

# Bristol Women's Forum

## Public Forum Statement to Full Council 7/9/2010

### Subject: Hooters restaurant chain

Bristol Women's Forum have grave concerns about the decision by a licensing sub-committee on 1<sup>st</sup> September to grant a licence for a "Hooters" bar in Bristol.

#### 1) Equality Law

As a public authority, it is the statutory duty of Bristol City Council ('the Council') under Section 76A of the Sex Discrimination Act 1975 ('the Act') to have due regard to the need both to eliminate unlawful discrimination and harassment on the grounds of sex and to promote equality of opportunity between women and men, when carrying out all of its functions (the 'Gender Equality Duty'). The gender equality duty applies to the public function of licensing as to all the Council's other public functions. We draw Members' attention to the words '*the need*' in the Gender Equality Duty. This imposes on the Council a proactive and pressing duty to take specific action to achieve progress. Unlike other rights and responsibilities under the Act, the focus of the Gender Equality Duty is in the active *elimination* of gender discrimination and harassment, and active *promotion* of equal opportunities. There are many issues concerning gender equality raised by a proposal to bring a Hooters restaurant to Bristol, but we have no evidence that the Council has explored any of these issues. We trust that the members and chairs of all committees have, as advised, received training in equality law and practice and would like assurances that this is the case.

#### 2) Lack of transparency and accountability

"Hooters" means "breasts" and the chain not only acknowledges this publicly but uses a logo that drives home the message. Its own lawyers refer to it as a "breastaurant". The Hooters brand uses the breasts and bodies of its female serving staff as its unique selling point. The staff are known for their engagement in 'bikini contests' and 'iced wet teeshirt' competitions as well as posing for pin-up calendars and so on. This information is freely available on the internet, as are videos, posted by customers, of bikini contests and binge-drinking at stag parties in the UK's only existing Hooters bar.

At the licensing application heard by three Councillors last week it was proposed time and again by the applicant that the 'offer' of this brand would be a "wholesome cheerleader-style restaurant". We ask the Members to reflect on whether they are able to define the Hooters brand as wholesome. Children in some primary schools in our city take part in cheerleading clubs: their parents and teachers would be surprised and presumably outraged if their daughters (and sons) were being schooled in a definition of cheerleading as presented by the evidence from existing Hooters brand restaurants.

Any proposal to open a restaurant conforming to the Hooters brand must surely therefore address the associations that prospective customers, as well as public authorities and law enforcement agencies, and families who live in and visit its proposed site, are entitled to make concerning its activities and clientele. When a business intends to market itself as a purveyor of a known brand then the intention must be to conform to the activities and employment practices the brand is known for, and to appeal to the known existing market for those activities and that brand.

If officers and other agencies visiting the proposed site were made aware that the intention was to open a Hooters restaurant then that information should clearly have also been included in the application for a licence. This information was not divulged on the application despite its clear relevance as outlined above.

It is assumed that the tactics of omitting to mention the Hooters brand on licensing applications may be employed in future applications whether in this city or elsewhere. The Members will see from the petition being presented to this meeting that the Hooters brand is a matter of public interest. Local residents should have the right to be able to make representations to the Licensing Committee, their elected representatives, on the basis of concerns about the Hooters brand. This is a matter of democratic accountability and transparency.

### 3) Decision to grant the licence

Point 1) addresses the Council's legal duties under equality law.

The proposed restaurant site is also within a designated Cumulative Impact Zone (CIZ). As you will know, applications for new premises licences or club premises that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

The Police objected to this application. Reports from those attending the hearing suggest that there appeared to be no evidence offered, let alone demonstrated, that there would be no negative cumulative impact. Meanwhile there is certainly evidence to the contrary.

How can it be that the objection of the police to this application was overruled by the committee? This remarkable fact - taken with the fact that despite being located in a CIZ work had already commenced on fitting the premises and staff had been trained *in advance of the hearing* gives great cause for concern.