

Bristol Fawcett Response to Bristol City Council's consultation on its draft licensing policy for control of sexual entertainment venues

Bristol Fawcett, established in 2001, is a Bristol-based organisation whose members support the aims of the Fawcett Society and work at a local level to:

- *Raise awareness of Fawcett and the work that Fawcett does*
- *Campaign and lobby to improve policy and services for women and girls*
- *Bring an informed gender equality perspective to local decision making bodies.*

In preparing this document we have consulted widely with our membership which draws on academics, policy experts and women who work in the front line of service provision to women and girls including those affected by domestic abuse and sexual violence.

We have considered the sociological and psychological literature concerning gender inequality; violence against women; and research studies investigating the experience of women working in SEVs; as well as the impact on local communities and on society of SEVs. We have also taken legal advice and have applied our understanding of licensing law as set out in "Sex Licensing" (2010) by Philip Kolvin QC, Chairman of the Institute of Licensing.

Our response to the consultation is made in the content of this covering letter, as well as in our comments on the draft policy and the draft conditions, where we have made comments and insertions in underlined and red text.

We bring to your attention the observation that the removal or alteration of some parts of the policy would have implications for the meaning of the conditions, and vice versa. The policy and the conditions need to be consistent within and across the documents.

Principally

We note that there is no reference in the draft policy, or in the accompanying letter, to the new powers extended to local authorities under the revised legislation, to set a cap on the number of SEV premises deemed appropriate in any given area. We are aware that a number of organisations, including Bristol Fawcett, requested such a cap. We refer you to our original pre-drafting response which recommended a nil cap in all wards across Bristol. This is the only way to guarantee safety of performers and to ensure that there is no wider adverse impact on women living and working in an area.

We also asked in our submission to the drafting subgroup, to receive written reports of any decisions taken pertaining to the recommendations that we set out. We note that few of our recommendations were adopted in the policy but we have not received any information about the reasons that our recommendations were not introduced at the draft stage.

Those recommendations included:

- The **setting of a nil cap** on all areas under Bristol City Council control.
- The formal **designation of gender equality as a specific licensing objective**, underlining the commitment of the council to recognise the specific relevance of gender equality obligations to this policy. It is not the case that other duties are equally as relevant and it should be emphasised that the gender equality duty is particularly pertinent. For example Human Rights legislation is referenced in the same paragraph in the draft policy as duties under Equalities Law, yet legal advice is clear that provided the Licensing Authority considers and balances the 'rights' of lapdance club owners as against the rights of the local community then it is highly unlikely that any decision would contravene Convention rights (Kolvin, 2010).
- That a **register is maintained of interested parties** (e.g. women's equality organisations; those tasked with addressing violence against women and girls, etc.) to be informed by the Licensing Committee when applications are received of potential relevance for gender equality / issues of gendered violence. It was pointed out that this will not be an onerous obligation as relevant applications are estimated to be up to three or four a year, currently.
- That the policy should make reference to good practice in SEV applications being heard by **subcommittees that are at least equally gender-balanced**.

We reiterate those recommendations. At least 8 London boroughs are consulting on 'nil cap' policies and we do not see any reason why Bristol should not also be leading the way as a city.

In terms of the formulation of the draft policy, the **waiver clause** is extremely problematic. It must be tightly defined or illustrated, and its application must be strict. It will be seen from our attached comments on the draft policy document that we have made a number of detailed observations on this topic.

We take the view that the observations and submissions that we have made are relevant, reasonable and proportionate. We sincerely hope that our recommendations will be implemented. If our principal recommendations are not to be implemented, we would ask that the Council provides us with its reasons.

Bristol Fawcett
18 November 2010