

also re-offending. In some respects this duty may be tangential to the role of sex licensing authorities, particularly since the alcohol element of sex establishments will in any event be controlled under the Licensing Act 2003. However, where there is evidence that premises may be a contributor to anti-social behaviour, the duty is a rigorous one – the authority must use its licensing powers with due regard to do all it reasonably can to prevent it.

### E. EQUALITY

- 7.29 Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity between the sexes and to foster good relations between the sexes. The role of gender equality is not well understood, and is far less well carried through, in licensing processes. However, gender equality may well influence decision-making under the LGMPA.
- 7.30 First, authorities may use the licensing process – and in particular the attachment of conditions – to protect performers from harassment and any threat to their dignity, by requiring proper supervision and facilities.
- 7.31 Second, any suggestion that women would be less welcome in premises than men can be met by a protective condition.
- 7.32 Third, and most significantly, the fears of women using the vicinity of premises may be reflected in decisions as to the location of such facilities. The importance of gender in relation to town centre planning was underlined in a research report for the Office of the Deputy Prime Minister:<sup>22</sup>

'Women, children and men use towns and cities in different ways, and thus face different problems. A good quality environment for women should be attractive, easy to use, convenient and safe and meet their specific needs. Women are particularly concerned about issues of personal safety and security, the provision of facilities and the detailed design of buildings and spaces particularly in residential areas, public buildings, shopping areas and city and town centres. Many women feel vulnerable, in getting around, as users of public transport and as pedestrians, and their movement is often constrained by fear of attack. This is particularly true for older women and women with children travelling alone.'

<sup>22</sup> Planning and Diversity: Research into Policy and Procedure (ODPM, 2004). <http://www.communities.gov.uk/documents/planningandbuilding/pdf/148175.pdf>.

Environments that work well during the day can feel hostile at night.'

- 7.33 These concerns are directly reflected in the Royal Town Planning Institute's Gender and Spatial Planning Good Practice Note, which states:<sup>23</sup>
- 'In relation to the 24-hour economy policy, ensure that the views of women are considered. Evidence shows that in certain locations, lap-dancing and exotic dancing clubs make women feel threatened or uncomfortable.'
- 7.34 If a woman, whether objectively justified or not, fears to use a part of the town centre characterised by sex establishments, this may be argued to amount to discrimination, in that her access to the public infrastructure of the town is impaired in comparison to that of men. Where relevant, these considerations ought properly to be taken into account by authorities at the decision-making stage, and possibly also at the policy-making stage.
- 7.35 Of course, the equality duty is not confined to sex. It extends to religion or belief and disability.<sup>24</sup> There may well be views expressed by faith groups as to the location, prominence or number of sex establishments in their locality, which ought to be duly weighed. And the needs of disabled customers may be reflected in decisions as to access and layout.

### F. CONCLUSION

- 7.36 Decisions on sex licensing are taken in a complex local government world in which corporate priorities are driven by a number of different statutes. It is necessary for the licensing authority to equip itself with knowledge as to the network of control within which it operates, so as to make compliant decisions which advance those priorities.

<sup>23</sup> <http://www.rtpi.org.uk/download/3322/GPN7.pdf>.  
<sup>24</sup> S 149(7) Equality Act 2010.