

**A GROWING TIDE:
LOCAL AUTHORITIES
RESTRICTED BY
INADEQUATE
LICENSING LAWS
FOR LAP DANCING
CLUBS**

OBJECT 2008

CHALLENGING SEXUAL OBJECTIFICATION

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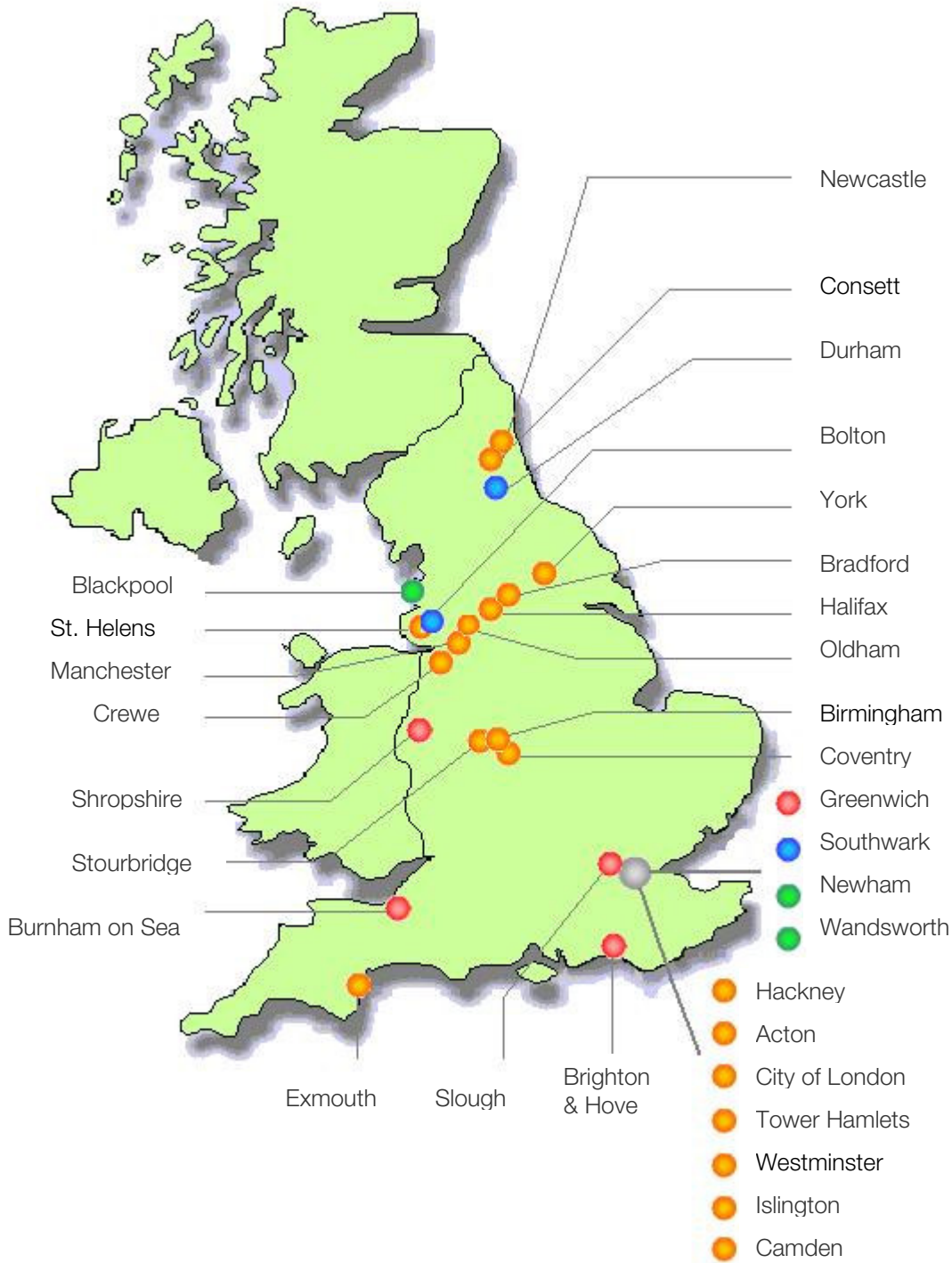
“The Department of Culture, Media and Sport’s decision to treat all licensed premises as homogenous is a worrying precedent, as it is clear that venues offering adult entertainment involving nudity function and interact within the local community in a unique way.

In addition, the Licensing Act 2003 has made it increasingly problematic for Local Authorities to monitor clubs and applications in their jurisdictions.

In order to end social inequality and to give all residents, workers and visitors the same opportunities to thrive and to use the late night economy, the DCMS will need to change its stance to recognise that adult venues need to be treated differently, and carefully monitored.”

Inappropriate Behaviour: Adult venues and licensing in London, The Lilith Project, Eaves Housing for Women 2007

A Growing Tide: Geographical summary of case studies featured in this report



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| ● | Successful legal challenges brought against local authorities by lap dancing club operators |
| ● | Successful legal challenges brought against lap dancing clubs by local authorities |
| ● | Lap dancing club applications blocked following community opposition |
| ● | Experiencing serious problems with primary legislation |

1 INTRODUCTION

The term ‘lap dancing club’ refers to establishments which make the majority of their income from ‘erotic dancing’ of an adult nature featuring women. This includes routines referred to as lap dancing, table dancing, pole dancing, stripping and striptease. They are also commonly referred to as ‘gentleman’s clubs’

The normalisation of lap dancing in British towns, cities and mainstream culture has been rapid since the first UK lap dance club opened in 1995. From retailers such as Amazon and Tesco marketing pole dance kits complete with toy money as toys and games¹ to leisure centres offering pole dance classes to children and adolescents as young as twelve² the impact of lap dancing club proliferation has been far reaching. Efforts by the lap dancing industry to market itself as part of the leisure industry and not as a sector of the commercial sex industry have played a key role in this process³ and today an estimated 300 lap dancing clubs operate across the UK⁴.

This rapid expansion has been facilitated by a licensing regime which does not recognise lap dancing clubs as part of the commercial sex industry. Instead current legislation places them in the same category as cafes, karaoke and public houses and requires that licence applicants purchase only a Premises Licence.

This categorisation is wholly inadequate given that evidence indicates lap dancing clubs are part of the commercial sex industry. Many establishments are run in such a way that implicitly encourages clients to seek and expect sexual services from performers and there is evidence that this occurs in some clubs⁵.

Furthermore, the Licensing Act 2003 introduced fundamental restrictions to the capacity of local authorities to regulate lap dancing clubs. In taking their lead from the Act many local authorities no longer monitor lap dancing club licences and are limited in the conditions they can impose on licences. Several local authorities who have attempted to impose tougher regulation have been successfully legally challenged by lap dancing club operators. This has acted as a deterrent to other local authorities from taking a tougher stance and acted as a stimulus to the lap dancing industry.

This report brings together evidence from England and Wales illustrating that primary legislation with regard to lap dancing clubs is inadequate. Liberalisation of licensing post-2003 has led to a boom in lap dancing clubs which local authorities have been ill-equipped to regulate. Moreover, licensing objectives, as set out in the Licensing Act 2003, do not adequately reflect the social impact associated with such venues and have made it difficult for residents to have a say in the licensing of lap dancing clubs. The report highlights growing calls from local authorities for change to primary legislation with regard to lap dancing club licensing.

key points

Lap dancing clubs should be brought into the **Sex Encounter Establishment** licensing regime:

- Inclusion of lap dancing clubs in the Premises Licence regime does not reflect the true nature of lap dancing clubs which research confirms are part of the commercial sex industry. Current licensing does not equip local authorities with the regulatory powers necessary to deal with their unique social impact.
- This should be addressed by bringing lap dancing clubs into the existing licensing category of **Sex Encounter Establishments**. This category is used to licence venues where live performances are given which wholly or mainly comprise of sexual stimulation of the persons admitted to the venue. This licensing category provides a better reflection of the nature of lap dancing clubs.
- Re-categorising lap dancing clubs as Sex Encounter Establishments would equip local authorities with the regulatory powers necessary for venues which form part of the commercial sexual industry. These powers already exist for sex shops and sex cinemas.
- Local authorities would have better capacity to monitor lap dancing club licences, be better placed to control the number of licences granted and would have improved powers to adequately control working practices.
- Re-categorisation of lap dancing clubs as Sex Encounter Establishments would allow local communities to have a greater say in the granting of licences to lap dancing clubs.
- **This report highlights the need and growing call for this re-categorisation to take place.**

2 LAP DANCING CLUBS

the full picture

Lap dancing clubs have a particular social impact, which goes beyond that of other forms of entertainment included in the Premises Licence category:

Working practices: Inclusion of lap dancing clubs in the Premises Licence regime has limited the control that local authorities can exert on their working practices and effectively allowed the industry to self-regulate. This is inadequate given that research has shown that financial and sexual exploitation occurs in lap dancing clubs. Women working in many lap dancing clubs face poor working conditions and as self employed workers have no employment rights or income security. Women pay a fee to work in clubs, are subject to fines for being late and incurring debt to club owners is a common experience for many performers⁶.

The ratio of performers to customers is often high, so as to provide a wide range of women for customers to choose from and this leads to intense competition between performers⁷.

A Key Part of the Sex Industry: Lap-dancing clubs market women as sexual commodities and research shows that in many venues the working conditions described above create a climate in which customers expect and demand sexual services. Competitive working conditions and the fact that the performers derive their income solely from customers are important factors in creating this climate⁸. The inclusion of private booths in lap dancing clubs is also a key factor.

A number of lap dancing clubs have been fined for breach of licence conditions, most recently in Blackpool⁹ and there have been multiple police investigations into misconduct in lap dancing clubs¹⁰.

The relationship between lap dancing clubs and increased demand for the purchase of sex was recently highlighted in a study of men who buy sex in East London. This research indicated that men who buy sex are highly likely to be using all aspects of the sex industry, such as lap dancing and pornography and that these different aspects act as drivers increasing demand for the purchase of sex.¹¹

“The fact is that if you break the rules, you make more money. If one dancer starts breaking the rules then the pressure is on others to do the same.

Otherwise a bloke would think, Well, that dancer charged me £20 and stayed three feet away, but that one charged me just the same and she put her breasts in my mouth and sat on my crotch.

Once you've been there a while, you learn that certain things are profitable, and no contact is the first rule you learn to break. Eventually you start to wonder, what is the difference between me and a prostitute?”

Former lap dancer, quoted in *The Guardian*, 19.03.08

A 'Pull Factor' in Human Trafficking: Research shows there is a clear link between increased demand for the buying of sex and the phenomenon of human trafficking for sexual exploitation¹². Demand for the buying of sex has been increased by diversification of the commercial sex industry and lap dancing clubs have played an important role in this diversification¹³. The proliferation of lap dancing clubs has helped to normalise the commercial sex industry and implicitly promoted and supported paying for sexual services as a legitimate leisure activity¹⁴. By reinforcing the idea that it is acceptable to view women as sexual commodities lap dancing clubs have an impact on the factors driving human trafficking flows¹⁵.

Gender Equality: The Gender Equality Duty 2007 requires public bodies to promote gender equality and to eliminate sex discrimination. It requires positive action to be taken to ensure that the different needs of women and men are considered in terms of public authority decisions and take appropriate steps to promote gender equality.

Lap dancing clubs normalise the sexual objectification of women in contradiction to efforts promoting gender equality¹⁶. By restricting the capacity of local authorities and residents to have a say in the licensing of lap dancing clubs, primary legislation does not take the Gender Equality Duty sufficiently into account in the licensing of such venues.

Impact on Safety: Research suggests that lap dancing clubs have a negative impact on the safety and well being of women living and working in the vicinity, both in terms of actual assault and in less measurable effects such as increased harassment and fear of violence¹⁷. In 2003, research conducted by the Lilith Project found that the rate of sexual assault increased by 50% in the London Borough of Camden following a series of club openings¹⁸.

Moreover, research has pointed out that the expansion of lap dancing clubs needs to be considered in the context of a culture in which sexual violence against women is endemic¹⁹. A rape is reported to the police every 34 seconds²⁰ and rape remains the crime with the lowest conviction rate in England and Wales²¹. Lap dancing clubs normalise the representation of women as being always sexually available and this is worrying in light of widespread public opinion that women are in some way responsible for sexual assaults perpetrated against them²².

"In Tower Hamlets you've got Metropolis Strip Club, you've got Images Strip Club, you've got five strip clubs all the way along Hackney Road to Shoreditch High Street, that's five within a one mile radius.

Now any red-blooded male goes to these strip clubs, it's waving it in his face, so he's going to leave there and he's going to feel turned on... It's all very well having a gorgeous woman dancing on the stage, but that man in the back of his mind is thinking he wants to have sex with her but he can't"

It's just like going to the Supermarket: Men Buying Sex in East London, Report for Safe Exit, 2007

3 CURRENT LICENSING

licensing act 2003

The Licensing Act 2003 introduced fundamental changes into the relationship between Licensing Authorities and the clubs under their jurisdiction. The legislation has had the following consequences for local authorities, residents and women:

LOCAL AUTHORITIES

Limited grounds for objections: Under previous legislation, individual councils had powers to set their own rules and restrictions upon clubs wishing to set up in their jurisdiction. Some local authorities used this power to the fullest, effectively operating a 'null' policy towards lap dancing clubs.

However local authorities must now consider all new applications equally, irrespective of the nature of the venue providing they do not contravene licensing objectives on:

- Public order
- Public safety
- Protecting children from harm
- Creating a public nuisance

No objections can be lodged outside of these objectives and residents can no longer challenge the 'strip clauses' in licences.

Monitoring difficulties: Many local authorities no longer monitor lap dancing clubs, having taken their lead from the Department for Culture, Media and Sport (DCMS) by classing lap dancing clubs like every other venue holding a Premises Licence. The result is that these local authorities do not know how many lap dancing clubs are licensed in their jurisdiction.²³

Longer licences: Residents could previously challenge licences at renewal hearings (every 1-3 years). However licences post-2003 are not subject to renewal every 1-3 years. They can be valid for up to 10 years, or the life of the premises if no significant changes are made to management. This means that residents have far fewer opportunities to raise concerns arising from lap dancing clubs in their area.

Lack of penalties: Longer licences means licence withdrawal is no longer available as a threat to clubs who contravene licensing conditions and disregard the human rights of their workers. Furthermore, they can no longer be held to account annually.

Licensing Act 2003

The Licensing Act 2003 came into force on 24th November 2005 and replaced previous legislation, including the London Government Act 1963 and local authority Public Entertainment Licences (PELs) that had previously governed the licensing and management of strip clubs and lap dancing venues across England and Wales.

Before the Licensing Act 2003 took effect, a lap dancing club venue needed two PELs; one with a Special Nudity Permission to hold lap dancing or strip events, and a second (usually more expensive) licence to serve alcohol. The 2003 Act means that such venues now only require a Premises Licence.

'Grandfather rights': Lap dancing clubs have access to 'Grandfather Rights', which allows premises that have been licensed for a long period of time to easily gain new licences, providing they do not try to alter restrictions already placed upon them. This was a clause set down by the DCMS allowing all previous licensees to convert their licences 'as is' without any additional restrictions being added.

Monitoring difficulties: Many local authorities no longer monitor lap dancing clubs, having taken their lead from the DCMS by classing lap dancing clubs like every other club holding a Premises Licence. The result is that these local authorities do not have accurate figures on the number of lap dancing clubs in their jurisdictions.

PROBLEMS FOR RESIDENTS

More obstacles: As outlined above the Act has introduced several mechanisms which make it more difficult for residents to oppose lap dancing clubs in their communities. In addition;

Objectors must pass a geographic test: Objections are restricted to people living and working within 100-200m of the proposed club. This is despite the fact that people living outside of the area of objection still work, travel and use the amenities near the proposed club. They may still therefore experience the negative impact of the licence in increased harassment and sexual commentary.

WOMEN

Limited protection of women working in lap dancing clubs: Local authorities can no longer impose conditions to protect performers; such as conditions on the distance between them and clients.

Failure to address the safety impact on women living near lap dancing clubs: Lap dancing clubs can impact negatively upon women in the vicinity. However women are only able to raise objections if they live within 100m of a proposed venue. This ignores the fact that women may not live within 100m of a lap dancing club but still have to regularly travel past one to get to work or their home. It is an important consideration given research shows that women feel more threatened travelling at night than men and are more likely to restrict their travel plans based on fear of crime²⁴.

Licensing does not deal with sexist advertising: Under the 2003 Licensing Act, licensees are only required to declare that they will offer entertainment of an adult nature and justify how they will protect children from harm. This protection typically involves refraining from posting 'adult' images outside the venue, blacking the windows and imposing an over 18s policy. This does not extend to removing advertisements on trucks and billboards which are frequently used by the industry.

Accepted grounds for licence withdrawal neglect women's safety: A licensee can only have their licence revoked if they violate their operating schedule (which may not have any restrictions upon lap dancing listed) or by contravening one of the DCMS licensing objectives, which do not include women's safety as a high priority.

4 POLICY RESPONSE TO LAP DANCING IN SCOTLAND

overview

In 2004, lap dancing venue “For Your Eyes Only” applied for an entertainment license in Glasgow. Although Glasgow City Council objected to the application, the club was granted a generic entertainment license and was able to open. In 2004 Glasgow City Council commissioned research from London Metropolitan University into lap dancing across the UK, and placed lap dancing within its violence against women and equalities agenda. In 2005, the City Council appealed the decision, but was denied the right of appeal.

Recommendations from the London Metropolitan University research report and the experience of Glasgow City Council prompted questions around the powerlessness of local authorities to regulate lap dancing/adult entertainment venues. This led to a review of the Civic Government (Scotland) Act which recommended that licensing of “Adult Entertainment” venues required separate work and in March 2005 the Adult Entertainment Working Group (AEWG) was established under Public Services Minister Tom McCabe.

In 2006 the AEWG published recommendations based on consultations with the public, visits to premises where Adult Entertainment (AE) took place and economic impact assessments. In October 2006 the Scottish Executive agreed to reject one recommendation, accept 5 “in their entirety” and accept 3 with modifications. (See Appendix 1). The recommendations included designing a definition of adult entertainment specifically for licensing purposes, the removal of private booths from lap dancing clubs and a strategic approach to the gender aspect of adult entertainment.

impact

The working group looked primarily at regulating, rather than opposing the Adult Entertainment industry and the recommendations were produced with a double impact in mind - increasing women’s safety and decreasing demand for the purchase of sex²⁵.

With the change in administration in May 2007 efforts to successfully implement regulations have been put on hold and many local authorities are awaiting guidance from the Scottish Government.

However, some local authorities have already developed voluntary codes of conduct (for example, Glasgow City Council). Whilst the recommendations have yet to make an impact on the Scottish Adult Entertainment industry, the work of the AEWG helped to get lap dancing on to the agenda, and enabled access to clubs which in turn shed light on the true nature of lap dancing clubs²⁶.

“One of our key recommendations is that the Scottish Executive should develop a co-ordinated strategic approach to the issue of gender based exploitation.

We realised early on that there were a number of Working and Expert Groups examining and advising the Executive on issues that were linked in some way with the AEWG’s remit.

It is no accident that this work is being undertaken because sexual behaviour and gender inequality affect so many areas of everyone’s life”
(AEWG, 2006)

5 THE GROWING TIDE a summary

In 2007 Eaves Housing contacted every London local authority and interviewed their licensing authority on the subject of licensing of lap dancing clubs. *Half* of the licensing authorities interviewed expressed concern with restrictions to their licensing powers in light of the Licensing Act 2003. This clearly shows that inadequate legislation is not affecting a minority of local authorities but a *large proportion*.

Sections 6 - 11 outline key case studies of local authorities facing serious problems with primary legislation UK-wide. It should be stressed however that it is not meant as an exhaustive list and has been compiled through a review of existing research, online resources and interviews with licensing authorities. A summary of these key case studies follows:

16 London local authorities are concerned with restrictions to their licensing powers in light of the Licensing Act 2003 ¹

At least **25** local authorities across England and Wales have experienced serious problems with primary legislation

5 lap dancing club operators have successfully brought legal challenges against local authorities

1 community coalition has successfully legally challenged a lap dancing licensing decision

LOCAL AUTHORITIES ALREADY SEEKING TO CHANGE PRIMARY LEGISLATION

Clause 23 of the 10th London Local Authorities Bill (10th LLAB) currently making its passage through Parliament, aims to give London boroughs greater control over premises which 'were it not for the 2003 Licensing Act would be classed as Sex Encounter Establishments' (10th LLAB, London Councils). The clause aims to deal with issues relating to 'grandfather rights' for venues who first obtained licences pre-2003.

Brighton and Hove Council has consulted on the possibility of a Private Bill which would allow it to licence lap dancing clubs as Sex Encounter Establishments. Funding has been ring fenced for such a Bill.

The London Borough of Tower Hamlets is undertaking a Scrutiny Review of Striptease Licensing Policy whose working group will publish recommendations later this year and is considering lobbying for a change to primary legislation to enable it to bring lap dancing clubs under the Sex Encounter Establishment licensing regime.

Local authorities experiencing serious problems with primary legislation for the licensing of lap dancing clubs

- Shropshire
- Brighton and Hove
- Durham
- Stourbridge
- Newcastle
- Manchester
- Blackpool
- City of London
- Tower Hamlets
- Westminster
- Coventry
- Halifax
- Bradford
- Greenwich
- Burnham-on-Sea
- York
- Consett
- Birmingham
- St Helens
- Crewe
- Oldham
- Exmouth
- Slough
- Islington
- Camden
- Worthing
- Torbay
- Wandsworth
- Southwark

Successful legal challenges brought against local authorities by lap dancing club operators

- Shropshire
- Brighton and Hove
- Slough
- Greenwich
- Burnham on Sea

Successful legal challenges brought against lap dancing clubs by local authorities

- Bolton

Successful legal challenges brought against lap dancing clubs by residents

- Durham (and challenged by applicants)
- Southwark

Lap dancing club applications blocked following community opposition

- Newham
- Blackpool
- Wandsworth

Ongoing licensing issues

- Hackney
- Stockton
- Durham
- Exmouth
- Torbay
- London Councils

6 SUCCESSFUL LEGAL CHALLENGES BROUGHT AGAINST LOCAL AUTHORITIES BY LAP DANCING CLUB OPERATORS

6.1

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| | <i>Brighton and Hove</i> |
| Licensing situation | In 2005 when the Licensing Act 2003 took effect, Brighton and Hove had two striptease clubs and under previous Public Entertainment licensing both had various conditions on their licences. Since the Act, 5 applications for lap dancing have been received. The council refused a licence to the Spearmint Rhino Rocco Mana club; this was over turned by a Magistrates Court and led to two other venues requesting to vary their licences Brighton and Hove now has 4 fully nude lap dancing clubs. A refused licence is currently being appealed by the applicant. |
| Action | Brighton and Hove City Council subsequently investigated the feasibility of pursuing a Private Bill to allow it to licence lap dancing clubs as Sex Encounter Establishments. Following a change of council leadership the issue has been put on hold, although funding for the Private Bill has been ring fenced following a recent motion by Labour Party councillors. |
| Supported by | Action has been led by Councillors Gill Mitchell and Jean Lepper. Brighton MPs Celia Barlow and David Lepper are also supporting the call to change licensing. The Leader of the Labour Group, Convenor of the Greens and Leader of the Liberal Democrats have requested that the Leader of the Council condemn any further expansion of lap dancing and strip clubs in the City of Brighton. |

6.2

| <i>Greenwich</i> | |
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| Licensing situation | Since the Licensing Act 2003 came into effect Greenwich has approved 2 licences for lap dancing, including a 2006 application to hold lap dancing in the 'Caffrey's Pub' venue. |
| Action | <p>Over 800 residents protested against the licence application and presented a petition to Greenwich Council outlining their objections. However, the licensing authority stated that there were no legal grounds for refusing the licence and it was subsequently granted.</p> <p>In the face of further protest Greenwich Council issued a temporary stop notice to the venue on the grounds that the correct planning permission had not been sought.</p> <p>This was legally challenged by the pub owner who won his appeal in October 2007.</p> |
| Supported by | The resident petition was organised by resident Sharon Driscoll and Councillors Mary Mills, Richard Quibell and Chris Roberts. |

6.3

| <i>Burnham-on-Sea</i> | |
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| Licensing situation | Burnham-on-Sea saw its first lap dancing club granted a licence in April 2006. Local councillors expressed concern that licensing legislation restricted their ability to control lap dancing ²⁷ . In the same year Sedgemoor District Council's licensing panel refused an application to extend the hours at Burnham night-club Shakers and to allow 'gentlemen's evenings'. ²⁸ |
| Action | Shakers Nightclub legally appealed this decision and in February 2007 Bridgewater magistrates upheld the appeal, granting Shakers a licence to hold lap dancing. |
| Supported by | Burnham-on-Sea Police and local residents ²⁹ |

6.4

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| | <i>Shropshire</i> |
| Licensing Situation | Shropshire council rejected a lap dancing licence application in April 2007 on the grounds that the site was unsuitable and would increase fear of crime among residents. |
| Action | Gemini Games Ltd mounted a legal appeal against the decision and in December 2007 the licensing decision was overturned. In January 2008 MP Daniel Kawczynski wrote to Shrewsbury Police Authority asking for their support in opposing the appeal's decision. The lap dancing club will be opening shortly. |
| Supported by | Daniel Kawczynski MP |

6.5

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| | <i>Slough</i> |
| Licensing Situation | In 2005 Slough public house The Flag's applied to hold lap dancing twice a week. |
| Action | <p>Slough Council's Licensing Committee refused the application on the grounds that residents had expressed concerns for their safety arising from customers' actions as they left the venue.³⁰</p> <p>The applicant legally challenged this decision and was successful. The Flag's now holds 'Gentleman's Evenings' on a regular basis and has a private dance area.</p> |
| Supported by | Councillor Raja Zarait, Ward Member for Chalvey |

7 SUCCESSFUL LEGAL CHALLENGES AGAINST LAP DANCE CLUBS BROUGHT BY LOCAL AUTHORITIES

7.1

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| | <i>Bolton</i> |
| Licensing situation | Bolton has had problems with two venues; Seven Stars Pub and J2 |
| Action | <ol style="list-style-type: none">1. Seven Stars: Residents lodged a string of complaints after a pub applied to provide table dancing 7 nights a week. The pub owner withdrew the licence application a week before the licence was due to be considered by the Licensing Committee.2. J2: Bolton Council blocked the licence application for a lap dancing club in the city centre. The applicant appealed against the decision and was successful at a hearing two months later at Bolton Magistrates Court. Bolton Council pursued the matter at the County Court, claiming the club would breach the covenants of the lease which restricted what could be carried out inside the premises. The council argued it would be a nuisance and annoyance to neighbours and that the club was in a "conservation area", among "well-established, professional businesses". This appeal was successful and the venue was prevented from opening. |
| Supported by | Council Leader Barbara Ronson and Councillors Anthony Connell and Sean Hornby all raised their objections with the Licensing Committee. |

8 SUCCESSFUL LEGAL CHALLENGES AGAINST LAP DANCE CLUBS BROUGHT BY RESIDENTS

8.1

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| | <i>Durham</i> |
| Licensing situation | Durham City Council approved a provisional license for The Loft Nighclub to hold lap dancing in August 2007. A consortium of community groups, supported by Durham Police appealed the licence in a 3 day hearing at Durham City Magistrates' Court in December 2007. |
| Action | The court ruled against the licence, with Bench Chairman Glynn Jones stating they heard "compelling evidence" that a lap dancing club would only aggravate problems of late night nuisance and disorder in the city. The Council upheld the ruling and reversed the licence. However the case has now gone to judicial review following an appeal by Vimac Lesiure, the applicant. |
| Supported by | Dr Roberta Blackman-Woods MP, Councillor Peter Mitchell, Emma Carter; Durham Student Union, Durham Police Force, Dr Nicole Westmarland, Durham University, Dr. Broughtman, Dr Martin |

9 LOCAL AUTHORITIES FACING SERIOUS PROBLEMS WITH PRIMARY LEGISLATION

9.1

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| | <i>Stourbridge</i> |
| Licensing situation | Since implementation of the Licensing Act 2003 Stourbridge has seen its first lap dancing club open (in 2006) and is now expecting a second venue following licence approval in December 2007. The new venue will feature up to 50 nude dancers and a giant US-style pole dancing stage. Booths for private dances are also being installed ³¹ . When the second lap dancing club opens, Stourbridge will have 5 public houses and 2 lap dancing clubs. |
| Action | Dudley Metropolitan City Council stated it had not received any objections it could take into consideration under the Licensing Act 2003. |
| Supported by | Stourbridge Police and Lynda Waltho MP both raised concerns over the licences being granted. |

9.2

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| | <i>Tower Hamlets</i> |
| Licensing situation | Tower Hamlets has the second highest concentration of lap dancing clubs in London after Westminster. |
| Action | Tower Hamlets Council is currently undertaking a Policy Scrutiny Review following pressure from the community. The appointed working group will publish its recommendations later this year and is considering lobbying for a change to primary legislation to enable it to bring lap dancing clubs under the Sex Encounter Establishment licensing regime. |
| Supported by | Baroness Paola Uddin, Council leader Denise Jones, various councillors including Councillors Louise Alexander and Rania Khan, Safe Exit; a multi agency partnership of service providers to people in prostitution, St George Residents Association, CAPE (Campaign Against People Exploitation), K Building Residents Association, Spitalfields Community Association. |

9.3

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| | <i>Newcastle</i> |
| Licensing situation | Newcastle has four lap dancing clubs. A new lap dancing club application has been objected to by Cllr Joanne Kingsland and the Dean of Newcastle, Christopher Dalliston. |
| Action | Both objections were deemed invalid by Newcastle City Council who said they did not fit the criteria laid down by the 2003 Licensing Act. A motion to amend licensing policy was rejected by the council - Cllr Anita Lower, Liberal Democrat executive member for transformation, modernisation and regulation, said. "There is clear guidance from the Government that you can't ban lap dancing clubs on moral grounds" she said. "You must stick to the licensing objectives to ensure public safety, prevent crime, disorder and public nuisance and protect children from harm" ³² |
| Supported by | Councillors Nick Forbes and Joyce McCarty |

9.4

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| | <i>Manchester</i> |
| Licensing situation | Manchester City Council has faced a number of problems with lap dancing club licensing. Manchester has a number of lap dancing clubs including a student lap dancing venue. |
| Action | Councillors refused to renew a lap dancing club licence in 2003, after it emerged that the club was breaking licensing conditions by allowing nude performances and customers to touch performers. In 2007, an application for a lap dancing club was opposed by residents and nearby business owners but the council stated it was unable to block the licence, which was subsequently granted. |

9.5

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| | <i>City of London</i> |
| Licensing situation | The City of London previously enacted a ‘null policy’ for lap dancing clubs and currently licences no lap dancing clubs as a result. |
| Action | When interviewed by Eaves Housing in 2007, licensing officials stated they were extremely concerned that the borough would be unable to continue this policy in light of the new Licensing Act. The City Licensing Policy views venues offering adult entertainment involving nudity as undesirable applicants, but under the new Licensing Act 2003 they must consider all new applications for licensing equally, regardless of the activities that the applicant proposes, so long as they do not contravene the DCMS Licensing Objectives or the Licensing Statement ³³ |

9.6

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| | <i>Westminster</i> |
| Licensing situation | <p>Westminster has the highest concentration of lap dancing clubs in London – with a total of 20 venues. A large number of Westminster’s lap dancing venues were granted their post-Licensing Act licences as a result of ‘Grandfather Rights’ as outlined in Section 3.</p> <p>Consequently there is a great deal of variation between licences, with venues adjacent to each other often having completely different operating schedules. As a result tracking licences is difficult, particularly as Westminster only dispenses a limited ‘pool’ of adult licences, due to pressure from local resident groups. This has resulted in the borough being more likely to be targeted by unlicensed venues attempting to profit on the Soho reputation³⁴</p> |
| Action | The Licensing Authority states that, although its role is not as an authority of censorship, it will not consider any further applications for venues offering adult entertainment involving nudity unless there is an exceptional reason for doing so ³⁵ . However, under Licensing Act 2003 terms, all applications for a Premises Licence must be considered equally so the council may be unable to enforce this. |

9.7

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| | York |
| Licensing situation | York's first lap dance club opened in September 2006. Since then a second lap dancing club has been granted a licence. |
| Action | Councillor Sandy Fraser spoke of his concern at the 'spread of clubs of this nature' ³⁶ and residents lodged objections which the licensing authority stated were not in accordance with the Licensing Act 2003. The lap dancing club application was subsequently granted. |
| Supported by | Councillor Sandy Fraser |

8.8

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| | Consett |
| Licensing situation | Consett's first lap dancing club, Red Velvet, applied for a licence in 2006. |
| Action | <p>Over 1000 names were collected in opposition to the licence application, however only 200 were considered by the licensing authority as the other 800 came from residents who lived more than 200m from the proposed venue. Councillor Alex Watson, leader of Derwentside District Council, said opposition was unprecedented. He said: "If I said 80 per cent of the town was against this I would not be exaggerating. But the council is saying that some people's concerns are not legitimate as far as licensing is concerned because they do not live in the vicinity of the club. It is in line with the national guidelines and our solicitors are sticking to them rigidly."³⁷</p> <p>Derwentside District Council's Licensing Sub-Committee subsequently approved the licence stating that it had no legal grounds on which to reject the application³⁸</p> |
| Supported by | Opposition to the application was voiced by Council Leader Alex Watson, Councillor Clive Robson, Helen Daghish of the Youth YMCA. |

9.9

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| | <i>Bradford</i> |
| Licensing situation | In 2006 the Blue Pelican bar applied for a Premises Licence to allow lap dancing. |
| Action | The application led to months of public opposition led by the National Museum of Photography, Film and Television (NMPFT), located near to the venue. However the licence was eventually granted. |
| Supported by | Colin Philpott, NMPFT |

9.10

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| | <i>Halifax</i> |
| Licensing situation | In 2003 Halifax Council received an application to open La Salsa, the city's first lap dancing club. The licence was refused by the licensing authority. However following introduction of the Licensing Act 2003 the applicant resubmitted a licence application. |
| Action | La Salsa was subsequently granted a licence despite widespread public opposition ³⁹ . A licence for a second club was approved in April 2007, but the venue has yet to open. |
| Supported by | Opposition from residents was supported by Councillors Keith Watson and Colin Stout |

9.11

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| | <i>Coventry</i> |
| Licensing situation | Coventry's first city centre lap dancing club applied for a Premises Licence in October 2005. |
| Action | The licence was granted despite opposition from residents. City councillor Dave Nellist said 'I want the city centre to be a family-friendly place and I don't think a lap dancing club would be appropriate' ⁴⁰ |
| Supported by | Councillor Dave Nellist |

9.12

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| | <i>Birmingham</i> |
| Licensing situation | Birmingham has one of the highest concentrations of lap dancing clubs in the country. Public opposition, stimulated by full nudity posters and underage performers, led to Birmingham City Council undertaking a Lap Dancing Commission. This included representatives from the Church of England and the Business Improvement District Organisation. |
| Action | The Lap Dancing Commission agreed on fourteen regulations, including that nude performers must wear g-strings until the end of their performance. |
| Supported by | Councillors Penny Holbrook and David Osborn |

9.13

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| | <i>Oldham</i> |
| Licensing situation | Oldham has had problems with two lap dancing clubs; Legends and Players Lap and Pole Dancing Club. |
| Action | <p>In 2005, Legends was granted a licence to operate in the city centre despite opposition from community groups such as Oldham Youth Service and the owners of an adjacent nursery.</p> <p>In 2006 'Players Lap and Pole Dancing Club' lost its licence following evidence of sex acts being performed in the club. A police officer told the council that police officers had discovered customers touching dancers, evidence of drug use, and poor management practices.</p> |
| Supported by | Opposition to the licence applications included Oldham Youth Service, the owners of an adjacent nursery, Councillors Diane Williamson and Rob Blyth. |

9.14

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| | <i>St Helens</i> |
| Licensing situation | St Helen's first lap dancing club venue applied for a license in late 2006. |
| Action | The club was granted a licence in December 2007, despite concern from residents. A spokeswoman for St Helens Council said: "The Joker's Bar has an entertainment license. Under new legislation they do not have to apply for a further licence. The council have no jurisdiction" ⁴¹ . |
| Supported by | Residents concerns were backed by Tim Hyde of St Helens Baptist Church. |

9.15

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| | <i>Crewe</i> |
| Licensing situation | Crewe's first lap dancing club, Manhattan, applied for a licence in 2006. |
| Action | Despite opposition from residents the licence application was approved by Crewe and Nantwich Council who stated that the objections were raised by residents who lived too far away from the venue. Cllr Stan Davies, chairman of the council's licensing committee, said: 'We follow guidelines and can't say it's morally wrong.' |

9.16

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| | <i>Islington</i> |
| Licensing situation | Islington previously obliged lap dancing clubs to apply for Sex Encounter Establishment licences. However, in light of the Licensing Act 2003 it is no longer able to do so and Islington Council's Licensing Authority has stated that 'There are no longer any specific provisions in legislation to control or prohibit adult entertainment with a sexual content in licensed premises'. Islington currently has four lap dancing clubs. |
| Action | In late 2007, a lap dancing club application for a venue in Archway met with a wide range of public opposition. Hundreds of letters of objection were sent to Islington Council by residents, reportedly the greatest amount of objections ever received by the Council ⁴² . Following a seven hour hearing by the licensing committee the application was refused on technical grounds, with Cllr George Allan saying that "The applicants have failed to supply adequate explanation of how they will operate the adult entertainment." He added that the council also believed the plans would lead to increased crime and disorder. |
| Supported by | Better Archway Forum, Cllr Ursula Woolley, Cllr Stefan Kasprzyk, Cllr Janet Burgess, Jeremy Corbyn MP |

9.17

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| | <i>Camden</i> |
| Licensing situation | Camden currently has 6 lap dancing clubs. In 2003, the borough was the focus of research by the Lilith Project which found licensing policy to be highly unsatisfactory. Camden Council admitted that prostitution was suspected in clubs operating within the borough, that the exclusion of under-18s was left to the club's discretion, and that touts and pimps had been harassing and accosting male and female passers-by ⁴³ . In January 2008 a new application was received by the licensing department. |
| Action | Residents in the area flooded the council's licensing department with objections ⁴⁴ . However the application was granted as licensing officers deemed that the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder would not be undermined. |
| Supported by | Covent Garden Community Association, Holland and Thurston Residents' Association |

9.18

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| | <i>Worthing</i> |
| Licensing situation | Worthing's first lap dancing club applied for a licence at the end of 2007. |
| Action | Over 600 letters of objection were received by Worthing Borough Council. However on March 28 th 2008 the application was approved by the Council's Licensing Sub-Committee which said it was unable to take on board many of the objections due to licensing objectives and the licence was granted with the condition that customers and dancers must be over 21 years of age. |
| Supported by | Residents Steve Stephens and Raymond New organised the objections. |

10 LAP DANCING LICENCES BLOCKED FOLLOWING PUBLIC OPPOSITION

10.1

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| | <i>Southwark</i> |
| Licensing situation | Southwark Council approved the licence for a lap dancing club on Tooley Street, SE1. Local opposition joined forces with the Mayor of London and Bishop of Southwark to mount a legal challenge to the licence. |
| Action | In the face of mounting public opposition Network Rail, landlord of the premises, threatened to withdraw the lease unless the licence applicant removed lap dancing from the application. Campaigners later undertook a second campaign to protest a further application. |
| Supported by | Ken Livingstone; Mayor of London, Councillor Fiona Colley, Tooley Street Tenants and Residents Association, Downside Fisher Youth Club, GLA Unison Branch, Islamic Forum Europe Southwark, London Bridge Hospital, London Dungeon, Peckham Islamic Centre, Poole of London Partnership, Salmon Youth Centre, Snowfields Primary School, Southwark Asian Organisation. |

10.2

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| | <i>Newham</i> |
| Licensing situation | Prior to the Licensing Act 2003 Newham had four lap dancing clubs. However, the Council's Licensing Authority has been unable to track these venues in the wake of the new legislation ⁴⁵ . In 2006 an application was made for pole dancing at the Anchor Pub. It was met by opposition by from local residents, headteachers, councillors and the police. |
| Action | The application was refused because Newham Council licensing committee was not satisfied that it met the criteria under the Licensing Act in the prevention of crime, disorder and public nuisance. |

10.3

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| | <i>Blackpool</i> |
| Licensing situation | <p>A high concentration of lap and pole dancing clubs in the city centre – 13 in total- led to mounting opposition from residents. In particular Blackpool's Youth Council lobbied Birmingham City Council to turn down a new club opening their offices saying that 'the clubs made them feel threatened, were detrimental to the town's family image, and demeaning to women'⁴⁶</p> <p>High profile cases of misconduct on the part of lap dancing club operators fuelled the protests; In November 2007 a 16 year old girl was found to have been performing in a lap dancing club for several months. In addition a Wildcats lap dancing club manager was fined £10,000 in December 2007 for breaching licence terms after CCTV footage showed that live sex shows were being given on the premises. The club operator, Provocative Leisure was later fined £14,000 for the same offence in March 2008.⁴⁷</p> |
| Action | In January 2008 Blackpool Council approved a new licensing policy of not considering lap dancing club licences unless they can prove they will not have a negative impact on the resort's family friendly image. The change is designed to protect children from harm ⁴⁸ . |
| Supported by | Councillors Peter Callow and Ivan Taylor, Blackpool Youth Council. |

10.4

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| | <i>Wandsworth</i> |
| Licensing situation | Wandsworth's Licensing Authority is finding monitoring adult club applications under the current legislative restrictions problematic ⁴⁹ . It currently has no lap dancing clubs although an application was made for a proposed venue in 2007. |
| Action | Councillors alerted residents to the licence application and an extensive protest was mounted. This led to the applicant withdrawing adult entertainment from the licence application before it was considered by the Licensing Authority. |
| Supported by | Councillor Vanessa Graham |

11 ONGOING LICENSING ISSUES

11.1

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| | <i>Torbay</i> |
| Licensing situation | The new owners of Vaults Restaurant applied to vary their Premises Licence to allow lap dancing in January 2008. |
| Response | Torbay Police submitted an objection to the licence application on the grounds that efforts to reduce public disorder in the area would be set back by allowing a late night venue to open. This objection led the local authority to reject the licence variation. The applicant is appealing the decision. |
| Supported by | Torbay Police, Councillor Jeanette Richards |

11.2

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| | <i>Exmouth</i> |
| Licensing situation | In February 2008, Q Club applied to become Exmouth's first lap dancing club. The club, which is aiming for a 3am licence, will propose a minimum age of 17 for dancers. ⁵⁰ |
| Response | Residents of nearby Chester Court, a Manchester Street sheltered home scheme, are gearing up to oppose the application, which will be heard by East Devon councillors on April 14 th 2008. |
| Supported by | Town mayor Joy Whipps is opposed to the idea, saying: "It creates a recreational approach to sex which is wrong and we should be respecting young women and not exploiting them as sex objects." |

11.3

| | <i>Stockton</i> |
|----------------------------|--|
| Licensing situation | Teesside's first lap dancing club, 'Angels', opened in Stockton in 2001 - next door to a family centre and amid widespread protest. In January 2008, an application was made by Endurance Leisure Limited for a Premises Licence to hold lap dancing at the Moby Grape Pub. |
| Response | A prospective MP called for the public to oppose plans for a lap dancing club at a prominent site overlooking the River Tees. However despite objections from residents the licence was granted in February 2008. Stockton-on-Tees Council said it was unable to consider the objections made due to restrictions put in place by the Licensing Act 2003 ⁵¹ . |
| Supported by | Alex Cunningham, Prospective MP for Stockton North |

11.4

| | <i>Hackney</i> |
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| Licensing situation | Hackney council currently officially licenses no lap dancing clubs. However it is well known that a number of lap dancing clubs and strip pubs operate within the area. In March 2008 Satchmo's Bar applied for permission to hold lap dancing. |
| Response | Nearly 100 residents gathered outside Satchmo's on March 8 th 2008 to protest against the licence application. Over 400 objections have been submitted to the licensing authority which ended the consultation period on March 25 th 2008. |
| Supported by | Ken Livingstone: Mayor of London, Diane Abbott MP, Jules Pipe: Mayor of Hackney, Councillors Jamie Carswell, Rita Krishna and Muttalip Unluer. |

11.5

| <i>London Councils</i> | |
|----------------------------|---|
| Licensing situation | The 10 th London Local Authorities Bill (10 th LLAB) includes a clause specifically designed to tackle the issue of ‘grandfather rights’ for lap dancing clubs (see section 3). Clause 23 of the 10 th LLAB aims to “enable London borough councils to exert better control over the licensing of premises which, but for the Licensing Act 2003 would be required to be licensed as sex encounter establishments” ⁵² . |
| Response | The Bill is currently making its passage through Parliament. |
| Supported by | Clause 23 was initiated by Tower Hamlets Council and the Bill is being supported through Parliament by London Councils. |

12 CONCLUSION AND RECOMMENDATIONS

The current 'one size fits all' approach to licensing of public houses, cafes and karaoke is inadequate for lap dancing clubs, which form part of the commercial sex industry. It allows lap dancing clubs to operate with little regulation and has made it difficult for local authorities and residents to express concerns which are relevant to lap dance clubs, given their particular social impact.

This has facilitated rapid expansion of the lap dancing club industry and the normalisation of lap dancing. This normalisation and the objectification it entails is of concern in a culture where gender inequality and sexual violence against women remains endemic.

This report demonstrates that primary legislation currently facilitates expansion of the industry. The facts speak for themselves: 25 local authorities highlighted in the case studies presented here have been unable to reflect the objections and concerns of residents vis à vis lap dancing licence applications. 5 local authorities who have taken the step of refusing licences have been successfully legally challenged by lap dancing club operators. The sole case of residents successfully challenging a lap dancing club licence has been the result of sustained and organised community organisation, aided by a barrister. Even this case is threatened by an appeal from the club owner. Many residents and local authorities are unhappy that under current legislation this type of extreme action must be taken to object to lap dancing clubs.

Lap dancing club operators are aware of how the Licensing Act 2003 has facilitated their chances of obtaining licences⁵³. The number of licence applications received by licensing authorities has markedly increased since the Act took effect.

There are growing calls from local councils for a change to current legislation. Brighton and Hove City Council is currently considering a Private Members Bill that would allow its licensing authority to license all lap dance clubs as Sex Encounter Establishments. The London Councils are also currently pursuing a Bill through Parliament to give London boroughs greater control over premises which 'were it not for the 2003 Licensing Act would be classed as Sex Encounter Establishments'.

Re-categorising lap dance clubs as Sex Encounter Establishments would give licensing authorities the same regulatory powers as applied to sex shops and allow for better scrutiny and control. The appropriate licensing of lap dancing clubs as part of the sex industry would represent a crucial move in terms of challenging the mainstreaming of venues which market women as sexual commodities and perpetrate harmful gender stereotypes. In the long term a review of the impact of lap dancing clubs should form part of a wider policy review linking the issue to other key policy areas.

In order to address these issues the following **recommendations** should be considered:

- Lap dancing clubs should be brought into the existing licensing category of **Sex Encounter Establishments**. This category is used to license venues where live performances are given which wholly or mainly comprise of sexual stimulation of the persons admitted to the venue. This licensing category provides a better reflection of the nature of lap dancing clubs.
- Re-categorising lap dancing clubs as Sex Encounter Establishments would equip local authorities with the regulatory powers necessary for venues which form part of the commercial sexual industry. These powers already exist for sex shops and sex cinemas.
- Re-categorisation of lap dancing clubs as Sex Encounter Establishments would allow local communities to have a greater say in the granting of licences to lap dancing clubs.
- Local authorities would have better capacity to monitor lap dance club licences, be better placed to control the number of licences granted and would have improved powers to adequately control working practices. Specifically:
 - Councils could set limits on the number of licences granted
 - A wider range of residents would be able to have their say in licensing hearings and relevant researchers / experts could then participate
 - Licensing conditions could be applied to advertising of lap dancing clubs and related activities
 - Licensing conditions could be introduced to address issues of employment practice and working conditions for the dancers
 - VIP suites, private booths and curtained areas could be restricted by licensing conditions

Inadequate licensing of lap dancing clubs can be addressed by moving such venues from the Premises License category to the Sex Encounter Establishment category. This report highlights both the need and growing call for this re-categorisation to take place.

OBJECT MARCH 2008

APPENDIX 1

Scottish Executive's Response to AEWG

1. There should be national regulations applied to AE activity, regardless of where it takes place.

The Licensing (Scotland) Act 2005 allows for the activity to be regulated on premises licensed to sell alcohol and we will proceed on this basis at this time.

To license the activity would require primary legislation therefore we will continue to monitor the need for legislation to cover the activity regardless of where it takes place.

2. All AE activities should be, at all times, fully visible to the public visiting the premises.

Accepted. We will take forward through regulations under the Licensing (Scotland) Act 2005

3. Performers should not touch, or be touched by, customers. In order to remove any doubts about touching, and for the safety of performers, there must be a distance of 1 metre between performer and any other person during entertainment activities. Performers may not perform any act that clearly simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger into any genital opening. Performers may not touch their breasts with their mouths, lips or tongues.

We accept that there should be no physical contact between a performer and any customer on the premises during AE activity, and that no customer may perform AE activity.

We accept that a code of conduct should be available to make clear the expected behaviour of both staff and customers during AE activity.

We believe a requirement of a distance of 1 metre between performer and any other person - would be very difficult to enforce and should not feature in regulations.

We are seeking further views, through the consultation on draft regulations, whether to include details of the type of activity which may/may not be performed.

4. There should be adequate health and safety protection for performers, including

* Dedicated and private changing, washing and toilet facilities, separate from public facilities. The Local Authority should determine what is adequate given the layout and circumstances of the venue.

* A minimum temperature on 20°C, confirmed by fixed thermometer, in all working and changing areas.

* Adequate lighting in all working and changing areas.

* All work and changing areas must be kept clean, free from obstruction and with surfaces that are fit for purpose.

* Adequate and hygienic facilities to make hot drinks and eat meals, and a supply of cold drinking water.

* We accept that there needs to be adequate serviced changing facilities for performers, separate from public facilities. This will feature in draft regulations

* We believe workplace conditions are already well regulated through Health and Safety regulations and do not believe there is a need to make further regulations specifically for the AE industry.

5. There should be adequate security to ensure compliance with the AE regulations and prevent illegal activity.

Accepted. We will take forward through regulations being made under the Licensing (Scotland) Act 2005.

6. There should be a minimum age of 18 for AE performers, public and employed staff with an obligation on the operator to ensure compliance.

Accepted. We will take forward through regulations being made under the Licensing (Scotland) Act 2005.

7. The Local Authority should determine if full nudity is appropriate for a specific venue taking into consideration proximity and the degree of security and oversight.

Rejected - We do not consider it appropriate for regulations to determine what is an acceptable form of adult entertainment in a particular premises. Adults should be able to make a personal choice on whether or not they wish to attend establishments providing adult entertainment.

8. The Local Authority must have a policy on appropriate levels of provision for AE.

Accepted. This will be taken forward under the provisions of the Licensing (Scotland) Act 2005

9. The Local Authority should determine the degree of external visibility allowed for AE establishments, taking into account the location of the specific premises.

Accepted. We will take forward through regulations being made under the Licensing (Scotland) Act 2005.

10. There should be a National Exemption so that the regulations do not apply to artistic representational performance.

This recommendation will be considered further.

11. The Scottish Executive should develop a co-ordinated strategic approach to the issue of gender based exploitation.

Scottish Ministers will work on an agreed approach to include all aspects of gender based exploitation and violence.

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