

Thurrock Licensing Department
Thurrock Council
Grays
Essex.



15th November 2011

Dear Thurrock Licensing Department,

THURROCK WOMEN'S AID
Response to Thurrock Council Consultation on
Draft Sexual Entertainment Venue Policy.

THURROCK WOMEN'S AID provides a range of services to women and girls, including counselling, support and advocacy who have experienced sexual violence. We also provide support and information to victims/survivors, their family and friends and to professionals working with victims/survivors.

THURROCK WOMEN'S AID welcomes the opportunity to provide Thurrock Council with our views and evidence in relation to 'sexual entertainment' venues.

Summary of recommendations

THURROCK WOMEN'S AID recommends:

- Introduce a 'nil' policy for Sexual Entertainment Venues, as permitted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act (LGMPA)1982 and amended by Section 27 of the Policing and Crime Act (PCA) 2009.
- If a 'nil' policy is not adopted - apply a comprehensive set of standard conditions to any licenses that are granted in order to help protect women and girls in this community.
- Monitor the impact of the 'frequency exemption' which was included within the SEV licensing regime
- Require members of licensing sub committees to have completed up to date basic training in gender equality and equality legislation
- The working party of officers and councillors is at least equally gender balanced
- The policy should make reference to good practice in SEV applications being heard by sub-committees that are at least equally gender balanced.

- Maintain a register of interested parties in reference to SEVs, sex establishments and so on, who will be informed by the Licensing Committee when applications are received of potential relevance for gender equality.
- Explicitly include 'the promotion of gender equality' as a specific objective for Sex Entertainment licensing in your licensing policy

Summary

1. The Council have a legal obligation under the Public Equality Duty (2010) to eliminate unlawful gender discrimination and harassment and to promote equality of opportunity between women and men.
2. THURROCK WOMEN'S AID will show that SEV's have a negative impact on women and girl's experiences of discrimination at best and may increase their chance of sexual violence at worst.
3. The view of THURROCK WOMEN'S AID is that the appropriate number of Sexual Entertainment Venues should be set at nil. The introduction of a nil policy on the granting of SEV licenses is perfectly permissible under the LGMPA (1982), as amended by the PCA (2009). Indeed, the statute specifically contemplates this option. As Philip Kolvin QC, chair of the Institute of Licensing states:

*"...the provision gives the authority a high degree of control, even amounting to an embargo, on sex licences or particular types of sex establishment, within particular localities. The width of the discretion is consolidated by the absence of any appeal against a refusal on this ground."*¹

4. In light of the above we are concerned by the statement that the Council does not take a 'moral stance' with regard to this policy and that SEVs are a 'legitimate part of the retail and leisure industries'. Sexual Entertainment Venues may be lawful, but they are strongly linked with gender inequality and an abuse of women's human rights, both of which the Council has a legal obligation to counter. The fact that the law allows councils to introduce a 'nil' policy for SEVs marks a strong recognition that they are not simply another part of the retail and leisure industry.

Factors the Council should take into account when considering the numbers of sexual entertainment venues:

The UK Royal Institute of Town Planning has further drawn attention to concerns regarding the impact of lap dancing clubs on women in the local areas: *'Evidence shows that in certain*

¹Kolvin, P. (2010) *Sex Licensing*, The Institute of Licensing, p.60

*locations, lap dancing and exotic dancing clubs make women feel threatened or uncomfortable*².

Each of these factors relates to the legal obligation of the council under the Public Equality Duty (2010) to eliminate unlawful gender discrimination and harassment and to promote equality of opportunity between women and men.

Research evidence demonstrates that so-called 'sexual entertainment' venues are not sources of 'harmless entertainment' rather they lead to physical and psychological violence and abuse of women (Object, 2009; Raphael & Shapiro, 2004; Bindel, 2004; Holsopple, 1999). A growing body of research into the consequences of 'sexual entertainment' venues has linked them to:

- 1) Increased reports of rape and sexual assault (Eden, 2007; Raphael & Shapiro, 2004)
- 2) Sexual harassment of women working in the clubs from both employers and customers (Raphael & Shapiro, 2004; Bindel, 2004)

Research indicates that common complaints include: drunkenness, heckling during cabaret shows, trying to grab women, asking for sexual services, touching their own genitals (Bindel, 2004)

- 3) Abuse and violence against women is now defined broadly and is recognised by the government in the context of promoting human rights and eliminating discrimination in society.
- 4) The UN General Assembly adopted the following definition of violence against women: "The term violence against women means any act of violence by men that results in or is likely to result in physical, sexual or psychological harm or suffering to women" "It also includes physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work and elsewhere"
- 5) "lap dancing and exotic dancing clubs can make women feel threatened or uncomfortable" (Royal Town Planning Institute Guide on Gender and Spatial Planning)
- 6) Some women have an increased fear of violence & fear of travelling (Eden, 2007)
- 7) The coercion of women into prostitution (Bindel, 2004), rather than it being the case that women 'choose' to offer sexual services some women feel that they have little choice. As one researcher into this area has explained:
"The lack of employment rights, for some women the experience of accumulating debt, expectations of the customers, fierce competition, and a link in public perceptions between lap dancer and stripper/prostitute, create an overall climate where the selling and buying of sex on the premises becomes more likely" (Bindel, 2004:49)
- 8) The creation of opportunities for prostitution. In one Scottish research study, 31% of

²Royal Town Planning Institute (2007), *Gender and Spatial Planning, Good Practice Note 7*, 10 December 2007

men who bought sex, purchased it in a lap-dancing club. (McLeod, Farley, Anderson & Golding, 2008).

- 9) Use of lap dancing clubs by sex traffickers to 'hide' women trafficked into prostitution (Eden, 2007) "The more the commercial sex industry normalizes this behaviour, the more of this behaviour you get," says Norma Ramos, executive director of the Coalition against Trafficking in Women (CATW).
- 10) Use of underage dancers (Bindel, 2004), such venues may represent an increased risk to girls as well as women.
- 11) The sexual objectification of women and promotion of sexual availability (Object, 2009).
Research has linked sexual objectification of women and girls to negative body image and self esteem; high rates of eating disorders; seeking plastic surgery; sexual bullying and damaging sexual relations between young people (Object, 2009: 3)
- 12) Working conditions and terms of employment of lap dancers are frequently inadequate and problematic (Bindel, 2004) these venues are therefore highly likely to undermine gender equality.
- 13) A recent independent review of research commissioned by the Home Office notes how 'lap dancing' was cited as an aspirational career by young girls (Papadopoulos, 2010). Refusing to allow such venues would send a clear message that 'lap dancing' is neither acceptable nor aspirational.

There is clear evidence of the considerable negative impact that 'sexual entertainment' venues have on gender equality and on women and girl's experiences of discrimination and harassment. To allow sexual entertainment venues would prohibit the ability of the council to fulfil their obligations set out under the Public Equality Duty (2010). If the Council decides to proceed with the case by case basis regarding applications.

Code of Conduct for Dancers:

How will the Council monitor the code of conduct for Dancers and Customers? Research shows that the structural conditions of lap dancing clubs, where women compete with one another for private dances, can lead to some dancers offering sexual services to survive financially ³, a climate in which, according to an ex-lap dancer: 'No touching, not exposing your genitals, not allowing men to touch you is the exception rather than the rule'⁴. Even if a club enforces a no touching rule and there is no sexual contact between dancer and customer, research further shows that strip clubs increase demand for nearby prostitution services⁵. This places lap dancing on a continuum of commercial sexual activity, irrespective of whether this sexual exchange occurs within the club itself.

³Bindel, J. (2004) *Profitable Exploits: Lap Dancing in the UK*, London Metropolitan University, Child and Women Abuse Studies Unit (CWASU)

⁴ 'Elena' quoted in 'I was an Object, not a Person, The Guardian 19.03.08

⁵Coy, M, Horvath, M & Kelly, L (2007) *It's just like going to the supermarket: Men talk about buying*

THURROCK WOMEN'S AID would urge you to strengthen your Code of Conduct regarding customers, e.g. there should be a life ban on entering further establishments.

Philip Kolvin QC, Chairman of the Institute of Licensing, has produced a set of suggested conditions for application to SEV licenses⁶.

In addition, THURROCK WOMEN'S AID would like to draw particular attention to the importance of introducing the following conditions:

- No contact between performers and audience and a minimum of 1 meter separation between performers and audience
- Performers confined to stage area
- Prevention of fining performers
- Zero tolerance policy on customers who break rules of conduct. Contravention warrants a lifetime ban from the premises
- Prohibition of private booths
- Prohibition of advertising in public spaces, including on billboards, telephone booth boards, and leafleting
- No fee to be charged by any club to a performer for working in the club
- Police to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges
- 'No smoking areas' to be allowed at the front of clubs to minimise the potential for harrassment of women living, working and passing through the area. All smoking areas must be in private areas away from public spaces.
- No advertising allowed in media that is not exclusively aimed at adults – this would exclude local 'family' newspapers for example.

These vital conditions would go some way to protecting women working in lap dancing clubs and women in the wider community.

As you will be aware, this exemption means that establishments hosting lap dancing less than 12 times in a year do not require an SEV licence or even a temporary event notice. THURROCK WOMEN'S AID are concerned about this exemption because you will have no powers to prevent these performances from occurring or place any conditions or controls

sex in East London London: Child and Woman Abuse Studies Unit
⁶Kolvin, P. (2010) *Sex Licensing*, The Institute of Licensing, p.74

on them. Yet venues hosting lap dancing less than once a month are less likely to have facilities and procedures in place to protect the safety of performers – such as a separate changing room, CCTV and security. The safety of the performers is thus put at risk by this exemption.

We therefore ask you to attempt to monitor performances that are staged under the frequency exemption and to convey your experiences of this back to the Government.

This is crucial because the power to amend or repeal the frequency exemption was included in the Policing and Crime Act 2009 in recognition of the fact that the frequency exemption could prove problematic for local authorities.

Conclusion

THURROCK WOMEN'S AID are particularly concerned by statement that the Council does not take a 'moral stance' with regard to this policy and that SEVs are a 'legitimate part of the retail and leisure industries' and would find any decision by Thurrock Council to provide a license for premises to provide any of the 'entertainment' defined by section 3.2 would ignore the strong links of SEVs with gender inequality and an abuse of women's human rights, both of which the Council has a legal obligation to counter.

In response to research Glasgow City Council commissioned into the impact of lap dancing clubs on the city, Glasgow City Council⁷ stated:

"Images of women and 'entertainment' which demean and degrade women portraying them as sexual objects plays a part in 'normalising' sexual violence and contributes to male abuse of women being acceptable, tolerated, condoned and excused. Such entertainment runs counter to explicit commitments by a range of private, public and voluntary agencies to promoting women's equality."

If the council agrees to a case by case basis we urge you to conduct a gender impact assessment of the operation of SEVs.

THURROCK WOMEN'S AID would very much appreciate receiving written reports of any decisions taken pertaining to the recommendations that we have set out in this document.

Yours sincerely

Erika Jenkins
Director of Services
THURROCK WOMEN'S AID

⁷Glasgow City Council report on the need for review of licensing legislation in the light of concerns re table dancing <http://www.glasgow.gov.uk/NR/rdonlyres/0D19236F-808A-4467-96F7-6A9508C1F312/0/legtablic2.pdf>

References

Bindel, J. (2004) *Profitable Exploits: Lap Dancing in the UK*. London: Child and Woman Abuse Studies Unit.

Eden, I. (2007) *Inappropriate Behaviour: Adult venues and licensing in London*. London: The Lilith Project. Holsopple, K. (1999) *Stripclubs according to Strippers: Exposing Workplace Sexual Violence*. In Roche Hughes, C & D. (Eds) *Making the Harm Visible: Global Sexual Exploitation of Women and Girls, Speaking Out and Providing Services*, Kingston: Coalition Against Trafficking in Women. Pp. 252-276

Mcleod, J. Farley, M. Anderson, L. & Golding, J. (2008) *Challenging men's demand for prostitution in Scotland*. Glasgow: Women's Support Project.

Object (2009) *Joining up the dot's: why urgent action is needed to tackle the sexualisation of women and girls in the media and popular culture*.

Papadopoulos, L. (2010) *Sexualisation of young people – Review*. London: Home Office.

Raphael, J. & Shapiro, D (2004) *Violence in Indoor and Outdoor Prostitution Venues. Violence Against Women*. 10:126-139.

Sexual Entertainment Venues - Code of Conduct for Customers