Sexualisation, nuisance and safety: Sexual Entertainment Venues and the management of risk

5th December 2012 10:30am-15:30pm, Rochester Building, University of Kent
Executive Summary

This workshop was hosted as part of the ESRC project ES/J002755/1 ‘Sexualisation, nuisance and safety: Sexual Entertainment Venues and the management of risk’. The aim of the workshop was to disseminate the initial findings from this project relating to community perceptions of these venues, and discuss wider issues pertaining to their regulation. The audience for the workshop comprised of stakeholders including academics; licensing officers; police; community representatives; licensing barristers; club operators and other business operators.

The workshop was introduced by Professor Hubbard, who outlined the social and legal context in which SEVs are regulated. This was followed by Rosie Campbell, University of Leeds, who situated SEVs in an employment and safety context by presenting some of the key findings from the ESRC project: ‘The Regulatory Dance’. Leo Charalambides, Licensing Barrister, Francis Taylor Buildings, next described some of the problems with definitions of SEVs, arguing that although this legislation is mainly applied to lap-dancing venues, it could apply to a range of other venues, it could apply to a range of other venues. Professor Hubbard and Dr Colosi then presented the initial findings generated from the ESRC project on ‘Sexualisation, nuisance and safety’ which explored local residents’ perceptions of SEVs in four different locations. This project concluded that a significant minority of local residents were offended by SEVs, with opposition mostly articulated by women on the basis that they normalize and promote sexism: however, the majority of respondents and residents reported no nuisance from SEVs and regarded them as less problematic than other venues such as clubs, pubs and take-aways within the evening economy. The results nonetheless noted that not all clubs are perceived in the same way and that the location of clubs within given towns maybe significant in causing or assuaging anxieties: the most frequent concern about clubs appears to be that they ‘lower the tone’.

Best practice for SEV licensing was hence considered in the workshop discussion, which explored how conditions relating to location, appearance & design, and safety & security are addressed in existing policy. There was a consensus that while each club ought to be considered on its merits in the light of local contingencies, but that existing policies often provide poor guidance as to where clubs might best be located, with many making generalisations about where they should not be. In relation to location, it was suggested that SEVs should not be situated near schools or family areas, but that they latter could be better defined given ambiguity about why a premise not open when children are present on the street could cause harm to children. Here, appearance and design were argued to be significant, with suggestions made that clubs could effectively appear businesses like any other so as to avoid the potential for children to be exposed to the presence of sex businesses in their community. Here, a major concern was that children would ask about club names and signage, something noted by parents. Against this, some delegates felt that price guides and customer conduct statements should be visible outside SEVs. Advertising was argued to be an area that needed further consideration; leaflets were considered to be problematic as a result of the potential for littering. Finally, in relation to safety within clubs it was suggested that codes of conduct should be drawn up and agreed between venues and licensing committees.

Issues requiring further attention include whether moral objections to lap dance clubs or those made on the basis of offence can be considered by local authorities as legitimate, and whether local authorities need to be mindful of sexist signage, advertising and marketing given their requirement to promote gender equity. In all of this, the legality of banning SEVs within a given local authority area was questioned, and the development of policies to suggest where they could best be located to reduce offence and anxiety was encouraged.
1. Aims of workshop

In the last decade, many clubs have opened in England and Wales where the live display of nudity is regularly offered. Such venues have been accused of offering exploitative and degrading forms of entertainment which compromise the safety not just of female performers, but all women who live and work around such venues. However, there are very mixed views about the ways venues impact on their surroundings, resulting in different licensing approaches being adopted in different local authorities.

ESRC project ES/J002755/1 ‘Sexualisation, nuisance and safety: Sexual Entertainment Venues and the management of risk’ commenced in January 2012 with the aim of contributing to these debates. This project provided an original and timely analysis of the impacts of 'lap dance' and 'striptease' venues on the localities in which they are situated with particular attention paid to the protection of public safety, the prevention of public nuisance and the reduction of crime and disorder. The research was completed utilising a multiple method strategy, combining surveys of local residents and business users to understand perceptions of these clubs, as well as guided urban walks with women and men of varied ages and backgrounds intended to explore the impacts these clubs have In situ. This research was completed in four locations with different traditions of sexual entertainment, all of which had adopted the new provisions for the licensing of Sexual Entertainment Venues as introduced in the 2009 Policing and Crime Act.

This workshop accordingly aimed to:

• Share initial project findings with a view to making these relevant to ongoing policy debates.
• Provide a platform from which the project P-I, Co-I and RA could engage with policy-makers, academics and other interested parties, such as venue managers and owners.
• Provide an opportunity for other key informants (namely, a licensing barrister and academic) to address stakeholders with regards to issues regarding the current licensing situation as they pertain to SEVs.
• Receive feedback from stakeholders as to the relevance of these findings for practice and policy.

The audience consisted of stakeholders in licensing, town centre management and community safety, as well as academics from sociology, criminology and geography (see Appendix A).

2. SEVs in their social and legal context

Professor Phil Hubbard, University of Kent

Prof Hubbard opened the workshop with a brief presentation on the definition of SEVs (Sexual Entertainment Venues) and the debates that have surrounded their emergence in British towns and cities. Here, the context to the introduction of new powers for controlling SEVs utilising the powers enshrined in the 2009 Policing and Crime Act were discussed, with attention given to the different concerns articulated by those opposed to lap dance venues. The following points were noted:

• That most local authorities had adopted the new licensing powers, though a minority continued to license clubs with a waiver under the 2003 Licensing Act.
• That over half of those local authorities adopting the new powers now have policies to guide applicants.
• That policies vary in their form and content, with some being quite prescriptive in terms of permitted locations, but others being less useful in terms of suggesting where suitable locations might be, merely where they should not be.

• The 16 refusals of SEV licenses to date offer few clues about what relevant grounds for refusal are, with most made on the basis that the locality was unsuitable. Justifications as to why specific locations are unsuitable are rarely explicit as to what it is about a venue that might render it unsuitable. Incompatibility with certain other land uses is assumed, not demonstrated.

• The majority of the 240 licensed SEVs in England and Wales attracted few objections as part of the formal licensing process. Around 80% attract fewer than five objections. There is no statistical relationship between the amount of opposition and the likelihood of license refusal.

• Analysis of the c.1400 objections made to licenses reveals preoccupations are around the impact on existing businesses and the character of areas, principally articulated via assertions that lap dance clubs lower the tone of the areas in which they are located. Little evidence of anti-sociality and criminality around lap dance clubs has been presented, although some allege that existing clubs have attracted ‘unsavory characters’.

• Most discussion about SEVs focuses on lap dance clubs yet there are a range of businesses licensed under this legislation, including some gay bars/clubs, burlesque shows and ‘swinger’s’ sex-on-premise clubs.

3. The Regulatory Dance: SEVs and Key Safety Issues
Rosie Campbell (University of Leeds)

This presentation focused on the Economic and Social Research Council project “The Regulatory Dance” (http://www.esrc.ac.uk/my-esrc/grants/RES-000-22-3163/read), led by Dr Teela Sanders. This is the largest study to date of the strip and lap dancing industry in the UK night-time economy, and illustrates dancers’ experiences of doing strip based entertainment and accompanying working conditions. The presentation shared some of the project’s key findings relating to dancers’ backgrounds and experiences of work:

• 60% of dancers were aged between 22 and 29, with 74% starting dancing when they were under 25 years old. Half of the dancers were single (45.5%), but the other half were in some form of relationship with someone with whom they lived (21.4%) or did not live with (20.2%). Only 9.5% of the dancers were married. Only 13.5% of dancers surveyed had children. No dancer had more than two children. British nationals constituted over half the dancers surveyed (60.5%); EU nationals, 28.6% (largest group being Romanians); 9.6% non-EU nationals (mainly Brazilian).

• All of the dancers had some education and had finished school with some qualifications. 73% had completed at least Further Education, while 23% had completed an undergraduate degree. One third of dancers were currently students. Of these 60% were in full time education; 25% in part time education and the remainder taking evening classes.

• The vast majority of dancers had made a decision to do dancing/striping as a flexible, relatively high earning (although unpredictable), cash-in-hand form of work. Dancing was a popular employment option for some women who were working in low paid, unskilled jobs, but were motivated by the opportunity for future mobility. The advantages were that the work was deemed as a flexible option that provided independence and instant
renumeration, due to the ‘cash in hand’ element of the work. Respondents also noted that the work had the potential to earn greater sums of money than other forms of labour. Finally, respondents argued that the work offered a way to keep fit whilst having fun. Cited disadvantages included the precarious nature of the work due to the fact income can never be accurately forecast. High overheads were often part of the work, due to the need to maintain the body in a way which is required for this form of work, for example frequent beauty treatments. No employee protection exists due to the self-employed designation to which dancers are ascribed. Rude and/or abusive clients were considered to be problematic, as were high house fees and commission which were applied by venues.

• Most women (80%) said they felt safe at work and supported by managers 41.3% of dancers felt supported by venues in the event they encountered a problem with customers. 52% of dancers reported having received harassment ‘lots of times’ or a ‘a few times’, nearly half reported frequent verbal harassment and unwanted touching from customers. Participants suggested a number of measures to improve conditions and welfare including; more quality door staff, and proactive staff who monitored the floor, panic buttons in private dance rooms, CCTV provision and clear display of rules for customers.

In conclusion, the presentation noted that priority for enforcers tended to be related to the compliance with license conditions which did not include scrutiny of dancer safety except where serious incidents of crime and disorder occurred. Reflecting this, policy debates often focus on location, community impact, regulating nudity and claims about the objectification of women in relation to SEVs with less focus on dancer welfare and viewing the SEV as a place of work.

4. Law of Unintended Consequences:
Sexual Entertainment Venues and the Law of Brothels
Leo Charalambides, Licensing Barrister, Francis Taylor Buildings

As a leading licensing barrister, Leo Charalambides’ presentation described the problems of definitions of SEVs as they are enshrined in current legislation. He focused on lap-dancing venues and the way these are treated by the law relative to other spaces of sexual activity and entertainment. Following a description of the events that led to the passing of an amendment to the Policing and Crime Act in 2009 that now provides the basis for regulating SEVs, a number of themes were stressed:

• That the legislation around SEVs had been applied mainly to lap-dance venues but might apply to a range of other venues given the nature of sexual entertainment and performance can be extended to a range of activities not currently thought of as falling under the definition of SEVS. It was also noted that other venues such as swingers bars, S&M venues, naked discos and so on are able to operate overtly and without regulation - yet these venues can potentially be considered to be an SEV for the purposes of civil law. Simply, some venues categorised as SEVs, such as lap-dancing clubs, are regulated and others appear not to be.

• That the current legislation allows civil law to regulate certain spaces which might be otherwise interpreted via criminal law as brothels, ‘Bawdy Houses’ and ‘Disorderly Houses’. This suggests there is currently a conflict between criminal law understandings of brothels and civil law definitions of SEVs.

• That notions of performance and intended effect of sexual stimulation need to be carefully considered given the aims of the licensing system to protect the public. The
example of deaths which occurred in a gay sauna (The Evening Standard, 1st November, 2012) underlines that issues of public safety and health should be considered in terms of licensing.

It was concluded that an opportunity had been missed at the time of the introduction of the legislation to have an informed debate about the ways that society licenses sexual activities which are consensual, but which some people find offensive or troubling.

Sexualisation, Nuisance and Safety: Sexual Entertainment Venues and the Management of Risk
Professor Phil Hubbard (University of Kent) and Dr. Rachela Colosi (University of Lincoln)

This presentation shared the initial findings from the ESRC project examining local residents' perceptions of Sexual Entertainment Venues in four representative case study locations. A number of results from the survey and fieldwork were shared, namely:

• That 22% of respondents (who all lived in towns with SEVs) were unaware that an SEV existed in their town. One in four individuals who were aware had also visited a lap-dance venue.

• Those who have children in their home appear significantly more likely than any other group to describe existing SEVs as a source of nuisance. Overall, SEVs were less frequently named as a specific source of nuisance than clubs, bars or take aways.

• Opposition to SEVs appears mainly based on perceptions that clubs normalize sexism and promote anti-social behaviour rather than any direct experience of crime. Women are significantly more likely than men to argue that there are too many lap dance clubs in their town.

• Current approaches based on excluding SEVs from residential areas or near schools appear to be widely supported. However, few regard SEVs as a threat to children’s safety, suggesting concern is primarily about the normalization of sexist attitudes among young(er) people.

• Not all clubs are perceived to have similar impacts on their locality, and some clubs being judged to be better managed largely on basis of their appearance, with some locations deemed more suitable.

In general, perceptions of SEVs appear to be strongly gendered, although those over 40 years also appear more concerned about the presence of lap dancing clubs than those below 40. The implications of these findings are that licensing should take seriously its commitment to Gender Equity and Equality, and that objections based on grounds of sexism and morality are considered when considering licensing applications, given these have implications for the way venues are presented in the public realm. This is especially relevant considering the majority of respondents first became aware of SEVs by seeing them in the street.

In conclusion, it was noted that the harms of venues appear to be largely that their existence offends a significant minority: around one in ten of our survey could be said to be opposed to all lap dance clubs, stating they have no place in British society. This group includes significantly more women than men, suggesting that offense is related to concerns about the promotion of sexism in society rather than harms to local people or criminality around clubs. Indeed, the survey and related work has revealed little evidence that SEVs are more problematic in terms of promoting anti-social behaviour in the towns.
and cities where they are based, although there is a more widespread perception that they ‘lower the tone’ of particular locations.

Noting that a ‘nil limit’ could be considered legally challengeable, it appears that an aim of licensing ought to be minimizing offense by ensuring that clubs are located appropriately in towns or city centres (given these locations were favoured over alternatives). Moreover, given the actual appearance of SEVs was found to be significant in the formation of local attitudes, it appears that discreet, non-sexist signage, well maintained frontages and clubs which are not simply presented as ‘black boxes’ are perceived to be better managed and as less threatening to the majority. While licensing is not always able to exercise a strong level of control over club appearance, concealing sexual entertainment in plain view appears a key challenge.

5. General Questions:

Q: Are attitudes to SEVs in other nations different given different attitudes to sex and sexuality in different cultures?

Answer: The P-I discussed the differences that criminalization or decriminalization makes to attitudes by referring to the New South Wales legislation which allows brothels and sex related land use to be planned for legally, noting that this has helped normalize the sex industries in Sydney but provide for a level of control that means these venues and premises remain discrete and attract little opposition. It was noted that US research on lap dance clubs is not relevant to the UK in many instances because of the different legal and geographical contexts (noting that some US clubs are located in areas where they become vulnerable to opportunistic criminals who rob clients arriving or leaving clubs).

Q: How were people recruited onto ‘go along’ walk events, what time of day walks occurred, and if all participants would normally use the night time economy?

Answer: Dr Colosi elaborated further on the go-along events, noting that individuals were recruited via online and paper surveys. Respondents were asked if they would be willing to take part in a walking event for which they would be given a £10 shopping voucher as a token of appreciation. We expanded further on what times the walks took place, noting that times were very much determined by respondents and ideally, we would have conducted some later in the evening. Finally, Dr Colosi informed the delegates that the guided walks contained a mix of people - those who went out at night time often along with some people who claimed never to visit the city centre at night, or only on occasion.

Q: One delegate observed that the current licensing situation was problematic for those who wanted to open up new venues, noting that the presented research had identified that some clubs are interpreted to appear ‘sleazy’. They noted there was a need to identify which locations could be deemed to be most suitable and asked where clubs could be opened with no objections?

Answer: Professor Hubbard noted that part of the research collected opinions on where venues should be situated. Inevitably, there were some respondents who would rather lap-dancing venues did not exist at all: however, the research found that the most popular places for venues to exist were the town or city centre. Questions of visibility and location needed to be considered together, it was suggested. Dr Colosi elaborated on this suggesting that clubs in prominent locations needing to appear part of the mainstream economy if they are not to arouse suspicion and cause offense. Here, issues of signage, name and appearance are all important.
Q: Does the project have any analysis on where respondents lived and how this affected their answers with regards to the presence of lap-dancing venues?

Answer: Professor Hubbard stated that post-code information pertaining to each respondent was collected; however, as we are only unveiling the initial findings at the moment, further analysis has not been released. Initial analysis suggested that there is no significant difference in attitudes towards lap dance clubs for those who live within 5 minutes walk of a club to those who live at a greater distance. This implies that offense may be more significant than nuisance per se in shaping objections to lap dance clubs.

Q: Could the research findings be used to support policies to justify limiting the number of lap-dancing premises that exist?

Answer: This was not so much a question but more of a concern. It was emphasized that the research was intended to be unbiased and did not seek to prevent licensing of SEV’s in any way shape or form, noting that local authorities are empowered to deal with this issue as they see fit given local concerns.

6. Best practice for licensing SEVs
(Discussion Session)

The workshop focused on licensing pertaining to the ways that issues of location, appearance and design, and safety and security are addressed in existing licensing policy. Here, examples of conditions drawn from existing SEV policy were given to delegates to spark discussion about appropriate wording of licensing policies so that these appeared consistent, proportionate and clear. In relation to questions of location, delegates identified a number of issues, including the following:

• Some wording in policies is confusing and needed to be more specific and to the point. For example, one delegate wondered what ‘proximity’ to places of worship meant exactly, since distances were not given. Given it is down to local authorities to determine what a relevant locality is on the basis of the individual circumstances, it is hard to be specific but it was generally felt that clearer guidelines about visibility and proximity could be offered.

• Venues should not be located such as the school route and near areas which were deemed to be ‘family areas’ such as museums, libraries and council buildings.

• The definition of a locality was thought to be fairly homogenous, suggesting they ought to be defined as a small area, not an entire ward. This is not explicitly explored in case law.

• An assessment of the character of each area where applications were submitted was needed in order to deem what is and is not appropriate.

• The vicinity was deemed to be smaller than the locality. Policy should demand that venue operators, police and community members define what a locality actually is so that a determination can be made based on these sentiments.

• Decisions should be made on individual locality and character at the time of application, noting that locality and character are subject to change over time, and that policies cannot be future-proof.
Another group of delegates were provided with a list of typical licensing conditions relating to appearance of clubs and were asked to comment on them. Issues raised included:

• Conditions relating to appearance were often unworkable.
• Preferable for venues to have a non-offensive name so as not to arouse concern or offense.
• Obstructing the visibility of performers from the outside of a venue was unworkable and this condition should be reworded so that only the actual sexual entertainment could not be seen by the passer-by.
• There may be a requirement display codes of conduct and price lists outside a venue.
• Leaflets were suggested to be problematic from a littering perspective.
• Concerns about using the Internet to advertise SEVs were noted. It was suggested that it is unfair for such restrictions to be placed upon business activities and that this should remain outside the pool of licensing conditions.
• The idea that regular High Street shops often had much overtly sexual styles of advertising that lap-dancing venues was put forward, and this was felt to present a case for more open advertising and visibility of clubs, within limits.

A final group of delegates were presented with a list of typical licensing conditions relating to safety and security and were asked to discuss if they were seen to be adequate, proportional and clear. Points arising included the following:

• Current codes of conducts were ambiguous in their wording and thus hard to implement.
• It was suggested that codes should be agreed with venues and licensing committees so there would be no scope for venues to be unfairly closed down if all the rules were clarified in advance.
• A signing in register would be a good idea for all staff and customers, so that information could be collected; however, this argument was not supported by other delegates as people are not obliged to do this when using other parts of the night-time economy and in general, there is no evidence which supports that venues are more likely to facilitate criminal activity.

7. Summary of Relevant Considerations:
In considering the licensing and impacts of SEVs, the workshop raised a number of significant points which require further attention, including:

• The legitimacy of public objections received during the SEV application process may need to be revisited in order to acknowledge concerns relating to morality and sexism. Furthermore, the SEV application process may need to take into account issues relating to gender equity and equality, on the basis that objections are likely to be gendered and relate to issues of sexism.
• The causal relationship between crime and disorder in a locality and the presence of SEVs is unclear and requires further attention, but assumptions cannot be made that there is a strong causal relationship as there is insufficient evidence to support this. This remains a controversial area, with suggestions that SEVs require more careful monitoring than other venues disputed by many delegates.

• Given that issues relating to appearance such as signage and general exterior of SEVs are significant, these need to be explored further and may need to be given further attention during the application process.

Beyond these observations, some points of general consensus emerged:

• That licensing policies for SEVs need to be clearly phrased in order to avoid ambiguity and confusion; vague and contradictory policy statements are to be avoided.

• That the definition of SEVs could be clarified further given some businesses trading in England and Wales could be considered to require a license, but do not have one as they are not ‘lap dance clubs’.

• That policies should always address issues related to dancer safety and security, and customer conduct.

• That the location and visibility of clubs for different publics should remain a key factor when considering SEV licensing applications, noting the capacity of clubs to provoke offence among some populations.

• That blanket bans on clubs in given local authorities may be unreasonable and that an approach based on considering each club on its merits would appear most defensible, noting that general assumptions about the impacts of different SEVs may be prejudicial given the variety of businesses involved.
Appendix A

List of Registered Delegates

Lisa Baker, Mums in Maidstone Group
Mircea Baker, Mums in Maidstone Group
Dr. Clare Bale, Managing Director The Clare Bale Consultancy Ltd
PC Neil Barnes, Licensing Officer, West Division, Maidstone
Jayne Bolas, Senior Solicitor, Maidstone Borough Council
Dr. Kate Bradley, University of Kent
Dr. Oona Brooks, Lecturer in Criminology/Sociology, University of Abertay
Bob Brown, Licensing Manager, Hastings Borough Council
Cllr. Karen Bruce, Labour councillor for Rothwell
Emily Cooper, PhD Candidate, Lancaster University
Patrick Crowley, Licensing Team Manager, Royal Borough of Kensington and Chelsea
Del Dillion, Owner, Bandit Queen Lap-Dancing Venue
Tracey Earnshaw, Newquay, Cornwall
Cllr. Thomas Gardiner, London Borough of Camden
Anthony Garnett (Licensing Manager Tonbridge and Malling Borough Council)
Daniel Ghinn Maidstone Resident
Cllr Adrian Gulvin, Medway Council
Olivia Hepworth, University of West of Scotland
Dr. Kate Hardy, University of Leeds
David Heritage, Resident
Susan Holden, Principal Project Officer, Leeds City Council
Nickii Humphreys Licensing Manager Portsmouth City Council
Steven Hutchins, Operations Manager, Aaron P Stone Group
Douglas Fox, Sex worker/activist, Harlot’s Parlour
David Fuller, Aaron P Stone Group
Dr. Billie Lister, Research Associate, University of Kent
Cllr. Anita Lower, Newcastle City Council
Sergeant Stefan Martin, Maidstone Community Safety Unit
Lorraine Neale, Senior Licensing Officer, Maidstone Borough Council
Tony Newbolt, Strip Magazine
Katy Pilcher, Postdoctoral Research Fellow, Brunel University
Jane Pitcher Postgraduate Research Student, Loughborough University
Professor Marion Roberts, University of Westminster
Faye Ricketts, Interpersonal Violence team, Violent and Youth Crime Prevention Unit, Home Office

Dr Balihar Sanghera, Senior Lecturer in Sociology and Director of Graduate Studies, University of Kent

Cllr Julie Shaw, Licensing Committee, Medway Council

Dr Simon Shaw, University of Kent

Keith Simmons, Head of Registration and Records, Bedford Borough Council

Emma Smith, Ph.D Candidate, University of Stirling

John Smith, Licensing Manager, Housing, Regeneration and Environment Manager, London Borough of Lambeth

Cass Spencer, Licensing Team, Royal Borough of Kensington and Chelsea

Adrian Stanfield, Chief Solicitor and Monitoring Officer, Tonbridge and Malling Borough Council

Dr. Melissa Stepney, Lecturer in Human Geography, University of Worcester

Dr. Ailsa Stevens, Lecturer in Criminal Justice Studies, University of Kent

Robert Sutherland, Solicitor Advocate, Jeffrey Green Russell Ltd

Alan Tolley, Licensing Officer, Sandwell

Dr. Jacky Tyrie, Researcher, Swansea University

Georgina Voss, Ph.D Candidate, University of Brighton

Kim Wallis, RELATE

Cllr. Barbara Weed, Warwick District Council - Leamington Willes

Frank Wenzel, Licensing Manager, Borough of Poole

Cllr Clare Whelan, Councillor for Thurlow Park Ward, Lambeth

Jim Whitelegg, Senior Environmental Health Officer, Brighton and Hove City Council

Fran Witherdon, Resident

Chris Wroe, Licensing Policy and Strategy Manager, Westminster City Council

Cllr Michael Yates, Shepway North

Emma Ziff, Sex Love and Intimacy Therapist