

A GROWING TIDE

UPDATE:

THE NEED TO

REFORM

LICENSING OF

LAP DANCING CLUBS

OBJECT 2008

CHALLENGING OBJECTIFICATION

context

In April 2008, Object launched the **Stripping the Illusion** campaign– stripping the illusion that lap dancing clubs are just a ‘harmless bit of fun’ and highlighting the need to reform the licensing of such venues. Our report, **A Growing Tide**, called for lap dancing clubs to be recognised as part of the commercial sex industry – as Sex Encounter Establishments. The campaign has built up a coalition of cross-party support from MPs, Peers, academics, councillors, the Local Government Association, National Organisation of Residents’ Associations (NORA), Rape Crisis England and Wales, White Ribbon Campaign and the Nottinghamshire Domestic Violence Forum.

Object joined lobbying forces with The Fawcett Society in July 2008 and we organised a public meeting in Parliament on November 4th 2008, which was attended by over 140 delegates calling for reform to the licensing of lap dancing clubs. Object supporters have also collected nearly 10,000 signatures nationwide through grassroots organising and national ‘days of action’.

Since the launch of our campaign the Government has engaged with the problems highlighted by Object and the Fawcett Society.

Following a Ten Minute Rule Bill introduced by Roberta Blackman-Woods, MP for City of Durham, Rt. Hon. Gerry Sutcliffe MP wrote to Local Authorities seeking their views on whether they felt adequate controls are in place to regulate the proliferation of lap dancing clubs.



Campaign supporters at Portcullis House Public Meeting 4.11.08

75% of responding local authorities requested extra powers to regulate the rapid growth of lap dancing clubs and said that they would support Government moves to introduce the Sex Encounter Establishment category for the lap dancing industry.

However, on the same day that **Stripping the Illusion** was launched, the Lap Dancing Association (LDA) – a trade body representing lap dancing club owners, was also launched¹. The LDA has alleged that the campaign to reform the licensing of lap dancing clubs is based on misinformation. This update paper sets the record straight and tackles head-on factually incorrect allegations put forward by the LDA.

It highlights fresh evidence that the current licensing system for lap dancing clubs is in urgent need of changing.



OBJECT DECEMBER 2008

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1 the need for legislation

Since licensing was overhauled in 2005, it has become easier for lap dancing clubs to obtain licences and there has been a long string of cases countrywide in which local communities have struggled to have a say in licensing processes.

In reaction to calls for reform of the licensing of lap dancing clubs, it has been alleged that there is no significant evidence to link such venues to problems of disorder, anti-social behaviour or public nuisance². On this basis, it is contested that fundamental reform of the licensing of lap dancing clubs is an unnecessary and burdensome measure, and that minor alterations to the Licensing Act 2003 are instead sufficient to tackle existing problems with the licensing regime.

However, this approach does not address the **key problem at the heart of this issue: legislation drafted to regulate commercial leisure venues is not adequate for regulating lap dancing clubs.**

The four licensing objectives on which the LA 2003 is itself based (public safety, public disorder, public nuisance and protection of children from harm) are primarily targeted towards controlling crime and disorder, as well as the provision of alcohol.

Crucially they do not reflect the community and equality objectives that a local community may hold. As elements of the commercial sex industry – gendered as it is – lap dancing clubs have a far greater social impact than the leisure venues otherwise regulated by the LA 2003. Yet legitimate community concerns as to the character and quality of life in an area and how they may be affected by the opening of a lap dancing establishment are concerns that cannot be considered under the present system. This has been highlighted by many local councils and was recently publicly acknowledged by the industry itself.

This is what reform of the licensing of lap dancing clubs must address.

The industry remains split as to where such concerns should be directed – however, there is a simple solution.

The Local Government (Miscellaneous Provisions) Act 1982 (LGMPA 1982) is a tried and tested system which allows for a much wider set of factors to be considered during the licensing process, such as the character of a locality and the use to which premises are put. A small amendment to the LGMPA 1982 would give local authorities the **power to licence lap dancing clubs as Sex Encounter Establishments, thereby enabling a much greater degree of control over the rapid expansion of lap dancing clubs occurring countrywide.**

2 the facts

FACT ONE

inadequate licensing

Licensing of lap dancing clubs is inadequate as they currently fall under the same category as leisure venues.

The LDA counters that lap dancing clubs are not licensed in the same way as leisure venues, such as restaurants and cafes. However, this ignores the fact that venues holding a Premises Licence, such as lap dancing clubs, restaurants and cafes, all share the same overarching licensing objectives and licensing framework – the Licensing Act 2003 (LA 2003).

The LA 2003 was intended to simplify licensing and improve democracy at the local level. It amalgamated six different licensing regimes covering the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The premises covered by the Licensing Act 2003 include:

- pubs and nightclubs
- indoor sporting events
- off-licences
- restaurants and cafes that serve alcohol
- businesses offering hot food between 11pm and 5am
- hotels, guest houses and other places that sell alcohol
- private members' clubs and social clubs
- theatres and amateur dramatic groups
- cinemas
- lap dancing clubs

The venues above are all ordinary leisure venues – with one notable exception: lap dancing clubs.

Lap dancing clubs are venues where customers pay female performers to visually sexually stimulate them by pole dancing, table dancing or gyrating on their lap whilst removing most or all of their clothing to expose genitals and excretory organs. It is clear that as part of the commercial sex industry³ they have more in common with peep shows and sex cinemas than with Pizza Express or Odeon cinemas.

“Sex encounter establishments are premises where entertainment is provided by persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment and where live performances are given which wholly or mainly comprise of sexual stimulation of the persons admitted to the premises.” [Greater London Council (General Powers) Act 1986].

According to this definition, lap dancing clubs are clearly Sex Encounter Establishments.

However, since introduction of the Licensing Act 2003, lap dancing clubs find themselves lumped into the same category as the leisure venues listed above – sharing the same licence, licensing objectives and licensing processes.

The Lap Dancing Association argues that licensing conditions can be tailored to the activities offered by each venue – yet licensing authorities find themselves hamstrung by objectives drawn up to regulate leisure venues – not elements of the sex industry. For example, licensing authorities wishing to regulate full nudity have been unable to do so using the criteria of the four licensing objectives (e.g. Brighton and Hove City Council⁴).

The Secretary of State's guidance under section 182 of the Licensing Act 2003 states that the LGMPA 1982 remains in force to assist local councils in controlling the sex industry. In fact, this legislation does not apply to lap dancing clubs – who are exempt from the LGMPA 1982 by virtue of holding a Premises Licence for the provision of regulated entertainment. Thus, legislation, specifically designed to consider community concerns related to sex establishments, is not currently at the disposal of local authorities seeking extra controls.

Therefore, contrary to arguments put forward by the Lap Dancing Association, it is not the case that more rigorous controls are in place than previously. **Inadequate licensing actually means that local communities have less control than before – this is what licensing reforms must rectify.**

FACT TWO

disempowered communities

Local communities are disempowered by the current licensing regime for lap dancing clubs

The LDA argues that planning and licensing restrictions give local authorities and local communities full powers of consultation, complaint and control in the licensing of lap dancing clubs. However, the planning and licensing regimes simply do not provide the level of protection claimed by the LDA.

Licensing Act 2003 – an inadequate mechanism through which to licence lap dancing clubs

Licensing lap dancing clubs through the Licensing Act 2003 has made it harder for local communities to have their say in licensing.

Residents must live in the vicinity of a proposed venue in order to contribute their views. Whilst the LDA is correct to state that the LA 2003 does not define any vicinity, in practice local authorities do impose a geographical test – with many ruling out residents living beyond 200m of a proposed venue and some ruling out residents living further than 100m. Men and women regularly travelling past a lap dancing club, yet not living in proximity to it are sidelined from the licensing process.

Local residents who are able to contribute their views must amass a substantial amount of evidence in order to prove clear future harm to the licensing objectives. This point was recently emphasised by the decision of the High Court in *Thwaites v Wirral Borough Magistrates Court* [2008] EWHC 838 (Admin).

However, whilst these hurdles could feasibly be dealt with by adjusting the LA 2003, a more serious problem lies in the fact that the licensing objectives to which such hurdles remain firmly harnessed – the four licensing objectives - are themselves insufficient. They do not reflect wider community and equality objectives that a local community may hold and have been described by residents as a ‘straitjacket’ to their concerns.

This fact has been acknowledged by key actors in the lap dancing industry, who remain split as how to best remedy the situation. At a recent Culture, Media and Sport Committee Oral Evidence Hearing (Tuesday 25th November 2008), the LDA stated that whilst communities had legitimate concerns about the character of a locality and quality of life, these concerns were misdirected towards licensing as they are “material planning concerns”.

John Whittingdale MP (Committee Chairman): ‘The problem is that residents have to object on the grounds of the licensing objectives. They cannot object on the grounds of it [the application] being a lap dancing club’.

Kate Nicholls (LDA): ‘Those are legitimate concerns but it is misdirected as to where they should be put. The issues that are raised about the character of a locality, residential concerns about the character and quality of life, those are all material planning concerns...’

Peter Stringfellow: ‘Planning should be kept out of it. This is a licensing issue’.
Culture, Media and Sport Oral Evidence Hearing, 25.11.08

However the reality is that the planning regime is not designed to take into account community and equality objectives and it does not provide the ongoing scrutiny, review and renewal of the licensing regime.

This has led to a situation where residents now control the number of lap dancing clubs in their area on the grounds of matters such as parking, noise or anti-social behaviour – or as a recent case in West Kensington¹ demonstrated, the location of toilet facilities. So whilst positive structures have been put in place by the LA 2003 to achieve a democratic decision making process at the local level – for example the licensing review mechanism- such structures are undermined by the fact that the grounds on which residents can call licensing reviews or voice their opinion during the licensing process, are themselves too limited.

As the LA 2003 operates on the presumption that an applicant will be granted a licence unless suitable objections can be proven, the overall effect of the current regime is to put the onus on residents to prove their case should they wish to have a say in the licensing process.

This is demonstrated by the fact that where objections to lap dancing clubs have proved successful – such as in Durham or in West Kensington, London – they have required enormous amounts of organisation on the part of residents and access to legal skills which are not always readily available.

In the majority of cases, such as the recent lap dancing club applications for *City Golf Club* in City of London, *Lush* in Exmouth and *Sirens* in Plymouth, licensing authorities have been forced to act against the wishes of residents.

“The criteria are so narrow they do not accurately reflect the impact that these premises have on the local community and residents. These premises are different from other bars and restaurants and the licensing regime should reflect this. A group of local residents put in a huge amount of work to collect information, rally objectors, leaflet dropping, researching etc etc to make our case as strong as possible at the hearing.

Had the local residents (two in particular) not been so dedicated we may not have been so lucky. Our real problem now is that the system is on the applicant’s side. He can continue making scores of new applications to try and win a war of attrition as he knows we will not be able to rally the objections in the same way time and time again”.

Helen, Resident in West Kensington who objected to the application for ‘Passion Nights’.

“We have tried to show our local licensing head the section in the Licensing Act guidance notes which relates to racial - and thereby you would think gender - equality but he keeps dismissing us and saying it is irrelevant to licensing”.

Annette, resident objecting to a second lap dancing club in Leamington Spa.

It is clear then that current licensing has acted as a green light to the industry, whilst curtailing the rights of local communities to have a say in the location and quantity of lap dancing clubs opening in their areas.

Planning – an inadequate alternative to the Licensing Act 2003

“We, the residents, were going to take legal action, but, despite collecting money for the campaign from everybody as well as some of the surrounding businesses, we decided against it having had a very frank discussion with our solicitor who was honest enough to say that with the current licencing laws in place, our chances to win this case in the Magistrates Court on a scale of 1-10 would be 1.5”.

Henrika, objecting to ‘City Golf Club’ lap dancing licence n London.

Having recognised that the LA 2003 does not provide an adequate tool with which to consider legitimate community concerns, the LDA has suggested that these concerns should be directed towards the planning regime.

They argue that the regime could be improved for this purpose via three key changes: Firstly, according to the LDA, all lap dancing clubs should be required to obtain planning permission prior to the provision of lap dancing for the first time.

Secondly, the Use Classes Order should be amended so that premises seeking to provide lap dancing must be required to obtain new planning permission. Thirdly, it should be ensured that the planning permission for lap dancing clubs is always ‘sui generis’.

These are sensible measures. However, they do not address the underlying problem that even if a lap dancing club has the correct planning usage and planning permission, the regime itself is not an adequate vehicle for taking into account

community and equality concerns, and does not provide ongoing scrutiny, review and renewal of licences.

The planning system is not equipped to enforce the Gender Equality Duty and there is no evidence that equality issues have ever been considered by planning authorities when making decisions in relation to lap dancing. There is very little evidence that planning authorities consider themselves able to control the proliferation of lap dancing clubs except by reference to classic planning principles, such as retail function and nuisance, which do not address the wider community and equality objectives at stake here.

There is also no real evidence that planning has ever been a useful mechanism for controlling the quantity and location of lap dancing clubs. For example, the Planning Inspectorate holds no records of treatment of lap dancing appeals. Moreover, the planning system is unable to consider the character, or fitness, or experience of the operator and is an inapt mechanism to regulate the internal operations of lap dancing clubs.

It was very difficult to put together our (in our view) well-reasoned objections. It was time-consuming and it was frustrating to have them so lightly dismissed. The appeal meant that we had to raise funds and rely on an excellent pro bono barrister. The whole affair took nearly 11 months before it was finally resolved.

Ann and Desmond, Residents who objected to ‘The Loft’ in Durham.

In sum, the concerns currently requiring reform of the licensing of lap dancing clubs would not be addressed by adjusting planning controls. These concerns are precisely those reflected by the LGMPA 1982, which is more apt for continued monitoring of premises and to impose or relax conditions on renewal to reflect changes in the operation or the character of an area.

These concerns are precisely those reflected by the LGMPA 1982, which is more apt for continued monitoring of premises and to impose or relax conditions on renewal to reflect changes in the operation or the character of an area.

Indeed, the majority of local authorities responding to the Department of Culture, Media and Sport's consultation earlier this year felt that planning controls were not suitable for controlling the proliferation of lap dancing clubs and supported extending the LGMPA 1982.

"The potential effect of a place like Cazbar [lap dancing venue] extends well beyond the immediate unpleasantness of vomit on one's doorstep or noisy music next door"

Robert, resident objecting to the 'Caz bar' application in Stratford upon Avon.

Problem areas frequently highlighted by residents:

- limited grounds for objecting
- lack of equality focus in licensing objectives
- pressure faced by residents attempting to object to a licence
- difficulty in accumulating enough evidence to object or call a successful licence review
- mismatch of resources between residents and industry operators

It was impossible to get a hearing on the real issues posed by this club. We were locked into a formal, legalistic process in which the Council claimed they could do nothing except consider objections related to the 4 'licensing objectives' – which were only part of our objections to the club.

Even within the 4 licensing objectives, the onus was entirely on us to gather evidence about the impact of the club. Even now the club is open this is difficult because the club denies eyewitness accounts – essentially residents would need a camera at the ready in the early hours of the morning. The club was represented by expert lawyers funded by their business operations. We were and remain unable to match their expert representation. They know and are able to exploit every loophole.

Simon, Tower Hamlets resident

"[we've endured] weeks of being strait-jacketed into talking about the 4 licensing objectives rather than the bigger issues"

Lynn, resident objecting to 'Passion Nights' application in West Kensington

FACT THREE

rapid expansion

The number of UK lap dancing clubs has doubled since 2004

Current licensing has acted as a green light to the industry, whilst curtailing the rights of local communities to have a say in the location and quantity of lap dancing clubs opening in their areas.

Unsurprisingly, the number of UK lap dancing clubs has doubled since 2004 when their number was estimated at 150 by London Metropolitan University⁵.

Whilst the LDA states that the same number of clubs operates today and that expansion of the industry has been gradual⁶, industry sources show this is not the case.

Rather our research indicates that the current number of UK lap dancing venues stands today at approximately 310. In the period between May 2008 and November 2008, a new lap dancing venue has opened virtually every week across England and Wales.

This rapid expansion, accompanied by a string of cases where the hands of local councils have been tied from acting on the wishes of residents⁷, is not the sign of a healthy, democratic licensing system. It is the sign of a licensing system which tips the balance firmly in favour of industry actors.

Reform of licensing is needed to redress the balance and empower local communities in licensing processes.

FACT FOUR

commercial sex industry

Lap dancing clubs form part of the commercial sex industry

The LDA argues that lap dancing clubs are part of the UK leisure and entertainment industry and that they are not Sex Encounter Establishments (SEEs) as sex is not for sale in their premises. However, the SEE licence is not a licence to sell direct sex.

This is the definition of an SEE (currently used to licence peep show venues):

“Sex encounter establishments are premises where entertainment is provided by persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment and where live performances are given which wholly or mainly comprise of sexual stimulation of the persons admitted to the premises.” [Greater London Council (General Powers) Act 1986].

An SEE is therefore a venue where **visual** entertainment for sexual stimulation takes place – in other words a lap dancing club.

Whilst the LDA states that lap dancing is ancillary to the provision of alcohol, going so far as to say that only 30% of turnover is derived from lap dancing, this is clearly an erroneous argument. No customer believes he goes into a lap dancing club primarily to drink. The clue is in the title. Attempts to argue that lap dancing clubs do not constitute venues which provide visual entertainment for sexual stimulation are not rooted in reality – as even lap dancing club owner, Peter Stringfellow, has publicly acknowledged⁸.

Moreover, claims that moving to the SEE regime would see lap dancers ‘re-labelled as sex workers’ are being put forward as a provocative tactic by the LDA, to muddy the waters and to keep the focus off lap dancing operators. This interpretation of the SEE licence is fatally flawed. As the SEE licence is not a licence to sell sex, there is absolutely no reason why lap dancers would suddenly become ‘sex workers’.

The licence would instead see lap dancing clubs licensed for what they are – venues where visual entertainment for sexual stimulation is provided.

“As a former lap dancer (I worked in the industry for 8 years), the most important aspect in this licensing for me is to call a spade a spade. Because when I entered this I thought it was like showgirls dancing on stage providing entertainment. You’ll look like a star, and get paid lots of money for looking like Britney Spears.

The reality was very different and the way in which women were treated by club owners was appalling. Many women go into the industry being wrongly sold what it is”.

Nadine, a woman previously in lap dancing, testifying to the DCMS Select Committee 25.11.08

FACT FIVE

see licence and extra controls

Empowering local councils to licence lap dancing clubs as Sex Encounter Establishments will give local communities greater control.

The key issue, which needs to be addressed by reforms to the licensing of lap dancing clubs, is ensuring that legislation delivers in the areas of community empowerment and equality – by allowing local communities to have a say in the quantity and location of lap dancing clubs in their area. The most straightforward route to achieving this is to require two licences for venues providing lap dancing: a Premises Licence (for the provision of alcohol) and a Sex Encounter Establishment Licence (for the provision of lap dancing).

This would allow a much wider set of factors to be considered during licensing processes. For example, a licensing authority would be able to consider the number of similar establishments already operating in the area and whether or not the proposed club would be appropriate, based on the character of the locality and the use to which the club would be put. Issues such as the gender equality impact of a lap dancing club could, therefore, also be considered.

Contrary to arguments put forward by the LDA, the measure would also permit improved monitoring of the operations, as SEEL fees would allow for proper inspection and monitoring of venues holding a SEEL.

Allowing local authorities to licence lap dancing clubs with a SEEL, as well as a Premises Licence, has been described by industry actors as a retrograde step and the re-introduction of activity based licences. In fact, many businesses currently require two licences to operate, reflecting two very different strands of activity provided by their venues. For example, casinos and bingo halls with bar facilities are currently required to obtain two licences. Should there be an issue regarding fees, the Secretary of State can issue Guidance that fees should be limited to cost recovery. Fees can also be set at a standard level across the industry.

A final argument against reforming the LGMPA 1982 contends that such a measure will threaten other forms of entertainment. Yet it is unlikely that the definition of Sex Encounter as set out in the Act could seriously be held to include nudity incidental in a play. This is already established by the fact that there is a historic tradition of theatre in London - currently the only area where the SEEL is applicable - which is clearly differentiated and licensed separately from venues that require a SEEL, such as peep shows.

Furthermore there is an inbuilt mechanism in the LGMPA 1982 which ensures that sex establishment licences are applied sensibly. Schedule 3 of the Act includes the test of 'significant degree'. This leaves the matter as one of judgement by the licensing authority. There is no reason for a different approach in the case of a SEEL. The authority would have to decide:

- a) whether the entertainment or service provided meets the definition of sex encounter
- b) whether this is occurring to a significant degree.

Licensing authorities are well used to making such judgments.

Lap dancing clubs create 'no go' areas

The LDA states that there is no evidence to suggest lap dancing clubs create no go areas for women. This is false.

A growing body of evidence suggests that lap dancing clubs create no go areas for women by reducing their sense of security and entitlement to public space. A recent six-month review⁹ into the licensing of strip clubs in the London Borough of Tower Hamlets, which received the highest number of contributions in recent years for a public consultation, stated:

Many people referred to the impact they felt the venues [strip clubs] were having on the character of the borough, with the following excerpts just a few examples: "my family feel uneasy in walking around streets where strip clubs are based, especially female members"; "I have been leered at and felt intimidated when walking past these clubs".

In addition, the Royal Institute of Town Planning issued a Good Practice Note in December 2007¹⁰ which advised:

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.

The following personal account¹¹ also highlights the impact of lap dancing clubs on public space:

"Until a strip club opened outside this bus stop I had never experienced a single instance of harassment, intimidation or any anti-social behaviour whilst waiting there at up to 11 pm at night. Since it opened in April I have been subjected to numerous counts of verbal abuse best described as sexual harassment. It's not every night, and most weekdays there has never been any problem. It's most often on Friday and Saturday evenings. The first time I ignored it and thought nothing of it, it was just a bunch of drunk men on their way to a club.

Then it happened again the next week, and then again a fortnight later, to the point that now I will not go there. It's basically come to the point where in the space of five months, a public bus stop where I would feel safe to wait and travel home is a place I now cannot go because of the likelihood of receiving verbal abuse from men going into the club or walking past. I am just trying to make my way home at night using public transport. I cannot believe this is 21st Century Britain"

In this context it is difficult to sustain the argument that lap dancing clubs are 'just harmless fun'.

Licensing undermines the efforts of local authorities to promote gender equality

The LDA argues that lap dancing clubs are not an issue relevant to the Gender Equality Duty 2007 (GED 2007) because women freely choose to work in lap dancing clubs as self-employed workers.

However, the GED 2007 requires local councils to assess the gendered impact that the lap dancing club industry has on society as a whole. This makes the issue of gender equality much broader than the question as to whether or not women freely choose to work in lap dancing clubs.

The lap dancing industry is highly gendered, with men paying women to strip for them in the vast majority of lap dancing clubs - otherwise known as 'gentlemen's clubs'. The gendered nature of the industry makes the proliferation of lap dancing clubs relevant to the Gender Equality Duty. Gender is therefore a factor which should be considered during licensing processes.

Yet the current licensing system prevents local authorities from considering the gender impact of a lap dancing club application in the community where it seeks to open, in contravention of obligations under the Gender Equality Duty. This is because the four licensing objectives do not include gender equality and the objectives themselves overrule non-licensing policies.

This leaves councils in a situation in which Gender Impact Assessments on club applications are meaningless – for there is no mechanism for their recommendations to be taken board.

Local councils therefore find their hands are tied from fulfilling their obligations under the Gender Equality Duty 2007.

The licensing of lap dancing clubs must be reformed to resolve this.

“Once I walked past [a local strip club] at closing time, when a stripper tried to discreetly leave the premises and a group of punters stood outside. On recognising her, they erupted into loud whooping and jeering as she ran across the road to get away. I found this behaviour completely intimidating and totally in keeping with the behaviour of the street sexual harassment that makes women feel uncomfortable on a daily basis...

Punters are encouraged to engage the very attitudes and behaviour which are seen as disrespectful and intimidating to women outside strip clubs... It is vital that councils take this into account when considering applications, so that they can take appropriate measures to limit the normalisation, exploitation and legitimisation of sexism, in order that women feel safe and entitled to walk their streets without fear of harassment or abuse”.

Sonia, resident who objected to a lap dancing club in Hackney.

FACT EIGHT

objectification

Lap dancing clubs promote 'sex object culture' – the increased sexual objectification of women in the media and popular culture

The LDA argues that objectification is an entirely subjective attitude and that campaigners calling for licensing reforms should visit lap dancing clubs for themselves. These are erroneous arguments.

Firstly, objectification is not subjective. The core function of a lap dancing club is to promote seeing women as sexual objects, as this quote from a recent review for a new club in the City of London's financial quarter demonstrates¹²:

The latest strip club to hit The City aims to provide bankers with a night of attractive women. Most girls range from mildly attractive to hot - most with good firm bodies to fit different tastes. From the slim girls with fake breasts to the voluptuous with natural curves, you'll no doubt find someone to appeal. Varying in prettiness they're good dancers across the board so it's up to you what you find attractive and where you want to splash the cash!

It is long established that the sexual objectification of women plays a role in maintaining inequality between women and men. This has been recognised at the international level by the United Nations Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) which calls on States to take decisive action to tackle objectification – which it links to stereotypes and prejudices based on gender¹³. CEDAW has since repeatedly identified the links between the portrayal of women as sex objects by the media and sex industry and attitudes that underpin violence and discrimination against women¹⁴.

Secondly, it is irrelevant whether or not Object and colleagues have visited lap dancing clubs. The question at stake is what effect do lap dancing clubs and their normalising have on attitudes in wider society? Attempts by the LDA to continually turn attention to the women working in their venues are part of a deliberate strategy to keep the focus off the attitudes of customers and owners who run the industry.

Lucy Brown, a woman previously in lap dancing, has this to say on the links between lap dancing, objectification and social attitudes:

“The job is about constantly selling yourself as a product which represents a very particular, very limited aspect of what it is to be a woman. You are essentially totally and utterly objectified. This feeds a perception that this is what men want from women. It begins to cement the belief that men are interested in women only as sexual objects, and that the perfect sexual object is a compliant one”.

The campaign to reform the licensing of lap dancing clubs is based on issues of equality – not issues of morality.

An underlying theme of arguments put forward by the LDA contend that the issues raised by Object and colleagues should not be taken into account as they are based on morality.

This is simply not true. Objections to the inadequate licensing of lap dancing clubs are based on issues of **equality and democracy**, not morality.

The need for policy to be scrutinised in relation to gender equality was recognised by the Government in 2007, with the passing of the Gender Equality Duty, as outlined above. This places a legal obligation on public bodies to actively promote gender equality and counter gender stereotypes.

The proliferation of lap dancing clubs fails on both counts. Lap dancing clubs promote gender stereotypes and attitudes that say it is acceptable to treat women as sexual objects, rather than real people. They are linked to gender discrimination and sexual harassment in the workplace (as demonstrated by the success of sexual harassment cases in which use of lap dancing clubs has been recognised as linked to discrimination¹⁵) as well as the creation of no go areas in the surrounding areas which reduce women's sense of security and entitlement to public space.

Contrary to what is argued by opponents of licensing reforms, highlighting these issues is not about 'having an issue with sex', it is about having an issue with **sexual discrimination, or sexism**.

This is an issue of **equality not morality** and highlights the need for a democratic licensing regime which can accommodate equality objectives.

3 A GROWING TIDE: LAP DANCING CLUB APPLICATIONS IN ENGLAND AND WALES MAY 08 – NOVEMBER 08

Successful challenges brought against lap dancing clubs by residents

- West Kensington, London
- Durham

Unsuccessful challenges to lap dancing venues

- Plymouth (x 2)
- Ipswich
- City of London
- Newquay
- Exmouth
- Ashton-in-Makerfield
- Worthing
- Sidcup
- Burgess Hill

Ongoing licensing issues

- Sutton Coldfield, Birmingham
- New Cross, London

4 SUCCESSFUL CHALLENGES BROUGHT AGAINST LAP DANCING CLUBS BY RESIDENTS

4.1

	<i>West Kensington, London</i>
Licensing situation	In September 2008 the former Fox Pub in West Kensington applied for a Premises Licence to create a £2 million venue with a lap dancing club on the first floor and a champagne bar on the ground floor.
Action	A well-organised campaign was started by a group of residents who collected 250 signatures and drew significant media and political attention to the application. Hammersmith and Fulham Council received over 1000 letters of objection. The licensing hearing on 6 th November 2008 was attended by 200 residents and saw the application refused. One of the problems highlighted by residents was the location of unisex toilets within the proposed venue and this has been highlighted as a key factor in the licence refusal.
Supported by	Local residents were supported by various residents' associations, including the Avonmore & Brook Green Safer Neighbourhood Ward Panel. They were also supported by local MPs Andy Slaughter and Greg Hands.

4.2

	<i>Durham</i>
Licensing situation	In August 2007, Durham City Council approved an application by Vimax Leisure Ltd to hold lap dancing three nights at a week at The Loft nightclub in Durham city centre.
Action	An extensive campaign was organised by a group of residents who coordinated concerns from a consortium of community groups and students at Durham University. Local campaigners decided to pursue the issue in court and with the support of a charitably funded law centre, appealed the licence in a three day hearing at Durham City Magistrate's Court, December 2007. The court ruled against the licence, with Bench Chairman, Glynn Jones, stating they had heard 'compelling evidence' that a lap

	dancing club would only aggravate problems of late night nuisance and disorder. The applicant, Vimac Leisure, subsequently sought to challenge this decision by seeking a Judicial Review. This was refused in June 2008.
Supported by	Local residents were supported by Roberta Blackman-Woods MP, Councillor Peter Mitchell, Emma Carter at Durham Students' Union, Durham Police Force, Dr Nicole Westmarland, Durham University.

5 UNSUCCESSFUL CHALLENGES BROUGHT AGAINST LAP DANCING CLUBS BY RESIDENTS

5.1

	<i>Plymouth 1</i>
Licensing situation	In October 2008, Sirens Lap dancing club opened in the Barbican area of Plymouth. The club needed no permission to alter its Premises Licence as it already included permission for the 'performance of dance'.
Action	<p>The council has described itself as 'powerless' to prevent the establishment opening or place any conditions on its operation¹⁶. Local councillors have urged the Government to give local communities greater powers to control the number of lap dancing clubs in their area by allowing them to be licensed as Sex Encounter Establishments.</p> <p>Devon and Cornwall Police have lodged a retrospective appeal against the licence – the hearing is due to take place in January 2009.</p>
Supported by	Devon and Cornwall Police Constabulary, Cllr Lynda Bowyer, Linda Gilroy MP

5.2

	<i>Plymouth 2</i>
Licensing situation	In August 2008, Plymouth Council approved a licence for Pilgrim's Sports

	Bar to become a lap dancing club.
Action	The application caused local controversy as residents had objected and the council publicly stated it wished to block the licence on the grounds it would lead to the ‘deterioration of a family-friendly area’. However, councillors were unable to refuse the licence due to ‘insufficient powers’ ¹⁷ .
Supported by	Upper Barbican Residents Association, Cllr Joan Watkins, Devon and Cornwall Police Constabulary, Linda Gilroy MP

5.3

	<i>Ipswich</i>
Licensing situation	In September 2008, the Curve Bar in Ipswich began offering fully nude lap dancing one night a week in curtained private booths.
Action	Local opinion has been divided, with many residents resenting the arrival of sex industry venues in an area where five women in prostitution were recently murdered ¹⁸ .
Supported by	Chris Mole MP

5.4

	<i>City of London</i>
Licensing situation	On 30 th May 2008, City of London Corporation Committee granted a licence to the City Golf Bar in Bride Lane for nude lap dancing to be held daily from 11am.
Action	The licence was granted despite many objections from Bride Court Residents’ Association and members of the public. Residents, supported by their ward councillors, hoped to appeal the

	<p>decision but decided against it following discussions with their solicitor given the likely outcome. Resident Bill Gardiner said: “I would not have bought my flat if I had known a lap dancing club was moving in below me. You would expect that type of place in Soho, not in a conservation area. Some of my female neighbours have said they would try and move out immediately if the place opens, and I don't blame them.”</p>
Supported by	<p>Bride Court Residents’ Association, St Bride’s Church, St Bride Foundation, local ward councillors.</p>

5.5

	<p><i>Newquay</i></p>
Licensing situation	<p>Since introduction of the Licensing Act 2003, Restormel Borough Council has approved five Premises Licences for fully nude lap dancing.</p>
Action	<p>A concerted campaign by local residents and local councillors is calling on Restormel Borough Council to refrain from issuing further licences. In October 2008, residents brought a licence review for Divas Lap Dancing Club. This led to restrictions on physical contact¹⁹. The venue is appealing the decision which will be heard at Bodmin Court in the New Year.</p> <p>Local resident, Tracy Earnshaw, says “The kind of clientele that these clubs are attracting does not help young women to feel safe on the streets in which they live. The clubs are actively promoting the illusion of sexual availability and young boys working or growing up in this area are being taught that this is an acceptable way to see and treat young women”.</p> <p>Newquay MP, Dan Rogerson, supports the local campaign and has stated, “In my view, we are seeing too many of these sorts of clubs opening in Newquay. The law seems to be weighted in favour of the applicants. That’s not fair and must change.”</p>
Supported by	<p>Devon and Cornwall Police, Cornwall Primary Care Trust and the Devon and Cornwall Sexual Violence Forum, Steven Gilbert, Parliamentary Candidate, Dan Rogerson MP.</p>

5.6

	<i>Exmouth</i>
Licensing situation	In July 2008, Lush, Exmouth's first lap dancing club opened in Exmouth city centre.
Action	Residents of nearby Chester Court, a sheltered housing scheme, had opposed the application. Town mayor, Joy Whipps, also opposed the scheme saying 'we should be respecting young women and not exploiting them as sex objects'. However, the licence was granted on April 14 th 2008.
Supported by	Town mayor Joy Whipps, Chester Court Sheltered Housing.

5.7

	<i>Ashton-in-Makerfield, Wigan</i>
Licensing situation	The Cross Keys Hotel in Ashton is planning to hold lap dancing events on a weekly basis ²⁰ .
Action	Local MP, Ian McCartney, has acted on concerns from local residents by starting a petition and pursuing reform of licensing legislation in Westminster.
Supported by	Ian McCartney MP

5.8

	<i>Worthing</i>
Licensing situation	Worthing's first lap dancing club – Liquid Lounge - opened in July 2008.

Action	The club has opened despite over 600 letters of objection being received by Worthing Council ²¹ . The licensing authority said it was unable to take on board many of the concerns as they did not correspond directly enough to the licensing objectives.
Supported by	Residents, Steve Stevens and Raymond New, organised objections.

5.9

	<i>Burgess Hill</i>
Licensing situation	In June 2008, Club Redd, Burgess Hill's first lap dancing club, opened in the town centre.
Action	Residents were not aware that the venue (then a nightclub) was intending to become a lap dancing club. As the venue already held a Premises Licence for the performance of dance, no licensing process was started. A Facebook web group was set up by residents in opposition to the venue. Weeks after opening the venue was destroyed in what local police believe was an arson attack ²² .
Supported by	Councillor Anne Jones

5.10

	<i>Sidcup</i>
Licensing situation	In May 2008, Sidcup Snooker & Leisure Centre applied for a variation to their Premises Licence to hold 'performance of dance', in particular, pole dancing.
Action	Despite active opposition from local residents, organised through groups such as the Sidcup Town Partnership and Sidcup Community Group, the licence variation was approved by Bexley Heath Council.
Supported by	Councillor June Slaughter, Sidcup Town Partnership, Sidcup Community Group

6 ONGOING LICENSING ISSUES

6.1

	<i>New Cross, London</i>
Licensing situation	In July 2008, the White Hart Hotel in New Cross applied to hold striptease, lap and pole dancing on its premises from 2pm to 3am, 7 days a week. The applicant was reported as saying ‘lap dancers are the sole salvation for my struggling pub’. ²³
Action	<p>The application was strongly opposed and an organised campaign saw the council receive more than 100 letters of objection and three petitions signed by 232 residents against the plan, including a letter of objection from the police.</p> <p>At a hearing on August 14th 2008, Lewisham Council refused the licence, on the grounds that licensing objectives were not met.</p> <p>The applicant has lodged an appeal which will now be heard by a Magistrate’s Court on 13th January 2009²⁴.</p>
Supported by	Joan Ruddock MP, Councillor Ian Page, New Cross Gate Trust, the Metropolitan Police, the Queens Road GP Practice, Eaves Housing for Women, the Hair & Beauty Studio and Parkers Estate Agents.

6.2

	<i>Sutton Coldfield</i>
Licensing situation	In October 2008, Flints Wine Bar applied for a licence to re-brand itself as ‘Pussycats Gentlemen’s Club’.
Action	<p>The council received over 100 letters of objections and residents held a protest outside the proposed site. Residents also hired a barrister to represent their concerns at the licensing hearing²⁵.</p> <p>The licence was refused on November 27th 2008 on the grounds of crime</p>

	<p>and disorder. Local journalists reported that a last hour objection from the local police force who had previously not submitted an objection, swung the case against the applicant.</p> <p>The applicant is to lodge an appeal in the Magistrates Court.</p>
Supported by	Mere Green Neighbourhood Forum, Cllr Maureen Cornish, Andrew Mitchell MP.

7 **LAP DANCING: NEW OPENINGS** **MAY 2008 - NOVEMBER 2008**

	<i>May 2008</i>
Wembley, London	'Blue Eyes Gentlemen's Club' opens as a lap dancing club.
Plaistow, London	'The Green Gate' public house begins holding lap dancing nights.
Rainham, Essex	'Porky's Café Bar' begins hosting lap dancing nights.
Basildon, Essex	'Mac's Bar' begins hosting lap dancing nights.
Cowes, Isle of Wight	'The Waterside Pub' launches 'After 9' – a lap dancing venue – during Cowes Week sailing event.

	<i>June 2008</i>
Manchester	'Direktors' lap dancing club opens.
Barking, London	'The Ship and Shovel' public house begins holding lap dancing nights.

Bridlington	'Teasers' lap dancing club opens.
Burgess Hill, Sussex	'Club Redd' lap dancing club opens.

	<i>July 2008</i>
Exmouth	'Lush' lap dancing club opens.
Worthing	'Liquid Lounge' lap dancing club opens.
Bognor Regis	'Shine' lap dancing club opens.

	<i>August 2008</i>
City of London	'Charlie's City' begins holding lap dancing nights.
Lincoln	'Krystals' lap dancing club opens.
Ashton-in-Makerfield	Cross Keys Hotel announces lap dancing events will start taking place.

September 2008

Ipswich	'The Curve' begins holding weekly 'gentlemen's evenings' of lap, table and pole dancing.
City of London	'Sherberts' lap dancing club opens on the site of 'City Golf Club'.
Penzance	'Secrets' lap dancing club opens.
Tamworth	'The Players Lounge' lap dancing club opens.
West End, London	'The Mayfair Club' lap dancing club opens.
Kent	'The Ashford Club' snooker bar begins holding lap dancing.
Derby	'Players' lap dancing club opens.

October 2008

Bristol	'The Minx' lap dancing club opens.
Boston	'Dreamgirls UK' lap dancing club opens.
Bournemouth	'Fantasy Palace' lap dancing club opens.
Plymouth	'Sirens' lap dancing club opens.

Derby	'Players' lap dancing club opens.
	<i>November 2008</i>
Stratford	'Lunar Attic' begins holding lap dancing nights.
Leicester	'Panache' lap dancing club opens.
Bracknell	'Golden Farmer' public house begins holding lap dancing nights.
Eastbourne	'Indigo Redd' lap dancing club opens.
Hackney, London	'Blush' lap dancing bar opens at the White Horse, Shoreditch.

8 conclusion

Extending the **Sex Encounter Establishment** licensing regime would achieve three key goals:

Firstly, the measure **would permit licensing authorities to apply regulation suited to elements of the sex industry** – and to better scrutinise operators to ensure those conditions are maintained, by improving the resources available for this purpose.

Secondly, it **would allow gender equality to be considered in licensing processes**. This issue is one that highlights the importance of examining how gender intersects with all areas of policy and law-making. Reforming the licensing of lap dancing clubs would deliver in the area of equality and is a much needed step given the heavily gendered nature of the lap dancing industry.

Finally, it **would put power back in the hands of local communities** to make informed decisions as to the quantity and location of lap dancing clubs in their areas. This would deliver in the area of community empowerment – a stated aim of the Licensing Act 2003, but one which is lacking at present in relation to the licensing of lap dancing clubs.

It is clearly time to tip the balance back in favour of local communities by amending the LGMPA 1982 and empowering them to have a real say in the licensing of lap dancing clubs in their area.

Fixing the system by allowing lap dancing clubs to be licensed as Sex Encounter Establishments will allow gender equality to be considered in licensing and restore much needed democracy to the licensing process.

There is an urgent need for reform given the continued expansion of lap dancing clubs and growing evidence that the present system is not working. **The time to act is now.**

www.object.org.uk

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