

13 Reasons Why Not

How Councils Breach Equality & Licensing Law when Licensing Strip Clubs

This briefing outlines some of the myriad ways Councils are breaching licensing and equality law when they license a strip club.

We also recommend all Councillors, licensing officers and legal advisors involved in licensing decisions for SEVs (strip clubs) read this:

An in-depth look at both SEV and Equality Law is given here :
www.notbuyingit.org.uk/ZeroOption

Legally Binding Equality Duties

Councils are *legally bound by the* Public Sector Equality Duty (PSED):

https://www.equalityhumanrights.com/sites/default/files/technical_guidance_on_the_psed_england.pdf
<https://www.equalityhumanrights.com/en/publication-download/essential-guide-public-sector-equality-duty>

Under this, Councils must, legally, have due regard to:

- **ELIMINATE harassment, discrimination and victimisation' of women**
- **Advance Equality of Opportunity between men and women**
- **Foster Good Relations between men and women**

In addition:

- **The greater the relevance and potential impact, the higher the regard for the duty**

Obviously, when considering the lap dancing industry, this duty is particularly high.

Councils – Take Heed

Two successful court cases have now been brought against one council for breach of equality law in its dealing with the strip industry. Sheffield City Council has now conceded in breaking the law both when licensing a strip club and in drawing up its strip club licensing policy.

Indeed in the words of the legal expert who challenged the Council:

a local authority .. must look long and hard at the **adverse impact on gender equality** of letting such an **enterprise exist at all** .. Otherwise it will be acting unlawfully and will be subject to legal challenge.

Details of the Sheffield case are given here:
www.notbuyingit.org.uk/SheffieldShame

In depth legal analysis of Equality and SEV Licensing Law:
www.notbuyingit.org.uk/ZeroOption

Breach of SEV and PSED: Zero Policy & Grandfather Rights

Grandfather Rights – Breach of SEV Legislation

A great many Councils appear to have conferred 'Grandfather Rights' on clubs. They allowed all clubs operating before the SEV (Sexual Entertainment Venue) license came into existence to continue operating. So clubs that had been licensed as leisure venues continued operating, 'business as usual', despite the industry now being classified as part of the sex trade.

However, 'Grandfather Rights' were specifically disallowed under SEV legislation

Most strikingly, these Grandfather Rights appear to have been conferred even in Councils that introduced a 'Zero Policy' ie a policy that states no strip clubs are appropriate in the borough.

Zero Policy with Clubs - Breach of the PSED

Allowing clubs to operate under a zero policy it is also a breach of the PSED. A policy that zero clubs are appropriate in the borough is created, in large part, because of equality considerations. If a Council then licenses a club they are automatically contravene their only equality concerns.

The best case in point of this is perhaps seen in the SEV policy of Leeds City Council. This states that strip clubs are incompatible not only with their gender equality duties but with their move to be a 'child friendly city'. After several pages dedicated to this the document then goes on to state, without explanation, that 4 clubs are appropriate in the City Centre.

Councils in Breach

Below are some examples of Councils and how they are breaching SEV and/or PSED legislation on these issues:

Council	Status	Breach
Camden	Zero Policy, 7 Clubs given Grandfather Rights	PSED/SEV
Hackney	Zero Policy, 3 Clubs with Grandfather Rights	PSED/SEV
Islington	Zero Policy, 3 clubs in operation	PSED
Leeds	Zero Policy 'but 4 appropriate in City Centre'	PSED
Tower Hamlets	Zero Policy, 5 Clubs given 'Grandfather Rights'	PSED/SEV
Westminster	14 strip clubs in one small area (inconceivable that this is equality compliant)	PSED

The NEED to Look at Licensing Applications with ‘Fresh Eyes’

Breach of Equality Law

In light of two successful court cases against Sheffield City Council for breach of equality law (the PSED), it is now imperative that all Councils look at all strip club licensing and re-licensing applications **with ‘fresh eyes’**. Otherwise, they too are very likely to be in breach of equality law.

In fact, the PSED technical guidance specifically states:

The duty requires relevant bodies to tackle the consequences of **past decisions** which failed to give due regard to the equality aims.

Breach of SEV Legislation

Legal representatives often appear to suggest to Councils ‘that if a license has previously been granted, it must be re-granted’ but this is counter strip club (SEV) licensing law.

Councils have ALWAYS had the right to revisit past licensing decisions. All they need do is take into account that a license was previously granted. And this right has been confirmed in law on more than one occasion, including by licensing expert Philip Kolvin QC, who frequently serves as representation in legal cases around strip clubs:

“Given that there is potential for the discretion to be exercised afresh, the renewal should not just be a rubber stamping exercise, but an **opportunity, if needed, to review the principle and content of the license.**”

Case law also confirms this right. A review of recent judgements for the Local Government Lawyer website by Philip Kolvin, QC, and two other eminent barristers concludes:

‘In two recent decisions the courts have affirmed the wide powers enjoyed by licensing authorities **to refuse renewals** of licences for lap dancing clubs’

http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=17968%3Alap-dance-no-more&catid=49%3Acomment-a-analysis-articles&Itemid=1

This is again confirmed by Mr Justice Turner:

‘It is, in my judgment, an inescapable fact that the Act of 1982 expressly contemplates the possibility that the circumstances in which a licence had been granted or renewed might change; hence the provisions of paragraph 12 of the 3rd Schedule, which apply not just in respect of the grant but, more importantly, also on the **renewal** of a licence. Thus the **proposition that an existing licence holder can expect that he will be granted a licence in perpetuity for any given set of premises is plainly wrong**’.

London Borough of Wandsworth ex parte Darker Enterprises Limited, R V [1999] WEHC Admin 34 para 46

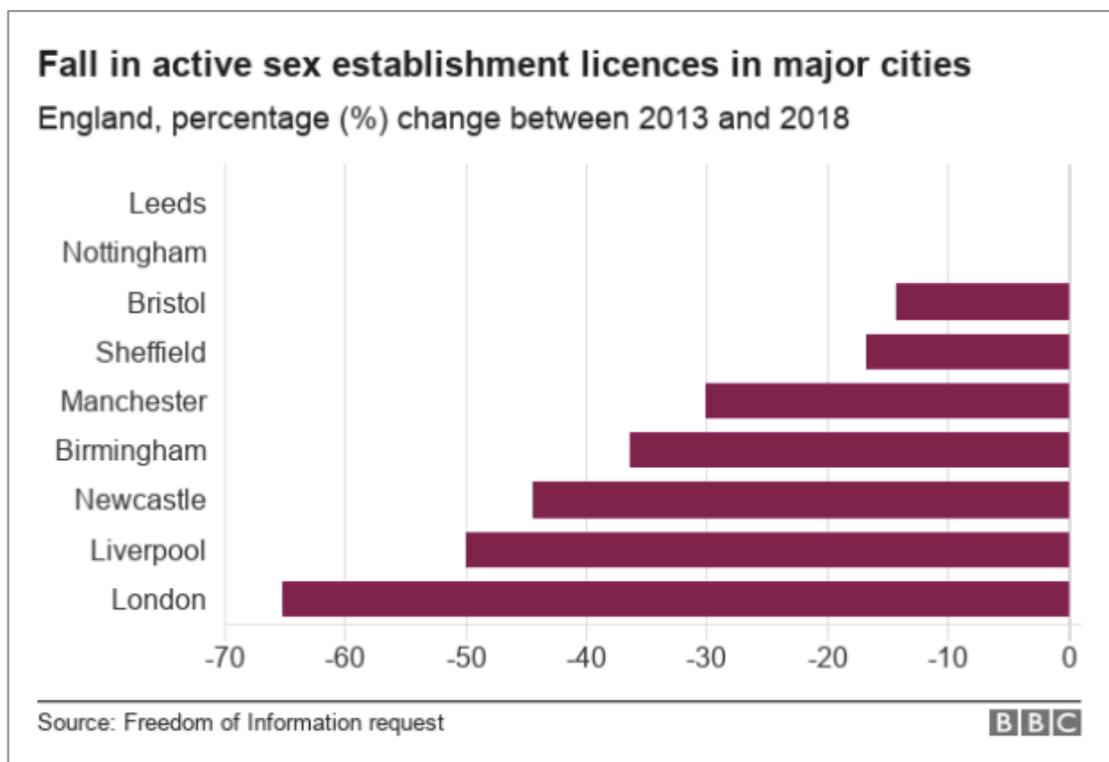
Furthermore, license renewal applications may be refused even when there has been **no change** to either the licensee or the surrounding area:

licensing authorities are entitled to 'have a fresh look' at an application for renewal of an SEV licence, **and may refuse to renew even when there is no material change in circumstance.**'

http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=17968%3Alap-dance-no-more&catid=49%3Acomment-a-analysis-articles&Itemid=1

Other Councils are **NOT** re-granting Licenses

Furthermore a precedent for *not* re-granting licenses has been set on numerous occasions since a great many other councils have not re-granted strip club licenses. In fact, the number of licenses of strip clubs and sex establishments is reported to have fallen by 1/3: <http://www.bbc.co.uk/news/uk-england-43043842> :



In the overwhelming majority of cases, this has passed without incident, ie without legal challenge by strip club operators. Those that do, have always proven unsuccessful.

Fear of Legal Challenge by the Strip Industry is Unfounded

It has become obvious over the years, that one of the reasons Councils grant strip club licenses is because of fear of legal challenge by strip industry operators.

However, there does not appear to be a SINGLE case where a strip club operator has mounted a successful legal challenge against a council for failing to grant a license. This includes numerous occasions where licenses have not been re-granted.



Camden: Camden Council vs The Red Rooms [2018]

Camden Council took The Red Rooms strip club to High Court to argue its right to allow no private areas. Council won.

Leeds: [Bean Leisure vs Leeds City Council](#) [2014]

Two clubs lose in High Court challenge to Council's refusal to renew licenses

Leicester: [Lily's Lounge Leicester](#) [2016]

SEV took council to court for refusing to renew license. SEV no longer operating.

Oxford: ['The Lodge' Thompson, R \(On the Application Of\) v Oxford City Council](#) [2014]

Court of Appeal upholds Council decision not to renew license.

South Bucks: [R \(KVP ENT LTD\) v South Bucks DC](#) [2013]

SEV not even given leave to go to Judicial Review when license was not renewed

The only incident where a Judge ruled in favour of an SEV (strip club) was on a technicality (too many councillors had been involved in the decision):

Cheshire: [Bridgerow Ltd, R \(on the application of\) v Cheshire West and Chester Borough Council](#) [2014]

In fact the judge explicitly pointed out that in all other respects he agreed *with* the Council. The club in question shut within a year of this case.

Full Details of these Cases Here:
www.notbuyingit.org.uk/intheDocks

Breach of the PSED - Poor Understanding of the Reality of the Industry

Another reason Councils grant licenses is because of a serious lack of understanding of the reality of the industry and an apparent refusal to listen to the large body of evidence of harm inherent to it. **This lack of understanding doesn't just give grounds to challenge under equality law., it means that Councils are putting young women at particular risk.**

Although Councils invariably operate a 'no sexual contact', '3 foot between performers and punters' rule this is invariably broken. It can be guaranteed in essentially every club in the country that a standard lap dance involves a naked young women straddling a man's lap and grinding on his groin:



Not only is such activity non-PSED complaint, and in effect a form of prostitution, it is a breach of SEV licensing.

As can be imagined, such contact is just the start of the criminality of the industry, particularly with regard to the way the women in it are treated.

Read More
www.notbuyingit.org.uk/ThisisLapDancing

Breach of the PSED – Abuse and Exploitation in Clubs

“Sexual contact becomes the norm. You start to sell yourself out.

Vicky

“There’s a rule regarding distance. You’re allowed to get closer than they say in the contract. It’s supposed to be three feet .. That is broken instantly” Sarah

“Customers .. would touch me and grab me and one even bit me during a dance”

Liz

Lap dancing is synonymous with harassment and victimisation of performers ie breach of the PSED.

This has been exposed in two major academic studies of the UK strip industry; countless testimonies from women who have left the industry; undercover journalists and even current lap dancers such as members of the East London Strippers Collective. It is revealed by police reports; press reports; comments from punters and even by strip club operators themselves.

The largest research study ever conducted into the strip industry highlighted how half lap dancers reported frequent verbal harassment and unwanted touching from customers (in other words, sexual assault).

Sanders & Hardy:

<http://www.notbuyingit.org.uk/sites/default/files/Sanders%20Initial%20Findings.pdf>

“I’m frequently asked how much I charge for sex – it seems to be taken as read that, as a lap dancer, I offer services outside the club”

Journalist reveals the constant verbal and physical harassment she was subjected to when undercover as a stripper: <https://londonist.com/london/features/this-is-what-it-s-like-being-a-lap-dancer-in-london>

Read More
www.notbuyingit.org.uk/strip-publications

Recent Incidences

This situation is so bad that, despite the, *self-confessed*, best efforts of operators to quash information, there are now over 2 dozen press reports exposing the criminality of the strip industry. The true level of incidence is obviously like to be considerably higher. Reports include widespread sexual contact, harassment, assaults, prostitution, under age dancers, trafficking, coercion, intimidation, Class A drugs, drug dealing and drink spiking.

🏠 > News

Lap dancing club spiked customers' drinks and then overcharged for dances by £93,000, report claims

Punter attacks stripper

14th January 2017

Glasgow kingpin's lap dancing club shut after girl dumped on street

Gerry Braiden  @BraidenHT
Local Government Correspondent

Hanley gentlemen's club ST1 has been closed permanently after evidence of fraud, drink spiking, drug dealing, violence and prostitution were heard by a licensing committee.

She said the footage also showed strippers straddling customers - another forbidden practice.

The conditions allegedly breached are those that forbid performers from sitting or straddling customers, placing both their feet on the seat, simulating a sexual act, intentionally touching another dancer and intentionally touching a customer.

Read More:

www.notbuyingit.org.uk/StripSleaze

Breach of the PSED – Discriminatory Working Conditions

“I frequently was only making enough to cover the house fee, train tickets and the cost of a bed and breakfast with no extra profit for myself “ Liz

Lap dancers (women) are the only workers at strip clubs who are ‘self employed’ and do not receive any work security or rights, unlike all other staff (the overwhelming majority of whom are men).

These working conditions include:

- **Paying to work in the venue**
- **Paying a portion of takings back to the venue**
- **Having to buy expensive ‘house clothes’**
- **Fines at every opportunity**
- **Being forced to buy drinks**
- **Far too high a ratio of performers to punters (making it hard for any individual to earn enough money to even break even by the end of her shift)**
- **No sick pay/maternity or other PAYE benefits**
- **No job security**
- **No guarantee of income**

70% of lap dancers make no money by the end of their shift

These employment conditions are clearly unfair and unequal and can be seen as a breach of the PSED. They are also a driving force for the far more sinister abuse found across the industry – coercion, sexual assault and exploitation.

[Sanders:www.sociology.leeds.ac.uk/assets/files/research/Regulatory_Dance/FINALSUMMARYIAN2012.pdf](http://www.sociology.leeds.ac.uk/assets/files/research/Regulatory_Dance/FINALSUMMARYIAN2012.pdf)

Breach of the PSED: Fostering Poor Relations Between the Sexes

Lap dancing is the antithesis of 'fostering good relations between the sexes' and as such breaches the PSED.

The largest study of the industry ever conducted in the UK revealed that 1/3 of performers said the job had effected their view of men: Sanders, T., & Hardy, K. (2011) *The Regulatory Dance: Sexual Consumption in the Night Time Economy – Initial Findings*. Leeds: University of Leeds

"It's screwed up my view of men. Every time I see a man now, I just see him as a punter. There's only so many bad experiences you can have before you start hating them all . . ."

"You start to see men as nothing more than their wallets, idiots to be fleeced for as much as you can. You start to despise them for believing you when you flutter your eyelashes and tell them they're the most interesting customer that you've ever talked to."

"I always thought of the customers as vermin and, ironically, that is what they thought of me."

149. **ladivina69**

8 Feb 2012 09:26

My daughter is a dancer and its not harmless fun. In order to bear dealing with this degrading and soul destroying work the girls drink too much and endure the worst aspects of male nature. She has become cynical, jaded and doesnt have relationships any more. She thinks that men are all untrustworthy and only after what they can get away with. Its not really a job to be proud of.

↑ 73 ↓ 43

The intense competition between performers, nurtered by clubs which ensure far too high a ratio of lap dancers to customers, also does not foster good relations with other members of the female sex.

And of course, this is as nothing compared to the attitudes clubs foster by men towards women. Obviously the impact of this is far more concerning as men carry these attitudes around with them in a society where 10 million (1 in 3 women) experience male violence, in most part *because* of men's attitudes towards women.

In a study of customers of strip clubs it was found that over half of the men interviewed stated that their motivation for visiting lap dancing clubs was to escape from what they perceived as a code of conduct which 'restrained' them.

Journal of Sex Research 40:1, 61-75, 2004

"You can go in there and shop for a piece of meat , quote unquote , so to speak. I mean, you want to see a girl, you can see a girl run around naked. Have her come over, pay her to do a dance or two or three and walk away and not even ask her her name" Frank, K.

'Just trying to relax': Masculinity, masculinizing practices, and strip club regulars" *Journal of Sex Research* 40:1, 61-75,

Breach of the PSED – Private Booths

“There is only one reason why you have a cubicle. It’s because touching is going on and all sorts”
manager of Club Crème, Bristol

<http://www.notbuyingit.org.uk/sites/default/files/PrivateBooths.pdf>

Private areas of any sort in a strip club cannot reasonably be seen as anything other than an automatic breach of the PSED. The reason for this is the high levels (and likelihood) of harassment, victimisation and abuse they self-evidently lend themselves to.

Legs 11, Birmingham, had its license suspended in 2017 with under cover officers being offered sexual services in private rooms.

“From a police perspective it would make life and enforcement easier if we did not have the VIP rooms”
Police Officer

“If anything’s going to go wrong, it will be in the VIP or private rooms. You have to trust the integrity of the person who is in charge of security, but you can never be sure a blind eye is not going to be turned. Most venues have a VIP room, because it promotes intrigue to the customer who will go there and maybe look for something more, because of the secrecy” Police Officer

<http://www.notbuyingit.org.uk/sites/default/files/PrivateBooths.pdf>

Camden Council has had a policy against ‘private’ areas of any description in its clubs since SEV licensing was introduced. It has even gone to the High Court (successfully) to ensure this. This policy applies to Spearmint Rhino in Camden.

Even studies carried out by pro sex industry researchers, had to acknowledge that over 50% of dancers reported being harassed ‘lots of times’ or a ‘a few times’, nearly half reported frequent verbal harassment and unwanted touching from customers. This was reported more widely in clubs with private dancing than those with only stage shows.

Private Booths: many dancers felt that the way in which private booths were set up also made them vulnerable and also allowed standards to be lowered by dancers offering more than is allowed in the dances.

<http://www.notbuyingit.org.uk/sites/default/files/PrivateBooths.pdf>

This cannot be ‘remedied’ with CCTV or increased security. CCTV has blind spots (often these are shown to performers). Lap dancers will often bribe security or house mums to ‘turn a blind eye’ (as it is only by performing sex acts that performers can make any money. CCTV can be wiped. Performers are threatened and intimidated if there is any suggestion that they will expose rule breaches.

Breach of the PSED – Simplistic Acceptance of Statements from Management

Again it is a breach of the equality duty if a Council is not properly considering and analysing the information before them. This means evidence from management and even performers needs to be scrutinised with caution, rather than being simplistically taken at face value.

It is surely self-evident that the assertions of Club management cannot be taken at face value. Management have a clearly highly vested interest for abusive work conditions and prostitution, as this is how they make the most money.

Of course, every manager will swear his establishment is run perfectly, while pointing the finger at every other as guilty of constant rule breaking:

<http://www.notbuyingit.org.uk/sites/default/files/PrivateBooths.pdf>

Leading Industry Rep Throws Doubt on All Club Managers

Some operators appear to deliberately mislead. This includes some of the most prominent representatives of the industry in the country, such as Simon Warr. As the former head of the Lap Dancing Association, he was the official spokesperson for the industry. He was also the CEO of the best known chain in the country, Spearmint Rhino and is currently CEO of the Platinum Lace strip chain.

**'lap dancing
isn't sexual'**

Yet when Parliament first considered ending the licensing of strip club as leisure venues, industry reps including Warr lined up to tell the press *'lap dancing is not sexually stimulating'*. Warr took this one step further and even asserted this when giving evidence at Parliamentary Committee Hearing.

Read more here: <https://www.theguardian.com/uk/2008/nov/25/lap-dancing-parliament>

Warr has also revealed that his PR Company, Max Clifford Associates, has been very useful for keeping stories out of the papers or engineering them when they are 'out':

'they have been very useful, particularly when it comes to keeping stories out of the papers. How many stories have been kept out is difficult to quantify but Max [Clifford] would certainly argue it has been a lot'

Read more here: <https://www.thedrum.com/news/2003/11/27/spearmint-rhino-chief-strips-pr-facade-reveal-warts-and-all>

It should be pointed out that *during Warr's stewardship* of Spearmint Rhino prostitution was found to be widespread in the chain:

<https://www.thetimes.co.uk/article/lap-dancing-club-offered-sex-to-undercover-police-dthnb5xhm7d>
<https://www.standard.co.uk/news/brothel-charges-hit-lap-dancing-club-6303589.html>

If a major representative of the strip industry is making such claims, confessing to burying evidence and is operating his club as a brothel, how can any Council ever reasonably believe any strip club operator? The fact that he both Warr and his clubs were allowed to continue operating even after prostitution was evidenced raises even more serious questions.

‘Careful Phrasing’

Management - and their legal team - are also adept at ‘phrasing’ information to ensure they are not lying but certainly misleading.

Take for instance assertions by John Specht (Vice President, Spearmint Rhino UK) in his witness statements to Sheffield Council for the club’s licensing hearing that **‘no complaints have ever been received’**. But this belies the fact that 100s of objections (*complaints*) actually have been received over years of licensing hearings. And yet this ‘lack of complaint’ is then re-iterated by Sheffield City Council’s own licensing committee.

Chinese Wall of Denial

‘It was clear to me ... that many owners and managers create a context in which the buying and selling of sexual services would be likely to happen. Club owners tend to absolve themselves of any responsibility if sexual services are found to be on offer, or being arranged on the premises, yet at the same time the dancers are encouraged to project an air of sexual availability to customers.’

<http://www.notbuyingit.org.uk/sites/default/files/PrivateBooths.pdf>

Management also, very deliberately, puts a ‘Chinese wall’ between it and any wrong doings at the club. An atmosphere is carefully cultivated that touching and full-blown sex acts are available yet when it happens management is able to claim no knowledge and instead fire the dancer as responsible.

And the fact is that a great many punters and members of the public view lap dancers as *de facto* prostitutes and, accordingly will expect and pressurise for sexual services.

‘A number of factors contribute to the possibility of the dancers being pressurised into offering, or agreeing to, sexual services without direct instruction from management.’

‘The clubs [are] run in a way that implicitly encourages the customers to expect and seek sexual services from the dancers.’^{Error! Bookmark not defined.}

‘It can be concluded, from the body of evidence that some lap dance club owners and managers create conditions in which prostitution is likely to occur.’

‘So long as club managers assure the police and others that any dancer found to be offering or engaging in sexual services will be dismissed, places the onus for behaviour onto the dancer. There has been a tendency, as highlighted through tribunals and police evidence, that club owners who either encourage dancers to engage in sexual activity, or merely ‘turn a blind eye’ are not held responsible for allowing that to happen.’

<http://www.notbuyingit.org.uk/sites/default/files/PrivateBooths.pdf>

Breach of the PSED – Simplistic Acceptance of Statements from Lap Dancers

Equally the Council needs to scrutinise statements from performers, rather than simplistically taking these at face value <http://www.notbuyingit.org.uk/sites/default/files/PrivateBooths.pdf> :

Several journalists have confirmed that the conduct of staff, dancers and customers is affected when they are aware they are being observed

'I found that no one except the management, who were excited by the idea of newspaper coverage, wanted to talk to me, and I was viewed with suspicion. Everything seemed controlled, and I had a sense that I was not seeing the true picture.'

Of course, no lap dancer can openly expose problems within clubs, including breach of the 'no touching rule' or sex acts, because if she does she is will then be fired and black listed amongst other clubs. Or worse.

Of course, if a club operator 'asks' his performers to sign statements supporting 'perfect practices' within their club, they will do exactly that. Even if performers submit testimony anonymously, while not at work, how likely is it for a dancer who feels threatened to reveal issues? Even if anonymity can be guaranteed, the fact that dancer(s) spoke against the club will come out and the club will make its own inferences as to who did so. It needs to be understood that the women working in strip clubs often operate under a culture that ranges from coercion to outright intimidation .

<http://www.notbuyingit.org.uk/sites/default/files/PrivateBooths.pdf>

This can be so extreme that performers who have been assaulted by club operators still will not talk, even to the police:

When a performer was dragged out on to the street by management, drunk, half naked and unconscious, she refused to talk to police even though this incident was so severe that the club's license was immediately suspended.

It can extend beyond performers to those researching the industry, as this journalist attested:

'for the record, one club owner telephoned me after our meeting and made what I took to be a veiled threat'^{Error! Bookmark not defined.}

Women from the industry have told me in conversations that:

'If management tells you to do something, you do it'

This includes Sammy Woodhouse (former lap dancer who blew the lid on the Rotherham child sex abuse scandal It even includes staunch advocate of the strip trade, Stacey Clare, founder of The East London Strippers Collective in evidence given to Camden Council, 2018:

'know of women being coerced by management into signing statements in support'

Even Women who have *left still* feel intimidated

"The shadowy world behind some clubs is not something that you would want to go up against"

"I'd rather not say what I am doing these days, for the same reason that I won't tell you my real name. These are people [the club owners] you don't want to mess with. I am genuinely afraid of them. Who knows exactly what goes on behind the scenes, but I'd still rather not mess with it."

<http://www.notbuyingit.org.uk/sites/default/files/PrivateBooths.pdf>

'A New Reality'

"Often if a person has asked about my experience as a dancer I have responded with a socially desirable answer, and simply asserted that I enjoyed dancing, that I made a lot of money but in the end dancing was not for me. This explanation has in no way conveyed the extremity of emotion and mental distress I have experienced as a dancer and in no way conveys the sexual degradation and humiliation I have experienced and observed during my short dancing career " Liz former lap dancer

http://notbuyingit.org.uk/sites/default/files/LAP%20DANCING%20testimony_Liz.pdf

Of equal significance, is the fact is that a 'new reality' very quickly sets in when you start working in stripping. As numerous women state once they have left the industry. This includes lying to yourself that 'all is well' as a coping mechanism and because your entire sense of self-worth is wrapped up in the industry – so to admit that anything might be wrong with it becomes unthinkable. And it includes genuinely not even recognising that being constantly harassed and groped or even paid for sexual acts is untoward or is not normal. A 'new reality' sets in, as researcher shows:

'These women, as you would expect, are keen to defend the work they do and furious that what they regard as patronising feminists seem bent on turning them into sex workers.'

".. for a time, it is possible to convince yourself that everything is OK. "No one in the club would express any uncertainty about what they are doing - they're too busy competing for work - so even if you do feel bad about it, you wonder if you are the only one. You convince yourself that your perception of what the job would be like is the same as what the job is, even though there is a quite weird gap between the two. It's only when you have made the decision to leave that you realise how insane it all was."

Breach of the PSED – in the Vicinity of Clubs

The PSED does not just apply to women in a strip club, it applies to women in their vicinity and to women in wider society. This means that when considering whether to license a strip club, a Council must have due regard to its legal obligation to tackle harassment, discrimination and victimisation across all these scenarios as well as its need to foster good relations between women and men across all of these scenarios.

Evidence has been given to Councils countless times that women are, and feel, harassed and threatened by strip clubs. Clubs themselves have even helped evidence this with the operator of Sheffield Spearmint Rhino taking regular pictures outside of the club showing no passers by during its entire operating hours, despite the club being next to busy student accommodation and a stone's throw from the centre of the City and Sheffield railway station. The club had in effect created a 'no go' zone and provided its own evidence in support of this.

Measures to 'circumvent' a club's presence are futile and do not meet the standard required by the PSED. It is irrelevant whether the venue is open during the day, or 'blacked out' without signage. It is the *very presence of a strip club* that can amount to a breach of equality law by making women feel vulnerable and unsafe and restricting their freedom of movement by causing them not to be able to use the street or nearby facilities.

And strip clubs undoubtedly do make women feel threatened and uncomfortable (ie harassed and victimised) in their vicinity as highlighted by the Royal Town Planning Institute:

"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**"

This is elaborated upon as:

' . . . women describe feeling frightened, disempowered, violated, embarrassed, unsafe (particularly if men are around) and avoid certain streets at night where they know there is a lap dancing club.'

And it is not just the impact on women that need to be considered. A considerable number of witness statements provided to Sheffield City Council clearly demonstrate that clubs affect the free movement of others, including other protected groups, including:

- Women running LGBT groups
- Disabled Women
- Those running support centres for marginalised young people
- Those accessing services for vulnerable women
- Women use of nearby offices/work space

This feeling of intimidation and avoidance measures women take, goes far beyond when a club is operating at night. As highlighted in the journal *Criminal Justice Matters*:

“.. women also reported **avoiding** certain streets and **feeling frightened** in the **day time**, when the clubs are closed. It is the **existence** of the clubs that **causes women to feel alienated in public space at all times**, and fearful of the threat of violence posed by the sexual objectification of women.”

Jackie Patiniotis & Kay Standing (2012) License to cause harm? Sex entertainment venues and women's sense of safety in inner city centres. *Criminal Justice Matters* 88:1, 10-12.

The Institute goes on to explain that if women *feel* threatened and uncomfortable by the presence of a strip club then **their very presence amounts to a form of discrimination**, as it prevents full access and freedom of movement by women in the borough:

“If a woman, **whether objectively justified or not**, fears to use part of the town centre characterised by sex establishments, this may be argued to amount to **discrimination**, in that her access to the public infrastructure of the town is impaired in comparison to that of men. Where relevant these considerations ought **properly to be taken into account by authorities** at the decision-making stage, and possibly at the policy-making stage”

Royal Town Planning Institute 'Gender and Spatial Planning Good Practice' Note, 2010, p. 87

Local Authorities have a **legal duty** to prevent all of this. By not doing so they can be challenged in court. Thus if the PSED is given due consideration it becomes increasingly hard for Local Authorities to justify the presence of any Sexual Entertainment Venues and to consider anything other than a 'zero policy' on SEVs.



Read More:
www.notbuyingit.org.uk/NoGoZones

Breach of the PSED – use of non-PSED Compliant Research

Councils are invariably guided by evidence and research from highly biased sources. This includes strip club operators and questionnaire responses from performers. Although the bias, impartiality and possibly coercion of such sources is self-evident what is less obvious is the demonstrable bias of academic sources.

The field is dominated by pro-sex industry researchers. This includes Campbell, the architect of the disastrous 'red light zone' in Leeds and Colosi, a self-professed fan of the strip industry.

These researchers, without fail, denigrate genuine concerns for the sex and strip industry as 'moralistic'. Even researchers like Sanders, whose work exposes the abuse within the industry, still assert that opposition to the strip industry is driven by 'morality' rather than the inference that her own research leads to - that the industry itself is inherently incompatible with equality and human rights.

Unlike academic researchers, if Councils dismiss concerns with the industry as 'moralistic' they will be in breach of equality law. Indeed was a key reason Judicial Review was granted against Sheffield City Council on its re-licensing of its Spearmint Rhino strip club:

.. There is a tenable basis for the Claimant's inference that the Defendant [Sheffield City Council] has **wrongly ignored objections** based the potential impact on gender equality treating them as **moral objections** and irrelevant."

Judge's observation when granting permission for Judicial Review:
Honourable Mrs Justice Nerys Jefford, DBE, Justice at High Court Queen's Branch Division, 2016

Breach of the PSED - 'Regulation' Cannot Protect Women

As highlighted throughout this document, there are simply no 'regulatory measures' that can be put in place to make lap dancing PSED-compliant, or even safe.

Clubs find ways to break every single rule, regulation and security measure. There is far too much money - and misogyny - at stake for them not to.

The fact that the most basic regulatory condition – no sexual contact - is routinely broken in essentially every lap dancing venue in the country means Councils are in very unsafe territory if they think it is reasonable to suggest that *any other* regulations they put forward can be enforced.

CCTV

I was drugged and raped by a security guard in a private booth. It was all on CCTV. But the evidence was still deemed 'inconclusive' in court

Rachel

The fact that a woman can be raped by security on CCTV, with the case going to trial and still no conviction surely speaks for itself. If even rape cannot be stopped, how can all the lesser misdemeanors that are routine in the strip industry?

CCTV will always have blind spots (often these are specifically pointed out to performers). Or, because it is only by performing sex acts that performers can make any money, dancers will work out the 'blind spots' for themselves. And, to be effective, banks of permanently monitored CCTV is needed, closely scrutinised by an army of totally trustworthy individuals who will step in at every single breach.

And of course, CCTV can be wiped.

Security and House Mums

Security guards invariably turn a blind eye to rule breaking and are often the perpetrators of abuse whether against performers in clubs or women passing by clubs.

Lap dancers themselves will often bribe security or house mums to 'turn a blind eye'

And performers are threatened and intimidated if there is any suggestion that they will expose rule breaches.

Other 'Rules and Regulations'

Some Councils write additional rules and regulations into their licensing policy. These might include:

- A limit on the number of performers in the club
- No fining of lap dancers
- Not forcing performers to drink alcohol

Although these may all sound wonderful, that does not make them little more than a piece of paper to absolve Councils' responsibilities. And it certainly does not make them PSED-compliant.

Simply having a rule is meaningless when it cannot possibly be enforced. And if Councils have any understanding of the machinations of the industry (as is their duty under PSED and SEV legislation) they will know that no rule is enforceable.

Lap dancers are not PAYE, Councils cannot possibly know how many women are working in a club at any one time. They have to rely on the Club giving them an honest record of dancers' presence.

How is the Council supposed to find out if dancers are being fined or not being forced to buy drinks? Do they really think a lap dancer is going to complain to them? But clubs exert a high degree of power and control over performers, if any dancer threatens to complain they are intimidated, threatened or bribed. If they do complain, CCTV will be wiped to make it appear as if they were never there and they will be blacklisted at the club and others.

Councils cannot even know if the rules and regulations are being properly expressed to the performers they are supposed to protect. Are they going to take the club's word on it? Are they going to take the performers' word, when every club works so hard to ensure no performer is going to speak out against it?

It is NOT Pro Equality to license clubs to stop them 'Going Underground'

It is frequently suggested by advocates of the industry that it is actually *pro equalities* to license clubs so they can be regulated, otherwise they will 'go underground where they cannot be regulated. A circular argument, surely, as by that logic anything and everything should be legitimised in order to stop it 'going underground'. Besides, as the licensed strip trade cannot be regulated – it already behaves like an underground industry

No Evidence of Underground Clubs

The evidence used to support this claim (and used by Councils, such as Sheffield City Council) appears to have come from a research paper by a lap dance enthusiast (Colosi), which cites a book about New York: <https://www.publishersweekly.com/978-0-446-52571-8>

This book was written by a man who co-authors work with Erin Brokovitch and Barry White. It is not academic research. Many of the clubs dubbed 'illegal' might not be 'illegal' (as in unlicensed), but rather operating in breach of that license.

In the UK, there is no evidence of a thriving underground lap dancing industry. None of the Councils who we contacted with a zero policy for the industry have any evidence of the industry going underground.

Illegal Clubs can be Found and Shut

Illegal clubs can be found and shut. If punters can find them, so can the authorities.

Private Parties are NOT Underground Strip Clubs

On closer probing, it appears that when claims are made that the industry will 'go underground' what seems to be being referred to are 'private parties with strippers'. This is *not* an underground strip club. Private parties that hire lap dancers (or prostitutes) are sadly going to happen regardless. But they are surely more likely to happen and be seen as totally acceptable in a culture that condones the high street presence of strip clubs.

The rationale for stating performers will be driven into unsafe private hire parties appears then to be that lap dancers can't do anything else. We elaborate on the fallacy of this separately. But we would highlight here, yet again, that we call on all Councils which close strip clubs to provide meaningful exit support for women to leave the trade.

The Legalised Industry Drives the Illegal Industry

But most importantly, the core premise that not licensing the industry will drive it underground is on its head: **It is actually the legitimising of the sex trade that drives a substantial underground sector – as has been found in every country that has legalised or decriminalised prostitution.**

It is NOT Pro Equality to License Clubs to 'Keep Women Out of Poverty'

Another argument frequently made to justify licensing the strip industry is that if it is not licensed lap dancers 'will be put out of work and into poverty'. Again this is a circular argument of the sort used to justify sweatshops.

This analogy is particularly apt given that it is the strip industry which typically puts *women into poverty* and leads future *unemployment* – not just because of its poor pay and work conditions but because it can be hard for women when they do leave to then find employment (because of low self esteem, stigma or lack of qualifications).

It should also be pointed out that most lap dancers are 'itinerant' – working in many different clubs across the country. This is widely known within the industry and even was also acknowledged by Philip Kolvin, QC, at the last Spearmint Rhino licensing hearing. If one club closes, women are not 'put out of work' they merely move to another club.

It should also be recognised that, for the majority of women in the strip industry, lap dancing is not full time work. Some 1/3 are students and many others also hold down other jobs.

However, we call on all Councils to introduce an effective exit scheme for lap dancers when clubs are closed. Councils are responsible for these young women, having put them into an abusive and exploitative work environment by licensing the strip industry in the first place, they have an absolute obligation to then support women out.

In addition such schemes will be highly cost effective, not least because many lap dancers do not pay taxes (with all the conditions imposed upon them, it is very unclear that they are 'self employed'). It also saves the system the hugely costly medical or social support that women in the industry are likely to need the more time they spend in it.