

David Lloyd Clubs

13th April 2023

Mrs Emma Hardy



Dear David Lloyd Clubs

Further to our meeting on 12th April 2023 in York with Andrew Leivers (Regional Manager) and Kasra Niknam (York Manager).

As discussed, on 18th January 2023 I emailed David Lloyd Clubs York to ask if my daughters and I are were expected to share changing rooms/toilets with biological men. (Document A)

After following your complaints procedure I received the following response on 1st March 2023. (Document B)

'As an organisation we do not disqualify trans females from the female changing rooms on account of being born male, in contrast we do not qualify members born male to use the female changing rooms on the basis they hold certification identifying them as female.'

and

27th March 2023 '...we have not made changes to how gender specific changing rooms are utilised by our members.' (Document C)

At the meeting we were directed to the UK Active guidance which has been shaped by Stonewall and has been adopted by David Lloyd Clubs.

UK Active: 'Trans person identified as using your facility: to allow access to individuals wanting to use a changing or toilet facility that is consistent with their gender appearance'.

Understandably no one at the meeting was able to confirm what 'gender appearance' means or how this could be implemented. I asked how long this guidance had been in place, Mr Leivers contacted the Head of Membership who then confirmed this guidance has always been followed and that David Lloyd Clubs policy has not changed.

I would like to refer to the David Lloyds Clubs Membership Terms and Conditions.

PART A – TERMS AND CONDITIONS OF MEMBERSHIP

18 Changing your membership fees and this agreement

d We may make reasonable changes to this agreement, to these terms and conditions in Part A and to the rules and regulations in Part B or displayed in your club, at any time, **as long as we give you notice before we make the changes.**

19 Making changes to your club or its facilities, services and activities

a If we cannot give you three months' notice of the change or closure but you want to end your membership, you can give us written notice which ends on the date when the changes start to apply. **We will refund any part of your membership fee you have already paid for a period after that date.**

PART B – RULES AND REGULATIONS FOR USING CLUBS, FACILITIES AND ACTIVITIES

2. Your Child's Health and Safety

h. Children aged eight or over must use the men's or women's changing rooms, according to their sex (or a family changing room, if one is available).

I have explained that we entered into an agreement with David Lloyd Clubs on the basis that written into the policy our family would have access to single sex facilities as determined by sex (biological sex).

At the time of purchase we were advised by your representative that the contract included:

1. To be given prior notice of any reasonable changes to this agreement, to the terms and conditions in Part A and to the rules and regulations in Part B. In order that if the change was significant we could cancel the membership.
2. Single-sex facilities. Children aged eight and over must use the men's or women's changing rooms, according to their sex (or a family changing room, if one is available).

The above term(s) constitute an essential part of the contract and to date this has not been fulfilled.

We have requested that David Lloyd Clubs honour the contract we have entered (rather than following the misleading guidance provided by UK Active). We now feel that we have no option but to cancel the contract (without incurring penalties).

In addition to this, we request a refund of all costs incurred arising from your breach of contract:

1. A full refund from David Lloyd Clubs for all payments relating to our membership contract (including all joining fees).
2. Compensation for the distress and inconvenience caused by being misled into entering a contract at odds with our gender critical beliefs (protected characteristic of the Equality Act 2010) and for unknowingly putting myself and our children at risk of voyeurism or indecent exposure from biological men whilst using David Lloyd Clubs single-sex facilities.
3. A full review of your single-sex policies and guidance procedures.

4. A written apology from David Lloyd Clubs.

We look forward to your response within 14-days in order to resolve this matter amicably.

Yours faithfully,

Mrs Emma Hardy

