

Air Weapons and Licensing (Scotland) Bill: Introductory Questions



The Scottish Parliament
Pàrlamaid na h-Alba

Thank you for responding to the Local Government and Regeneration Committee's Call for Evidence on the Air Weapons and Licensing (Scotland) Bill. All submissions will be examined and considered as part of the Committee's scrutiny of the Bill.

Please be aware that questions marked with an asterisk (*) require an answer before you can submit the form.

Follow the Local Government and Regeneration Committee's Twitter feed - all Committee tweets on this Bill will have the hashtag #aw&bill.

*1. Please supply your name and contact details:

Name:	<input type="text" value="Laura tomson"/>
Organisation:	<input type="text" value="Zero Tolerance"/>
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
City/Town:	<input type="text"/>
Postcode:	<input type="text"/>
Country:	<input type="text"/>
Email address (if no email leave blank):	<input type="text"/>
Phone Number:	<input type="text"/>

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68

*** 2. Please confirm that you have read and understood the Scottish Parliaments [“Policy on the treatment of written evidence by subject and mandatory committees”](#):**

Yes

*** 3 Please confirm whether you are content for your name to be published with your submission:**

Yes

No

*** 4. Which of the three categories below best describes your interest in the Bill (please tick only one)?**

Personal

Professional

Commercial

*** 5. Do you wish your email to be added to the Committee’s distribution list for updates on progress of the Bill:**

Yes

No

*** 6. Invitations to give oral evidence to the Committee on the Bill will be based on the submissions received. If you wish your submission to be included amongst those considered for possible invitation to give oral evidence, please indicate here.**

Yes

No

*** 7. You may answer questions on the entire Bill, or on any part of the Bill. Please indicate which parts of the Bill you are responding to? (You may select as many options that apply).**

All of the Bill

Equalities, climate change and other Scottish Government objectives

Air Weapons

General licensing issues

Alcohol licensing

Civic licensing – taxi/private hire car licensing

Civic licensing – scrap metal dealers

Civic licensing – theatre licensing

Civic licensing – sexual entertainment venues

Name/Organisation:

1. Equalities, Climate Change and other Scottish Government objectives

You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

8. Do you consider that the Bill has any implications for meeting Scotland's climate change commitments? Please explain.

9. Do you consider that the Bill has any implications for meeting Scotland's equality and/or human rights commitments? Please explain.

While separate licensing for Sexual Entertainment is a small step towards addressing gender equality the Bill does not go far enough in either considering or addressing the equalities impact of this kind of 'entertainment'.

10. Do you consider that the Bill has any implications for preventative spending and/ or public services reform? Please explain.

11. Do you consider that the Bill has any implications in relation to European Union issues? Please explain.

12. Do you have any other comments on the impact of the proposals contained in the Bill relation to Scottish Government objectives?

Name/Organisation:

Laura Tomson,

6. Civic Licensing – Sexual Entertainment Venues

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

50. What are the consequences of operating the new licensing regime using the definitions set out at section 68 of the Bill?

- 'sexual entertainment venue'
- 'audience'
- 'financial gain'
- 'organiser'
- 'premises'
- 'sexual entertainment', and
- 'display of nudity'

51. The Bill specifies that a venue hosting sexual entertainment on three occasions or less within a 12 month period would not be treated as a sexual entertainment venue: does this have any unintended consequences?

It would mean that sexual entertainment could occur without the protections that should be offered to performers and communities under a licensing regime. It may mean businesses operating by rotating around different premises in order to avoid the requirement for a license.

52. Local licensing authorities will be able to set the number of sexual entertainment venues in their area to below the existing level, or zero: are there any advantages or disadvantages to this approach?

This is the right approach – it means that local authorities can respond to local communities as well as local and national equality and child protection strategy to eliminate SEVs and associated harms in their area.

53. The Bill relies mainly on the existing licensing regime for sex shops as set out in

section 44 and Schedule 2 of the Civic Government (Scotland) Act 1982 (application, notification, objections and representations, revocation of licences etc., enforcement and appeals): is this mechanism adequate for the licensing of sexual entertainment venues - if not, please explain why?

54. Are there any barriers to licensing authorities operating the new licensing regime?

55. Civic Licensing

Do you have any other comments to make on the civic licensing aspects of the Bill?

See attached.



Submission from Zero Tolerance to the Scottish Government consultation: Air Weapons and Licensing

Zero Tolerance are responding only to section 68: Licensing of sexual entertainment venues. We are resubmitting our original response to the 2013 consultation on the Regulation of Sexual Entertainment Venues, as the majority of the points we (and many others) made at that time do not appear to have been addressed in the current Bill. In particular:

- The legislation must specify more clearly what kinds of sexual entertainment are acceptable under license and other standards that venues must comply with. Given the prevalence of prostitution being accessed in sexual entertainment venues (see pg. 10), and the overwhelming evidence that women working in SEVs and/or in prostitution are particularly vulnerable to VAW¹, this legislation must take the opportunity to establish better protections. These should include:
 - No physical contact between performer and client
 - No private booths for performances
 - Changing areas for performers which are single-gender and separate to public areas.
 - Clear policies in place in every venue on the safety of performers and behaviour of clientele.

License inspections should be used as an opportunity to monitor the wellbeing of performers and offer links to support services where required.

- The legislation should also stipulate restrictions on signage and advertising of SEVs to protect the local community and particularly children. No sexual imagery should be allowed outside the venue or on advertising material which could be accessible to children; SEV's websites should be age-restricted. There should be no visibility from the street into the SEV.
- There should be clearer, and stronger, regulations on notifying and involving the local community in decision-making on providing licenses. With the Community Empowerment Bill currently also out for consultation it would be inconsistent not to provide for communities to be involved in decision making on SEVs, which arguably have at least as great an impact on communities as planning decisions.
- A license should be required by all venues offering sexual entertainment, even if only once in a twelve-month period. The problems and risks

¹ Salfati, C. G. (2009) Prostitute Homicide: An Overview of the Literature and Comparison to Sexual and Non - Sexual Female Victim Homicide, pp. 51-68. In D. Canter, M. Ioannou, & D. Youngs (Eds.) Safer Sex in the City: The Experience and Management of Street Prostitution. The Psychology, Crime and Law Series. Aldershot: Ashgate; <http://www.vawpreventionscotland.org.uk/resources/government-strategypolicy/profitable-exploits-lap-dancing-uk>

associated with sexual entertainment are present no matter how often entertainment of this kind is offered, as accepted by previous consultation respondents involved in the industry:

“I feel this will result in groups of inexperienced persons operating businesses providing Exotic Dancing performances, in multiple venues throughout Scotland with a view to avoid any such proposed licensing restrictions, thus causing great concerns in respect of safety for the performers as well as the public.” (2013 submission from Miss Hollywood)

- Given the issues outlined above and in our previous submission around women’s safety, it is essential that a clause is introduced requiring that license holders are fit and proper persons. A history of any offence of violence or abuse, particularly towards women and girls, or involvement in organised crime, should preclude an individual from obtaining a SEV license.

Regarding two clauses which have been added since the previous consultation:

- Adopting a sexual entertainment venue licensing policy should not be optional for local authorities. Local authorities which have a larger number of SEVs are both more in need of a policy and, in some cases, less likely to voluntarily adopt one. If a policy is needed in any LA, it is needed in all, and the approach to SEVs must be consistent across Scotland.
- Under-18s should not be allowed inside sexual entertainment venues at any time. Those working with and responsible for children and young people in Scotland are currently facing multiple challenges arising from the normalisation of sexualised media and behaviour²; allowing under-18s to access venues dedicated to providing sexualised entertainment will only exacerbate these challenges and undermine work being done to address them³. Many SEVs currently display pornographic imagery and there is a high level of risk in such a venue of the breaking of child protection laws in relation to exposure to such material (see e.g. Guidance on the Sexual Offences Scotland Act section 33: causing an older child to look at a sexual image). Given the aforementioned prevalence of prostitution in SEVs and recent cases highlighting the widespread sexual exploitation of children,⁴ which the Scottish Government’s own report has explicitly connected to early sexualisation,⁵ it is entirely inappropriate that children be allowed in SEVs.

² See e.g. www.zerotolerance.org.uk/sites/all/files/UnderPressure_Doc_Web_sm.pdf; A forthcoming event on young men and sexualised imagery is heavily oversubscribed with applicants from sexual health, teaching, youth work, social work and more. Applicants express high levels of concern around how young men’s behaviour is affected by exposure to objectifying and sexualised imagery.

³ For example Criminal Justice Social Work training on sexualisation and relationship abuse; SHARE resource and training for schools on sexualisation, pornography and consent; Rape Crisis education work on consent and sexualisation; Zero Tolerance Under pressure training for youth workers.

⁴ See e.g. www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham

⁵ www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/71818.aspx#A11 in particular *part 2: the socialisation of young people and early intervention*.

The current Bill appears to have been written with a view to ironing out legal technicalities in the regulation of sexual entertainment and alcohol, rather than with a consideration of the more important themes of gender equality, women's safety, child protection and the rights and safety of communities. The final Bill must cohere clearly with Scottish Government policies on gender equality, child protection and violence against women and girls, including Equally Safe.

Submission from Zero Tolerance to the Scottish Government consultation re: Regulation of Sexual Entertainment Venues.

September 2013

About Zero Tolerance

Zero Tolerance is a national charity working to end men's violence against women (VAW) in all its forms. We promote a primary prevention approach, believing that changing societal attitudes, values and structures is the key to ending gender-based violence. We also believe that pervasive gender inequality in our society creates a culture in which VAW is prevalent and tolerated and that this must change. More information about our work can be found on our website, www.zerotolerance.org.uk

Summary of our position

We support the creation of a new regime to regulate Sexual Entertainment Venues (SEVs) but with some caveats, which stem from a philosophical disagreement with the approach of regulating a form of social harm as opposed to trying to end it. We are concerned about possible unintended consequences, such as legitimising an industry we see as extremely harmful and problematic. But, on balance, we support the proposals as they represent an improvement on the current regime of licensing and they are better than no change at all.

Our support for some of the intent behind this proposal does not lessen our belief that, fundamentally, lap-dancing, stripping and all other forms of sexual entertainment are forms of commercial sexual exploitation, and as such of violence against women. The industry which provides SEVs sanctions objectification of women, glamorises exploitation and harms work to achieve gender equality.

We aspire to a Scotland without these forms of so-called 'entertainment' and admire societies which have taken action to end highly gendered 'sexual entertainment'. For example Iceland has legislated to ban all strip clubs. The law was passed with no votes against and only two abstentions. It makes it illegal for any business in Iceland to profit from the nudity of its employees. Arguably there is a correlation between gender equality and SEVS – the societies with the least gender inequality tend to have the fewest of these kinds of venues. It is not unrealistic to aspire to a society with no SEVs. It is a matter of political will.

Concerns re: conflicting policy positions

We are dismayed that the consultation paper notes that the Scottish Government defines the activities that happen in the types of venue likely to be regulated as SEVs as commercial sexual exploitation, and yet decides that freedom of choice must be balanced against the harm these venues cause. The Scottish Government's current strategy on VAW notes that these activities cause harm to *all* women, by sanctioning objectification of women's bodies, and further notes that this harm to women collectively happens regardless of whether individuals claim liberation or empowerment from the activity, so it is not clear why they should be allowed to continue, because of 'freedom of choice'. In a civilised society in which 'our people and communities support and respect each other' (*SG Strategy for Justice in Scotland, 2012*) some choices are curtailed in the interests of all. It is interesting and disappointing that men's choices to watch women perform in a sexualised manner are being protected here. We would like to see much more emphasis, alongside regulatory work, on challenging men's choices, and a much more robust approach to promoting gender equality.

Scotland has led the way in tackling other forms of violence against women e.g. domestic abuse. It is unfortunate that we are less progressive in tackling the harms of the sex industry, perhaps because governments are excessively distracted by the economic aspects of this industry. But who really profits? And who loses? These are questions that we feel need further reflection.

In early 2013, we sought opinion of counsel on licensing matters and that confirmed the difficulties of reconciling policy positions with the current licensing regime. Per Opinion of Counsel, A Hajducki QC, March 2013, "even if the City of Edinburgh Council [or any council] were to view lap-dancing as exploitative, harmful to women's health or otherwise undesirable it is hard to see how this could properly form part of their statement of [alcohol] licensing policy." This is not satisfactory or acceptable.

Specific questions and answers

In answer to the questions posed in the consultation paper:

Q1: Yes, there needs to be a separate regime for licensing SEVs and alcohol.

We strongly agree there needs to be a new regime. The regime we have now does not work. Many premises have a 'Code of conduct on dance entertainment' or similar, appended to their alcohol licence. Compliance is largely voluntary and breaches are common. It is clear that any such policy is "little more than a statement of intent or suggested code of conduct"; therefore "conditions specifically relating to the adult entertainment provided are effectively unenforceable following *Brightcrew*" (source: Opinion of Counsel A Hajducki QC, March 2013). '*Brightcrew*' is a case that found it was not permissible for Licensing Boards to impose additional conditions not directly related to the sale and consumption of alcohol.⁶

⁶ <http://www.scotcourts.gov.uk/opinions/2011CSIH46.html>

Our concerns about how the regime is failing at present were set out in our response to the Scottish Government consultation 'Further Options for Alcohol Licensing' in March 2013.⁷

We anticipate that some bodies, such as the Law Society of Scotland or COSLA, may express concerns about creating a double licensing regime. We believe that this is not an issue.

The opinion of counsel we sought in March 2013 suggests that in previous discussions of this topic, "objections...that the introduction of licensing for such establishments would result in a dual licensing regime which was a thing to be avoided overlooks two important factors, namely that we already have a dual licensing regime in several areas and secondly that an existing enforcement and checking regime already exists. The dual licence argument ignores the fact that certain activities are already subject to dual licensing e.g. cinemas which have to be licensed under the 2005 Act for the sale of alcohol and under the Cinemas Act 1985 in respect of the exhibition of films, and so far as I am aware this has never caused any particular problem. The 'policing' functions for alcohol and entertainment licensing are already carried out in many areas by the same licensing enforcement officers employed by the council and both the 2005 Act and the 1982 Act have parallel enforcement powers (including search and other powers, designated officers, entry and inspection provisions, penalties and procedural codes), and if anything the 1982 Act powers are more comprehensive and would not add any significant costs to councils." (A Hajducki QC)

Q2: Yes, SEVs should be licensed separately from other forms of public entertainment.

We strongly agree with this proposal. Going to watch some 'sexual entertainment' is not the same as going for a coffee, a meal or a sunbed session. It is not aimed at all members of our society. Licensing it separately reflects the harm it causes; can allow for a separate monitoring process and data aggregation that can be useful in future policy development (for example, monitoring the gender of licence applicants); and can allow for special tailored measures e.g. a differential pricing regime to inhibit growth of this sector.

We have concerns about labelling this kind of activity 'entertainment' as we feel that normalises and trivialises it; we would prefer 'sexual performance' or some alternative language. In England and Wales the term 'sexual encounter establishment' is used but we believe that the word 'encounter' implies physical contact so we would not wish it to be adopted in Scotland.

We strongly disagree with the proposal at para. 16 of the consultation paper that "it would be at the discretion of the local licensing authority as to whether or not a licensing regime was needed in their area." Discretion leads to inconsistent policy, and in some local authorities to very poor decision making around VAW (ref. the City of Edinburgh Council's well known 'discretionary' policy regarding saunas and indoor prostitution). There must be a consistent national approach and an adoptive regime

⁷ <http://zerotolerance.org.uk/node/272>

would not deliver this. (Being obliged to have a licensing regime for SEVs does not of course mean being obliged to have the same approach to them in each area).

It MUST be mandatory or the cities which currently have the majority of sexual entertainment venues in Scotland may well opt out to avoid having a difficult or controversial decision to make.

Q3: Yes, the definition of the audience is appropriate.

This will encapsulate performances in a private space where there is only one person watching. These should not happen but we must anticipate that they might, as they are prohibited in many clubs at present but still advertised on the clubs' websites.

Q4: The definition is clear, subject to one change.

We agree with the definition of sexual entertainment, but we would suggest that the definition should mention nudity or partial nudity as some venues will try to get round the legislation by requiring women performers to wear miniscule items of lingerie so they can say they are not nude. This is already common practice: we are aware that women wear crotchless garments, or G-strings, or string bras, to avoid breaching the 'full nudity' clauses in some venues.

We do not believe that other measures are required to protect the position of artistic performances, as the more variations are introduced, the more likelihood that a venue that is operating as a SEV will try to present its offerings as 'artistic' to escape regulation. We have already seen this process starting in Edinburgh with the rebranding of one very prominent strip club as a 'gentlemen's club' that now offers burlesque, dance classes etc. in an effort to appear more 'respectable'.

Q5: There are no other venues which should be exempt.

Q6: We do NOT agree with exemption for premises offering sexual entertainment less than three times a year.

All premises which offer sexual entertainment should be subject to the same regulation, regardless of how frequently they wish to provide this entertainment.

Q7: Yes, local authorities should be allowed to decide that there should be no SEVs in their area.

This is crucial. At present community councils have no say and residents have no input, especially when existing premises apply for licence renewals. The licensing process is obscure and most people do not know that they can object, or how to go about it. Small print notices on lamp-posts near the venue don't encourage people to engage with the process, and many people who object to strip clubs feel resigned to

them existing in perpetuity, especially in cities like Edinburgh that have a very established sex industry with local authority support.

When councils are given a choice about having SEVs they often choose a nil limit – most recently in Swansea. In Highland they recently granted their first licence for a strip club, and the licensing board chair is on record as having had to do so against her wishes, and despite numerous objections, because she had no legal leeway to refuse the application. Many communities would not want such clubs near them, for a range of reasons including preventing public disorder, promoting gender equality, protecting children from harm and from exposure to inappropriate sexual imagery, or developing an area as a cultural or business hub.

Local authorities can then take into account factors such as proximity to schools or children's centres and decide if SEVs are to be allowed, where they should be located, and seek to avoid the clustering of venues (as in Edinburgh, where there are multiple venues on Lothian Road and the West Port area – presently six venues within a square mile, one part of which is known locally as the 'pubic triangle'). At present there is no power to object on the basis of over-provision of this type of entertainment as the dance activity is seen as ancillary to the liquor provision.

We strongly believe that communities must be more involved in setting limits on SEVs. The Scottish Social Attitudes survey in 2012 found that only 22% of Scots feel that they have a say in their community, a figure which must be improved upon.

Q8: No comment

Q9: Other issues

We would suggest the Scottish Government should give consideration to the following issues when setting policy on SEVs:

9.1 Economic issues – good places to work?

The Scottish Government's Economic strategy speaks of the value of creating high quality, permanent jobs; of creating highly skilled jobs as part of new developing markets such as the renewable energy sector; and of promoting equity in the economy. It is unclear how SEVs will fit with any aspects of this agenda.

Lap-dancing and strip clubs are generally extremely poor employers – for example, lap-dancing clubs routinely:

- Ask women to pay to appear/dance (unlike other dance performances where the audience members pay for a ticket and the organisation staging the performance pays the performers), meaning that they can be out of pocket if they don't have enough customers to cover their appearance fee on a given night – what other jobs involve women making no money at all on a shift?
- Use women who are self-employed dancers as opposed to employees, so they have limited protection, job security and rights.
- Fine dancers for breaches of rules, which can be arbitrary and unpredictable.
- Have high staff turnover because men demand new 'products' to look at and engage with and do not wish to see the same girls and women repeatedly –

they wish a range of nationalities, breast sizes etc. The nature of the work is that it's not permanent – sexual entertainment is provided by young women whose attractiveness is deemed to diminish with age.

- Encourage or tolerate drinking among the dancers, some of whom develop alcohol dependency problems.
- Make the women who work there feel unsafe or degraded, with long-term impacts on their physical and psychological well-being - many women report a heavy psychological toll linked to dealing with, in effect, normalised sexual harassment on a nightly basis.

For detailed testimony on the experience of working in these kinds of clubs and the harms it creates see <http://www.object.org.uk/lapdancing-testimonies> - selected excerpts from some of these testimonies are below:

“The industry by its very nature, is highly discriminatory and ageist, it is a certain fact that men want to see nubile young women naked, not 40 year old women, so the very core of the industry is extremely derogatory, and degrading to women of all ages” (Alexandra, former lap-dancer)

“You have a code of conduct but it's not adhered to too much. It's just to placate the local authorities. We weren't even encouraged to read it. You just sign it quickly. I was worried about signing it – but it became apparent it was all nonsense.” (Sarah, former lap-dancer)

“I increasingly, rather than getting dances, was making customers buy me a drink instead, and on more nights that I am too ashamed to admit would be so drunk that I would lose my dancing money, fight with other girls and customers and not remember getting back home. It was hell.” (Liz, former lap-dancer)

“There's no hierarchy. You can't be promoted. It's for quick money .There's no holiday or sickness pay. Shifts are booked on a weekly basis. If you're ill you can't work. There's no pension!”⁸ (Sarah)

“The management in all the clubs treated the girls very badly, they were discriminatory, frequently derogatory in their comments to and about the girls...The customers' attitudes varied between politeness to downright hostility and abuse.”⁹ (Alexandra).

As suggested in Alexandra's testimony, these venues do not generate work opportunities for women after a certain age or who do not fit a very narrow, culturally-relative interpretation of physical attractiveness; and they do not create jobs where there is any kind of advancement or career structure possible.

Due to the temporary nature of the work and the relative lack of scrutiny these venues are also attractive to people traffickers and more must be done to integrate anti-trafficking work with reform of this industry.

⁸ http://www.object.org.uk/files/Testimony_Sarah.pdf

⁹ Testimony to OBJECT campaign -

http://www.object.org.uk/files/Testimony_%20Alexandra%281%29.pdf

Lap-dancing clubs also routinely employ women who are not sober, as many of the women feel they need to misuse alcohol to survive the experience of working there – see Liz above and also the testimony of Jennifer Danns:

“In the two years Jennifer Hayashi Danns worked as a lap-dancer, she never met a woman who danced sober. Some took cocaine, the rest drank – whether they drove to work or not. At her worst point, Danns would have a bottle of wine before work, half a bottle while getting ready, and drink steadily through her shift. How else, she asks, could she walk up to strangers and ask if they wanted her to take her clothes off?”¹⁰

The 2004 research report, “Profitable Exploits: Lap dancing in the UK”¹¹ also found that dancers are encouraged by management to drink alcohol on site, which would be condemned in any other workplace. It reported that it is common for women in the sex industry to misuse substances to enable them to cope with the stresses of the work. Would any other employer who encouraged the drinking of alcohol and tolerated the use of other illegal drugs as part of a job be tolerated and supported by the licensing regime?

Their presence in society also puts working women at risk of encountering sexual harassment, through being excluded from corporate entertainment at strip clubs or expected to join in against their will. The Fawcett Society’s ‘Corporate Sexism’ report noted the commonness of firms holding business meetings, entertaining clients and celebrating deals at lap-dancing venues, with some establishments offering unmarked receipts for expenses. They identify this as a major threat to women’s equality at work.

The industry promotes stripping and lap-dancing as exciting and lucrative ‘work’ for women but the reality is that lap-dancing clubs are highly exploitative and offer very poor work. Councils and the Scottish Government will need to consider how these fit with local and national economic strategies.

9.2 Economic issues - legitimate, law-abiding businesses?

Most SEVs maintain a high ‘performer to punter’ ratio, to offer the customer a choice of ‘types’ of women e.g. different nationalities or body types (in itself an indicator of their view that women are objects for looking at and not human beings with rights and dignity) and this means there is intense competition between performers, which in turns escalates the types of performance on offer.

Increasingly men expect explicit sexualised behaviour and full nudity. We have reported a number of venues to the City of Edinburgh Council for breach of the code of conduct on dance entertainment, for advertising fully nude dances or dances in private booths. We have not had a satisfactory outcome to these complaints. One compliance officer admitted to us “we have taken our eye off these places”.

¹⁰ <http://www.guardian.co.uk/lifeandstyle/2011/nov/10/truth-lap-dancer-clubs>

¹¹ Julie Bindel, Child and Woman Abuse Studies Unit, London Metropolitan University, Aug 2004

This is an industry in which breaches of licensing policy are commonplace, as we have found by checking Edinburgh venues' compliance with 'codes of conduct'. It is hard for women's sector agencies to have confidence in the inspection regime when it generally involves men from the local authority and police visiting a premises to check what is happening.

It is well known that the buying and selling of sex acts occurs in some clubs. Scottish research with 110 men who had bought sex found that 31% of the men had accessed prostitution through a lap dancing club.¹² Selling sex is not illegal but brothel-keeping is and if more than one performer is selling sex in the same premises on the same night then the premises is effectively operating as a brothel, and the owner/manager is living off immoral earnings. These are crimes.

We do not have confidence that the venues operating as strip clubs at present, which are likely to apply to become SEVs, are legitimate, law-abiding businesses. The monitoring of these must be much more stringent than it is at present, with unannounced visits, conducted by officers who are trained in recognising signs that someone may have been trafficked. Compliance with regulation must be seen as paramount in these kinds of venues, commensurate with the risks they pose and their well-documented harms.

9.3 Gender equality

Lap-dancing is a manifestation of gender inequality. It is not a coincidence that the performers in lap-dancing clubs in Scotland are almost all women and the customers and business owners are almost all men. This industry thrives on the systematic exploitation of women by men and a gendered hierarchy of power.

The consultation on SEVs uses gender neutral language like 'performers' and 'customers' and says that says entertainment can be 'provided by both male and female performers.' Yet there is not one single lap-dancing or strip club in Scotland where men perform for women's sexual gratification. There is not one venue with graphic images of nearly naked men outside on the windows, or photos of men in underwear outside, or on the website. There are no reviews of men's bodies on the review websites for these premises. There are explicit reviews of women's bodies. There are no descriptions of men on the sites, but there are descriptions of women.

Women sometimes watch male strippers at hen parties for example, but the power dynamic at these events is very different from events where men, the dominant sex in our society, who have more money and power than women, watch women performers. There are no dedicated venues which offer women the chance to see men perform in this way, because there is no demand for this. Women generally do not demand to see men naked or near naked and in submissive poses. This issue cannot be understood separately from the wider issues of the unequal distribution of money and power between men and women in Scotland and the wider world.

This is an industry run by men, for men, in which women are the objects to be watched, touched and lusted over. A pretence of gender neutrality or symmetry does not help us towards making good policy on this issue.

¹² Challenging Men's Demand for Prostitution in Scotland - Women's Support Project – 2008.

These venues also exploit men. Although women are the primary victims of a regime which objectifies and commodifies them, men too are hugely exploited by this industry – the clubs are very tactical about parting men from their money, and the dancers are skilled in knowing how to make men pay more than they had intended.

“The private one on one dance was everyone’s bread and butter and the trick was to try and get them to stay in there as long as possible and have multiple dances at £10 each. The manipulative trick to this was to remain topless, lean over and whisper in their ear, “Would you like me to carry on?” to which any red blooded man would pant “yes!” whether they could afford to or not.” (Liz – former lap-dancer)

This industry preys on men’s willingness to be seen as a ‘lad’ and to conform to stereotypes about men’s desire to exploit women sexually and to value women primarily for their appearance.

It’s hard to see how local authorities can meet their obligations under the Equality Act 2010, and the sex/gender aspects of the Public Sector Equality Duty, whilst licensing premises which do so much to undermine equality between men and women.

9.4 Normalisation of the sex industry

Over the past decade, lap-dancing has entered the mainstream and the clubs are keen to present themselves as respectable. Some strip clubs offer lessons to women in pole fitness or striptease skills – e.g. Club Rouge in Edinburgh.¹³

Many leisure and fitness centres now offer ‘pole fitness’ classes to teach the skills for pole-dancing. In 2006 Comic Relief, which funds projects for young people affected by sexual violence, included a show called ‘Strictly Come Pole Dancing’ in its plans for fundraising. (This was later dropped due to the volume of protests.)

Clubs are not discreet or hidden venues. They are advertised on flyers, in magazines and local papers, on local taxis and on larger billboards, and by promotional staff (often dressed in lingerie) handing out flyers in high streets. The clubs are very visible on main streets, many with frontage which makes it clear what is on offer inside. Regulating the appearance of these venues has been difficult in Edinburgh as the advertising regulations have been interpreted by council officers in such a way as to allow these venues to place large silhouettes of naked women in their windows.

In February 2010, the Home Office published a review of the Sexualisation of Young People. This review examined culture and society in the UK and found that jobs in brothels and lap-dancing clubs were advertised by Job Centre Plus and that “we are seeing the normalisation of [sex work] as viable career choices” which “sends out a powerful message to young people about what is of value” (para 29). The review concluded that popular culture lends “credence to the idea that women are there to be used and that men are there to use them” (para 30).

¹³ <http://www.clubrouge.co.uk/pole.html>

In this climate, it is easy for young people to be groomed for involvement in the sex industry and for escalation to occur. Many young women who work in lap-dancing clubs do not intend initially to become involved in prostitution but soon find that is the norm in these clubs and become involved in selling sex, with severe consequences for their wellbeing.

We are concerned that this new regime may have an unintended consequence; that of further cementing this 'normalisation'. Venues will be able to say they have an SEV licence and this may confer respectability. It may even be that we see a mushrooming of this sector as more people apply to run an SEV, if this regime makes it clearer what is involved and resolves some of the difficulties created since the Brightcrew case. On balance we think the proposed regime is better than the status quo and that change is needed but we urge caution over the risks of expanding an industry which is so harmful.

9.5 Other AEWG recommendations?

We note that some recommendations¹⁴ made by the Adult Entertainment Working Group in 2006 have not been enacted and would encourage the Scottish Government to revisit these.

9.6 Link to local policing

We would like to see more linkages made between policing plans/local policing, and the licensing regime. For example, police data collection could seek to establish if there is any correlation between levels of harassment/sexual assaults etc. in a (say) 2 mile radius of SEVs, or if customers who cause disorder at these venues also have convictions for forms of gender-based crime such as domestic abuse or sexual assault. This would help us gather more evidence about the impact of SEVs on our communities.

9.7 Frontage/signage

We recommend that the regime created includes provision for restricting the types of frontage/signage permissible at these venues. One lap-dancing club in Edinburgh has photos of some of the women performers in lingerie in a display case outside the front door, and others have graphic representations of women stripping or pole dancing, as mentioned at 9.4. We would prefer that if these venues exist at all, that they be disallowed from using such imagery as advertising for their services.

9.8 Prevention of crime

We need more clarity on how this new proposed regime will stop prostitution from happening in SEVs – we know it does presently¹⁵ – what will prevent this? There

¹⁴ <http://www.scotland.gov.uk/Publications/2006/04/24135036/3>

¹⁵ Women's Support Project research on men who bought sex - http://www.womenssupportproject.co.uk/userfiles/file/uploads/Challenging_Men%C2%92s_Demand.pdf – found that 34% of men who had bought sex in Edinburgh had located prostitutes in a lap-dancing club.

need to be clear rules prohibiting private dances, private booths and the sale of sexual acts, and these need to be enforced.

9.9 Safer communities

The SG wishes to create safer communities. We believe that lap-dancing clubs harm communities. They make women feel uncomfortable and unsafe, and create no-go areas in our towns and cities. We have a lot of anecdotal evidence of women in Edinburgh avoiding Lothian Road and the West Port to avoid walking past strip clubs. We also wonder what risk men who are sexually excited on leaving a strip club pose to women in the city, both to strangers and to the women they are in relationships with. There needs to be further study of this.

One study, in Glasgow, conducted by the Glasgow Chamber of Commerce in 2003, found that three quarters of city centre businesses believed that lap-dancing clubs would damage the reputation of the city; and half were concerned about the safety of their staff in the vicinity of the clubs.

Case study: Camden

In 2001, the female rape rate in the London Borough of Camden, which then had seven lap-dancing clubs sited mainly in residential areas, was three times the national average. Researchers at the Lilith Project say that since 1999, rape of women in Camden has increased by 50 per cent and indecent assault by 57 per cent. In 2002, a report from the council's environmental health department recorded that some streets had turned into "a no-go area for female shoppers and male passers-by who are often accosted by pimps and other strip clubs offering sexual services and favours".

9.10 Fit and Proper

We believe that the regime that is created should include provision to determine whether the holder of an SEV is a 'fit and proper' person, and that the definition of 'fit and proper' should incorporate whether or not a person has any convictions for illegal behaviour. This should include a reasonable assessment of whether the criminal conviction is for an offence which may put the public at risk (e.g. assault, sexual assault) or a more victimless crime e.g. a public order offence gained in protesting. The public have the right to be protected from licensees who have serious criminal convictions.

Further information

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NB: This submission is made on behalf of the organisation and may be published.