

Consultation Report

Report of the Working Group

Licensing of Sex Establishments: Statement
of Licensing Policy

Local Government (Miscellaneous Provisions) Act 1982
as amended by the Policing and Crime Act 2009

Contents

Executive Summary	3
Background	4
Pre consultation themes	6
Public consultation themes	8
Changes to policy following consultation	11
Annex A - Consultation Responses	13
Annex B - Composition of the Working Group	30

Executive Summary

This report details the development of Leeds City Council's Licensing of Sex Establishments Statement of Licensing Policy and the findings of the public consultation.

In April 2010 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 s2 and Sch 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought lap dancing, pole dancing and other "relevant entertainment" into a new licensing regime.

The Home Office has released guidance on Sexual Entertainment Venues. In the Ministerial Foreword Alan Campbell, Parliamentary Under-Secretary of State for Crime Reduction explains:

"In September 2008 the Home Secretary announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area. This followed a consultation with local authorities which highlighted concerns that existing legislation did not give communities sufficient powers to control where lap dancing clubs were established.

In order to address these concerns, section 27 of the Policing and Crime Act 2009 reclassifies lap dancing clubs as sexual entertainment venues and gives local authorities in England and Wales the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

These new measures, which took effect on 6th April 2010 in England will, if adopted by local authorities, give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods."

Background

In April 2010 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 s2 and Sch 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought lap dancing, pole dancing and other “relevant entertainment” into the sex establishment licensing regime. This regime has been in place since 1982 in Leeds, and currently licences sex shops and sex cinemas.

Adopting the Provisions

The Local Government (Miscellaneous Provisions) Act 1982 is adoptive legislation which means that the council will need to resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in this area. The process involves the council passing a resolution, then advertising the decision in a local paper.

The legislation requires that should the council decide not to adopt the provisions by April 2011, they shall seek the views of local people about whether they should make such a resolution.

In January 2011 Leeds City Council resolved that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 shall apply to the Leeds metropolitan district and that Schedule shall come into force in this area on 1st October 2011.

Policy and Standard Conditions

The council has decided to adopt a policy and standard conditions which will cover sexual entertainment venues, sex shops and sex cinemas. The Licensing Committee formed a working group which included members and officers of the council to develop a policy and standard conditions.

In order to ensure that a wide range of views were sought the council has undertaken the following steps:

1. Formed a working group of members of the Licensing Committee and officers from Entertainment Licensing who:
 - Attended seminars and workshops relating to the new legislation
 - Examined the policy and standard conditions adopted by other councils, particularly those in place for Westminster City Council, London Borough of Hackney and Harrogate Borough Council.
 - Heard from West Yorkshire Police, Leeds City Council's Taxi and Private Hire Licensing, Domestic Violence Unit, and Leeds University, Dept of Sociology.
2. Provided the draft policy to operators of sex establishments, including sexual entertainment venues currently operating in the area.
3. Provided the first draft of the policy to partner agencies for comment:
 - West Yorkshire Police
 - British Transport Police
 - Local Safeguarding Children Board
 - Leeds City Council - City Development
 - Leeds City Council - Environmental Health Services

- HM Revenue and Customs
- West Yorkshire Fire and Rescue Service
- Trading Standards
- Domestic Violence Team
- Taxi and Private Hire Licensing
- Leeds University

The working group also undertook a series of site visits to a representative sample of the sexual entertainment venues in Leeds city centre.

These steps produced a draft policy which was presented to the public. Although there is no specific requirement that the council consult with people affected by the policy it is the council's practice to do so. This is to ensure that people affected by the policy, and the wider general public, have a say in the principles stated in the policy.

The public consultation ran from 4th April to 24th June 2011. This consultation included:

- A postal consultation to the trade, support groups, religious groups, ward members and local MPs.
- A press release
- Poster advertisement placed in libraries, one stop shops and leisure centres for the public to access.
- A webpage on the Leeds City Council website which provided the consultation documents and online questionnaire.

Approval of the Policy

At the end of the consultation, the Working Group provided this report as a response to comments received during the consultation process. The necessary amendments to the policy were made and the policy taken through the following approval process:

26th July 2011 Report to Licensing Committee to present the final policy and the response to the consultation. The Licensing Committee will be asked to endorse the report as the Council's response to the consultation and refer both the report and the policy to Executive Board for final approval.

7th September 2011 Report to Executive Board for final approval.

Timetable for implementation

1st October 2011 First Appointed Day - Licensing regime comes into effect. The council will be able to receive applications from existing operators and new remises during this first six month period.

1st April 2012 Second Appointed Day - this is the final day that the first wave of applications can be received. Applications received between the first and second appointed days will be determined at the same time in June 2012.

1st October 2012 Third Appointed Day - the date on which all the new sex establishment licences authorising sexual entertainment granted in April 2012 come into effect.

Pre consultation themes

Following consultation with partner agencies, the working group, on behalf of the council, decided that specific attention would be given to the following areas:

- Advertising
- Dancers welfare
- External appearance of clubs
- Locality & limiting numbers

Advertising

Over the past few years the council has received a number of complaints relating to the way sex establishments are advertised. This included promotional material sited outside the premises, advertisements, the use of vehicles and promotional material.

The working group discussed the current conditions placed on sex shops in relation to advertisement, and used these as a basis. It was decided that all advertisements should be approved by the council. This way matters such as decency, location/positioning and offence can be dealt with on a case by case basis.

Dancers Welfare

After having heard from the Domestic Violence Team, West Yorkshire Police and Professor Sanders from Leeds University, the working group discussed the need to protect the welfare of people providing the entertainment at sexual entertainment venues. There was particular concern that staff do not report crime as they are not aware of how to do this safely and confidentially.

The working group discussed a number of measures that could be introduced to protect staff but felt that providing this information to new staff, in a pack, would be the most appropriate.

The working group discussed codes of conduct for both staff and customers. These are required and will be scrutinised as part of the application process.

Through the research being undertaken by Leeds University, the working group are aware of the practice of fining staff for misdemeanours. Although it is not appropriate for the council to involve itself in specific management arrangements, it was felt that a fine register would resolve a number of the issues described by the entertainers.

The working group investigated the use of private booths. The Leeds University research highlighted that the use of booths encouraged an expectation that the staff may provide additional services. The group heard from the existing operators and how their trade is dependant on booths. The group felt that it was important that should booths be provided that they are supervised adequately, both by CCTV but also by the physical presence of security staff.

External Appearance

In line with complaints received about advertising the council is aware that the external appearance of all sex establishments is a sensitive issue. There is a need for premises to be able to advertise themselves to the night time economy. However there is a strong need for the premises to be discreet during the day time economy. As such the council will approve the external appearance of all sex establishments.

Locality and numbers

Under the legislation there are a number of discretionary grounds for refusal. These are:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) that the number of sex establishments or of 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;
- d) that the grant or renewal of the licence would be inappropriate, having regard
 - i) to the character of the relevant locality; or
 - ii) to the use to which any premise in the vicinity are put; or
 - iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

This allows a local authority to determine the appropriate number and localities of sex establishments in their area.

Some authorities have consulted upon policies which lay down guidelines on where they prefer sex establishments to be located, and the number they feel is appropriate. In some cases that number is nil.

The working group discussed this issue and decided that for the area of Leeds, with the current number of existing premises and their generalised locations, that it would not be appropriate for the council to set the location and number of sex establishments in their area.

Instead each application will be considered on its own merits by the licensing sub-committee convened for that purpose. However there is specific mention in the policy of locations that are considered to be sensitive.

Public Consultation

At the end of this review period the working group proposed a draft Sex Establishment Statement of Licensing Policy which included the policy, standard conditions and a set of application forms for the public consultation.

Public consultation themes

The public consultation ran from 4th April to 24th June 2011. The council received 23 responses to the consultation. There were a number of repeating themes which echoed the concerns expressed by the working group during the formulation of the policy.

Gender Equality

Written response 005, 006, 007, 008, 009, 011

A number of the respondents felt the only way to ensure the council is carrying out its responsibility to address inequalities by eliminating discrimination is to not licence any sexual entertainment venues. They suggest that the suitable number of premises should be set at nil.

The working group considered this point in particular both at the start of the process and at the end of the public consultation. Businesses operating as sexual entertainment venues in Leeds have a right under the Human Rights Act to operate their business. In addition everything the council does should be fair and proportionate. A nil policy on the licensing of sexual entertainment venues would expose the council to legal challenge.

The working group proposed that it is more effective to consider equality and diversity during the setting or review of the policy and to provide a policy and standard conditions that mitigate inequalities. Sexual entertainment venues employ hundreds of women as dancers, bar staff and security. The working group proposed that raising standards and providing a fair working environment was very important and this is better enabled and enforced through licensing.

Connection between lap dancing and increase in rape/sexual assault

Written response 005, 006, 007, 008, 009, 011

People found the location of sex establishments in the city centre concerning. Respondents called lap dancing premises "frightening", "look bad" and "offensive".

Some written responses go into more detail suggesting that there is an increase in rape or assault in the areas where lap dancing clubs are situated and cite the 2003 research "Lilith Report on Lap Dancing and Striptease in the Borough of Camden".

The Lilith Report (available from http://www.childtrafficking.com/Docs/poppy_03_lap_dancing_0109.pdf) is much quoted by opponents to sexual entertainment venues. However in 2011 Dr Brooke Magnanti undertook a reanalysis of the rape statistics in Camden. The abstract to her report states:

"A 2003 report on the impact of lap-dancing clubs on sexual assault in Camden, London had significant influence on the perception of the contribution of adult entertainment to crime statistics. In spite of mathematical correction to the statistics in the report, its original conclusions are still widely reported in both academic and mass media. This paper presents a broader analysis of the impact of lap-dancing clubs by calculating accurate rate of incidence, analysing statistics from a longer time period, and comparing the results with crime rates in neighbouring boroughs of London. The rate of rape in Camden is lower than that in comparable boroughs, including one with no such clubs. The overall trend for London boroughs, while higher than the national average, shows a decrease where national statistics are on the increase."

The full report is available from <http://www.scribd.com/doc/47185652/Green-Paper-Camden-Lilith-rape-stats>

The adoption of the sexual entertainment legislation and the licensing of relevant establishments does not promote or endorse the activity of sexual entertainment. The council welcomes the ability to extend the controls placed on sex shops to sexual entertainment venues and recognises that this policy and standard conditions will improve standards, raise awareness and promote a safe working environment for people who choose this employment.

Free availability of sex establishments

Web response 6041942, 6044142, 6040370

There is a fine line to be drawn between ensuring premises are discreet so they are inoffensive to the day time environment, and so discreet that a member of the public may enter one without being aware of the facilities offered. The proposed policy seeks to ensure that this does not happen by making it very clear on entry that the premises provides sexual entertainment (condition 19).

It is lawful to operate a sex establishment and the policy seeks to improve standards. However each application will be judged on its own merits and if there is concern that there are too many premises in an area, or that the premises is not operating in a manner which is acceptable there is enforcement action which can be taken. Each licence is subject to renewal every 12 months and issues can be taken into consideration during the renewal process.

Advertising/External Appearance

Written response 005, 007, 008, 011

Essential to any business is the ability to market its offering. The working group recognised that the advertisement of sex establishments remains a sensitive matter, with balance needing to be struck between the business needs of establishments and the need to protect the image of the city and the desire of the general public not to have sex blatantly displayed.

Therefore it is the working group's proposal that the council requires the external appearance of premises and all new advertisements to be expressly approved by the Licensing Committee.

Enforcement, Private Booths/VIP rooms. Dancers Welfare

Written response 005, 006, 007, 009, 011

A number of respondents were concerned that although the conditions appeared robust, they would be unenforceable. The council's Entertainment Licensing team employs 6 enforcement officers who ensure compliance with a number of licences, including those issued under the Licensing Act 2003 (alcohol and entertainment) and the Gambling Act 2005 (gaming and betting). The enforcement team currently ensure compliance with the city's 5 sex shops and have worked with sexual entertainment venues to ensure compliance with their current licences.

In addition the working group felt that it was important that the effectiveness of the licensing regime be evaluated periodically and propose to review the policy, standard conditions and application process (including the forms) 18 months after the regime comes into force. This will allow all venues to operate for 12 months under the new conditions and for the initial "new business" inspections to have taken place. The business owners will have gone through two licensing processes; new and renewal. We believe this timescale allows enough time for a thorough testing of the system, but is soon enough to effect any change needed.

The introduction of a Dancer's Welfare Pack has been widely welcomed as has the introduction of a fine register. The use of both will be monitored by Entertainment Licensing enforcement officers.

Use of Vehicles

Written response 001, 007, 009

Web response 6044142

Written response 001 (and mentioned in web response 6044142) describes in detail the "kerb crawling" practices of some vehicles used to convey customers to lap dancing clubs. Through this consultation process it has become apparent that some of the sexual entertainment venues have been utilising vehicles to encourage members of the public to use their establishments by providing transport to the venues. This has led to an investigation into the use of vehicles, which is to be undertaken by the council's Taxi and Private Hire Licensing section.

Safe transport home for staff

Written response 007

Leeds Object suggested that provision be made for women to return home safely. It is the council's understanding that the establishments do provide a taxi or other transport home to ensure the safety of women staff. The working group considered this point carefully post consultation, and welcome this suggestion. The working group felt that the specifics of such an arrangement would be tailored to each premises and as applicants are required to produce their staff welfare policy during the application process, propose that this provision, or something similar, should form part of that policy.

Siting of taxi ranks

Written response 007, 009

The siting of taxi ranks is outside of the scope of this policy. However the location of taxi ranks and other public amenities will be taken into consideration when the council determines the sex establishment licence applications.

Licence waiver

Web response 6040376

The ability to waive the requirement of licensing is embedded in primary legislation. It is beyond the control of the council and the proposed policy to remove that right.

Consultation/Licensing Process

Written responses 002, 004, 007, 009

Both Alwoodley Parish Council and Pool in Wharfedale Parish Council requested that they be included in any consultation taken by the council into new applications. Leeds Object also requested that renewals take place a specific times of the year in order to assist objectors. Both new and renewal applications for Sex Establishments have to be advertised in the paper and by site notice. In addition the council provides Public Access where members of the public can set up searches. This will notify them automatically of any new applications.

Changes to Policy Following Consultation

Following the public consultation the working group proposes the following changes to the draft policy.

Paragraph 8.9

Was: If the application is successful the applicant will pay a maintenance fee for enforcement and compliance checks.

Proposed change: To remove this sentence

Reason: In Written Response 010 the respondent highlighted that charging a maintenance fee of £500 was contrary to article 12.2 of the European Services Directive. On reflection the working group proposes to remove this maintenance fee requirement.

Paragraph 8.34

Was: The type of decision that can be appealed are refusals of grants, renewals, transfers or variations, the imposition of conditions and revocations. However appeals can only be made against the mandatory grounds for refusal which relates to the suitability of the applicant, manager and/or beneficiary of the operation as described at 8.30. Applicants are not able to appeal against the discretionary grounds for refusal as described at 8.31.

Proposed change: Change the entire section and renumber the following paragraphs as follows - Only the applicant has the right to appeal the council's decision to the Magistrate's Court and only on limited grounds. There is no right of appeal for objectors or statutory authorities. Applicants and interested parties are referred to the Local Government (Miscellaneous Provisions) Act 1982, para 27 for further details.

Reason: The appeal process is complicated and it is proposed that this information is provided in guidance, rather than in the policy as it would be a duplication of the legislation and not a policy matter.

Paragraph 8.46

Was: The council would only waive the need for a licence where the activity is low risk and/or temporary. However a waiver will not be considered in cases where a licence is reasonable and appropriate or where there is public interest.

Proposed change: Normally the council would only waive the need for a licence where the activity is low risk and/or temporary. However a waiver will not normally be considered in cases where a licence is reasonable and appropriate or where there is public interest.

Reason: Written response 010 implied that the original paragraph fetters the council's discretion.

Condition 18

Was: The taking of photographs and visual film footage (other than CCTV) is not to be permitted on the premises during operating hours.

Proposed change: Condition deleted

Reason: Written response 010 highlighted that this condition would be “virtually impossible to control, especially with the advent of cameras on mobile phones.” The working group agreed that it would be very difficult to enforce this condition and were satisfied that existing decency laws would adequately control the publication of photographs on the internet.

Condition 22

Was: The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.

Proposed change: Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.

Reason: Written response 10 commented that “the inside of licensed premises will always be visible when the door is opened. We assume that this condition should restrict members of the public from being able to see the form of entertainment authorised by the licence and should say that.” The working group agrees that this was the purpose of the condition and that a lobby area would be sufficient to restrict the view of members of the public passing the premises.

Condition 23

Was: There will be no illuminated signs and no signs placed outside the premises between 6am and 10pm.

Proposed change: Signage will only be illuminated between 10pm and 6am, and movable signs placed outside the premises will be removed between 6am and 10pm.

Reason: Written response 10 states “The licence allows these premises to operate from 12 noon through until 6.00am. We would respectfully suggest that it is unreasonable not to allow approved illuminated signage during the time when entertainment is authorised. This is a planning issue.” The working group considered this point but felt strongly that the sexual entertainment venues should remain discreet during the day and evening economy. Families and shoppers should be able to use the city centre without the blatant advertising of sexual entertainment venues.

Condition 47

Was: All booths/areas for VIPs used for private dances must be supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use.

Proposed change: All booths/areas for VIPs used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.

Reason: Written responses 005, 006, 007 and 011 were concerned that the conditions would be unenforceable, especially in relation to the supervision of private booths. The working group considered this response and decided that direct supervision by a

member of staff was the best way of ensuring that the premises were compliant with the conditions 12 to 17.

Condition 48

Was: Entertainers not performing must not be present in the licensed area in a state of nudity.

Proposed change: Entertainers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.

Reason: Written response 010 states "The "licensed area" is not defined, neither is performing. Both these areas require clarification. The working group agreed that this condition needed clarification. The licensed area will be defined on the plan provided with the licence application.

Condition 55

Was: The council may at any time waive, modify or vary these conditions or impose additional condition in any particular case as it thinks fit.

Proposed change: The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.

Reason: Written response 010 states "In view of the number of premises that are caught by this legislation we do not think it unreasonable that the specific variations should be brought to the attention of licensees. The working group agrees and it was not the intention of the council to change the standard conditions without informing the licensees it affects. The purpose of this condition was to provide the Licensing Committee with the ability to modify, vary or remove the standard conditions if it is appropriate for the particular application in front of them. The change to the condition should provide clarity on that matter.

Minor amendments

The working group proposed a number of minor amendments to the application forms in line with comments made in written response 010. However it should be noted that the application forms are annexed to the policy and are subject to change. The latest forms and guidance will be available on the Leeds City Council website, or from Entertainment Licensing.

Annex A - Consultation Responses

The Council received 23 responses to the consultation.

Web response 6040370

I think its far too lenient and allows too many of these places into Leeds. When I first moved here in 1991 they were more appropriately placed outside of the city centre. Now I have to walk past these places or wait at the bus by them and late at night this is very frightening.

Web response 6040372

In relation to strip clubs etc I don't think it's a good thing for Leeds - it looks bad, is offensive to women and brings with it social problems. I am pleased that the law changed however and that sex venues now need a special licence rather than the same ones as cafes.

Web response 6040376

I think its brilliant, and timely, idea that lap-dancing and other such clubs should be licensed similar to sex shops. However I do not necessarily agree with the "you may apply to the local authority requesting them to waive the requirement of a licence" aspect. I believe this could lead to loop-holes in the licensing system. A licence should be mandatory, with no chance of it being waived.

Web response 6040388

I think it's a move forward and gets rid of a loophole that allowed sex establishments to set up very easily in towns and cities with little public consultation or redress. I welcome it as it will make our public spaces more inclusive and welcoming to women and girls.

Web response 6040664

Lap dancing clubs and so called "gentlemen's clubs" are offensive and seem to be sprouting up all over the city. If this policy can banish them, I am in favour.

Web response 6041922

I'm in favour of clear licensing and rules for the governance of these kinds of establishments so everyone knows where they stand.

Web response 6041942

I do not think that strip clubs should have the same licence as strip clubs. I have noticed that sex shops in Leeds City Centre are actually regarded as more back street than the sex establishments. This is not good in terms of teaching the next generation self respect and respect for women if these establishments are so open and freely available. Wildcats has a lunchtime buffet advertised in the window at the minute. I don't know about some people but I personally find this repulsive and unnecessary. If people want to use this type of business they know how to find them in other cities.

Web response 6042053

I think in an industry where the potential for exploitation is so high, and the industry management wield do much power by virtue of the vast incomes they are able to generate, fair regulation is only right and proper.

Web response 6043559

I think that it is right that lap dancing and pole dancing be licensed as sexual establishments.

Web response 6044063

To license a sex establishment is to promote the abuse of women. This is against The Equality Act and against Leeds City Council's own equality policies. Leeds City Council should set the total number of sex establishments in the District at zero.

Web response 6044142

I don't think the policy is strict enough. I think there should be far less of these establishments in prominent places in the city centre. Leeds City Centre is looking increasingly seedy on a night and there appears to be an increasing number strip clubs on major streets. I consider this to be bad for promoting tourism to Leeds and as a young person makes me feel uncomfortable. It sends out the message that this entertainment is now the norm. There are moral messages given out by the way in which these establishments are freely allowed to operate which seem to have been given little regard. I find the advertising of these clubs by leaflets, cars picking up clients on the street and often on the venue themselves distasteful. I find the cars driving around Leeds City Centre looking for people to 'pick up' to take to these clubs in bad taste. These often pass as frequently as taxis. I think this creates a really bad impression of Leeds to visitors. It also makes me feel uncomfortable as a young person in Leeds on a night. I think these sorts of clubs should be more closely regulated and if operating, should be on a far less obvious basis and far fewer in number. I am disappointed at the council for their approach to this matter.

Web response 6044151

I am a woman who has worked in Leeds for the last 25 years and lived in Leeds for the last 12 years. I have done extensive voluntary work to support women who experience violence from men they know and women and girls who have experienced sexual violence. I have also taught young women in Leeds for over 20 years. The licensing of sexual encounter establishments is completely incompatible with all of the relevant Acts, Strategies and policies. The appropriate number of sexual encounter establishments which Leeds City Council should license is zero. The Equality Act 2010 places a duty on LCC to 'eliminate discrimination, harassment' and to 'advance equality'. Sexual encounter establishments are predicated on women being presented as the objectified targets of men's desires. They promote an ideology which discriminates against women on account of their gender, which denies women equality and which actively encourages the harassment of women by men. Women are dehumanised and oppressed in this sector, and it is part of a continuum of patriarchal oppression of women which runs from casual everyday sexism to rape and murder. No location in the city of Leeds is suitable for a sexual encounter establishment. Women have the right to be in all parts of the city, and no woman or girl is safe or comfortable in the vicinity of a sexual encounter establishment. There is abundant anecdotal and research evidence of routine harassment of women by men in the streets around these establishments; of young women being approached in the street by employees of the establishments and enticed to work there; and of male customers of the establishments harassing women in the street verbally and physically. The Vision for Leeds 2011-2030 aims to make Leeds a 'fair, open and welcoming' city: licensing sexual encounter establishments undoes all of these aims and makes Leeds, and LCC, collude in violence against women. LCC's clear duty, legally and morally, is to do everything in its power to prevent sexual encounter establishments from operating in Leeds, and to use Council Taxpayers' money to pursue whatever legal remedies are necessary to prevent new applications being granted and existing ones renewed.

Written response 001 - by email

Personally I have nothing against these establishments as long as they are reasonably discreet. However both my partner and I have been frequently "cruised" by both a limousine and large four wheel type vehicles in the evening trying to get us to get into the vehicle and be taken to one of these premises. On at least most of these occasions the club name "Silks" was on the vehicle.

We both consider this both inappropriate and bordering on harassment in the way that they do this. The first time this happened was to my partner late at night and took him by surprise. He was quite frightened at the time not knowing why the vehicle had stopped by him and a rather intimidating looking guy beckoning him in. He felt the need to move quickly away in the opposite direction to which he was going. Since then we know that these vehicles are about and just try to ignore them.

However it is still embarrassing to be stopped by them. I have heard from a colleague who was visiting me in Leeds. He was out with other visiting colleagues at night and he was cruised by a Silks vehicle. It was particularly embarrassing for him as he is engaged and colleagues behind him asked him if he had flagged the vehicle down. This sort of misunderstanding, jokingly or not, can obviously catch up with people.

This can only give a bad image to Leeds which is a shame as it is a great city and a relatively safe one. I hope you can do something to curtail this practice.

Written response 002 - by email

Thank you for your letter dated 21 March concerning the licensing of sexual entertainment venues. Alwoodley Parish Council have asked me to respond with the recommendation that Parish and Town Councils should be included as consultees in the event of any applications for this type of licence being made in their area.

Written response 003 - by email

Leeds Safeguarding Children Board

I have reviewed the proposed licensing policy and note that there are clear expectations that children and young people (under the age of 18) will be prevented from being admitted or working in these establishments. Applicants are required to make clear how their age verification policy will work and what measures will be taken to protect children and young people from harm.

As such I have no amendments to suggest. The key issue will be how the operation of these policies will be monitored and enforced.

Written response 004 - by email

Pool in Wharfedale Parish Council

Pool Parish Council has considered the consultation document and welcome this consultation. The Parish Council wishes to record its response as follows:

Pool Parish Council supports fully the principle that local residents have a valid input into the process and would encourage full consultation. We have no specific comments on the detail of the policy.

Written response 005 - by letter

With regard to the new regulations that are going to be implemented, main concerns are:

Safety: The Council is still favouring the lap dance club owners and their punters over the safety of women in the city. Previous studies by other UK council have found there is an increased risk of rape or assault in areas that have lap dance clubs. The safety of women should be paramount. Women do like to socialise in the city at night but feel threatened and intimidated by large groups of drunken and sexually stimulated men leaving lap dance clubs. These clubs attract predatory men who have little respect for women. The Council should not be endorsing clubs which compromise women's safety.

Gender Equality Duty: The Council has a duty to promote gender equality. The promotion and endorsement of lap dancing clubs is incompatible with this. Women in lap dancing clubs strip and degrade themselves in return for money - how does this promote gender equality?

The spread of lap dancing clubs allows men to believe it is their entitlement to treat women like sexual commodities that can be bought or sold.

A visit to a lap dancing club is now considered to be a routine part of a corporate night out, which impacts negatively on female employees, many of whom do not want to "network" or entertain client in strip clubs.

Private Booths, cubicles and VIP rooms: It is impossible to enforce regulation in these areas. The minimum distance (was there ever a reference to this in the policy?) rule and no touching rule are always broken. It is naive and laughable to believe that CCTV and the removal of curtains will stop this.

The private rooms and booths are what differentiate lap dancing clubs from ordinary strip clubs and can facilitate prostitution. The punters receive very intimate "one on one" experience and "extras" are common, so of course the lap dance club owners do not want to see booths or cubicles banned as it draws in the paying customer. However, the Council should not be encouraging prostitution and do members of the Licensing Panel truly believe that lap dancing club owners will have CCTV in operation the whole time.

The Licensing Panel ought not to be pandering to the whims of lap dancing club owners who say they need to keep the booths as it is impossible to police the activities in the booths/cubicles and VIP rooms. They should all be banned and if a club will not comply then it should not be given a licence.

Leeds City Centre is no longer a family friendly or female friendly environment. It is now a major stag do destination - seedy, sleazy and grubby. The Council seems determined to put the wishes of lap dancing club owners and lap dancing patrons above the wishes of the silent majority.

Most people, when visiting a city centre, whether to work, shop, dine, visit theatres, the art gallery, library etc, do not want to have to walk past strip clubs.

The only other way to help maintain women's safety, promote gender equality and elevate Leeds above a dumbed down, porn culture is to adopt a zero tolerance policy towards lap dancing venues. Hackney Council have done just that! So should Leeds.

Written response 006 - by letter

The Council has a duty to promote gender equality

By allowing lap dancing clubs the council is clearly failing to promote gender equality which it is obliged to do. Such venues treat women as sex objects that can be paid for to sexually stimulate men by stripping and providing intimate lap dances in private booths. These clubs impact negatively on women in the wider society by reinforcing outdated, sexist stereotypes, reinforcing a lack of respect for women and making the streets around the lap dancing clubs less safe for women. How can the council claim to promote gender equality whilst at the same time allowing such misogynist places to open.

Safety

Areas around lap dancing clubs can be "no-go" areas for women late at night. The Lilith Report commissioned by a London council found the incidences of rape increased by 33% and sexual assault by 55% in areas that had lap dancing clubs. The council should close these clubs down as they are a threat to women's safety.

Behaviour inside SEVs - booths/cubicles/VIP rooms

The new licensing policy states that booths and cubicles and VIP areas are to remain, as the lap dance club owners want them to - yet how can the activities that take place in booths cubicles/VIP rooms be properly regulated? Who will monitor the CCTV and what will it cost? From anecdotal evidence, reading testimonials given by lap dancers and viewing a recent Channel 4 Dispatches programme it is well known that bodily contact is the norm in such places and "extras" are frequently expected and given.

Installing CCTV will not stop this as the club owners know it is what brings in the revenue. Most clubs will simply switch off the CCTV, turn a blind eye and it will be business as usual. The fact it cannot be properly policed. Women will continue to be pressured into selling their bodies in return for money. The council should not be endorsing this kind of activity and it is not harmless fun.

If Leeds City Council want the city centre to be full of strip clubs then at the very least they should ban all booths, cubicle and VIP rooms.

The Council has a duty to put the right of women, the safety of women and respect for respect before the sexist wishes of the lap dancing industry.

Women has a right to live, work and socialise in a city that is free from outdated sexist strip clubs. The council now has the power to set a nil limit of lap dancing clubs - this is being done by other English Council e.g. Hackney, Cambridge. Under the new licensing regime the council has the power to stop the pornification of the High Street.

Written response 007 - by email and web

Leeds Feminist Network and Object Leeds

Please find below a response to the consultation from the Leeds Feminist Network, which includes members of Object Leeds (a regional group of Object).

We will initially respond to the four main themes of Advertising, Dancers Welfare Pack, External Appearance of Clubs and Locality & Limiting numbers. We will then respond to other elements of the Statement of Licensing Policy.

When quoting your documents, we will use the following acronyms:
Licensing of Sex Establishments; Statement of Licensing Policy - LSE; SLP
Public Consultation Report - PCR

Advertising & External Appearance of Clubs

We have joined these two main themes as we found a great deal of crossover both in your documents and in our responses

In the LSE;SLP point 7.18 states that 'all advertising and the external appearance of the premises must be approved by council'. We agree with the guidelines offered in points 22 to 25 in the LSE;SLP Appendix 1:

22 – For the interior to not be visible even when the doors are open.

23 – We support that these venues should not display illuminated signs, nor any sign between 6am – 10pm.

24 – We support the guidelines set out for the images and words allowed on the flyers.

25 – We support the guideline that flyers within a 100 metre radius be removed by 6am.

We would ask to include the request that areas where the club employs leaflet distributors, for example Leeds Train Station, are also cleared of discarded flyers.

When the sign is erected between 10pm and 6am we would request that:

No images or words are used on the outside of the building which indicate that lap dancing, strip-tease or similar takes place on the premises.

This would include silhouettes of women in submissive or sexual poses or dressed up as animals.

We support the LSE;SLP Appendix 1 points 52-54 regarding the use of vehicles by the clubs:

52 - Vehicles will not be used to obtain custom by means of personal solicitation or touting in such a way that causes concern or offence to the public or the licensing authority.

53 - Any vehicle used to advertise the premises must comply with the advertising conditions. All forms of advertising on vehicles must be approved by the council prior to use.

54 - Vehicles used to transport customers to or from the premises may require a licence issued by Leeds City Council Taxi and Private Hire Licensing or the Department for Transport.

Dancers Welfare Pack

We welcome the fine register referred to under point 2 of the PCR, to ensure the licensing department is able to scrutinise whether the fines are appropriate and fair. We would be interested to know how these registers will be monitored and what course of action would be taken if it was felt that unfair fines were being made, or if it was discovered the registers were not a true representation of the actions being taken against staff.

We are surprised that the decision was made to continue to allow private booths by simply requesting that CCTV and security staff be present as we do not see this as a viable solution. We do not believe that Leeds City Council has the resources to effectively monitor the hours of CCTV footage from the expected 8 SEV lap dancing venues and we doubt it is economically viable for the venue to employ enough security staff to patrol every booth. We would strongly urge the licensing department to reconsider the inclusion of private booths considering, as stated in the PCR under point 2, that 'the use of booths encouraged an expectation that the staff may provide additional services'.

Under point 14 of the LSE;SLP Appendix 1 standard conditions it states that 'Customers will not touch the breasts or genital area of entertainers.' We believe that where the breaking of this rule results in illegal activity, such as sexual assault, the club has a duty of care to its employees to contact the police, we would suggest that a sign stating this policy be also clearly placed within the venue. We would also expect such customers to be permanently barred from all SEV lap dancing clubs in Leeds.

We believe to truly ensure that the dancers welfare is paramount, the clubs should share the cost of a third sector or local government worker to be employed to monitor the safety of the women in the clubs and to be available to develop a support an exit plan if a woman wishes to leave the employ of the sex industry. We would see this role in a similar way to a health inspector who ensures that those people who work in the sometimes dangerous environment of a kitchen are duly protected. This worker could also hold workshops to explain and support the contents of the Welfare Pack, which we support.

We found no mention of the provisions for the women to return home safely. Other employers of staff who work unsocial hours (for example fast food outlets) provide their staff with a free taxi home as public transport has often ceased when the staff have finished their shifts. Women at who work at SEV-lap dancing clubs are potentially at risk if they found themselves on the same public transport as someone who had been a customer earlier in their shift, as she would no longer have the protection of the security staff.

Our other concern for the women is when they find themselves in a cost cutting environment. When the market is flooded, those in competition with each other must offer incentives (we have seen many flyers offering 2for1 private dances), or cutting their price, which means less income for the women. We understand that all clubs work on the model of recruiting the women as self employed, providing little protection from the effects of these cost cutting exercises (as well as lack of benefits such as paid holiday, sick or maternity leave). We ask that you also consider this point when considering setting a limit of clubs, as well as the welfare of the women.

Locality & Limiting numbers

The LSE; SLP point 4.1 states how 'Leeds City Council has sought to establish Leeds as a major European city and cultural and social centre' and that in point 4.4 'Leeds has strong artistic traditions...including The Grand Theatre...Henry Moore Institute' It is unfortunate that opposite the Henry Moore Institute (as well as the Town Hall, the Art Gallery and Central Library) there are 2 high profile lap dancing clubs which mar this cultural quarter. Please take the time to read this post on the popular Culture Vulture Leeds Website <http://theculturevulture.co.uk/blog/uncategorized/lapdancing-clubs-demonstrate-a-vibrant-cultural-offer/> and just around the corner from the Grand Theatre is a licensed taxi rank on Merrion Street, however a number of women have stated how they would not use this, but order a cab to pick them up from the theatre because the taxi rank is right outside a lap dancing club, where they felt unsafe, ironic as women are encouraged to use licensed taxis rather than minicabs due to safety concerns.

If Leeds City Council decides to allow sex encounter establishments, rather than set the nil limit they are able to at this time (and has been done by Cambridge City Council and Hackney Borough Council <http://www.cambridge-news.co.uk/Home/Lap-dancing-clubs-not-welcome-in-Cambridge-06062011.htm>) we believe a report needs to be produced looking into the effect of possible club locations in light of the fact that women walking in the areas outside these clubs are at greater risk from sexual harassment, as found in 'The Lillith Report 2003' produced by Eaves which has been developed into the 'Inappropriate Behaviour' report from 2007 http://www.eaves4women.co.uk/Documents/Recent_Reports/Inappropriate_Behaviour_2007.pdf

We support the decision to refuse an application if it is found that it is;
Inappropriate having regard to:
Character of relevant locality
Use of premises in vicinity
Layout, character, condition or location of the premises

As stated in LSE; SLP point 8.31

General response to the Statement of Licensing Policy, Equality and VAW policies

Leeds City Council Equalities Policy states "As a public authority we have legal responsibilities to address inequalities by eliminating discrimination". Lap dancing clubs promote the sexual objectification of women, and unbalance equality by stating that women can be purchased.

Lap dancing clubs are part of the sex industry and as such are linked with wider systems of prostitution. They are part of a continuum of commercial sexual exploitation. Prostitution increases where such clubs flourish. In Leeds, Genesis are now finding women in street prostitution who were first exploited in lap dance clubs. Prostitution is violence against women.

As part of its Violence Against Women Strategy, Leeds City Council is subscribing to the White Ribbon Campaign. Chris Green, Director of the White Ribbon Campaign has made his opposition to them clear. He says they "feed an increase in the lack of respect for women".

The links between objectification of women, discrimination against women and violence against women are recognised by the United Nation Convention to Eliminate Discrimination Against Women. Lap dance clubs promote sexual objectification of women hence discrimination and hence violence against women.

We believe that to truly support Leeds' Equality and VAW policies a nil limit of clubs should be set.

Licensing Process

We support the LSE; SLP point 8.36 and 8.37 that SEV licenses will run for no longer than one year, as we believe this will encourage proprietors to follow the guidelines more closely to ensure renewal is possible and that all renewals are processed in the same way as a new application to ensure objections can be made.

We would request that the system to object to licenses for Sex Encounter Establishments is made to be as clear and transparent a process as possible. We would support the idea that deadlines for SEV license applications would take place, for example, 4 times a year, say on the 1st of the month in January, April, July and October. Then by, say, the 15th of the month, any applications involving SEV licenses are published onto an internet page on the Leeds City Council website, which can easily be visited, with links on how to object and the timeframe to do so.

Written Response 008 - by email

SARSVL Consultation on Leeds City Council Licensing of Sex Establishments Policy

"Every woman in our society feels the fear of rape - no woman is allowed to ignore it.....The threat of violence is a total intrusion into women's personal space and transforms a routine and/or potential pleasurable activity (for example, a walk or journey).....into a potentially upsetting, disturbing and often threatening experience."
Rape Crisis (England & Wales)

Support After Rape & Sexual Violence Leeds (SARSVL) does not believe that Leeds City Council (LCC) licensing sex establishments is compatible with the Equality Act 2010 and Violence Against Women Strategy, which LCC states that it has taken into account in developing this policy.

The Equality Act 2010 states that:

“A public authority must, in the exercise of its functions, have due regard to the need to...eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.”

Research has shown that wherever lap dance and strip clubs appear, women’s quality of life deteriorates as a result, with increased reports of rape (Eden, 2003). These establishments licence the objectification of women so for LCC to licence such premises goes against the duty they have to implement equalities legislation. Licensing such clubs suggests LCC condones the sexual objectification of women for money going on inside them. This actively damages women and girls living and working around lap dancing clubs.

Such establishments contribute to the sexual objectification of women and raise concern about the welfare of women working in the clubs, the impact on the environment around the clubs; how women feel about walking around these areas and what happens to them when they do and to the general mainstreaming of the commercial sex industry.

While lap dancing and the illusion of sexual availability become mainstreamed, rape conviction rates are falling, street harassment and casual attacks are rising and 26% of people believe that an inappropriately dressed woman is ‘asking for it’ (Amnesty/ICM, 2005). The numbers of reported rapes around lap dancing clubs is three times the national average (Eden, 2003).

In 2003, Lilith published a small-scale report on lap dancing in Camden, Westminster and Islington. The report highlighted the extensive impact that lap dance and striptease clubs had upon women in the local area, in terms of immediate dangers such as a 50% increase in reported rape, but also in terms of less measurable effects, such as increased harassment and fear of violence. Harassment from men leaving the club or touts outside also increased significantly after the opening of a club. Venues offering adult entertainment involving nudity tend to increase perceptions of crime and potential risk, potentially seriously restricting the rights of women in the area to move about freely in safety.

At SARSVL, we deal with the reality of the effect of the sexual objectification of women and increased harassment and attack of them around these premises. Women in public areas become unwilling symbols of the illusion of sexual availability and are often the physical recipients of male harassment or rape. In the meantime young boys growing up in the area are taught that this is an acceptable way to treat women, and young women learn that this is the way they will be treated.

Advertising for these establishments, including signage and frontages of premises and leaflet distribution in the area, create an intimidating atmosphere and a real threat to the safety of women. No advertising should be allowed for such premises and explicit images displaying what goes on within the clubs should not be allowed. Advertising should not be allowed in public spaces.

If licensing is to take place, the welfare of women working within the clubs should be paramount. Licenses should require strict enforcement of protection of women from physical contact with customers. Private dance areas should be visible from the rest of the club and monitored by CCTV. Staff should know how they can complain about behaviour that is unacceptable and be given information on services that can support them, such as SARSVL.

Leeds city centre currently has a number of sex establishments in prominent locations, including the Headrow, which is a main thoroughfare. These premises and any additions

to them advertise Leeds as a city (and a Council) that sees the sexual objectification of women as totally acceptable. It also makes the city centre an intimidating, unsafe place for women. It undermines the city's stated aim of being "fair, open and welcoming" (Vision for Leeds 2011-2030).

Leeds is a city centre characterised by the close proximity of residential to commercial establishments; in fact it prides itself on this feature. For example, much student accommodation is located in the city centre. This increases the vulnerability of women walking around areas where a number of sex establishments are in operation.

Leeds is a diverse city with a variety of cultures and faiths, representing around 11% of the city. Women from a range of communities are intimidated by the proximity of these clubs and are less likely or willing to travel around the city at night when confronted by the operation of and advertising for sex establishments.

SARSVL is currently looking for premises in the city centre and has rejected one option because of its close proximity to a lapdancing club. We cannot expect women to run the gauntlet of the harassment and intimidation created by these clubs in an attempt to access or deliver our services.

References:

EDEN, I. 2003 The Lilith Report on Lapdancing and Striptease in the Borough of Camden. London: Eaves

EDEN, I. 2007 Inappropriate Behaviour: Adult venues and licensing in London

Written response 009 - by email

Justice for Women's Response to: Consultation on Leeds City Council Licensing of Sex Establishments Policy

Justice for Women is a feminist organisation established in Leeds in 1990. Justice for women support women who have fought back against violent men from whom they have suffered abuse. Justice for Women contributes to the global effort to eradicate violence against women which includes sexual and domestic violence.

Leeds City Council states that in developing their draft policy they took account of a number of policies including:

The Equality Act 2010

The Violence Against Women Strategy.

We approached the consultation by posing a number of relevant questions. We focussed on the new licensing of Lap Dance Clubs.

Question One: is the licensing of such premises compatible with the Equality Act and Violence Against Women Strategy? If not why not?

Justice for Women believes there should be no sex establishments licensed in Leeds. The appropriate number for the city is nil.

Lap Dancing clubs normalise the sexual harassment of women. There men can pay women to strip for them on demand. This promotes the idea of women as always sexually available for men. This leads to more harassment of women by those men outside the clubs. And to a view of women in society in general as being available for men.

Leeds City Council Equalities Policy states " As a public authority we have legal responsibilities to address inequalities by eliminating discrimination". Lap dancing clubs promote the sexual objectification of women and the concept of women as being there purely for men's use. This undermines all efforts at working towards the equality of women and men. How can men attend such clubs and respect women? The licensing of those clubs endorses this objectification of women and hence works against women's equality.

Lap dancing clubs are part of the sex industry and as such are linked with wider systems of prostitution. They are part of a continuum of commercial sexual exploitation. They encourage the idea that it is ok for a man to buy a women. Prostitution increases where such clubs flourish. In Leeds, Genesis are now finding women in street prostitution who were first exploited in lap dance clubs. Prostitution is violence against women.

As part of its Violence Against Women Strategy, Leeds City Council is subscribing to the White Ribbon Campaign. Chris Green, Director of the White Ribbon Campaign has made his opposition to them clear. He says they "feed an increase in the lack of respect for women".

Leeds City Council cannot claim to be promoting respect for women and at the same time license lap dance clubs.

The links between objectification of women, discrimination against women and violence against women are recognised by the United Nation Convention to Eliminate Discrimination Against Women. Lap dance clubs promote sexual objectification of women hence discrimination and hence violence against women.

Question Two: If the council grants licenses to lap dance clubs what conditions should be attached to advertising on the outside of premises and elsewhere?

There shall be no promotion of the clubs and what they offer. Those who seek them out know what Lap dance or "Gentleman's" clubs offer.

There should be no signs, advertisements or window displays of a suggestive nature outside the premises. Specifically there shall be no silhouettes of women performers – with or without "animal" masks. Wording outside the premises will not be sexually explicit or degrading.

Vans advertising the clubs roaming the streets and soliciting for the clubs shall be banned.

There will be no advertising of these clubs in public spaces, including billboards, telephone booth adverts or leafleting.

Question Three: If the council grants licenses to lap dance clubs what conditions should be imposed relevant to what can take place; what other conditions should be imposed relevant to the performers' welfare?

There must be no physical contact between performers. There must be no physical contact between customers and performers. At the end of each performance customers may pass money to the performer.

These rules to be clearly displayed. Security Staff must enforce them. Customers who break the rules will be permanently barred.

The public dance areas and private booths will be monitored by CCTV which the relevant members of the police or council can view before they are destroyed (after 31 days).

All staff to be given a pack which will include how to complain if they are assaulted or the victim of any other offence. They will also be provided with contacts for relevant support agencies.

Question Four: Locality and Numbers. If the council grants licenses to lap dance clubs are there any localities – for example where lap dance clubs already exist – which are particularly unsuitable?

We have said above we think the number of sex establishments should be zero. If however some are licensed – they should not be in central public areas. The centre of our city should be somewhere we can walk with pride and without fear.

The draft Sex Licensing Policy notes that “Leeds Town Hall is the dedicated public concert hall/performance area in Leeds” and that “Leeds Art Gallery is a newly refurbished creative and lively gallery in the heart of Leeds Cultural Quarter. It is obvious that The Headrow is not a suitable location for lap dance clubs. There currently are two opposite the Art Gallery and the Town Hall. If they continue to be licensed it would certainly make a mockery of any Equalities or Violence Against women policy. It would say clearly that Leeds City Council approves of this activity – the buying of women for sexual gratification.

There is a lap dance club on Merrion Street, round the corner from the Grand Theatre, beside a taxi rank and near the major shopping mall of the Merrion Centre. This is an equally inappropriate place for a lap dance club – being in the heart of shopping and entertainment in Leeds.

There have been proposals for lap dance clubs right outside Leeds City Station so they would be the first thing any visitor sees. Once again this is particularly inappropriate.

Lap dancing clubs have a negative impact on women’s safety in the local vicinity. We have had accounts of women being harassed at bus stops on the Headrow outside existing clubs. Even one instance of this means the woman will be in fear every night as she waits for her bus home.

Question Five: What should be the process of applying for and objecting to individual licenses so the public can comment before one is granted?

As women may well want to object to a club that is not actually next door to where they live, there needs to be a mechanism for letting everyone know about any such application.

We suggest that licences should be applied for by specific days – say 4 dates a year. Thus every 1st July, October, January, April say, members of the public will be able to ask for a list of all those who have applied for a license or license renewal for a sex establishment. And have say a month to make objections. A process like that is what is needed to make the system clear and transparent.

Written response 010 - by email

Jeffrey Green Russell

We represent the owners of Red Leopard at 167 The Headrow, Leeds LS1 2QS and are grateful to you for the opportunity to comment on your proposed Statement of Licensing Policy.

It is noted that the Council has adopted the new powers introduced by the Policing and Crime Act 2009 and therefore the requirement to apply for a new additional licence in

order to continue trading at these premises which we have done since 2004. The Public Consultation Report does not appear to establish a policy upon applications for the new licence in respect of premises which have been operating lawfully. Originally we were licensed under the Licensing Act 1964 and the Local Government (Miscellaneous Provisions) Act 1982, we were then required to apply for a new licence under the Licensing Act 2003 and now yet a further licence has to be applied for. We had hoped for some reassurance that licences would be granted to those premises currently licensed by you under the Licensing Act 2003.

We respond to the draft statement using the same numbering.

Paragraph 2.3

You state that “specific attention has been taken to advertising, staff welfare, external appearance, locality and the number of licensed premises” and yet in the Public Consultation Report under paragraph 4 entitled locality and numbers you state that the “working group decided that it would not be appropriate for the Council to set the location and number of sex establishments in their area”.

Paragraph 8.9

You state “if the application (for a licence) is successful the applicant will pay a maintenance fee for enforcement and compliance checks”. In the Public Consultation Report you cite article 12.2 of the European Services Directive which states that the fees “shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures”; charging a “maintenance fee” is unlawful.

Paragraph 8.34

The statement in relation to who can appeal and upon what grounds is wrong at law, so for instance appeals can be made under paragraph 12 (3) (a) and (b) in relation to suitability. It is perhaps also worthy of noting the High Court’s supervisory role which can be activated by way of judicial review which you have dealt with elsewhere and will be particularly important in relation to the exercise of any, so called, grandfather rights.

We are pleased to note that each application will be considered on its merits and that your Authority has not sought to impose a numbers policy.

Paragraph 8.46

The Council cannot fetter its own discretion as is suggested in this condition.

We now refer to the Council’s proposed standard conditions. The imposition of standard conditions would appear to be inconsistent with the Council’s claim that it would consider each application on its merits; it would be better to use them as a bank of conditions. It is acknowledged that the Council can impose new standard conditions which would then apply to all licences automatically, we would suggest that such an approach is contrary to the Human Rights Legislation and the spirit of fairness. The standard conditions will apply to a licence irrespective of whether the licensee is aware of the amendments or not. In view of the number of premises involved, it would not be inappropriate for the Council to take upon itself a duty to notify the licensee of changes to conditions on its licence. This may be supplemented by a recital that the Council would not normally consider it appropriate to prosecute for breach of any new condition unless the licensee (etc.) has been specifically notified of the change.

Paragraph 3

As a matter of semantics it would appear that the Police and Licensing Authority's satisfaction is dependent on the provision of a code of practice and not the content of the codes which we assume is a grammatical error which can be rectified.

Paragraphs 4 and 5

We note that at paragraph 6, rules and price lists need to be printed in a manner which is clear and easy to read during the normal operation of the premises. To require them to be on each and every table is unduly onerous as breach of a condition could be triggered by inadvertence of either customer or dancer. We would respectfully suggest that provided the rules and codes are adequately displayed, they are not required on each and every table.

This condition is inappropriate as it will be impossible for the licensee etc. to know what is suitable and sufficient training. A breach of this condition would be a criminal offence and the condition therefore needs to be pre-worded.

Paragraph 8

It would appear to us to be unnecessarily prescriptive that the Council has to approve the name of the premises in writing. If the name is offensive, the Council has powers to deal with that.

Paragraph 14

Is there a problem should customers touch the breasts of male entertainers?

Paragraph 15

A kiss on the cheek at the conclusion of the entertainment should be exempted.

Paragraph 16

In the consultation document, you include live sex show in the definition of sexual entertainment venue and although not relevant to our clients, we wonder whether this condition is consistent.

Paragraph 18

A prohibition on taking photographs is virtually impossible to control, especially with the advent of cameras on mobile phones. If the condition is to stop the licensee from taking photographs, it should say that; it will be inevitable that stag parties will want to take pictures of each other and we assume that this condition is not designed to restrict that; clarification is required.

Paragraph 20

This condition is inappropriate. If what is sought to control is advertising outside the premises, then the condition should say that. This is more a planning point and does not seem to fall within the remit of a Licensing authority.

Paragraph 22

The inside of licensed premises will always be visible when the door is opened. We assume that this condition should restrict members of the public from being able to see the form of entertainment authorised by the licence and should say that.

Paragraph 23

The licence allows these premises to operate from 12 noon through until 6.00 a.m. We would respectfully suggest that it is unreasonable not to allow approved illuminated signage during the time when entertainment is authorised. This is a planning issue.

Paragraph 24

This condition is unnecessarily restrictive and is drafted so as to allow for censorship. Many of our clients will seek approval from the Advertising Standards Authority before displaying any advertisement. It would seem more appropriate for that authority to approve or otherwise advertisements than an officer within the Council.

Paragraph 27

This condition is far too widely drawn and is unnecessarily onerous upon the licensee. The condition should be fettered so it only refers to such alterations which affect the delivery of the entertainment.

Paragraph 32

To place a duty upon the licensee to notify the Council irrespective of the state of his own knowledge – this is inappropriate.

Paragraph 48

The “licensed area” is not defined, neither is “performing”. Both these areas require clarification.

Paragraph 52

This condition is too vague and subjective to be workable.

Paragraph 53

This is too widely drawn and would appear to catch the manufacturer's description of the vehicle and is in any event inappropriate, see comments above.

Paragraph 54

The Council has powers under other legislation which should not be duplicated.

Paragraph 55

In view of the number of premises that are caught by this legislation we do not think it unreasonable that the specific variations should be brought to the attention of the individual licensees.

We have been provided with two forms of an application form and the one attached to the Licensing Policy and referred to as SE1 is overly complicated and seeks information which is unnecessary and/or commercially sensitive. We do not think it appropriate that the licensee etc. is required to give the Licensing Authority notice of any winding up petition; this is just inappropriate.

Paragraph 16

You need another box for "other".

Paragraph 17

This question seeks commercially sensitive information which is unnecessary.

Paragraph 20

Premises may have deemed planning permission through effluxion of time and there should be a box available.

We hope that the above comments are helpful; please revert to the writer. Once again may we thank you for this opportunity to comment.

Written response 011 - by email

Leeds Citizens Advice Bureau

Leeds Citizens Advice Bureau does not believe that the licensing of sex establishments is compatible with the Equality Act 2010, which Leeds City Council states that it has taken into account in developing its sex establishment licensing policy.

The Equality Act 2010 states that: "A public authority must, in the exercise of its functions, have due regard to the need to...eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act."

Research has shown that wherever lap dance and strip clubs appear, women's quality of life deteriorates as a result, with increased reports of rape (Eden, 2003). Such establishments contribute to the sexual objectification of women and raise concerns about the welfare of women working in the clubs, the impact on the environment around the clubs; how women feel about walking around these areas and what happens to them when they do and to the general mainstreaming of the commercial sex industry. As manager of an organization based in the city centre, I have been concerned about the increase in the number of lap dance and strip clubs in the area, and the prevalence of billboards and other prominent advertising, which give me particular concerns for the safety of my female staff and for female clients and their children.

Advertising for these establishments, including signage and frontages of premises and leaflet distribution in the area, create an intimidating atmosphere and a real threat to the safety of women. No advertising should be allowed for such premises and explicit images displaying what goes on within the clubs should not be allowed. Advertising for these establishments should not be allowed in public spaces.

If licensing is to take place, the welfare of women working within the clubs should be paramount. Licenses should require strict enforcement of protection of women from physical contact with customers. Private dance areas should be visible from the rest of the club and monitored by CCTV. Staff should know how they can complain about behaviour that is unacceptable and be given information on services that can support them, such as Leeds CAB and SARSVL .

Leeds city centre currently has a number of sex establishments in prominent locations, including the Headrow, which is a main thoroughfare. These premises and any additions to them advertise Leeds as a city (and a Council) that condones the sexual objectification of women and make the city centre an intimidating, unsafe place for women. It undermines the city's stated aim of being "fair, open and welcoming" (Vision for Leeds 2011-2030).

Leeds is a city centre characterised by the close proximity of residential to commercial establishments; in fact it prides itself on this feature. For example, much student accommodation is located in the city centre. This increases the vulnerability of women walking around areas where a number of sex establishments are in operation.

Annex B - Composition of the Working Group

Licensing Committee Members

Cllr Suzi Armitage	Chair of the Working Group Chair of Licensing Committee Ward Member for Cross Gates and Whinmoor (Labour)
Cllr Ronald Feldman	Member of the Licensing Committee Ward Member for Alwoodley (Conservative)
Cllr Donald Wilson	Member of the Licensing committee Ward Member for Rothwell (Liberal Democrat)

Entertainment Licensing Officers

Nicola Raper	Section Head
Susan Holden	Principal Project Officer
Seamus Kennedy	Principal Liaison and Enforcement Officer
Philomena Carville	Principal Licensing Officer

Legal Services

Richard Des Forges	Solicitor, Regulatory and Enforcement Section
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