of the four steps you are taking. Please document the reasons for your decision.</i></p> <p>Step 1: No major change. The policy is robust, is flexible to meet different circumstances, does not unlawfully discriminate, and is justified.</p>								

SECTION 3: ACTION PLAN

3.1 Complete the action plan if you need to reduce or remove the negative impacts you have identified, take steps to foster good relations or fill data gaps.

Please include the action required by your team/unit, groups affected, the intended outcome of your action, resources needed, a lead person responsible for undertaking the action (inc. their department and contact details), the completion date for the action, and the relevant RAG rating: R(ed) – action not initiated, A(mber) – action initiated and in progress, G(reen) – action complete.

NB. Add any additional rows, if required.

<i>This section is for actions related any of the 9 protected characteristic: Age, Disability, Gender, Gender reassignment; Pregnancy & maternity Race, Sexual Orientation, , Religion/Belief</i>	Action Required	Groups Targeted	Intended outcome	Resources Needed	Name of Lead, Unit & Contact Details	Completion Date (DD/MM/YY)	RAG
	Information and advice to be provided as appropriate to applicants and licensing sub-committees in relation to the application of standard conditions or other measures which may be appropriate in individual circumstances.	Gender, sexual orientation, religion and belief	That the policy and standard conditions are implemented flexibly to reflect the promotion of the policy aims and objectives on the merits and in the individual circumstances of each application.	The policy proposals subjected to this EQIA have resource implications both in Premises Management and City Planning. It is anticipated that	Chris Wroe, City Planning DU, Built Environment, 020 7641 5903 cwroe@westminster.gov.uk	Ongoing	A

THIS SECTION TO BE COMPLETED BY THE RELEVANT SERVICE MANAGER

SIGNATURE:

FULL NAME: BARRY SMITH

UNIT: CITY PLANNING

EMAIL & TELEPHONE EXT: BSMITH@WESTMINSTER.GOV.UK/X2923

DATE (DD/MM/YYYY):

THIS

WHAT NEXT?

Please email your completed EIA to Jessica Bradford: jbradford@westminster.gov.uk

LICENSING URGENCY SUB-COMMITTEE

Friday 17 February 2012

Membership: Councillor Audrey Lewis (Chairman), Councillor Andrew Havery and Councillor Tim Mitchell

Legal Adviser: Peter Large

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Also present: Kerry Simpkin (Assistant Service Manager)

Sexual Entertainment Venues – Adoption of Standard Conditions

Executive Summary:

The report resolved to prescribe standard conditions which will apply generally to all Sexual Entertainment Venue Licences under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).

Decision (including reasons):

The Sub-Committee approved the making of regulations prescribing the schedule of standard conditions attached to this report at Appendix A in respect of sexual entertainment venues. These standard conditions being the terms, conditions and restrictions on or subject to which sexual entertainment licences are in general to be granted, renewed or transferred.