

15th November 2011

Paul Adams
Principal Licensing Officer
Thurrock Licensing Department
Thurrock Council
Grays
Essex.



**South Essex
Rape & Incest
Crisis Centre**

Registered Charity No. 287762

Dear Mr Adams

South Essex Rape and Incest Crisis Centre (SERICC)
Response to Thurrock Council Consultation on Draft Sexual Entertainment Venue Policy.

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SERICC 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.

SERICC welcomes the opportunity to provide Thurrock Council with our views in relation to 'sexual entertainment' venues.

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Summary of recommendations

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. 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

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' included within the SEV licensing. 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. SERICC are concerned about this exemption because the council will have limited powers to

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

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prevent these performances from occurring or place any conditions or controls on them for example facilities and procedures in place to protect the safety of performers – such as a separate changing room, CCTV and security. SERICC would 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.

Require members of Licensing Committees / Sub Committees to be gender balanced, minimum of five representatives and to have completed up to date basic training in equality and diversity legislation.

Maintain a register of interested parties in reference to SEVs, sex establishments, who will be informed by the Licensing Committee when applications are received of potential relevance for gender equality.

Should the Council look at license applications on a case by case basis below are suggested factors SERICC would like the Council to take into account when considering the number of sexual entertainment venues:

- The UK Royal Institute of Town Planning has drawn attention to concerns regarding the impact of lap dancing clubs on women in the local areas: *‘Evidence shows that in certain locations, lap dancing and exotic dancing clubs make women feel threatened or uncomfortable’*².
- 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 including:
 - 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.

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

- 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 and 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 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.

Philip Kolvin QC, Chairman of the Institute of Licensing, has produced a set of suggested conditions for application to SEV licenses³. SERICC would support these additional conditions particularly regarding the Code of Conduct regarding customers.

- 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 advertising allowed in media that is not exclusively aimed at adults – this would exclude local ‘family’ newspapers for example.

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

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. 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. For example, Glasgow City Council commissioned into the impact of lap dancing clubs on the city, Glasgow City Council⁴ 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*

³Kolvin, P. (2010) *Sex Licensing*, The Institute of Licensing, p.74

⁴Glasgow 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>

excused. Such entertainment runs counter to explicit commitments by a range of private, public and voluntary agencies to promoting women's equality."

SERICC 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



Lee Eggleston
Operations Manager
SERICC

References

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