

Step 2 Initial Assessment Form

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Public Protection

Sex Establishment Policy

1. What is the policy/function/practice?

<p>Think about:</p> <ul style="list-style-type: none"> • Explaining the policy or function to an outsider • What does it include? • What does it not include? • Who is it chiefly aimed at? 	<p>In 1982 the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA) introduced the licensing of sex shops and sex cinemas.</p> <p>In 1995 the Council adopted the Local Government (Miscellaneous Provisions) Act 1982 granting powers to require licences to open sex establishments in the district of Telford & Wrekin. The Act defines a sex establishment as either a 'sex cinema' or a 'sex shop'.</p> <p>On 7th October 2010 the Council adopted the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 to come into effect on 1st January 2011 throughout the whole of administrative area of the Borough of Telford and Wrekin.</p> <p>Section 27 of the Policing and Crime Act 2009 introduces a new category of sex establishment called 'sexual entertainment venue', which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3.</p>
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2. What is the purpose of the above?

<p>Think about</p> <ul style="list-style-type: none"> • What is it trying to do? • What does it aim to achieve? • Would examples help to explain it? 	<p>Section 27 gives local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area. Where adopted, these provisions will allow local authorities to refuse an</p>
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	<p>application on potentially wider grounds than is permitted under the Licensing Act 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.</p> <p>The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and Members of the Licensing Committee when making a determination on an application.</p>
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3. Who defines or defined the policy or current practice and who implements it?

<p>Think about</p> <ul style="list-style-type: none"> • Is it a written policy? • Was it formally agreed, when and where? • Is it based on national guidelines or requirements? • Is it based on custom and practice? • Has it grown out of past policies? • Who was involved in its development? Managers/Staff/elected members/service users? • Do the same people who defined it deliver it? 	<p>It is a written policy which is based on and replaces Telford & Wrekin's existing policy on Sex Shops. It is also based on the provisions of the 1982 Act, the relationship for sex licensing with other statutory schemes designed to protect human rights and equality and diversity, diminish crime and disorder and ensure compliance with European law on the provision of services.</p> <p>It will be implemented by the Council's Licensing Committee.</p>
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4. Who are all of the stakeholders in relation to this policy or function? (for example: customers/service users/stake-holders/partners/staff)

<p>Think about</p> <ul style="list-style-type: none"> • Internal and external people • Staff, partners, contractors, service users, potential service users, lead bodies, • national or regional bodies • Voluntary sector groups or organisations 	<p>Elected Members Licence Holders Members of the Public Visitors to Telford & Wrekin Residents Businesses Police Fire Service Other Council Services</p>
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5. Who are the key people to be involved in the Initial Assessment Process ?

<p>Think about</p> <ul style="list-style-type: none"> • A small team of people with sound knowledge and understanding of the policy or function 	<p>Suzanne Fisher – Public Protection Team Leader Hilda Bertie – Equality & Diversity Manager</p>
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<ul style="list-style-type: none"> Someone with understanding of the information / data related to this work Possibly a “critical friend”, someone who is one step removed from the policy or function who can ask questions you may not ask yourself. 	
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6. What equality data is available to help the initial assessment of this policy?

<p>Think about</p> <ul style="list-style-type: none"> User information Profile of users Local statistics / census data Output information Local / National research Benchmarking information Complaints/Comments/ Compliments Informal feedback 	<p>We have no data or evidence to suggest that there is any negative or positive impact, but we will be sending out data collection forms with the consultation information letters..</p>
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7. In your view does the policy or function have a positive or negative impact on the following groups

(see below)

	Positive	Negative	Don't Know	Neutral
Age				√
Disability				√
Gender				√
Racial group				√
Religion or belief				√
Sexual orientation				√

7a. If you have ticked “positive” to any of the above please comment on what evidence you have based this decision.

7b. If you have ticked “negative” to any of the above please comment on what evidence you have based this decision

7c If you have ticked “don’t know” to any of the above, is further information needed to make an assessment of impact on different user groups or is it not applicable

7d If you have ticked “neutral” to any of the above please comment

This policy recognises that the diversity of the local community enriches the Borough, contributes to its social and economic prosperity, and that all members of the community have a right to equality of opportunity, fairness.

The policy states that applicants and licensees must have due regard to the requirements of the Equality Act 2010. The Equality Act 2010 section 20 requires applicants and licensees to take such steps as it is reasonable to avoid putting disabled people at a sustainable disadvantage caused by a physical feature, e.g. design or construction of a building, or access to a building and fixtures and fittings etc.

The policy states that the Council expects applicants to be aware of and comply with all legislation relating to unlawful discrimination. Further, the policy recognises that the Council is under a duty to protect the rights of residents to privacy and family life under Article 8 of the European Convention on Human Rights. At the same time, the Council must recognise the right of legitimate businesses to operate their premises without unnecessary restraint and is also duty bound to consider the rights that applicants for licences may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

8a. Is there an opportunity to improve access to services for any excluded groups by altering the policy or practices in any way?

	Yes	No
Age		√
Disability		√
Gender		√
Racial group		√
Religion or belief		√
Sexual orientation		√

Please elaborate:

As 7 d above

A full consultation process is to take place on the policy. The changes to the legislation which have brought about this policy have been advertised in the local press. A further press release will be issued giving details of the consultation and where the document may be viewed. The consultation will be extensive and information letters will be sent to businesses, community organisations, town and parish councils, residents associations, Telford Housing Association, Partners and other stakeholders.

8b. Is there an opportunity to better promote equality and diversity by altering the policy or practices in any way?

Please elaborate:

As 7 d above.

By training the teams that work in this area about the new Act and policy changes and by circulating the policy to members of the Council's Licensing Committee, we will ensure that the new policy is enacted according to the spirit of the policy and legislation and that each individual's requirements is treated in an consistent and open manner to ensure that no individual or groups feel disadvantaged in any way..

End of Step 2



Step 3 Making a Judgement

**1. Which of the following options apply to this initial assessment?
(please tick)**

Option A

We are fully satisfied that robust evidence exists that there are no equality issues to be addressed for this policy/function

Option A - Next Step

1. Send the assessment , with a copy of the policy, with any recommendations to your

Portfolio Equality Group Lead -

See Appendix B for Completion Sheet)

2. Share best practice or lessons learnt with colleagues
3. Continue to monitor and analyse data

Please consider for future reference to this policy

If any changes are introduced which affect the way the policy operates or the service is provided you will need to re-visit the assessment process.

Option B

Due to lack of / or incomplete information, more information is needed before a reasonable judgement can be made on the impact of this policy/function on different groups

Option B – Next Step

1. Devise and implement the action plan (appendix A) for gathering the necessary information and send a copy to your PEG with timescales
2. Make a revised judgment of your new data and decide whether you are option A or option C

Option C

As a result of the initial assessment stage, equality issues have been identified for this policy/function and amendments need to be made

Option C – Next Step

Continue to step Four

End of Step 3