

# **OBJECT Lapdance Challenge Roundtable**

**19<sup>th</sup> February 2008, Committee Room 3a, Parliament**

## **Policy Implications – Dr Nicole Westmarland, Durham University**

### **Introduction**

I am a Lecturer in Criminal Justice at Durham University and Chair of Rape Crisis (England and Wales). I have written a range of books, articles and reports on different forms of violence against women. My interest in lap dancing and the Licensing Act 2003 began in December 2007 when I was called as an expert witness to give evidence in an appeal against a license of 'The Loft' club in Durham.

### **The Durham case – *Vimac Leisure Ltd and Durham City Council and Thomas, Evans and Evans***

In August 2007 Durham City Licensing Committee considered an application from Vimac Leisure for a premises licence for a 'high class table dancing club' at The Loft, Durham City. Durham Constabulary and 50 interested parties submitted written objections to the license application, detailing a range of objections relating to concern about crime and disorder, public nuisance and the protection of children from harm. The outcome of the application hearing was that Vimac Leisure was granted a license subject to a range of restrictions and conditions. The objections were rejected as being based on 'nothing more than a moral concern' (Statement by the City of Durham Council).

The licensing decision was appealed, both by Vimac Leisure who argued that the license should not have had such heavy restrictions and conditions attached to it and by some local residents (Thomas, Evans and Evans), who argued that proper weight had not been given to the objections and that the license should not have been granted. For clarity in the appeal, Vimac Leisure was referred to as 'the applicants', the residents as 'the objectors' and the City Council as 'the respondents'. The 'objectors' were successful, and the magistrates overturned the decision of the licensing committee after based on the 'relevance' and 'weight' of their arguments. The magistrates concluded:

'We therefore consider that many of the objections were made not on moral grounds but reflected real and practical concerns' (Reasons of the Justices, pg. 5)

For Vimac Leisure this meant the revoking of their new license, for the Licensing committee this meant paying the court costs of the objectors, and for the objectors this meant keeping Durham City a 'lap dancing free area'.

### **My argument – the lack of integration with other policies**

The crux of my argument is that the licensing of lap dancing clubs is directly in conflict with the aims of a range of laws, policies and initiatives. The two examples I am going to give in this presentation are: the Sexual Violence and Abuse Action Plan and the Gender Equality Duty.

The government, in association with a range of national partners, published its **Sexual Violence and Abuse Action Plan** (plus implementation guidance) in April 2007. Up and down the country, local voluntary and statutory sector partnerships are joining together to tackle sexual violence, for example through the formation of sexual violence forums. The prevention of sexual violence and abuse is one of the key objectives listed in the Action Plan, meaning that it is important to *reduce* the incidence of sexual assaults (both reported and unreported). However, there is evidence that some dancers in lap dancing clubs experience sexual assaults from customers. Examples of this can be seen in the following quotes:

"I think every dancer has some kind of story to tell. It's that kind of environment where guys feel that they can. We're out there, we're vulnerable, and they can. We walk around by the customers and a lot of

people would grab our asses, that happens constantly. There's rules there, but rules are always being bent. In my life, rules have always been bent." ('Angel', interviewed by Wesley, 2002<sup>1</sup>)

"To deal with these violations rooted in customer feelings of entitlement, some women tried to contextualize it as an expected part of the job. Irene states, Guys in the club grab your butt, grab your boobs, touch your leg. I got grabbed all the time. Guys would do rude things but figure it just comes with the territory. You don't like it, but you deal with it. To make money." ('Irene', interviewed by Wesley, 2002)

In the Durham case, Vimac Leisure was asked during cross-examination how they would deal with any 'inappropriate touching' of the dancers. They stated that the customer in question would be ejected from the club. However, this ignores the fact that a criminal incident has taken place for which the perpetrator should be reported to the police and, where possible, brought to justice for this offence. It is my opinion that a lap dancing club can only *increase* sexual assaults against women and hence that the licensing is in conflict with the aims of the Sexual Violence and Abuse Action Plan.

The **Gender Equality Duty (GED)** requires public authorities to *promote* gender equality and to eliminate sex discrimination. It requires *positive* action to be taken to ensure that the different needs of women and men are considered in terms of public authority decisions and take appropriate steps to promote gender equality. In addition to the publication of Gender Equality Schemes, GED requires gender impact assessments to be conducted. The Women and Equality Unit guidance advises that priority be given to policies where gender issues are central and warns against mistakenly perceiving policies as gender-neutral. Although GED does not apply to private businesses, both the general duty and the specific duties apply to licensing authorities in terms of its policies - both planned and existing. In Durham's published Gender Equality Scheme they state they will promote gender equality by "promoting positive images which challenge negative or traditional gender stereotypes". However, by granting the license, the opposite would have been the case - negative images that confirm gender stereotypes would have been portrayed.

### **Why this matters**

Section 182 of the Licensing Act states that the Secretary of State must issue guidance to licensing authorities on the discharge of their functions under the Act. The guidance runs to a lengthy 175 pages, in which paragraph 13.55 reads:

'The Secretary of State recommends that statements of policy should provide clear indications of how the licensing authority will secure the proper integration of its licensing policy with local crime prevention, planning, tourism, race equality schemes [and presumably now also gender equality schemes], and cultural strategies and any other plans introduced for the management of town centres and the night time economy. Many of these strategies are not directly related to the promotion of the four objectives, but indirectly impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.'

### **Summary**

The guidance as set out by the Secretary of State clearly emphasises the need for policy integration. The idea of having contradictory policies in place is clearly counter-productive, and there needs to be more thinking around this issue and how it relates to other policies. The more effort that is going into reducing crime and disorder in a given location, the bigger the contradiction is likely to be because of the gap between different policies. While the need to tie objections into the four licensing objectives remains important, the guidance allows the 'bigger picture' to be taken into consideration. For those people working to increase gender equality and end violence against women, it is this bigger picture that should take precedence and that must begin to be considered in licensing decisions.

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<sup>1</sup> Wesley, J.K. (2002) Growing up sexualised: Issues of Power and Violence in the lives of Female Erotic Dancers, *Violence Against Women*, 8, 1182.