

## Appendix 5 – Summaries of responses

### 1. John Morse solicitors representing Urban Tiger (Nightlife Bristol Ltd) and Central Chambers (Reedbed)

In attendance: Andrew Sivertsen (John Morse solicitors) plus Carrie Hale and Robert Hale (proprietors).

Summary of points raised (written submission referred to):

- The policy review should take account of the framework for the regulation of sexual entertainment. Objections to SEVs should be relevant to the regulation of sexual entertainment and this should be made clear in terms of any consultation. In particular, it should be made clear that moral objections are not relevant. The local authority should be pro-active in stressing this point as part of any consultation.
- In legislating for the licensing of SEVs, Parliament has made it clear that sexual entertainment is a lawful activity. This is further borne out by para. 3.23 of the Home Office guidance on SEVs.
- The 2 current SEVs were well managed by experienced staff, with clear “house” rules and appropriate measures in place to protect the safety of staff. This should be taken into account in reaching a balanced and proportionate view of whether a limited number of SEVs should be permitted.
- Bristol has a robust approach to the renewal of SEV licences. On average, at the time of licence renewal, there have been only 8 objections.
- 75 people are employed in the 2 current SEVs – this accordingly results in a contribution to the local economy.
- Suggested that a balanced view of the situation in Bristol should be taken. Given the level of demand, the population of Bristol, and that the current premises are well run and only a small number of objections have been received when licences are renewed, a total of 2 SEVs seems to be an appropriate level for Bristol.
- Feels that the current rules regarding staff safety are appropriate and are committed to maintaining a robust approach to this. Facilities are kept under constant review. Feels that one operator running the 2 venues is beneficial in terms of maintaining credible and effective operation of premises, and consequently is of benefit to the local licensing authority in this regard.

### 2. Bristol Women’s Voice (BWV)

Summary of points raised (written submission referred to):

*Note – a Powerpoint presentation was displayed and referred to in support of the points raised.*

- BWV was a representative body for women in Bristol, working to promote women’s equality and to work with the Council to support its mission for gender equality.
- BWV’s view on SEVs was based on the fundamental principle of equality – SEVs were businesses that promoted the financial and social inequality between women and

men, and also promoted the assumption that women's bodies were objects which men can buy.

- The objections were based fundamentally on the grounds of gender equality rather than morality.
- BWB therefore supported a nil cap on SEVs in Bristol.
- As a city, Bristol generally has a good record and reputation in relation to gender equality. Permitting SEVs was the opposite of a city that strives for equality and "lets the city down".
- There were important issues raised by permitting SEVs in the city, including the issue of how to ensure the safety of women working in SEVs and the safety of all women in the vicinity of SEVs and the wider city.
- There were examples of other cities with nil caps on SEVs. Bristol should be next.
- There has been a dramatic rise in residential housing in the city centre, including the areas around the 2 current SEVs.
- A document was circulated – copy of an article from GRAZIA magazine relating the experiences of a Bristol student who paid for her degree though working as a lap dancer.
- BWV was also opposed to sex cinemas on the grounds that they also promoted the objectification of women's bodies and acted against the principles of gender equality. Indicated that they would wish to conduct research before submitting comments about sex shops.
- BWV felt that a nil cap on SEVs was the only acceptable policy for a diverse city like Bristol that promotes equality. Permitting any SEVs meant the continuation of tolerating the objectification of women's bodies for the gratification of men.
- BWV requested that in carrying out this policy review, the group should follow up on the research that they had drawn attention to in their written submission.

### **3. Bristol Women's Commission and Bristol Zero Tolerance Initiative**

Summary of points raised (written submission referred to):

- This response was supported by a wide range of organisations made up of key agencies.
- A nil cap for SEVs was supported.
- The commission believes that the granting of licences to these establishments contradicts the policies and obligations the Council has in tackling exploitation and violence against women.
- A nil cap on SEVs in Bristol should be introduced because of the incompatibility of the current policy with a city that is equal and safe for all. SEVs reinforce gender inequality and contribute to women's bodies being sexually objectified.
- The Council's policies should reflect zero tolerance to gender based violence.
- In terms of safety, it was understood more than 50% of lap dancers / performers had reported unwanted touching in spite of any house rules that may be in place. In response to this particular point, the Chair advised that all relevant evidence of this kind should be forwarded to the group for consideration.

- In response to a question, the view was expressed that even in highly regulated venues, high levels of enforcement-related activity would be required to ensure compliance. The fundamental point remained, however, that within SEVs, women's bodies were the subject of sexual objectification, and undermined the principle of equality between women and men.
- The commission had not specifically discussed the issues around sex cinemas (noting there that were currently no sex cinemas in Bristol).
- Whilst individual organisations had been consulted on the commission's submission, the commission had not had the resources to engage in wider public consultation.

#### **4. Bristol Fawcett**

Summary of points raised (written submission referred to):

- A nil cap on SEVs in Bristol was supported.
- SEVs were not appropriate for a city that actively promoted equality.
- Nil cap policies have been introduced by other cities.
- SEVs promote harmful attitudes to women and run counter to promoting equality between women and men.
- There is evidence of harm to women who worked in SEVs.
- Evidence based research has now resulted in recommendations that the most effective way to bring down the prevalence of men's violence against women is to refocus on community-level prevention - to change the cultural conditions that facilitate men's belief that they are entitled to harass, abuse and violate women. This new focus is beginning to be reflected in policy and legislation. Last year, as part of the revision to Scottish licensing law, an amendment to legislation was passed and enacted (the Air Weapons and Licensing (Scotland) Act 2015) - S76 recognised the relevance of SEVs to violence against women.
- It was important to recognise that the case for a nil cap was based on the principles of equality rather than morality.
- Drew attention to the extensive legal issues highlighted in part 2 of the written submission and urged the group to be fully mindful of the information supplied, including the views of Philip Kolvin QC.
- Also drew attention to and asked the group to be fully mindful of part 3 of the written submission – specific observations and suggestions for consultation on the draft policy.
- In response to a question about links between SEVs and harm to women in the vicinity of SEVs, referred to a 2011 police mapping exercise that suggested a statistical increase in reported acts of violence against women in the immediate zone around Bristol's SEVs.
- The submission was in relation to policy on SEVs; not commenting on sex cinemas and sex shops.

#### **5. Respondent 5**

Summary of points raised (written submission referred to):

- Supports a nil cap on SEVs. Having SEVs in Bristol runs counter to promoting equalities in the city.
- SEVs promote the sexual objectification of women's bodies, whereby women's bodies are seen as objects paid for by men.
- In reviewing the SEV policy, the Council must take into account the public sector equalities duty, and ensure it takes account of all relevant research.
- Also need to note a material change in the character of the city centre, with the recent large increase in residential accommodation set to continue. More young people and students are living in this area. This further adds to the inappropriateness of SEVs being located in this area.
- It will be important to effectively publicise consultation on a revised policy, to help maximise consultation responses.

## 6. Respondent 6

Summary of points raised (written submission referred to):

- Advises the adoption of a policy setting a cap of zero in each locality of Bristol for SEVs.
- This will promote equality between women and men in the city and will contribute to a change in culture – a culture that is currently supportive of discrimination, harassment and violence against women and girls as data shows.
- Important for the local authority to send a clear message on this issue. It is not appropriate for men's social norms to be influenced by being able to pay to access and dictate what women do with their bodies.
- Recommends the group should take into account representations from local residents and representative groups.
- The group should also reflect on the available research from experts in this policy area.
- This is a strategic, equalities issue.

## 7. Sue Mountstevens, Police and Crime Commissioner (P&CC), Avon and Somerset Constabulary (A&SC). Inspector Martin Rowland was in attendance representing Avon and Somerset Constabulary.

- The Police and Crime Commissioner made an initial presentation – the following points reflect this:-
- She was pleased that the Council was reviewing the policy as she believed it was damaging to Bristol;
- A core principle of the A&SC was to protect the most vulnerable from harm. Safer Bristol which was a joint plan with the Police and the Council shared this principle;
- There were nationally 473,000 survivors of sex abuse and 40,000 survivors of sexual violence last year;
- There was a need to challenge the deep rooted norms and behaviours linked to this. By allowing SEV's the Council endorsed and normalised the continuation of deep rooted attitudes that women were the object of men's titillation;
- Healthy and equal attitudes were undermined by SEV's;

- Men who used SEV's believed they had a sense of entitlement to access women's bodies;
- She had worked hard with the Mayor to make PHSE mandatory in schools so that children understood what a healthy relationship was. She had heard children of 13/14 talk of their unhealthy relationships;
- The Council endorsed healthy relationships and the importance of equality;
- In Bristol there had been 1600 sexual offences against women by men last year.
- The following points arose from the discussion with the Working Group:-
- The P&CC clarified that that these points were her personal view and therefore the office of the P&CC. She added that the A&SC core principle was to protect the vulnerable from harm and this was what she was arguing for;
- She was asked if there was evidence that that this attitude perpetrated down to schools and replied that there was very little direct evidence of this. The Inspector added that there was a plethora of evidence-based academic information that such attitudes were reinforced in children;
- Many of the women working in SEVs were self- employed or on zero hours contracts and could sometimes be linked to modern slavery. It was noted that the Police would be undertaking an Operations Exercise on modern slavery in the City Centre next week;
- Councillor Langley observed that closing down SEVs would be considered illegal. The Inspector replied that Bristol would not be the first to make such a decision and such venues had successfully transitioned to restaurants elsewhere;
- It was noted that the demographic in the City Centre had changed as there was far more student accommodation. Also one of the SEVs was located opposite the Hippodrome which concerned the P&CC;
- The Inspector observed that there were many more residential premises within Old Market although this was increasing in the City Centre. For operational purposes, Old Market was not part of the late Friday/Saturday night Operation BRIO. He added that neither one of the SEVs were considered poorly run. Academic research stated that the impact of these premises was more around their location as customers went away and committed offences on the way home or at home. He stated that in the last 12 months there had been 471 offences, 16 sexual offences, 9 sexual assaults on females, 5 rapes, 1 of a man and 1 indecent exposure in the areas around the two SEVs. Around a previously licenced SEV there had been 184 offences, 128 of them violent and 11 sexual offences;
- Councillor Abraham asked for clear evidence of other cities that had closed their SEVs and was informed the picture nationally was mixed. In Swansea there was a nil policy. There was 1 SEV licenced but owned by the Council so it never opened. Leeds had reduced their numbers and a number of other Councils had a nil cap but had allowed those in SEVs operating before the policy to stay open;
- The Inspector confirmed that he believed the presence of an SEV in an area made it more challenging. Rapes were not directly linked to an SEV but any venue likely to increase sexual offences against women was a problem. He noted that there was no formal statistics on the sort of crimes around an SEV and a random sample would not produce the same results. He
- believed that there would be a reduction in sexual offences if SEVs were not in place. He added that if opportunity was removed, demand would also go noting that all licenced premises could currently operate sexual entertainment evenings under the TENs regime but there did not appear to be the demand for this;
- Councillor O'Rourke asked if there were SEVs in more remote area that caused difficulties to the police and whether it was possible to run such premises in a more subversive way so that it did not cause difficulties. The P&CC replied that she was unaware of more remote premises but would research this;
- Nick Carter questioned whether the presence of such establishments encouraged certain behaviours and cited as an example the two sex shops within 100 yards of the SEV in Old

Market. He asked whether there was an issue re consistency of message. The P&CC responded that if they were able to sell sex dolls that looked like children she would be very concerned as research had shown there was a direct link to child abuse from those who had purchased them. Abi Holman confirmed that this concern was raised by Police so visits were undertaken and no evidence of that product was found. The Inspector stated that he was far less concerned about sex shops as they were a much different offer though their location was important, ie. next to a school would not be acceptable. The P&CC agreed adding that women attended such shops as well as men and it related to consensual relationships;

- Nick Carter stated that the debate about SEVs was not new and there were real tensions on the matter. Conditioning such premises protected the women working there. If not licensed it could be driven underground or licensed premises might operate under the TENs regime without controls. It was also important to consider whether an SEV or sex shop should be part of a City Centre offer especially with a Purple Flag status. Have these localities changed since the policy came into place? The P&CC observed that the debate had now shifted as the City Council had done so much work on equalities since the policy was introduced;
- Reference was made to Burlesque and male dancers with a female audience and whether these types of entertainment could be licensed. The P&CC stated that male dancing establishments should be treated the same as it was important to challenge such behaviours. She added that A&S Constabulary were currently considering making misogyny a hate crime. The definition of misogyny would be provided to this Working Group by A&SC at a later date;
- The Inspector referred to the increase in online abuse and sexting. A&SC had increased their investigations into child sex exploitation and worked closely with Barnardos on long-term investigations. This was a significant cost and meant they were not doing other Police work whilst also coping with 600 less officers. However, their first priority was to protect the vulnerable;
- Councillor Abraham questioned whether all the sins of the world were being focused on SEVs and whether SEVs provided a freedom people should be able to express. He was genuinely worried about the image of the city with SEVs in place but also realised that the Council had some control through conditions, if they went underground this was lost. He asked whether the arguments being put forward were properly balanced and put above other pressures such as the proliferation of pornography on the internet. The P&CC replied that these premises did make a difference as it provided unsuitable role models for children. The unacceptable state of changing rooms at SEVs showed how employers regarded women. They were willing to allow women to work in those conditions until challenged. The Inspector added that misogyny would continue whilst SEVs still existed and the City council endorsed this;
- Councillor O'Rourke, referring to sex shops as consensual, argued that this could be said of SEVs also as women consented to work there. There would always be women who believed it was their right to do so. These women should also be heard so that the review was properly balanced. The P&CC suggested that the Working Group contact the 125 charity who work with sex workers to get them out of prostitution. Councillor Langley suggested the GMB Union as some sex workers were members of it;
- It was agreed that a piece of work be done to plot the statistics of sexual crime last year in relation to venues.
- The P&CC, in sum up, thanked the Working Group for allowing her to address them. It was her priority to work with partners and hoped she could influence the decision of the Licensing Committee. It was helpful for the Licensing Authority and Police to work together on licensed premises in light of reduced budgets. All tax payers across A&SC were paying for Operation BRIO and that's why the Police were arguing for a late night levy. The Chair thanked the P&CC and Inspector for their attendance.

## **8. EW (performer)**

Summary of introductory / initial comments from EW:

- a. EW has worked as a performer for approx. 10 years.
- b. She works / has worked at a number of venues in Bristol: Urban Tiger, Central Chambers, Temptation, Jack of Diamonds. She also works at SEVs in Swindon.
- c. EW's overall view is that licensed / regulated SEVs have increased safety in and around clubs for performers.
- d. EW expressed concern that Urban Tiger and Central Chambers now have the same owner, as this has created a "monopoly" position for this sector of the economy in Bristol.
- e. The terms of employment, specifically the fees charged by SEVs for performers can vary – in SEVs located in the larger cities, performers often have to pay a set "house fee". The size of the house fee can vary, e.g. a larger house fee is usually payable on Friday and Saturday nights; sometimes, a commission percentage will need to be paid by the performer to the SEV owner/management as well. On a Saturday night at Urban Tiger in Bristol, the house fee is £120.
- f. As per the above, fees charged by SEVs to performers vary. Some venues for example, charge a lower house fee of £20-30 but also take a commission of 25% of performers' earnings.
- g. On occasions, up to 20 performers may be competing for trade. If trade is quiet and there are a limited number of customers, performers can often struggle to earn enough money to cover the house fee. This "overstaffing" can create a less pleasant, competitive working environment at times, with performers effectively competing for business from a limited number of customers.
- h. EW's experience was that performers and venue managers generally ensure strict compliance with licensing conditions, e.g. in terms of enforcing the "no touching" rule.

Summary of main points raised/noted in discussion:

1. Cllr Abraham queried the extent to which the group may be able to comment on / look to influence various aspects of the way SEVs are managed, e.g. in relation to how clubs set house fees, and limiting the number of performers working at any one time. It was important for the group to be clear about the terms of its remit.

The Chair noted that at this stage, the working group was in the process of gathering a wide range of evidence from a number of contributors and different perspectives. Once this had been completed, a careful assessment would need to be undertaken about which matters fell appropriately within the group's remit in terms of forming their recommendations. Officers advised that there were a range of conditions that could potentially be considered in due course – for example, it may be possible to consider particular regulation around limiting the number of performers linked to evidenced demand.

2. In relation to the specific issue of potentially introducing regulation around the setting of performer fees by SEVs, it was noted that MB would need to research relevant case law etc. His initial legal view, however, was that the Council could look to apply conditions that are reasonable and proportionate in terms of achieving set objectives. Therefore, in relation to house fees / fees

charged by clubs to performers, there probably would be reasonable grounds for the Council to introduce a level of control to be applied if this was considered appropriate, e.g. to take account of the minimum wage. Subject to the outcome of research, it would though probably not be possible to introduce conditions around drink pricing, as the decision to purchase a drink(s) was essentially a transactional decision taken by a customer (subject to clear information being made available by the venue about drink prices).

3. Members asked EW's view in relation to changing and backstage conditions, and health and safety generally within SEVs.

EW's view was that the changing conditions at Bristol SEVs were acceptable from a performer perspective and similar to backstage environments elsewhere, i.e. a shared changing room, with availability of a bathroom / toilet / shower. Venues usually had CCTV cameras covering all areas – this was welcomed by performers as helping to ensure safety within the premises. In her experience, managers would respect the changing room environment, e.g. by always knocking on the changing room door before entering.

4. Members asked EW's views and observations about the impact of new legislation and the ability of local authorities to regulate SEVs, and on whether a nil cap on SEVs in Bristol might be appropriate, bearing in mind that some councils have already introduced a nil cap.

EW expressed the following further views:

a. A nil cap in Bristol could lead to performers seeking employment in SEVs elsewhere. She was concerned that some performers may, as a consequence of a nil cap, engage in unregulated activity.

b. She felt it was important to recognise that a lot of women in her position faced barriers to work – as a single mother, for example, working as a performer in a SEV currently gave her the ability to work flexibly, on 1 or 2 nights a week, in a regulated, safe environment.

c. From her personal perspective, the alternative to her current employment would most likely be to work in a pub/bar environment. In her experience, working in a pub/bar had seen a more disrespectful working environment compared to working as a performer in a properly regulated SEV (where she felt protected by trained security staff, knowing also that key rules of behaviour were made clear to customers on entry). She had experienced more inappropriate, sexually motivated behaviour and unwanted sexual advances in pubs/bars than in regulated SEVs.

d. In her view, a lot of performers regarded some aspects of the legislation / regulation as having a degree of negative impact. For example, some customers would pay to spend additional time with a performer (sometimes for several hours), some of which might simply be spent talking with a performer rather than paying to watch a dance – again, in her view, having to get dressed immediately (and only being able to collect money when dressed) after performing a dance could affect the building of a performer's individual rapport with a customer, some of whom were repeat customers. Similarly, there were occasions when, after experiences with particular customers, she would like to be able to initiate a quick "kiss on the cheek" or a short hug with a customer in terms of amicably bringing the customer session to a close (i.e. she would be fully dressed at this point) – this though was prohibited by the current "no touching" rule. Bearing in mind that premises were fully covered by CCTV cameras, she would personally like to see a degree of relaxation of the "no touching" rule, to permit this type of limited form of contact, initiated by the performer when clothed. She felt this would enable her to deliver a full customer experience, reflecting "companionship" time, not just a dance.



e. In her view, it was best if regulated SEVs were not located in or adjacent to predominantly residential/family areas, and there should be an appropriate degree of distance between the two. The SEVs in Bristol city centre, however, were discreet and often people walking past would not know they were there. There was not a lot of family accommodation, in her view, near the current SEV central city locations.

f. She was aware that a number of organisations with a feminist viewpoint argued that a nil cap should be brought in, as SEVs were viewed as promoting the objectification of women. In her view, some of these organisations' outlook on these issues was academically or morally based and not based on any actual experiences of women working in SEVs. The key thing for her was that the SEV working environment should be regulated and kept safe. She had never felt unsafe in a regulated SEV.

g. Whilst EW was not able to quantify the extent to which it happened, she was aware that a number of performers preferred a situation where there was some geographical distance between the SEV in which they worked and the place they lived. She was aware, for example, of a number of performers in Bristol who lived in Cardiff and Swindon, and vice versa.

h. In her view, Bristol could look to have 3-4 regulated SEVs as part of Bristol's creative and vibrant night time economy offer. In her opinion, the availability of cheap alcohol in low price drinking establishments was much more of a "problem" than the existence of SEVs in the context of Bristol night life and the potential for anti-social behaviour.

i. She would prefer the SEVs to be under separate ownerships rather than the current "monopoly" situation.

j. EW indicated she had no personal concerns in relation to sex shops and hostess bars being licensed in Bristol.

k. EW suggested that there were more "working class" performers at Old Market venues compared to the 2 city centre SEVs. She felt this was probably due to the fee structure, especially the level of the "up front" house fee required at the city centre SEVs.

l. In terms of further measures that could be taken to protect the safety of performers, it would be useful provide clear information to performers about how they could report complaints (e.g. about any inappropriate behaviour). This might be through the mandatory display of an appropriate notice within all regulated SEV premises (it would be essential that an individual performer could report a complaint confidentially and safely). Another option could be to look to include this information within a performer's dancing agreement (as issued to all performers by SEVs). In this context, the Chair suggested that it would be useful for the working group to see some examples of performers' dancing agreements.

## **9. Keith Rundle, Destination Bristol – City Centre BID Development Manager (now Operations Director, City Centre Business Improvement District (BID))**

Summary of main points raised/noted in discussion:

1. Keith Rundle briefly outlined details of the 2 year consultation carried out in advance of the approval of the City Centre BID.

2. During the consultation, no views had been raised in terms of the issue of whether SEVs should continue to be permitted or not in the central city area. No specific question on this subject had been asked during the consultation.

3. It was clarified that the consultation on the BID had been focused on measures that could be taken to improve the local business environment (e.g. street scene/cleansing improvements), to be funded by a levy paid by the local businesses. Keith Rundle agreed to supply the group with a copy of the BID prospectus (which had been produced as a result of the consultation and then voted on by businesses in the BID area).

4. In response to a question from the Chair, Keith Rundle confirmed that, from the perspective of the BID consultation and subsequent prospectus (as approved by businesses within the BID area), there were no discernible positive or negative impacts, in terms of the continuation of SEVs in the city centre area.

5. Keith Rundle confirmed that he had no opinion on whether there should be an increase or decrease in the number of SEVs in the city centre area.