

Leeds City Council
Entertainment Licensing
Civic Hall
Leeds
LS1 1UR

By email to: entertainment.licensing@leeds.gov.uk

23rd April 2018

Dear Licensing

I am writing on behalf of Support After Rape and Sexual Violence Leeds, an organisation which exists to support women who have been affected by rape, childhood sexual abuse and any other form of sexual violence.

I refer to the application for a Sexual Entertainment Venue licence by Whiskey Down, 25 Crown Street Leeds LS27DA

This is an objection letter to the application for this licence and I call for the council to refuse it.

SARSVL believes that Leeds City Council (LCC) missed an opportunity when it introduced its policy to limit such clubs in the city centre to four. It should have adopted a Zero Tolerance of Sex Establishments policy but in the absence of this SARSVL does not believe that LCC should license these sex establishments as it is incompatible with the Equality Act 2010, Violence Against Women Strategy and Child Friendly Leeds policy.

We believe that the Council should refuse the licence application under the Discretionary Grounds for Refusal of the current Leeds City Council's Licensing of Sex Establishments Policy on the following grounds:

The Public Sector Equality Duty and Gender Equality

Leeds City Council has "statutory obligations in relation to disability race and gender" ensuring that these factors are not used to discriminate against anyone. We believe that a sexual entertainment venue directly discriminates against women by normalising the sexualisation and objectification of women, and that this contributes to their sexualisation and objectification in other areas of society.

The Council has a fundamental and non-delegable role to give due regard to the Public Sector Equality Duty, including tackling gender inequality. This applies notwithstanding the fact that Parliament has legislated to allow the possibility for SEVs to be licensed in specific areas – subject to the choices of the local communities. Women have contacted us throughout recent years and have voiced their concerns and fears about the presence of sexual entertainment venues in the city.

As Philip Kolvin (2010) cites the Royal Town Planning Institute's *Gender and Spatial Planning Good Practice Note*:

"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 club make women feel threatened or uncomfortable" [1]

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" [2].

This is further corroborated by 2012 research published in *Criminal Justice Matters* which states that:

". . . 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." [3]

The fear of violence and the impact on women's safety and freedom is frequently dismissed as a "moral argument" and therefore deemed as inadmissible and irrelevant. Since when is the safety and freedom of women a "moral" issue?

Lap dancing clubs also reinforce gender stereotypes of male insatiable sexuality and female sexual availability which are hugely damaging to both sexes and non-binary people. The stereotypes upon which they are founded do not foster good relations between the sexes, as evidenced in the Zero Option Sheffield Villa Mercedes hearing representation, a slide quoting former lap dancers is provided below to illustrate this point:



Foster good relations between people who share a protected characteristic and those who do not

- "I always thought of the customers as vermin and, ironically, that is what they thought of me" (*Ibid.* p.13)
- "It's screwed up my view of men . . . Every time I see a man now, I just see him as a punter. There's only so many bad experiences you can have before you start hating them all . . ." (*Ibid.* p.47)
- "You start to see men as nothing more than their wallets, idiots to be fleeced for as much as you can. You start to despise them for believing you when you flutter your eyelashes and tell them they're the most interesting customer that you've ever talked to." (*Stripping the Illusion: the Lap Dancing Industry Exposed*
<https://www.youtube.com/watch?v=KhwJWkqgP2c>)

In their UK study published in 2011 Sanders and Hardy [4] reported that 30% of the women performers interviewed said that as a result of doing the job they had lost respect for men, a finding echoed in the testimonies of former performers.

For example, a former lap dancer “Elena” told the Guardian that:

“Lap-dancing reinforced all [her] negative beliefs about herself and about men. “The men just see you as an object, not a person, and whether you are equally engaged in their desire is irrelevant. Increasingly, you learn to despise the men because of the way they perceive you. Lap-dancing is about creating a situation whereby the men feel they are doing you a favour - that's the way the game is set up, so all the power is with the customer.” [5]

We are sure that we need not remind the the Council of its duty under the Equality Act's requirement to pay due regard to foster good relations between men and women.

Location

In its current policy, the Council states that SEVs are generally not appropriate near premises with sensitive uses. The SEV in question is near to several of the types of premises mentioned on the list:

- Residential Areas

Leeds is a city centre characterised by the close proximity of residential to commercial establishments; in fact it prides itself on this feature. There are a large number of flats located in close proximity to the SEV.

- Historic Buildings.

The Corn Exchange is an iconic part of the Leeds city centre landscape and has a long history. The SEV is located in close proximity to this building.

Further grounds for refusal

When the venue applied to the council to change its name from ‘Black Orchid’ to ‘Whiskey Down’, the managing director of Tokyo Industries (who own the SEV) told the panel the name change was designed to reflect a “higher end” and “gentleman’s whiskey club” vibe [6] This image of a high-end establishment portrayed by this SEV goes in some way to normalising this type of venue in a very active part of the city, and as such giving the impression that Leeds as a city condones both the sexualisation and objectification of women, which is in complete contradiction to the Council’s equality policies.

Renewing a licence would be contradictory to other work that the Council does, funds and promotes. Has the Council for example, as per its own policy, carried out an Equality Impact Assessment?

A Sexual Entertainment Venue in the heart of the city, or anywhere in the city, is simply completely contradictory to everything that the Council says it stands for, everything that the Council should stand for, and has a duty to work towards. In particular the Child Friendly Leeds Policy and the Violence Against Women Strategy.

SARSVL will fully and actively support the Council in the face of any challenge to the Council by giving a refusal.

The Council is asked to note that in the last few years they have successfully defended a refusal to renew two SEV licenses at judicial review:

R (Bean Trading A Ltd) v Leeds City Council (2014)

It was held that a council can “take a fresh look” despite no changes to the character of locality. The Council is also asked to note the following from Philip Kolvin regarding licence renewal:

“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.”[7]

The case of Thompson v Oxford City Council (2014) was also supported at court of appeal, and the Council told they could “take a fresh look” at any application for renewal.

We look forward to hearing from you.



(For and on behalf of Support After Rape and Sexual Violence Leeds)

References

[1] Kolvin, P (2010) *Sex Licensing*, The Institute of Licensing p.87

[2] 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.

[3] Kolvin, P (2010) *Sex Licensing*, The Institute of Licensing p.87

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

[5] The Guardian 19th March 2008 *I was seen as an object, not a person*
<https://www.theguardian.com/world/2008/mar/19/gender.uk>

[6] 30th November 2017 ‘*New Strip Club to open in Leeds This Weekend!*’
<http://leedsbars.co.uk/new-strip-club-open-leeds-weekend>

[7] p. 90

Nelson, Matthew

From: planning.comments@leeds.gov.uk
Sent: 19 April 2018 16:40
To: Nelson, Matthew
Subject: Comments for Licensing Application SX/SEV/00021/18/01

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:40 PM on 19 Apr 2018 from - Leeds Civic Trust.

Application Summary

Address: First & Second Floors 25 Crown Street Leeds LS2 7DA
Proposal: Sexual Entertainment Venue - Renewal
Case Officer: Mr Matthew Nelson

[Click for further information](#)

Customer Details

Name: - Leeds Civic Trust

[REDACTED]
[REDACTED]
[REDACTED]

Comments Details

Commenter Type: Society

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 4:40 PM on 19 Apr 2018 Leeds Civic Trust Planning Committee has considered this application carefully and wishes to object to the application on the following grounds

Harm that would be caused to the character of the locality

In addition to the Leeds Civic Trust premises (very near to the premises in question), this area has a number of buildings of historic importance, including the Grade 1 Listed Corn Exchange -arguably the most important listed building in Leeds, the soon to be reconstructed Grade II Listed First White Cloth Hall, the Assembly Rooms (Waterloo House) and other historically important buildings. Kirkgate, is one of the most historical streets in Leeds, and is the subject of considerable public investment and regeneration.

Uses that nearby premises are put to

The immediate area is mixed use, including the Corn Exchange which is a family destination, and includes

evening uses. There is also existing and planned residential developments in the immediate vicinity (on Crown Street). The very late trading hours are entirely inappropriate near residential property, due to comings and goings and general street noise and activity.

Layout, Character and Condition of these premises

There are clearly serious concerns relating to this type of licence, (as clearly shown in the four and a half pages of proposed conditions), and we consider it inappropriate for this important historic building to be used for this function

We consider that discretionary grounds for refusal probably apply here, therefore we strongly encourage LCC to refuse this application.

Nelson, Matthew

From: planning.comments@leeds.gov.uk
Sent: 12 April 2018 14:19
To: Nelson, Matthew
Subject: Comments for Licensing Application SX/SEV/00021/18/01

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 2:19 PM on 12 Apr 2018 from [REDACTED]

Application Summary

Address: First & Second Floors 25 Crown Street Leeds LS2 7DA

Proposal: Sexual Entertainment Venue - Renewal

Case Officer: Mr Matthew Nelson

[Click for further information](#)

Customer Details

Name: [REDACTED]

Email: [REDACTED]

Address: [REDACTED]

Comments Details

Commenter Type: Out of Locality Contributor

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 2:19 PM on 12 Apr 2018 I wish to strongly oppose this application. Not only are these premises close to a block of flats i.e. near people's homes but I regard such an application as injurious to future developments on Crown St and Kirkgate, future retailers may be deterred from opening premises so close to an adult entertainment centre of this kind.

[REDACTED]