

Bristol Women’s Commission and Bristol Zero Tolerance Initiative response to preliminary consultation on the Bristol City Council Sex Establishment Policy Review 2016/17

January 2017

Bristol Women’s Commission supports a nil cap policy on Sexual Entertainment Venues (SEVs) within the local authority of Bristol. The Commission believes that the granting of licences to these establishments contradicts the policies and obligations the City Council has in tackling exploitation and violence against women. The Commission trusts that the Licensing Committee will adopt a policy that no SEV licenses will be granted within the local authority area in the future. This will enable the Council to meet many of its obligations and legal objectives in terms of equality and human rights and wider government policy.

Our focus is on supporting a nil cap on SEVs in Bristol because of the incompatibility of the current policy with a city that is equal and safe for all.

As a key signatory to the European Charter for Equality of Women and Men in Local Life¹ Bristol City Council must recognise that “*gender-based violence arises from the idea, on the part of the perpetrator, of the superiority of one sex over the other in... an unequal relationship of power*” (Article 22.2). SEVs can be seen to contribute to a popular culture whereby women’s bodies are objectified. This culture perpetuates the notion of “*the superiority of one sex over the other*” as identified in the Charter.² The Council’s duty under the Equality Act 2010 and the Public Sector Equality Duty (PSED) includes the need to have ‘due regard’ to the need to eliminate discrimination and harassment of women and advance equality of opportunity for women, as well as foster good relations between men and women which arguably the presence of SEVs does not do. In fact, research³ demonstrates that the sexual objectification of women, which can be seen to be encouraged and practiced within SEVs, acts to reinforce gender inequality.

¹ Council of European Municipalities and Regions, The European Charter of Equality for Women and Men in Local Life http://www.ccre.org/docs/charte_egalite_en.pdf

² Bristol Women’s Commission, Sexual Entertainment Venue Policy Statement, Licensing Special Purposes Sub Committee, 6th November 2014

³ See for example Home Office Sexualisation Review 2010 <http://webarchive.nationalarchives.gov.uk/20100418065544/http://homeoffice.gov.uk/documents/Sexualisation-of-young-people.html>

Therefore, continued licensing of SEVs by Bristol City Council fails to meet obligations under the Charter and national equalities legislation and diminishes the status of Bristol as a modern European City where both women and men can lead fulfilled lives in a safe and fair society.

Bristol as a city is committed to the eradication of violence and abuse of women and girls. In 2012 the city was awarded White Ribbon City status which requires cities to work towards a status of zero SEVs.

Bristol City Council has taken on and is supportive of the Women's Commission's Bristol Zero Tolerance initiative and both previous and current Mayors have pledged their support.⁴ The Bristol Zero Tolerance initiative⁵ seeks to address all forms of gender-based violence, abuse, harassment and exploitation in the city and a nil cap policy on SEVs is a part of this work. So far over 40 high profile organisations and businesses in Bristol have signed up to the Bristol Zero Tolerance pledge and are taking action on gender-based violence in the city.⁶

Other current approaches to addressing violence and abuse in the city include:

- www.thisisnotanexcuse.org
- www.bristolideal.org.uk
- UWE Intervention Initiative⁷
- Bristol Against Violence and Abuse Strategy 2015-2020⁸ includes an aim to challenge the sexualisation and subordination of women and children.

These projects are supported by or run by Bristol City Council therefore the Commission believes that the continued licensing of SEVs directly undermines the council's own work and is not compatible with the wider outcomes and aims that the city hopes to achieve in terms of gender equality and the eradication of gender-based violence. These local policies and strategies highlight the importance of equality, safety and addressing gender-based violence, however, there are no local policies which see the presence of SEVs in the city as positive.

Research published in 2014 shows that sexual objectification has a key role in the link between men's alcohol use and sexual violence perpetration.⁹

⁴ <http://www.bristolzerotolerance.com/our-partners-2/bristol-city-council-2/>

⁵ <http://www.bristolzerotolerance.com/>

⁶ <http://www.bristolzerotolerance.com/our-partners-2/>

⁷ <http://www1.uwe.ac.uk/bl/research/interventioninitiative.aspx>

⁸ <http://www.bava.org.uk/wp-content/uploads/Bristol-Against-Violence-and-Abuse-Strategy-2015-2020.pdf>

Therefore, the presence of SEVs in Bristol can be seen to impact on the safety of women and girls and a local authority policy which permits the licensing of SEVs contributes to the normalisation of exploitation and gender-based violence which initiatives such as Bristol Zero Tolerance are trying to combat.

Good practice on SEVs:

An increasing number of local authorities in the UK are now taking a nil policy approach to SEV licensing and have implemented policy approaches that acknowledge the links between SEVs and gender-based violence and inequality.

The Commission understands that the following local authorities have taken a nil cap approach:

- Coventry
- London – (different licensing regime) Bromley Town, City of London, Enfield, Haringey, Harrow, Hounslow, Richmond, Havering, Camden, Merton
- North Tyneside
- Slough
- Exeter
- Swansea
- Warwick
- Winchester

Others are under consideration. Swansea, Coventry and Winchester local authorities have also developed appropriate wording for their nil cap policies.¹⁰

Home Office Guidance 2010¹¹ states that nil may be an appropriate number of SEVs for a local authority and that licensing authorities may refuse to renew a license even if there is no change in circumstances.

⁹ Gervais et al (2014) Understanding the Link Between Men’s Alcohol Use and Sexual Violence Perpetration: The Mediating Role of Sexual Objectification. Psychology of Violence.

¹⁰ See http://www.swansea.gov.uk/media/4651/Sex-Establishment-Policy/pdf/Licensing_of_Sex_Establishments_Policy_2013.pdf ; http://www.coventry.gov.uk/downloads/file/8505/sexual_entertainment_venue_policy and <http://www.winchester.gov.uk/licensing/sex-establishment-licence/>

¹¹

<http://webarchive.nationalarchives.gov.uk/20100413151441/http://crimereduction.homeoffice.gov.uk/crimereduction057a.pdf>

The Air Weapons and Licensing (Scotland) Act 2015¹² also includes ‘reducing violence against women’ as a consideration for local authorities when preparing an SEV policy statement and considering the local impact. The Commission would urge Bristol City Council to adopt a similar position.

The Commission is also concerned about some areas of the existing policy and issues these raise for those working within SEVs as well as the general public. These issues would be resolved if a nil cap were to be put in place. The Commission is also concerned about the ability of the general public to respond to the Licensing Committee processes as outlined below.

Concerns with the Regulations prescribing standard conditions applicable to licenses for sexual entertainment venues:

Section D - Code of Conduct

There is currently no standard Code of Conduct that performers or audience members should comply with to protect the rights and safety of performers and enforce a Zero Tolerance approach to any form of violence or harassment.

Section F (a) – contact between performers and customers

The Commission is concerned that there is evidence that this aspect of the policy has not been complied with¹³ and is another reason for a nil cap on SEVs.

Section O – facilities for performers

Given the strong anecdotal evidence that even with current cap levels in the city the most basic provision of separate toilets, changing facilities, and free information on local gender-based violence services and other support for performers in existing establishments is lacking, it is clear that with stretched resources enforcement visits cannot be made often enough or do not have the effect of eliminating unsafe practices or licence breaches.

The specific reference to literature on sexual problems, family planning and sexually transmitted diseases (i - iii) suggests that performers engage in prostitution, whereas gender-based violence is a more likely occurrence during their work. No establishments in the city should exist which could encourage and enable either prostitution or gender-based violence. The idea that the City

¹² <http://www.legislation.gov.uk/asp/2015/10/section/76/enacted>

¹³ see <http://www.bristolpost.co.uk/bristol-club-fined-lap-dancers-far/story-19690487-detail/story.html>

Council is licensing establishments where these are likely to occur is extraordinary.

Section T (ii) – performers’ documents

There is a constant concern that trafficked or exploited women could end up working in SEVs and that clubs themselves have responsibility for checking documents. Again, the Commission believes that a nil cap policy on SEVs is another way to ensure that human trafficking and other forms of exploitation are eliminated from the city.

Concerns with Bristol City Council Local Government (Miscellaneous Provisions) Act 1982 Control of Sexual Entertainment Venues:

Section 6 – general obligations that apply to the discharge of all the Council’s powers and duties

Council obligations under Equalities Law are outlined above and the Commission believes that the continued licensing of SEVs will not enable the Council to meet these.

Research has also shown that women who work in SEVs can be subject to high levels of abusive behaviour from customers - in a UK study published in 2011 almost half reported frequent verbal harassment and unwanted touching from customers.¹⁴ Again, the Commission believes the council should not be complicit in this type of activity by agreeing licenses when professing to seek a society where women are equal to men.

Section 7 – considering applications and representations

The Commission appreciate being involved in the preliminary consultation process for the policy review and are pleased that other organisations who have made representations in the past have also been invited to be involved in this process. However, the Commission believes that the application process for SEVs and consultation around this lacks transparency and that the information and timetables for these processes must be made more clearly available to members of the public who may wish to comment. The relevant web pages on the Council website cannot be found through searches and the application process and information about this is not clearly available. The timetable for establishments to make an application, representations to be

¹⁴ University of Leeds Faculty of Education, Social Sciences and Law, The Regulatory Dance
<http://www.sociology.leeds.ac.uk/research/projects/regulatory-dance>

submitted and dates of hearings should be available to ensure accessibility and participation. This process should also be more focused, for example, hearings taking place within a time limit such as 3 weeks after the end of the application and consultation process.

The Commission is also not aware of information on applications being available on street furniture and community notice boards and being made available to Ward Members and Neighbourhood Forum Coordinators as the policy states. The Commission would therefore like to see a more robust consultation process built into the policy and included in future application cycles. This process should also be accessible including the consultation and papers being advertised clearly online as well as being available in different languages and formats if requested. Responses should also be able to be made online or through electronic and paper copies. A draft Equality Impact Assessment of any draft Council policies should also be made available.

For example, the change in conditions applied for by one of Bristol's SEVs directly contravenes section F (b) of the Regulations prescribing standard conditions applicable to licenses for sexual entertainment venues.¹⁵ However, the application for a proposed change in conditions was not advertised and so local people who it may impact on did not make objections.

Section 8 – discretionary grounds for refusal

The Commission broadly support the grounds for refusal outlined by the policy. However, the Commission believes that the policy has not been followed in terms of the appropriateness of venues considering the character and use of the locality. The proximity to bus stops, residences and public spaces as well as public perception has not been taken into consideration with the current SEVs in Bristol City Centre.

The Council have received a number of objections in the past to the renewal of SEV licenses including details of sexual harassment that some women have experienced in the vicinity of SEVs. Women also report feeling unsafe, unwelcome and intimidated when near these establishments. As Philip Kolvin QC notes¹⁶ “the fears of women using the vicinity of premises may be reflected in decisions as to the location of such facilities... These concerns are directly reflected in the Royal Town Planning Institute's Gender and Spatial Planning

¹⁵ see <http://www.bristolpost.co.uk/reaction-your-views-on-bristol-s-first-topless-bar/story-29776106-detail/story.html>

¹⁶ Sex Licensing p86-87 <http://kolvin.co.uk/areas-of-licensing-law/sex-licensing/>

Good Practice Note, which states: ‘...ensure that the views of women are considered. Evidence shows that in certain locations, lap-dancing and exotic dancing clubs make women feel threatened or uncomfortable.’” When will the Licensing Committee have due and demonstrable regard to these concerns?

Bristol is at the forefront of national thinking in promoting women’s equality and addressing gender-based violence by signing the European Charter of Equality of Women and Men in Local Life, setting up Bristol Women’s Commission and supporting the Commission’s Bristol Zero Tolerance initiative to drive the agenda forward. The Commission now urges Bristol City Council Licensing Committee to give utmost consideration to the issues raised in our response when reviewing the overall policy of whether the presence of SEVs within the city of Bristol is appropriate or desirable and that the outcome of the updated policy will be for a nil cap.

Signed by Bristol Women’s Commission members:

(Redacted)