



Consultation on Regulation of Sexual Entertainment Venues

September 2013

Introduction

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy.

The SWC uses the views of women to respond to Scottish and UK Government consultation papers.

SWC Evidence Source

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events throughout Scotland, Thematic Conferences and regional contact groups. This submission paper provides the views of women and reflects their opinions and experiences in a number of key areas relevant to this consultation.

Purpose of the Consultation

The key aims of civic licensing are the preservation of public safety and order and the prevention of crime. A range of premises and venues are subject currently to licensing, including pubs, clubs and other venues selling alcohol, theatres and public entertainment venues, etc. The Scottish Government considers that it is appropriate that sexual entertainment venues should be licensed in order that both performers and customers benefit from a safe, regulated environment. They also believe that the licensing of these venues would limit the risk of criminality, such as prostitution and human trafficking.

By consulting on a licensing regime for legal activities, the Scottish Government does not seek to condone or endorse these activities. Indeed, the Scottish Government's definition of Violence Against Women (VAW) includes commercial sexual exploitation, which encompasses many of these sorts of activities. The proposals seek to balance individual freedom of choice with a local community's right to exercise control and regulate sexual entertainment venues that operate within its areas. Local licensing authorities are best placed to reflect the views of the communities they serve and determine whether sexual entertainment establishments should be authorised and under what conditions. Where a venue is approved, licensing conditions and enforcement should assist the protecting the safety and wellbeing of both staff and customers and the wider public.

Should sexual entertainment and the sale of alcohol be licensed separately? If so, what impact, if any, would a parallel regime for sexual entertainment venues have on alcohol licensing?

Yes.

At present, Licensing Boards can impose conditions, for example a 'Code of Conduct, which can be put onto an alcohol license. There is, however, no requirement for this to be enforced. A separate licensing regime for sexual entertainment venues would send a clear message that the Scottish Government treats these venues differently from others which sell alcohol. A separate license should also come with stringent controls which ensure that they are not simply subject to the same conditions as, for example, a pub. The abuse and exploitation of women working in these venues must be accounted for through licensing conditions. The lack of regulation should not be allowed to continue.

Do you agree that sexual entertainment premises should be licensed separately from other forms of public entertainment?

Yes.

Sexual entertainment premises should not be subject to the same conditions as a gym or a restaurant. They provide very specific forms of "entertainment" which degrade and exploit the women who work there. Those who wish to open such premises should not be able to obtain a license as easily as a venue which provides public entertainment aimed at all members of society.

Is the definition of an audience as 'an audience of one' appropriate?

Yes.

This definition will ensure that men who purchase private dances in sexual entertainment venues, whereby they are in a room alone with a woman, are subject to licensing conditions.

Many clubs state they have 'no touching' rules, however there is no enforcement of these either by the club individually or under the licensing conditions as they stand. It is hoped that under a new licensing regime, this type of rule will be enforceable and women will not be subject to the abuse they face at the moment. Regulation is necessary as many customers assume that dancers will agree to provide sexual services.

Is the definition of sexual entertainment sufficiently clear? Are additional measures required to protect the position of artistic performances including, for example, exotic dancing?

Yes.

Is it appropriate that premises that are used for sexual entertainment on less than three occasions per year should be exempt from licensing?

No.

Any venue which provides any form of sexual entertainment as defined in the consultation document, at any point, should not be exempt from licensing. The SWC has concerns that club owners would exploit this loophole and provide sexual entertainment services in other venues in order to bypass any form of regulation.

Is it appropriate that local authorities be allowed to decide that there should be no sexual entertainment venues in their area?

Yes.

It is vital that communities are given the opportunity to make clear to local authorities how they feel about the potential for sexual entertainment venues to open in their area. At the moment, any grounds of objection can only be taken into account because of alcohol issues and not because of what happens on the premises.

This provision would, hopefully, encourage more community involvement in licensing processes, giving local residents with strong objections the opportunity to voice their opinions and influence decisions made.

Issues such as safety within communities, exposing children to sexual imagery through advertising of venues, proximity to schools and gender inequality overall would have to be taken into account when licenses were being considered. Communities would be able to send a strong message to their Local Authorities, making clear that they do not want these types of venues in their area.

Are there any other issues which Scottish Ministers should take into account in considering possible legislation to provide for the licensing of sexual entertainment venues?

The SWC is concerned that while the Scottish Government considers commercial sexual exploitation as a form of Violence Against Women (VAW), it is nonetheless legislating around lap dancing clubs etc as opposed to objecting to them outright. This approach seems to go against not only the ethos of the Scottish Government, but also the amount of work which has been done in the field of VAW towards prevention and eradication of this blight on society.

The SWC agrees with the inclusion of commercial sexual exploitation in the Scottish Government's definition of VAW and while moves to create more regulations are important. A shift towards a zero tolerance approach to such venues would be welcomed.

Lap dancing and strip clubs are fundamental examples of gender inequality. 'Adult entertainment', as it is often referred to, is a euphemism for commercial sexual exploitation and normalises activities which disguise more abusive, controlling and demeaning behaviour towards women. Most women undertake work in these types of venues because of poverty, lack of choice and childcare issues. Lap dancing portrays women's bodies and their sexuality as their most important qualities as valued by men.

Paragraph 16 of the consultation document proposes that it should be at the discretion of a local licensing authority to decide whether or not a licensing regime is needed. This proposal could have damaging consequences. It is vital that there is consistency throughout Scotland in order to avoid exploitation of the law.

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