

RE: Representation objecting to the renewal application for Spearmint Rhino, Camden

I believe that Camden Council should refuse this licence application on both **prevention of crime and disorder and ensuring public safety** AND going further – because licensing any SEV is in breach of the Council’s duty to enforce the Equalities Act 2010.

Firstly – on prevention of crime and disorder:

Strip clubs are the very definition of harassment, victimisation and intimidation for the women working in them. Furthermore, it is clear that no amount of “regulatory measures” can prevent this.

This is substantiated by countless testimonies from women who have left the industry ¹, by academic research ^{2,18} and by over two-dozen press exposés ³. Testimony from women who have exited the industry confirm that behaviour in the clubs constantly exceeds the Code of Conduct agreed to in the application. For instance: there is no way a dancer will not “straddle the customer” as part of their dance – this is what customers EXPECT from their dancers. To refuse is to – at the very least – lead to a loss of earnings, and in some cases harassment, verbal abuse and coercion.

There is also widespread misuse of SEVs to funnel further work and customers into other arenas of the sex industry including prostitution, trafficking and drugs. All are obviously criminal activities, but again – testimony from ex-dancers attests to all these activities happening in the background of lap-dancing clubs including but not limited to: drugs for sale in the club, pimps coming into the club scouting for women to recruit into prostitution, “cabbies” waiting outside to taxi aroused customers to brothels, spiking of customers’ drinks then fleecing them on their bills.

The whole arena of lap-dancing and stripping as a business is predicated on the wider sex industry and feeding into that demand while maintaining a route into the illegal side. Make no mistake, SEVs are a front for VERY criminal activities and the act of licensing them and allowing them to continue to operate is simply encouraging and supporting crime and disorder in Camden.

Secondly – on ensuring public safety:

Lap-dancing clubs not only foster an atmosphere of harassment and inequality inside the premises, but there is also evidence that their very existence affects women in the wider world’s freedom of movement (that alone is a breach of equality law), resulting even in “no go” zones. Examples are highlighted here: www.notbuyingit.org.uk/NoGoZones

A quick search through Twitter revealed this tweet from a local woman just a few days ago:



So it is clear that harassment of local women in the vicinity of Spearmint Rhino is happening now!

Again, this *cannot* be mitigated. From this woman's tweet it is clear no amount of exterior CCTV, security or other measures can alleviate this. It is the *mere presence* of a strip club that makes women feel threatened and victimised, let alone being harassed – as described in the tweet.

This harassment outside clubs has been recognised through countless testimonies and numerous research studies as well as expert legal opinion ⁴:

These are just some examples of testimonies from women UK-wide on how living or working in areas where they need to pass a lap-dancing or strip club restricts their freedom of movement ⁴:

"I do everything that I possibly can to avoid going near (the club). I am a frequent train traveller... I often get back to late and feel unsafe walking... to my bus stop because of the club's very close presence" (Sheffield resident)

"The atmosphere has changed. There is an air of menace. The men come out of these clubs and shout things like: 'Why should I pay some slapper in there when I could have sex with you?' A lot of women take the long way home now. Because the centre of town is a no-go zone" (Cornwall)

This can even include women's right to work:

"I have given up my studio... one of the contributing factors was [the strip club] opposite... Leaving the studio in the evening means running the gauntlet of men outside the club harassing women who are passing the club. This includes the bouncers from the club"

It also has an impact on other protected characteristics (such as disability or the LGBT community):

"We recently took the decision not to host a party for LGBT History Month because we were worried about vulnerable audience members walking through town past locations like (that lap-dancing club)"

These testimonies are corroborated by research:

In the UK, the journal *Criminal Justice Matters* states:

"...the women describe feeling frightened, disempowered, violated, embarrassed, unsafe (particularly if men are around) and avoid certain streets at night where they know there is a lap dancing club" ⁵

The universality of this is echoed by an Australian article about women and girls' perceptions of safety and how they restrict their freedom of movement to avoid zones where there are strip clubs ⁶.

The fact that clubs restrict women's movement even when they are closed is also recognised ⁵:

"Women also reported **avoiding** certain streets and **feeling frightened** in the **day time**, when the clubs are closed. It is the **existence** of the clubs that **causes women to feel alienated in public space at all times**, and fearful of the threat of violence posed by the sexual objectification of women"

In addition, measures to reduce the visible impact of clubs – lack of signage, for instance – have been commented on as inadequate by a judge (in a failed case where a strip-club operator took Leeds City Council to court for refusing to renew its licence) ⁷:

It was "debatable" whether the club's presentation and lack of signage, "which is itself a contrast to the buildings around it, most or all of which provide some indication of what they are... really anonymises the premises or does the opposite by suggesting the true nature of their use"

Legal analysis reiterates that the mere presence of a club can be challenged as a breach of the PSED. According to licensing expert Philip Kolvin:

“In relation to the 24-hour economy policy, ensure that the views of women are considered. Evidence shows that in certain locations, lap-dancing and exotic dancing clubs **make women feel threatened or uncomfortable**”⁸

Kolvin continues with:

“If a woman, **whether objectively justified or not**, fears to use part of the town centre characterised by sex establishments, this may be argued to amount to **discrimination**, in that her access to the public infrastructure of the town is impaired in comparison to that of men. Where relevant these considerations ought properly to be taken into account by authorities at the decision-making stage, and possibly at the policy-making stage”

I consider public safety to include safety not only from harassment and intimidation, as outlined above, but also from mental distress – and so, it seems, does Camden Council since under the permitted Discretionary Ground 40.III it states:

The number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.

In Camden’s case, that is NIL!

Section 42 of the Council’s own policy categorically states that:

there are “no locations in the borough of Camden where it was appropriate for a sex establishment to be located”.

By this logic alone, there should be **no SEVs** in the borough of Camden at all!

But Spearmint Rhino still exists and continues to be licensed *despite* Camden Council stating it will take into account whether its location is within 250m of what is deemed to be a “Sensitive Area”. Such sensitive areas include :

- schools or other facilities frequented by children such as playgrounds and playgroups
- cultural facilities such as museums, theatres and cinemas
- facilities frequented primarily by women such as well woman clinics
- places of worship
- public leisure facilities such as leisure centres, parks and open spaces
- community buildings such as community centres, libraries and drop-in centres
- places used by vulnerable persons such as hostels and other adult social-care facilities
- residential premises
- hospitals and other medical facilities
- other sex establishments

According to Camden Council’s *own* policy, it is inappropriate for strip clubs to operate this close to such areas. Indeed the Policy even states a presumption of **refusal** if this is the case.

BUT in the Spearmint Rhino application, in **its own photos**, it is clear that the club is located right next to a residential bloc, well within 250m of the club. And as stated in the above tweet, it is in close proximity to UCL, a university which incorporates a hospital.

This alone should be grounds for refusing the relicensing of Spearmint Rhino, as it is very clear its location is in breach of this requirement.

Section 42 of Camden's licensing policy states that:

The Council has therefore considered the nature of its wards and determined that a presumption exists that any application for a sex establishment license in any of Camden's wards shall be refused, save for in exceptional circumstances.

Which leads onto the legality of issuing a licence to Spearmint Rhino, since pre-existing licences *must* be treated in the same way as new licences. **Section 44 of the Policy states that the "presumption to refuse" does not apply to the renewal or variation of an existing licence.** This means pre-existing licences are being treated differently from (and preferentially to) new applications.

This is in breach of sexual entertainment venue (SEV) legislation (and undoubtedly licensing and competition law more generally). SEV case law has shown that, although "due consideration" must be shown to pre-existing licences, they should **not** be treated differently from new applications. This has been affirmed by a series of rulings in the Court of Appeal during a number of linked appeals following refusals to renew licence where there had been no change in circumstances. In this the judge ruled⁹:

"Where Parliament, having expressly limited the grounds on which a licence may be refused, has drawn **no distinction between grant and renewal for the licence** and provided that a licence shall not last for more than a year, then it seems to me that to accede to the submission of counsel for the appellants would be to introduce a **fetter on the discretion of the local authority** in cases of renewal, which Parliament has not done"

For all the above reasons, I think it is abundantly clear that Camden Council should not renew Spearmint Rhino's licence. But to add further evidence of the legality of issuing any licence to an SEV, I believe that to do so is in breach of Camden Council's duty to comply by the Equalities Act 2010, in particular the **Public Sector Equality Duty (PSED)**.

The PSED section of the Equalities Act is a legally binding requirement for councils to pay due regard to the need to:

- **Promote equality of opportunity**
- ***Eliminate* unlawful discrimination, harassment and victimisation of women and other protected groups**
- **Promote good relations between protected groups (eg women or ethnic minorities) and unprotected groups (eg white men)**

This applies to *all* licensing and policy decision by all councils. Camden Council therefore has a legally binding obligation to pay due regard to the PSED. This applies *regardless* of the fact that Parliament has legislated to allow the possibility for sex establishments to be licensed.

Two recent successful legal challenges to one Council underline this duty and stress the urgent need for Camden Council to pay heed to the PSED or similarly be in breach of equality law and subject to challenge in the courts. Sheffield City Council was recently found to be in breach of the PSED both in its re-licensing of a Spearmint Rhino strip club and in its overall pro-strip club licensing policy.

These proceedings highlighted the incompatibility of the strip industry with equality law, the PSED-flawed arguments, research and "regulations" used to support the strip industry and the fact that the PSED applies to women in clubs, in their vicinity and in wider society Error! Bookmark not defined.

Indeed in the words of human rights expert Louise Whitfield of Deighton Pierce Glynn:

“It is now clear that a local authority... must look long and hard at the **adverse impact on gender equality** of letting such an **enterprise exist at all**... Otherwise it will be acting unlawfully and will be subject to legal challenge”

I would also point out that councils have always had the right – indeed a duty – to “take a fresh look” at every single licence re-application. This has been upheld by over half-a-dozen court cases, where strip-club operators have taken councils to court for refusing to relicence their clubs ¹⁰. **In every single instance the club operators failed.** These rulings have confirmed that:

“Given that there is potential for the discretion to be exercised afresh, the renewal should not just be a rubber stamping exercise, but an opportunity, if needed, to review the principle and content of the license” ¹¹

“the fact that the premises currently holds a licence, although a relevant factor, is **not a determining factor** in its renewal” ¹²

“I have come to the conclusion that the **licensing authority were entitled to have a fresh look at the matter**... In a case where there has been **no change of circumstances**, if the licensing authority refused to renew on the ground that it would be **inappropriate having regard to the character of the relevant locality**, it must give its reasons for refusal... **If the reasons given are rational, that is to say properly relevant to the ground for refusal, then the court cannot interfere**” ⁹

By contrast, there does not appear to be a single incident where a council’s refusal to re-license an SEV has been successfully challenged in court by a strip-club operator ¹⁰.

Breach of the PSED Within Clubs

As women from the lap-dancing industry testify:

“You get on a man’s lap and grind on his crotch”

“No touching is the first rule that is broken”

“The ‘blind spots’ in CCTV are pointed out to you”

“Oral sex is expected with a VIP ‘dance’”

“I have lost count of how many times I was physically, verbally and sexually abused”

“I was raped on CCTV by a security guard in a private booth. There still wasn’t enough ‘evidence’ for a prosecution”

You can read more here: www.notbuyingit.org.uk/strip-publications#Performers

Strip clubs are the very definition of harassment, victimisation and intimidation for the women working in them. Furthermore, it is clear that no amount of “regulatory measures” can prevent this.

This is substantiated by countless testimonies from women who have left the industry ¹³, by academic research ^{14,18} and by over two-dozen press exposés ¹⁵.

CCTV, security guards and “house mums” do nothing to prevent even the most fundamental regulatory rule from being broken – no sexual contact. Across the industry a standard lap dance entails a naked young woman straddling a man and grinding on his crotch ¹⁶. Typically a great deal more also takes place – from

acts of prostitution to sexual harassment and assault. Other forms of criminality are also commonplace, from on-premises drugs to serving drinks to intoxicated customers 15, 17. This is occurring even in the most longstanding and “respectable” clubs in the country, such as Spearmint Rhino (all branches) and The Windmill (which has just lost its SEV licence).

They also promote extremely poor relations between women and men – again a breach of the PSED.

The largest study of the industry in the UK 18 revealed that 30% of performers said that as a result of doing the job they had lost respect for men – a finding echoed in many testimonies by former performers.

And of course this is as nothing compared to the attitudes clubs foster in men towards women. Obviously the impact of this is far more concerning, as men carry these attitudes around with them in a society where 10 million (1 in 3) women experience male violence *because* of men’s attitudes towards women.

In a study of strip-club customers, over half of the men interviewed stated that their motivation for visiting lap-dancing clubs was to escape from what they perceived as a code of conduct which “restrained” them 19.

“With all this sexual harassment stuff going around these days, men need somewhere to go where they can act like they want” (punter)

“You can go in there and shop for a piece of meat, quote unquote, so to speak” (Frank, K 20)

“Groping at a seedy lap-dancing club – isn’t that what you do at a seedy lap-dancing club?” (tweet by H-male, Cheshire)

Taken together, it becomes inconceivable that any council can license a strip club and not be in breach of its equality duties. This is outlined in depth here: www.notbuyingit.org.uk/13ReasonsWhyNot

Breach of the PSED in wider society

The Council also has a legal duty to consider the impact of SEVs on women in wider society. There is already evidence that the Spearmint Rhino on Tottenham Court Road is creating an unsafe space for women to walk past, as judged by the tweet above.

In addition there is a large body of research as well as numerous national and international documents which reiterate the harm of objectifying women (which is the very least of what strip clubs do). Indeed it is stated government policy to address this.

Strip clubs discriminate against women in wider society by normalising the sexualisation and objectification of women, and this directly contributes to harmful attitudes and the high levels of male abuse of women.

As framed in objections to Sheffield’s strip industry 21:

“Lap dancing clubs reinforce negative gender stereotypes of male insatiable sexuality and female sexual availability, which are hugely damaging to both sexes and do not foster good relations between the sexes”

This has been highlighted in countless studies, for instance 22:

“In objectifying media, women’s role as a source of male sexual pleasure is emphasized and their humanity is deemphasized. After having internalized the messages of male sexual privilege and female dehumanization, it should be easier for men to envision imposing themselves sexually on women and reacting punitively to women who frustrate their sexual goals”

While objectification (including lap dancing, explicitly) is condemned in numerous international treaties on women’s rights 23:

“It is now generally accepted that **stereotypical attitudes**... and... the power imbalance between the sexes contribute to male violence against women” (UK government report to CEDAW)

A leading human rights barrister (the barrister who successfully challenged Sheffield’s pro-strip club policy) testified to Parliament about the incompatibility of strip clubs with ending sexual harassment²⁴.

Wider public opinion agrees: according to the BBC, the number of lap-dancing clubs has fallen by a third in England²⁵. The same report states that “a survey conducted by YouGov in 2015 found 64% of people in Great Britain said strip clubs were a negative part of British culture.”

Each strip club, and the licensing of them, goes wholly against the Council’s professed aims to “make Camden a safer place” (Section 20), Camden’s equality policy (Section 26) and numerous other commitments (such as respecting a diverse community, ensuring that Camden is a safe place to live, work and study and ensuring that policies “don’t have any unintended adverse impacts”).

Each club thwarts the Council’s stated aim to provide an appropriate, safe, inclusive, culturally sensitive environment for all women, children – and men.

It is for this reason, along with the others outlined at the start of this letter, that I object to Camden Council re-issuing Spearmint Rhino with its SEV licence. In addition, I ask that the Policy Committee also start to consider creating a meaningful and practical exit strategy for performers from Spearmint Rhino (and other SEVs) wishing to leave the business.

I look forward to hearing from you.

¹ <http://notbuyingit.org.uk/strip-publications/#Performers>

² <https://www.glasgow.gov.uk/CHttpHandler.ashx?id=8107&>

³ www.notbuyingit.org.uk/StripSleaze

⁴ www.notbuyingit.org.uk/NoGoZones

⁵ Patiniotis, J. & Standing, K. (2012) ‘License to cause harm? Sex entertainment venues and women’s sense of safety in inner city centres’ in Criminal Justice Matters, 88:1, 10-12.

⁶ Safe in the City? Girls tell it like it is. March 26, 2017 <https://theconversation.com/safe-in-the-city-girls-tell-it-like-it-is-72975>.

⁷ <http://www.bailii.org/ew/cases/EWHC/Admin/2014/878.html>

⁸ Kolvin, P (2010) Sex Licensing, The Institute of Licensing p.87

⁹ R v Birmingham City Council es parte Sheptonhurst Ltd [1990] 1 All ER 1026

¹⁰ www.notbuyingit.org.uk/intheDocks

¹¹ Kolvin, P (2010) *Sex Licensing*, The Institute of Licensing p.90

¹² Kolvin, P: advice to Fawcett Society 08.04.08

¹³ <http://notbuyingit.org.uk/strip-publications/#Performers>

¹⁴ <https://www.glasgow.gov.uk/CHttpHandler.ashx?id=8107&>

¹⁵ www.notbuyingit.org.uk/StripSleaze

¹⁶ www.notbuyingit.org.uk/ThisisLapDancing

¹⁷ www.notbuyingit.org.uk/UnfitUnsafe

¹⁸ Sanders, T., & Hardy, K. (2011) *The Regulatory Dance: Sexual Consumption in the Night Time Economy – Initial Findings*. Leeds: University of Leeds

¹⁹ *Journal of Sex Research* 40:1, 61-75, 2004

²⁰ “‘Just trying to relax’: Masculinity, masculinizing practices & strip club regulars” *Journal of Sex Research* 40:1,61-75

²¹ Slideshare from: <https://www.slideshare.net/ZerooptionSheffield/villa-mercedes-hearing-8th-september-2016>

²² Wright, P.J & Tokunaga, R.S (2016) Men’s Objectifying Media Consumption, Objectification of Women, and Attitudes Supportive of Violence Against Women in *Archives of Sexual Behavior*

²³ <http://www.notbuyingit.org.uk/sites/default/files/Human%20Rights%20Conventions.pdf>

²⁴ <https://parliamentlive.tv/event/index/6fa68e61-8ee0-48f3-902d-abdf683ba274>

²⁵ 23 February 2018 Available from: <http://www.bbc.co.uk/news/uk-england-43043842>