

Glasgow City Council report on the need for review of licensing legislation in the light of concerns re table dancing

1. Purpose of report

This report outlines the Council's concern about the lack of scope to object to the granting of licences for activities such as table dancing and lap dancing and recommends an amendment to the Civic Government (Scotland) Act 1982 to include table dancing and lap dancing venues under Part III Section 45 Control as sex shops.

2. Background

This Local Authority views table dancing as a form of commercial sexual exploitation which demeans and exploits women and encourages the perception by some men, of women as objects. This runs counter to the Council's aims to promote a city in which all citizens are treated with respect and dignity. Images of women and 'entertainment' which demean and degrade women portraying them as sexual objects plays a part in 'normalising' sexual violence and contributes to male abuse of women being acceptable, tolerated, condoned and excused. Such entertainment runs counter to explicit commitments by a range of private, public and voluntary agencies to promoting women's equality.

- 2.1 Abuse and violence against women is now defined broadly and is recognised by governments in the context of promoting human rights and eliminating discrimination in society. It is also recognised that different forms of violence and abuse perpetrated by men are linked to broader gender inequalities and men's abuse of power. The UN General Assembly adopted the following definition of violence against women

"The term violence against women means any act of violence by men that results in or is likely to result in physical, sexual or psychological harm or suffering to women" "It also includes physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work and elsewhere "

The Scottish Executive subscribes to this definition and furthermore states that "Violence against women as defined (by the UN above) reflects an imbalance of power between men and women and also more general gender inequalities. Such abuse cannot be eradicated until there is an equal balance between men and women in society and relationships."ⁱ

3. Nature of Table dancing premises

- 3.1 There has been very little objective research about the nature of table dancing and lap dancing clubs and the impact on the women employed therein, the men paying for the entertainment or the wider communities. These establishments are now being presented as places where 'respectable' men can go to relax and socialise with other men. The presence of women is merely a means of creating a comfortable and conducive atmosphere and fulfilling men's interest in admiring women's bodies. The concerns however over major international chains such as Spearmint Rhino, allegedly linked to prostitution and pornography are particularly disturbing.
- 3.2 In the study 'Stripclubs According to Strippers: Exposing Workplace Sexual Violence' by Kelly Holsopple published in 1998 (Appendix 1) it is noted that '100% of the eighteen women in the survey report being physically abused in the strip club. The physical abuse ranged from three to fifteen times with a mean of 7.7 occurrences over their involvement in stripping. 100% of the eighteen women in this study report sexual abuse in the strip club. The sexual abuse ranged from two to nine occurrences with a mean of 4.4 occurrences over the course of their involvement in stripping. 100% of the women report verbal harassment in the strip club. The verbal abuse ranged from one to seven occurrences with a mean of 4.8 occurrences over the course of their involvement in stripping.
- 3.3 The article entitled 'A woman's voice: A survivor's view of "Gentlemen's" Entertainment' by Patricia Maguire (Appendix 2) which gives an account of the harm and abusive behaviour endured by a woman involved in such activities.
- 3.4 Cities in countries such as Australia and USA are now seeing the impact of having loosened all regulation regarding sex industry activities. Women are being excluded from corporate functions held at table dancing venues and equality at work is seen to be under threat. The acceptance of table dancing "is already placing an obstacle in the path of women's equal opportunities in Melbourne. Tabletop clubs, unlike brothels, are licensed for the sale of alcohol, and offer better opportunities for men to socialise with each other. Two clubs in Melbourne are now competing with each other to attract businessmen to have lunch and hold meetings on their premises."ⁱⁱ

"Both clubs have Board Rooms for corporate functions. The room at the Men's Gallery has long board table, a white board and a lectern. They can even provide pens and notepaper. Dancing girls are supplied on request." After work gatherings are also encouraged in the Cigar Bar, an enormously popular concept in the United States....."ⁱⁱⁱ One customer explained "A lot of business gets done in here. It's very good for business and it just happens to be a place where women take their clothes off"

- 3.5 It is worth noting that the Spearmint Rhino Club in Tottenham Court Road which markets itself as a legitimate 'gentlemen's club' has been the subject of some press speculation that activities in the club include prostitution. John Gray, the American owner, has admitted giving an erroneous date of birth, which resulted in a Criminal record check not identifying previous criminal convictions. The licensing authority has also been investigating these allegations.

4. Impact on communities

- 4.1 It is the Council's belief that areas, which have sexually oriented businesses, including table-dancing venues, are detrimentally affected through increase in crime and disorder. At present there are no means of limiting the number or location of such premises, as is the case with sex shops. The location of venues is determined by commercial considerations only.
- 4.2 Reference is made to Appendix 3 attached, which provides information on studies which have been undertaken on the impact of sex industry activities (including lapdancing, sex shops and prostitution) on geographical areas and communities.

5. Current legal framework

- 5.1 Those wishing to provide entertainment such as table dancing are required to apply for Provisional Grant 26(2) under the Licensing Scotland Act 1976
- 5.2 Local Authorities along with others including Housing Associations, local Churches, businesses and residents are considered competent objectors in terms of Section 16 (1) (f) of the Licensing Scotland Act 1976 and are thereby able to object to the grant of a Licence on the following grounds
- 1) In terms of Section 17 (1) (b) of the 1976 Act the premises to which the application relates are not suitable or convenient for the sale of alcoholic liquor, having regard to their location, their character and condition, the nature and extent of the proposed use of the premises, and the persons likely to resort to the premises, and
 - 2) In terms of Section 17 (1) (c) of the 1976 Act that the use of the premises for the sale of alcoholic liquor is likely to cause undue public nuisance, or a threat to public order and safety.
- 5.3 Under the current legislation the nature of the entertainment involved is not subject for comment by local authorities and other competent objectors or Licensing Boards. It could however be argued that the use of premises can offend against decency and would therefore fall to be unsuitable premises in terms of Section 17 (1) (b) of the 1976 Act.

- 5.4 Glasgow Licensing Board has previously attempted to deal with this matter under existing legislation but has not been successful.

6. Proposal

Glasgow is proposing that the Scottish Executive review the licensing of entertainment such as table/lap dancing and consider the following proposal.

- 6.1 It is proposed that the Scottish Executive should consider an amendment to the Civic Government (Scotland) Act 1982 to include table dancing and lap dancing venues under Part III Section 45 Control as sex shops. This would mean the widening of the term sex articles to be sexual activities, which would amount to commercial sexual exploitation. For the purposes of the Act commercial sexual exploitation would be defined by the Scottish Parliamentary Draftsperson.

This would allow the Licensing Board to explicitly consider the nature of the entertainment and that a wide variety of interested parties would have the right to object to the nature of the entertainment.

Changes in the Licensing legislation have the support of women's organisations in Glasgow who have previously called on the Council to object to licences for this type of entertainment. The last Council objection to a licence application for premises in Glasgow was supported by Rape Crisis, SAY Women, Women's Support Project, WISE Women, Glasgow Women's Aid, Meridian, Hemat Gryffe Women's Aid and Glasgow Women's Library.

The Licensing Board would also have additional powers granted to it to consider these matters, although as a quasi judicial body it will retain its discretion as at present and treat each case on its merits.

7. Recommendation

It is recommended that in order to promote gender equality, tackle inequality and victimisation, and address violence against women the Committee agrees

1. the need for legislative reform of the licensing laws relating to entertainment such as table dancing;
2. that representation is made to the Scottish Executive on this matter;
3. to seek the Executive's support for legislative reform of licensing law; and
4. to delegate officers to liaise with the Scottish Executive over the framing of any new legislative amendments, in light of Glasgow's experience with the existing legislation.

ⁱ Preventing violence against women, Scottish Executive, 2001

ⁱⁱ The Idea of prostitution, Sheila Jeffreys, Spinifex, 1997

ⁱⁱⁱ What they do in Men's Clubs.... And Why business is booming, Elissa Blake, Age, Melbourne, 1996, February 21