

## **Analyses of Leeds Policy on Strip Clubs (SEVs).**

**The full policy can be found here:**

<https://www.leeds.gov.uk/docs/Sex%20establishment%20licensing%20policy.pdf>

In summary, this policy states that no strip clubs are appropriate anywhere in the borough as the industry is incompatible with gender equality and with the Vision for Leeds. And yet the Policy then states that 4 clubs are appropriate in the City Centre – a figure that appears to have been derived from opinions (feedback forms) from local stakeholders. The policy also suggests unworkable measures to 'protect' lap dancers.

We believe allowing 4 clubs in the City Centre is in direct breach of the Council's legally binding equality duties (as the Council itself acknowledges in the same policy).

We urge the Council to introduce a genuine Zero Policy for strip clubs and to stop licensing this deeply damaging industry.

We know the council is no stranger to Court proceedings against it by strip club operators as it has already shut down several clubs. In every case, Judges have ruled in favour of the Council. We urge the Council to be emboldened and to cease operating a strip club industry and provide exit strategies to support women out of the abusive strip trade.

## Key Points

### 2.10 Stakeholders' Views

The highest percentage of people thought 0 clubs appropriate in any locality

2.10 The survey asked what number should be set for certain localities.

	0	1	2	3	4	5	6	7	8+
A residential area	94%	2%	1%	0%	0%	0%	0%	0%	1%
A deprived area	85%	5%	3%	1%	2%	0%	0%	0%	3%
A rural area	79%	8%	6%	2%	1%	0%	0%	0%	3%
An industrial area	57%	12%	11%	6%	4%	3%	1%	1%	5%
A busy late night economy area	47%	13%	13%	7%	5%	3%	2%	3%	7%
A built up area i.e. a town centre	44%	13%	13%	7%	7%	5%	3%	3%	7%
The city centre	26%	5%	9%	10%	9%	12%	4%	12%	13%

The policy then went through locality by locality, noting that 11% of the population are from ethnic minority backgrounds

### 5.1 Vision for Leeds

The policy states that the Vision for Leeds is to be 'child friendly', tackle anti social behavior and end violence against women.

### 7.9. SEVS are NOT in accordance with LEED's Vision

The policy states that strip clubs, SEVS, are **not in accordance with the vision for Leeds**:

7.9 The Council has taken account of its own corporate strategies and priorities as represented by its Vision for Leeds 2011 to 2030, Leeds Unitary Development Plan, Violence Against Women Strategy and Child Friendly. The council believes that, in taking these strategies into consideration, **SEVs are not in accordance** with a culturally rich and diverse city. In particular **SEVs tend not to be inclusive** facilities, appeal only to a narrow sector of the community and are unlikely to enhance the cultural and child friendly reputation of the city.

### 7.10 SEVs are COUNTER Gender Equality

The Policy clearly states strip clubs are counter equalities and that it is **anti equalities to have any SEV in any locality**:

7.10 The council has had due regard to the need to advance equality of opportunity between men and women. It considers that the presence of SEVs **in any locality** of Leeds will **not advance equality** of opportunity of women workers or residents. It recognizes that a nil per locality policy may reduce the employment opportunities for dancers. However is also recognises that those working in SEVs are often **peripatetic and self-employed** and will retain the opportunity to find employment as performers in other venues in Yorkshire or in other roles in the entertainment industry. The council believes that, on clear balance, in **gender equality terms, its policy is both supportable and correct.**

### 7.16 Nil Cap *OUTSIDE* Of City Centre

Policy states No SEVs are appropriate outside of the City Centre.

### 7.17. 4 SEVs Allowed in City Centre

The policy states Four SEVs are appropriate inside the City Centre.

No indication is given as to where this figure was derived from.

The decision to ALLOW Clubs in the city centre is seemingly based purely on resident's/stakeholder's feedback forms NOT on equality and other considerations.

**In fact this decision is in direct conflict with 7.9 and 7.10, Leeds Vision for the City and Leeds Gender Equality Duties.**

**We suggest it could be legally challenged under the Public Sector Equality Duty**

### 7.20 It is *Not* A Breach of Human Right not to have SEVS

#### **Human Rights**

7.20 The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- **Article 6** that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- **Article 8** that everyone has the right to respect for his home and private life.
- **Article 10** that everyone has the right to freedom of expression.
- **Article 1 of the first protocol** that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence.

The suggestion that it is a breach of human rights not to license an SEV (eg of license holders) has already been debunked by several leading legal experts.

## Equality Act 2010

Considerable reference is made to the Equality Act, specifically the **PSED** (Public Sector Equality Duty):

7.25 The Equality Act 2010 places a duty on the council to exercise its functions with due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- Advance equality or opportunity between persons who share relevant protected characteristic and person who do not share it;
- Foster good relation between persons who share a relevant protected characteristic and persons who do not share it.

### **7.27 Extend of Equality Duty**

- It, wrongly, does not include the duty to women in wider society
- It, correctly, recognises impact on women in vicinity

7.27 The council is aware that sex establishments tend to be predominantly marketed to men and that the licensing of these establishments must not encourage discrimination against women especially in regard to women who work at the premises, women who may wish to visit the premises or women who are using the area for other purposes but who may feel intimidated by the presence of such premises.

However there is substantive evidence that SEVs (even with no signage and even when shut) make women feel intimidated and stop them from using the surrounding area. This is a breach of equality law and the human right to 'freedom of movement'.

More Here <http://www.notbuyingit.org.uk/sites/default/files/No%20Go%20Zones.pdf>

### **7.28 Policy states 'Due Regard to Equality Paid'**

7.28 Accordingly, due regard has already been and will continue to be given during the review of this policy, to the determination of licences and the attaching of conditions.

A *statement* that due regard has been, and will be, paid does not satisfy the PSED. The PSED is not a box ticking exercise it must be clearly shown *how* due regard has been paid.

**HOW has 'due regard' been paid in this policy which has acknowledged several times that SEVS are not in accordance with the vision of the city or with gender equality?**

## **Futile measures to protect dancers**

The policy contains at least one totally futile measure to 'protect dancers' which it considers in keeping with the PSED. Such measures have been pushed by academics like Teela Sanders, major advocates of the porn and sex industry with a clearly vested interest to facilitate the strip industry and its expansion.

Relying on ideological and biased material in itself could be seen as a breach of the PSED, whilst introducing unworkable policy based on it absolutely does not satisfy the PSED.

A number of Councils have been dubbed 'Gold Standard' for the terms and conditions 'imposed' on their SEVs, as recommended by Sanders at al. Clubs in such Councils have been exposed with the same gross violations just as clubs operating without such 'restrictions'.

**More Here:** <http://www.notbuyingit.org.uk/sites/default/files/Strip%20Sleaze%20Recent.pdf>

### **7.37 Fining of Dancers 'Banned'**

#### **Fining**

- 7.37 The council is aware that in SEVs in Leeds it is the usual practice of some businesses to fine dancers for misdemeanours such as chewing gum, wearing inappropriate clothing or being late for a shift. The practice of fining can lead to an air of mistrust and resentment in the work place. More importantly in all the cases of fining that have been noted in premises in Leeds the (predominantly male) management fine female dancers, but not bar staff or door staff. The management of premises should seek alternative methods for dealing with misdemeanours perpetrated by dancers, who in the main are self-employed and peripatetic.
- 7.38 Therefore, for reasons of gender inequality, a standard condition has been imposed on all new and renewed licences to prohibit the practice of fining.

'Banning' Clubs from fining dancers is totally unenforceable and does not satisfy the PSED:

It is grossly naive to think any Council can 'ban' strip clubs from fining performers. This is a major way the clubs keep control over dancers. As the Council has already acknowledged, most dancers are self-employed and itinerant (this employment status gives clubs immeasurable power and control over dancers).

How can the Council possibly find out if a club has fined a dancer? Dancers will not, and cannot, complain. They are routinely threatened, harassed and even assaulted by management to prevent this from happening. This abuse escalates if any dancer threatens to complain. If a dancer does complain, it will be her word against the clubs. How can she possibly prove what was done to her, when the onus will be on her to prove? Apart from anything else, clubs routinely wipe CCTV and all other records that the dancer was even there on the night. If a complaint ever does get to this stage, the performer knows full well that the club will be 'black listing' her with all other venues – effectively causing her unemployment.

**Taken together the concept of 'banning fining' or being able to actually enforce any other meaningful terms and conditions on clubs is null and void and does not fulfill the PSED**

**More Here:** <http://www.notbuyingit.org.uk/sites/default/files/UnsafeUnfit.pdf>