Encouraging sexual exploitation? Regulating striptease and ‘adult entertainment’ in the UK

This item was submitted to Loughborough University's Institutional Repository by the/an author.


Additional Information:

• This is a conference paper. It is also available at: http://sgsei.wordpress.com/conference-papers/

Metadata Record: https://dspace.lboro.ac.uk/2134/3777

Publisher: © Phil Hubbard

Please cite the published version.
This item was submitted to Loughborough’s Institutional Repository (https://dspace.lboro.ac.uk/) by the author and is made available under the following Creative Commons Licence conditions.

You are free:

- to copy, distribute, display, and perform the work

Under the following conditions:

Attribution: You must attribute the work in the manner specified by the author or licensor.

Noncommercial: You may not use this work for commercial purposes.

No Derivative Works: You may not alter, transform, or build upon this work.

For any reuse or distribution, you must make clear to others the license terms of this work.

Any of the above conditions can be waived if you get permission from the copyright holder.

Your fair use and other rights are in no way affected by the above.

This is a human-readable summary of the Legal Code (the full license).

For the full text of this licence, please go to:
http://creativecommons.org/licenses/by-nc-nd/2.5/
Encouraging sexual exploitation?
Regulating striptease and ‘adult entertainment’ in the UK

Phil Hubbard, Professor of Urban Social Geography, Loughborough University E-mail: P.J.Hubbard@lboro.ac.uk

Biographical detail: Phil Hubbard is Professor of Urban Social Geography at Loughborough University. He is author or editor of nine books, including *Sex and the city: geographies of prostitution in the urban West* (1999), *The Sage Companion to the City* (2008) and *Key Texts in Human Geography* (2008).
Encouraging sexual exploitation? Regulating striptease and ‘adult entertainment’ in the UK

Abstract

Over the last decade, dedicated adult entertainment venues offering forms of striptease have proliferated in the UK. In many locales these venues attract considerable opposition, with campaigners alleging nuisances ranging from noise and drunkenness through to harassment of local residents. Local authorities consider such complaints when they decide whether or not to grant licenses for such venues, but under current licensing laws, are not able to consider objections made on grounds of morality or taste. Focusing on the ongoing opposition to proposed adult entertainment venues in the UK, this paper explores the case made for the reform of licensing laws as they pertain to nude dance venues. In doing so, it notes the lack of empirical evidence suggesting such venues deserve to be treated differently from other spaces of public entertainment, and argues that the impending reform of licensing law is underpinned by possibly flawed assumptions about the gendered and sexed nature of adult entertainment. The paper accordingly emphasizes the ability of the naked body to excite both desire and disgust, and questions the radical feminist argument that sex work is always exploitative.

Keywords striptease, adult entertainment, licensing, sexuality, gender
Encouraging sexual exploitation? Regulating striptease and ‘adult entertainment’ in the UK

Introduction

Despite claims by naturists that to be undressed is to be ‘naked as nature intended’ (Bell and Holliday, 2000), nudity in public view continues to court controversy, and is ever-present in media debates concerning sexuality, morality and civility (Daley, 2005; Winship, 2002). Ideas that nudity is pure, natural and healthy hence collide with ideas it is inappropriately sexualized, obscene and anti-social: as Cover (2002, 55) notes, ‘in the history of Western culture, nakedness has been inseparable from sex and sexuality, and has hence been located adjacent to the indecent, the obscene and the immoral’. Consequently, the commercialization of nakedness has always sparked controversy. This is particularly so for ‘adult entertainment’ – a nebulous term that collectively describes striptease, exotic dance, lap dancing, private dancing, pole dancing, burlesque and other performances designed to sexually gratify, titillate and entertain (Bradley, 2008; West and Orr, 2007). Such forms of entertainment have had a problematic history, often facing vehement opposition from religious and morality groups concerned that the presentation of the naked or undressed body as erotically-charged might corrupt or deprave the viewer. In the face of such opposition, the state and law has often stepped in to censor or otherwise regulate such
performances in the interests of maintaining social order (Assael, 2004; Tilburg, 2007).

Currently, debates about the visibility of, and access to, such entertainment are taking new directions, not least because sex businesses are becoming increasingly integral to the leisure economy of Western cities as the sex industry becomes more corporate and mainstream (Papayanis, 2000; Bernstein, 2007). In some cities, adult entertainment venues are actually encouraged by local politicians keen to promote a vibrant nighttime economy (Sanchez, 2004), with corporate businessmen perceived to be significant consumers of sexually-oriented entertainment (Hubbard et al, 2008). Yet context remains everything, with such venues still exciting opposition in many quarters, and local regulators continuing to subject venues to close scrutiny in the interests of public order. Opponents allege such venues present ‘sleazy’ entertainment that attracts criminality and vice; owners argue for the rights of consenting adults to consume sexual performances while dancers stress that they have a right to earn a living just like everyone else (Hanna, 2005).

In this paper, I hence answer Frank’s (2005) call for research on strip clubs that focuses on the contested social, cultural and legal context in which striptease occurs rather than the negotiations that occur within clubs. As Frank argues:

New research could shed light on the opposition strip clubs face in their communities…these wars are waged, in courtrooms and on the bodies of the dancers, around the meanings of phrases like ‘obscenity’, ‘community standards’,
‘lewd behavior’, ‘intent to provide sexual gratification’ and ‘secondary effects’. How are these phrases interpreted and deployed, by whom, and to what effects? (Frank, 2005, 511)

In this paper, I explore such questions, and the wider conflicts that surround the naked body, by considering ongoing debates about how lap-dancing venues should be regulated in the UK. As will be outlined, recent years have witnessed a dramatic rise in the number of adult entertainment venues, the opening of each provoking a wave (or, at the very least, a ripple) of complaints from local residents, businesses, religious groups and campaigners arguing against lap dancing from a radical feminist perspective. Collectively, such complaints have coalesced in a national campaign arguing for the reclassification of these venues as sexual encounter establishments, contending that they deserve to be treated fundamentally differently to those venues where there is no sexually provocative or naked dance. Given such arguments now appear to hold sway, with licensing reform imminent, this paper scrutinises the assumptions which inform campaigns of opposition, suggesting that the state’s adoption of these principles pushes licensing into a position where it is manifestly concerned with the form and content of public entertainment – contrary to repeated claims that licensing should not interfere in civil liberties or private morality.

**Striptopia UK?**

Given the current debates that circulate around striptease entertainment, and the ways that such debates circumscribe
notions of appropriate femininity and masculinity, one might expect a substantial body of research to have focused on this sector. Yet, despite emerging ethnographic research on the way that dancers engage with clientele within strip clubs (e.g. Egan 2003; 2005; Liepe-Levinson, 2003; Pasko, 2002; Spivey, 2005; Trautner, 2002), there are few studies documenting the social and cultural histories of striptease, the majority of these being based on North American traditions of vaudeville and burlesque (Allen, 1999; Bruckert and Dufresne, 2002; Friedmann, 2000; Toepfer, 1996). However, there remains little equivalent research in the context of the UK, and the history of striptease in the UK remains largely unwritten. Were it to be written, various key sites of adult entertainment would feature prominently – not least London’s Windmill theatre, which from the 1930s pioneered a particularly English burlesque in which naked female bodies were artfully-presented as living statuary (Walkowitz, 2002). Later, Soho-based clubs, including Raymond’s Revuebar, began to push at the boundaries of respectability by offering more overtly sexualised displays of eroticism, and, after the 1968 repeal of the Lord Chamberlain’s ban on striptease, showcased ‘fully nude’ dancing (Mort, 2007). Less upmarket forms of stripping also began to emerge in the East End, where lunchtime and evening shows became regular features at some public houses (Clifton et al, 2001). Similar ‘girlie shows’ and ‘strip pubs’ were also to be found in the inner cities of larger towns and cities, a geographic pattern only challenged in 1995 when the Canadian chain For Your Eyes Only opened a ‘gentleman’s club’ in outer London (Park Royal). As well as challenging the tradition location of adult entertainment, this venue provided ‘intimate’ forms of interaction between (female) dancers and (male) clientele where dancers
‘straddled’ the seated customer. The ‘US style’ lap dance had arrived in the UK.

Subsequent to the opening of *For Your Eyes Only*, other foreign-owned chains - *Déjà vu* (trading as *Hustler*) and *Spearmint Rhino* – made major inroads into the British market. As new venues offering lap and pole dance began to open in most British cities, existing striptease venues (e.g. Stringfellow’s *Angels of Paradise*, London) began to adopt similar strategies, with striptease ‘shows’ being supplanted by lap dancing and the provision of executive areas or booths where customers could enjoy ‘private dances’. Though some predicted this would be a short-lived fad, few British towns or cities now lack such dedicated sex entertainment venues (one online guide suggests there are over 350 clubs and pubs offering striptease). Moreover, current levels of spending on sexual services, and the omnipresence of exotic dancing, stripping, and strip-club culture in ‘movies, music, and other media’ (Ferreday, 2008) suggest there remains un-sated demand (Cobweb, 2006). Particularly significant here is the importance of the UK stag and hen tourism market, with a visit to a strip club integrated into many (and perhaps the majority) of stag nights (Mintel Reports, 2003). Yet the market is more diverse than this suggests, with some clubs catering exclusively for corporate audiences, some targeting students and one London club (*Chocolate Delight*) marketed as Britain’s ‘first ethnic striptease venue’. There are also clubs targeting women through male dancers: *Tricky Dickie’s* in Birmingham opened in 2005 to considerable publicity as Britain’s first dedicated strip club for women.
The proliferation of clubs has provoked predictable apoplexy in some quarters. The *Daily Mail*, for example, has written of an ‘epidemic of sleaze’ as ‘tawdry lap dance clubs’ spring up across Britain:

> When New Labour came to power, there were just a handful of lap-dancing clubs, largely confined to inner city hotspots. But in recent years the numbers have doubled. From just 150 in 2004, today there are more than 300, with a new club opening almost every week…ordinary residents have found themselves largely powerless to block the opening of new clubs on their doorstep. They are outraged - and have been letting their MPs know (*Daily Mail*, 21 June 2008, 17)

In fact, in many towns and cities, the opening of sex entertainment venues has gone largely unheralded, with few objections received. Yet there certainly have been significant local campaigns against the opening of lap dancing clubs, typically orchestrated by residents who enlist the support of religious leaders, councilors and business organisations. The range of arguments levelled against such clubs are varied, but include, inter alia, the idea that premises promote anti-social behaviour, are detrimental to residential amenity and are intimidating for women and children. Some campaigns are clearly NIMBY in character, in the sense that campaigners claim not to oppose sex entertainment *per se*, but regard it as inappropriate in a given neighbourhood; others, however, appear predicated on the assumption that adult entertainment constitutes sexual exploitation, is linked to prostitution and encourages sex trafficking (Object, 2008).

While some campaigners put pressure on property owners to refuse leases to lap dance clubs, it is more usual that opponents
implore local authorities to prevent clubs opening. While it is theoretically possible to do this through the planning process, the fact that adult entertainment is not distinctly defined in the Use Classes Order as a form of land use means the type of zoning controls which are used in the US to prevent ‘adult business’ from operating in the vicinity of residences, schools and religious facilities (see Tucker, 1997; Lewis, 2000; Hanna 2005, Papayanis, 2000; Ryder, 2004) are not employed, with municipally-operated systems of licensing being more significant. As opposed to outright state management, such governmental licensing involves the imposition of minimum standards within a defined area of activity, and relies on systems of monitoring, inspection and policing to ensure compliance. The consequences of non-compliance can include licence revocation, fines or, rarely, imprisonment. Licenses may accordingly be granted subject to certain conditions which can relate to the character of the owner, the operating hours of the establishment, the nature of the entertainment offered as well as the security measures in place (Hadfield, 2005). Licensing is hence a realm in which the economic, political and moral intermingle, and where privately-owned spaces - and bodies - become subject to ‘police-like powers’ (Valverde, 2005).

The licensing situation pertaining to adult entertainment nonetheless remains remarkably complex, despite recent attempts to simplify the system under the 2003 Licensing Act. This is because sex cinemas, sex shops and ‘sex encounter’ businesses remaining under the remit of the 1982 Local Government Act but nude dancing venues are licensed as premises providing public entertainment. When seeking a license, applicants are legally
required to state whether ‘entertainment or services of an adult or sexual nature are commonly provided’ (DCMS 2003, 26), and, if licenses are awarded, the local authority is required to impose a strict exclusion of under-18s. Additionally, local authorities may demand minimal clothing (e.g. a g-string) to be worn by performers, separation between dancers and clients, and prohibition of feigned sex acts or use of sex toys.

Licensing has accordingly been the preferred means by which the UK state ensures that those who make their living selling ‘risky’ pleasures take responsibility for running their business in an ‘orderly’ fashion. The advantages of licensing over direct state management of venues or constant police surveillance are fairly clear-cut given secondary evidence of licensing infractions can be considered in any application for a license renewal. Licensing also allows the local authority to consider each licensing application on its merits. Yet for all its regulatory flexibility, the lack of national guidelines concerning adult entertainment means the types of conditions imposed on licensed premises vary, creating interesting spatial anomalies. For instance, in the 1990s, Westminster City Council (who license premises in Soho and the West End of London) imposed a no-nudity condition on the licensed lap-dancing clubs within their boundaries, whereas neighbouring Camden allowed full nudity (see Hubbard et al, 2008). This meant that clubs within a few hundred yards of one another operated according to very different conditions, and it was not until club owner Peter Stringfellow appealed successfully against what he regarded as anti-competitive trading laws that Westminster dropped its no-nudity clause (though it retained a condition demanding a one-
metre gap between performers and audience) (*Stringfellow vs Westminster City Council 2002*). Likewise, on appeal, the magistrate’s court over-ruled Bristol City Council licensing conditions that forbade striptease beyond midnight or the removal of g-strings (*Bristol City v Club Crème*, 30 Jan 2003, LLR 561).

Under the Licensing Act 2003, licensing authorities may only impose conditions on lap dancing establishments (or refuse a license) if a relevant representation has been made on the application by a ‘responsible authority’ (e.g. the police) or ‘interested party’ (a resident or business in the immediate vicinity). Moreover, the authority can only impose conditions if it considers it necessary to do so in order to promote one of the government’s licensing objectives. As such, the licensing system in England and Wales works on the presumption licenses will be granted to premises offering adult entertainment unless the local authority has specific concerns relating crime and disorder, the promotion of public safety, prevention of public nuisance or the protection of children from harm. In Scotland, however, the legal situation is somewhat different, with local authorities able to exercise less control over nude dancing premises. This is because, under the 1976 Scottish Licensing Act, Licensing Boards in Scotland may refuse an Entertainment Licence only on the grounds that the premises are not suitable for the sale of alcohol or if the use of the premises for the sale of alcohol is likely to cause undue public nuisance. In the case of *Risky Business v City of Glasgow Licensing Board* 2000 SLT 923, the Court overruled the following justification for license refusal:
In the Board's view, the persons likely to resort to the premises would be a cross-section of the public, and predominantly male, whose reactions to this combination of entertainment and alcohol would be varied and unpredictable. The patrons could include individuals who under the influence of alcohol could be disposed to irrational and sometimes violent and anti-social conduct. Potentially this could include violent conduct of a sexual nature against women (*Risky Business v City of Glasgow Licensing Board 2000 SLT 923*, para 12).

In making this ruling, the Magistrate’s Court noted that such assumptions about client’s likely behaviour had no foundation, and merely involved ‘mounting one possibility upon another’. This ruling underlines that the Scottish licensing system has been more concerned with regulating the sale of alcohol than the nature of any entertainment offered: significantly, no license has been required for adult entertainment in spaces where alcohol is not served.

**A need for reform?**

While the system of licensing in both England & Wales and Scotland allows local authorities some influence over spaces of public entertainment, the proliferation of striptease in clubs with no history of adult entertainment has exposed the inability of local authorities and licensing boards to exercise real control over such premises. This is primarily because the statutory licensing guidance specifically states that it does not support censorship of entertainment other than in the area of film classification: moreover, striptease is not listed as a separate licensable activity (in contrast to sex shops or sex encounter premises). Moreover, the justification for licensing striptease clubs as spaces of public entertainment remains unclear as case law suggests striptease may not always be considered as entertainment (see especially
Willowcell v. Westminster City Council 1995, where it was ruled ‘lewd sexual displays by young naked, or semi-naked, women that included gyrating to loud music while caressing their breasts and vaginas with their hands are not dancing or providing a like public entertainment’.

Although the debate around the licensing of adult entertainment was fairly subdued around the time of the 2003 Licensing Act (which came into effect in November 2005), subsequent controversy concerning the opening of venues has ignited the debate in no uncertain terms. In London, for example, when Southwark Council granted a license to the Rembrandt Club on Tooley Street for lap-dancing in 2005, it precipitated a series of complaints - despite stringent conditions being put on opening hours, insistence on blacked-out windows and a prohibition on advertising striptease within one mile (Minutes of Licensing Subcommittee, Thursday 10 December 2005). Commenting on the decision, the Dean of nearby Southwark Cathedral commented that ‘We were not allowed to object on moral grounds yet thousands of children pass down the street every day and the evidence is that similar clubs encourage undesirable behaviour…the millions spent regenerating this area will be wasted because of this council's sloppy policies if the area is given a sleazy reputation and businesses move away’ (cited in The Guardian, 18 March 2006). Continuing, he also noted the club would be near London Bridge hospital ‘with many Muslim patients who will be offended, so multicultural relations will be damaged’. Other voices joined the criticism claiming that a lap-dancing club would besmirch the reputation of the area; Chris McCracken, chair of the Shad Thames Residents’
Association, added: ‘the proposed lap dancing club...will encourage crime and anti-social behaviour in an area that has become increasingly popular with families and children (http://www.londonse1.co.uk/news/view/2132). Defending their decision, a council spokesperson stressed ‘The licensing committee can only make a decision based on current regulations, not on moral judgment. Conditions have been imposed to restrict lap dancing to after 9pm and if anyone has concerns about the way the club is being run they can ask us to reconsider the license at any time’ (cited on BBC news website, 16 March 2006).

The furore surrounding this decision encouraged Ken Livingstone, then Mayor of London, to publicly-criticise the decision, revealing his assumptions about the appropriate location for such venues:

It's not like it's buried away in some sleazy quarter of the city....It's actually down on a main street which is a centre for family tourism. All through the year there are children queuing to go into the London Dungeon, the museum of the war, coming down to see the Belfast, and now, almost opposite, the Unicorn children's theatre. And I have to say that I can't think of a less appropriate site to actually have a lap-dancing club than in a centre where I suspect millions -- certainly hundreds of thousands -- of children come as part of their holidays or on visits. However discreet the design of the thing, there will still be something that impinges on the consciousness of those kids, and I think therefore that this is an area where this is certainly not appropriate, even if you're one of the people who think that these [clubs] add to the gaiety of the nation (Livingston, 2008).

Livingston accordingly donated £4,000 from Greater London Assembly legal budget to the Dean of Southwark to mount an appeal against the granting of a license – albeit the appeal was not
necessary given the property owners (Network Rail) refused to allow adult entertainment to occur. Given this, the club continues to operate as a Piano bar, with regular visits from licensing officers checking the premise is not being used for adult entertainment.

The idea such venues are inappropriate in areas close to facilities used by children is emphasised in many campaigns of opposition, encouraging some councils to stipulate in their licensing policies that applications will not be granted in proximity to ‘residential accommodation, schools, places of worship, community facilities or public buildings’ (Westminster City Council, 2008) or ‘near premises where a significant number of children may resort’ (Blackpool Licensing Department, 2003). Given there a few parts of a city where children are unlikely to be found at some hour, the latter type of stipulation provides a strong basis for refusing applications – so long as this has been adopted as policy. In the case of the license granted to The Loft (2007), a lap-dancing club on North Road, Durham, the local authority was unable to consider the proximity of a bus station used by schoolchildren as grounds for refusal. Neither was it able to give any weight to the complaints of residents who argued the club would aggravate the ‘real fears’ of female students from nearby Durham University when they passed through the area. At appeal, the local Magistrate’s court overturned the decision of the licensing authority and recommended the license be refused, stating that ‘young men in various degrees of sexual stimulation will add to [a] volatile environment', and the club could ‘hardly be worse sited’ (North Durham Magistrate's Court, 8 Dec 2007). In this case, the club-owners Vimac sought the Judicial Review after magistrates overruled the city council’s decision, but
the appeal was rejected in April 2008.

The fact Magistrate’s Courts sometimes make rulings stating adult entertainment has particularly negative impacts on the locality, but national licensing guidance continues to stress the nature of entertainment cannot be grounds for refusal, underlines that licensing is both contested and contradictory. For some it also highlights the inability of local authorities to be clear about the basis on which they can refuse licenses, with the general licensing considerations implying it is only the cumulative impact of such clubs in areas where there are already multiple licensed premises that can be grounds for refusal (unless the licensee has a criminal record).

Such issues have been brought into sharper focus in Scotland, where the inability of Licensing Boards to distinguish between venues offering adult entertainment and those offering other forms of entertainment has resulted in a notable cluster of venues in the Tolcros/Western Bar area of Edinburgh. While there were two pubs here that put on occasional striptease from the 1980s onwards, their decision to become dedicated lap-dancing venues in the late 1990s encouraged copy-cat venues keen to ‘cash in’ on the phenomena (and Edinburgh’s growing reputation for ‘stag’ tourism). By the early 2000s, a cluster of venues had been established ‘by stealth’ as existing pubs began to offer striptease on existing liquor licenses:

Where you used to have a wee triangle of city pubs that only, you know, certain men went there and all of a sudden
you have this huge area that takes up half of Tolcross with loads and loads of stag parties coming in at the weekends. Now, it's sort of flashing neon signs. There's one called Hooters, which is a slang name for breasts... Big Daddy’s has a neon sign above, naked women dancing round a pole, Bottoms Up has the signs of women’s bums waggling back and forwards, Liquorice Club has seven or eight naked ladies on the windows that are lit up...the discretion’s gone and it makes people feel that they are living in a seedy area (local councillor, pers com, 2006).

Given the area boasts seven of the nineteen licensed venues offering adult entertainment in Scotland, other local politicians have argued the reputation of the city is being seriously compromised. For example, the city council's Tory group leader, Iain Whyte, suggests ‘such seedy developments are a recipe for tarnishing Edinburgh's international reputation...My biggest concern is that it could soon be perceived as a mini-Amsterdam...If the sex industry is one of the biggest things in the city, it could take the tourism market down a seedier route. We have to be careful of our product and our market and protect our image’ (cited in Edinburgh Evening News, 2004).

Yet the strongest opposition to the emergence of adult entertainment in Tolcross has come from local resident groups who feel the clubs are lowering the tone of their neighbourhood – a traditionally working class, ‘family’ area that has been gentrifying following the development of large numbers of new build apartments for young professionals. Widely-reported figures compiled by the Edinburgh Solicitors Property Centre (ESPC) suggest that flats close to strip clubs are selling for up to 13 per cent less than those in other parts of Tolcross. Their analysis
compared the average price of properties in postal areas with clubs - EH3 9B, EH3 9D, EH3 9L and EH3 9R - with the rest of the Tolcross and Lothian Road postal area, finding that, on average, one-bedroom flats nearest to adult entertainment venues sold for £14,674 less than those within the area that did not have a club in close proximity (Edinburgh Evening News ‘Strip clubs ‘hitting flat prices' Jan 2007).

Nonetheless, the idea venues have had a negative impact on house prices has not been the principal reason that campaigners have argued for tighter control of the clubs. More frequent has been the allegation these venues generate undesirable ‘secondary effects’ (Linz et al, 2004), with concerns about criminality and nuisance in surrounding streets. Suggestions serious sexual assaults have been committed by men ‘pumped up’ after visiting such venues are widespread (despite being uncorroborated by the police), as is the idea they create an atmosphere that women find highly intimidating:

My experience of being sexually harassed by stag parties has been in the daytime. I haven’t felt unsafe, but I have felt embarrassed and humiliated, you feel like everyone round about is staring...Even, if it’s not embarrassing or humiliating, which I do find it, you know, someone shouting at you in the street in a really loud voice when they’re drunk that you’ve got big tits or you should get your tits out for the boys, I find it embarrassing and humiliating, but even if I didn't I’m quite sure I’d find it irritating (interview, licensing committee member, 2006).

The perception there is a link between street disorder, anti-social behaviour and Edinburgh’s lap dance venues is thus common, with
Chair of the City Licensing Committee Phil Attridge having gone on record to argue that lap-dancing clubs are implicated in ‘widespread disorder’ (*Edinburgh Evening News* March 24 2004).

Edinburgh City Council has been unable to influence the location of such clubs because they all trade on liquor licenses - a major bone of contention for those arguing for stricter licensing control of adult entertainment north of the border. Yet if there is one case that stresses the failings of regulation in the UK, it is Club Redd, a nightclub in Burgess Hill (a small town in East Sussex) that converted to lap dancing on an existing nightclub license in July 2008. In the following days, a number of local residents began to petition against the club, with Lorna Gaston, a local ‘mother of two’ establishing a Facebook group dedicated to opposing the club. In justification, she argued ‘I don't think Burgess Hill needs this sort of thing. I was shocked to hear about it…I was also stunned to hear that the club also has booths where men can be tied down…When I took my six-year-old to school I said to a few of the mums what they thought and none of them thought it was a good idea’ (cited in *Chichester Today*, 17 July 2008). Reaffirming particular ideas about urban and rural sexuality (see Little, 2004), she continued ‘People can go to Brighton for this entertainment…I just don't think a lap dancing club will bring the right sort of people to Burgess Hill’. The fact that Mid Sussex District Council had been unable to take the strength of local views into account by either refusing a variation in use or revoking the club’s license was undoubtedly a contributory factor to what occurred just three weeks after the club opened: it burnt down in an arson attack which police directly connected to the objections to the club’s presence in the town (*The
Directions for change

Given the number of recent instances where communities have unsuccessfully opposed the opening of adult entertainment venues, the case for overhauling licensing rules has gained considerable momentum. In 2007 this resulted in the national anti-porn campaign group – *Object* – launching a campaign “Stripping the Illusion’ part funded by the Joseph Rowntree Fellowship. The key argument of the campaign is that the regulation of striptease clubs, via what they characterise as ‘Cafe-style licensing', means local people have little say in where, or how many, clubs open. In their words ‘It has allowed massive expansion of the industry and its normalising into mainstream culture. It means regulation is so minimal that clubs can be part of the commercial sex industry (with a culture of expectation and demand for sexual services)’ (Object, 2008, 3). According to Object, there would be considerable benefit if these premises were licensed as Sex Encounter Establishments as this would allow local authorities to refuse a license if the number of sex establishments in the locality is equal to or exceeds the number which the authority consider is appropriate for that locality (which could be zero). Equally, if such legislation was modelled on the 1982 Civic Government Act, it would allow refusal of a license if the local authority considers the premise is inappropriate given the character of the relevant locality (Manchester, 1986).
Object’s campaign, launched in 2007 and culminating in a national day of action in July 2008, has benefitted from high profile support. For example, the Fawcett Society has supported it under the remit of its campaign for gender equity (‘Sexism in the City’), arguing a ‘category shift’ would enable local authorities to put in place vital restrictions on lap-dance clubs. Several local authorities have also voiced their support for the campaign, including Brighton, a local authority that had even considered going to the considerable expense of introducing a Private Bill along the lines of the 1986 Greater London Council (Powers) Act which allowed the Borough of Westminster to add a new category of sex encounter establishment to the Local Government Act 1982. However, a proviso in paragraph 3(a) of the 1982 Act (inserted by the Licensing Act 2003) suggests ‘no premises which are for the time being used for the provision of regulated entertainment etc shall be regarded as a sex encounter establishment’, meaning a private members bill would have been ineffectual in enforcing the closure of any pre-existing venue. In fact, the category of Sex Encounter Establishment as defined in the 1986 Act only covers live sex (‘peep’) shows, with the London Boroughs continuing to license striptease venues as spaces of public entertainment.

Noting such limitations, one of the fifty MPs who has publicly indicated their support for Object’s campaign - Roberta Blackman-Woods, Durham MP - introduced a ten-minute rule bill in Parliament designed to have lap-dancing clubs re-designated as sex-encounter establishments, defined as venues ‘whose purpose is to provide visual sexual stimulation’ (Hansard, 18 June 2008, column 949). Although winning cross-party support in the
Commons, the Bill did not become law due to a lack of Parliamentary time. However, responding to the growing furore surrounding lap dancing, Gerry Sutcliffe, the licensing minister, announced on the same day that he had written to local authority chief executives asking for suggestions for legal reform. Sources at Whitehall indicated to the press this was the precursor to tighter forms of licensing for strip clubs (see *The Independent*, 21 June 2008). In Scotland, meanwhile, the appointment of a Working Group in 2005 to ‘identify and assess relevant types of controls’ of any ‘public performances designed to sexually gratify or titillate’ (Adult Entertainment Working Group, 2005) paved the way for the Scottish parliament to introduce similar licensing reform. Consisting of academics, lawyers and politicians, this Group completed site visits and took evidence from a variety of witnesses, ultimately recommending that all such venues should require a specific license for adult entertainment, conditional on the provision of adequate changing facilities, CCTV surveillance, no private dancing areas, no dancers below 18 and on-site security. All these recommendations were accepted by the Scottish Executive (see McCabe, 2006), although it rejected the idea that licensing boards should be able to determine if full nudity is appropriate in given locales. The Scottish Executive also rejected the idea of a compulsory one-metre no-touching zone between dancer and customer (suggesting this would be simply unenforceable), but promised changes in 2008 to enable Licensing Boards to consider nude dance venues as a separate class of venue.

**Opposing lap dance: maintaining public order or reaffirming**
sexual morals?

At time of writing, it still remains unclear as to how the licensing system will be reformed in England & Wales and Scotland, and whether this will apply retrospectively to allow local authorities to revoke the licenses of existing clubs. Nonetheless, it appears certain that local authorities and licensing boards will be able to exercise more control over the location and nature of adult entertainment in the future; in Scotland, legislation would have undoubtedly already have been introduced were it not for the change in government in 2007. Hence, it appears that those arguing for reform have won the day, despite the undoubted power of the adult entertainment industry (which has recently formed a Lap Dancing Association to ‘raise standards’ in the sector) (see http://www.ldaukorg.uk). Indeed, one of the most likely outcomes of any attempt at tighter regulation is that only the most corporate businesses will possess the legal clout necessary to convince local authorities that they are deserving of a license, with licensing’s adversarial nature favouring larger businesses as opposed to independent operators (Hadfield, 2005).

Yet given the government has accepted that lap-dancing venues are deserving of special attention, it is worth considering the arguments that have persuaded them of this need. What is significant here is that the key documents informing debate are reports and papers which offer little or no concrete evidence concerning the secondary effects of premises. For example, Object’s (2008) report - A growing tide - which has been widely-publicised in the British media, claims bluntly that ‘research
suggests that lap-dancing clubs have a negative impact on the safety and well being of women living and working in the vicinity, both in terms of actual assault and in less measurable effects such as increased harassment and fear of violence’. This claim is supported with reference to Isabel Eden’s (2003) report on lap-dance in Camden, which concluded that striptease clubs had significant effect upon women in the local area, with ‘a 50% increase in reported rape’ and ‘increased harassment and fear of violence’. However, no analysis of sexual crime in vicinity of adult entertainment venues was performed, with the stated correlation between the opening of venues and a rise in sexual crime based on borough-wide crime statistics rather than any comparison of long-term crime rates in areas with clubs and similar areas without. Such lack of comparative data leaves Eden’s study susceptible to the criticism that it presents spurious correlation as causation. Despite this, the Lilith (2007, 21) report on lap dancing – also by Isobel Eden - claims that ‘studies’ (in the plural) ‘have linked increases in sexual assaults and harassment to the proximity of lap-dance clubs’. Beyond the Camden study, however, no evidence is presented to support the claim that ‘local residents or women working or socializing near clubs’ are ‘vulnerable to increased risk of harm’ (Lilith, 2007, 21).

Given this paucity of evidence, it is surprising that few UK campaigners acknowledge the substantial (and legally scrutinised) US literature on secondary effects, which reaches decidedly mixed conclusions (see Paul et al, 2001; Linz et al, 2004). Summarising this literature, Hanna concludes there is little difference between nightclubs with striptease and those without in terms of their
potential to promote incivility:

The literature related to exotic dance adult entertainment shows that even with complete nudity, alcohol, and contact between dancer and patron, exotic dance is no more likely to be linked with prostitution, drugs, sexually transmitted diseases, property depreciation, or harm to children and juveniles (who are not admitted to adult entertainment venues in any case) than dancing in restaurants, community centers, municipal theaters, and hotels (Hanna, 2005, 124)

Continuing, Hanna notes that many adult entertainment clubs do have higher crime rates associated with them, but that this is usually because of their location in less wealthy areas.

Hanna’s conclusion that there is no data suggesting ‘a single adult entertainment club, standing alone, might be responsible for any increase in local crime’ throws doubt on the arguments of those UK campaigners who claim that lap dance venues are worthy of special consideration in terms of their potential to generate criminality in the local. This is not to deny that some residents and by-passers might feel deeply uncomfortable passing such clubs, or perceive them to be harbouring particular forms of disorder that could spill onto the street at any time. Both Eden (2003) and Bindel (2004) present anecdotal evidence from women’s groups that members feel anxious when near such clubs, while Bindel also draws on twenty street interviews with people passing three of London’s lap dancing clubs, showing that an unspecified number had concerns about their safety when near such clubs and 75% would rather not work or live nearby. Questions about methodology can again be raised here, and it is clear there is still a need for
replicable research to assess how women and men’s experience of sexual harassment, homophobia, and intimidation is different (if at all) around lap dance venues than other licensed venues.

Given Section 4.2 of the 2003 Licensing Act defines the objectives of licensing as preventing public nuisance, protecting children from harm and promoting public safety, the lack of evidence for pronounced disorder around clubs raises questions about why they should be singled out for particular attention. It is in fact difficult to find police representation to licensing committees or boards that alleges that venues are a cause of particular nuisance, and most are thought to be well-managed, often with security and surveillance. As such, the critiques levelled by campaigners appear to be more provoked by what happens – or what is imagined to happen – in clubs, with the case for treating them differently than other public entertainment venues coming down to an ideological belief that striptease itself demeans and exploits. For example, the Adult Entertainment Working Group recommended reviewing the licensing of lap dancing venues having reached the conclusion they are a form of ‘commercial sexual exploitation...which encompasses pornography, internet sex chat rooms, sex phone lines, escort services, prostitution, trafficking for prostitution, peep shows, lap dancing, pole dancing, table dancing and stripping’ (AEWG, 2005, 15).

Accordingly, lap-dancing finds itself conflated in the minds of many campaigners with a diversity of forms of sex work, all of which are assumed to degrade women and perpetuate gendered inequalities. For some commentators, this is a gross simplification:
Although some sex workers are clearly victims of coercion, exploitation, and violence, others are less vulnerable, have more control over their work, and derive some degree of psychological and/or physical pleasure from their work… exotic dancing may still be a relatively coercive experience, but that the type and context of this constraint may differ… dancers in the new millennium may differ from their earlier counterparts with regard to working conditions, professionalism, financial investment, and opportunities. Early studies generally portrayed stripping as a temporary occupation done out of necessity… In contrast, more recent research outlines the complexities of exotic dance, and describes differential motivations, and experiences of work (Bradley 2008, 506).

Similarly, Egan (2005, 89) contends dancers find male clients ‘annoying, at times fun and most often harmless’, claiming exotic dance is ‘not simply a site of exploitation of women and men, but is a site of agency and resistance’. Underlining this there is considerable ethnographic work that suggests many dancers find their work preferable to alternative forms of low-paid employment, and do not consider dancing especially demeaning or degrading (Bott, 2003). To disregard such evidence, and similarly, to imagine all adult entertainment perpetuates a normative economy of gender in which female nakedness is staged before a heterosexual male spectator, is again to simplify the diversity of contemporary adult entertainment, and to conflate striptease, sex work, and sexual exploitation in ways which are unhelpful (Ferreday, 2008).

Major questions can thus be raised about repeated claims by campaigners that adult entertainment ought to be more tightly
regulated because it represents sexual exploitation. For example, the Object (2008) report - *A rising tide?* - contends:

Research shows there is a clear link between increased demand for the buying of sex and the phenomenon of human trafficking for sexual exploitation. Demand for the buying of sex has been increased by diversification of the commercial sex industry and lap dancing clubs have played an important role in this diversification. The proliferation of lap-dancing clubs has helped to normalise the commercial sex industry and implicitly promoted and supported paying for sexual services as a legitimate leisure activity (Object, 2008, 8).

In the media, too, commentators regularly make connections between striptease and the ‘murkier’ side of the sex industry, Zoe Williams claiming in *The Guardian* (23 April 2008, 19) that ‘lap dance clubs are like market days for traffickers’. Such rhetoric has even found its way to parliamentary debates, with Blackman-Woods arguing ‘It may be part of the cultural mix in a modern metropolis but it is implicitly dishonest to pass off lap-dancing and the like as harmless fun and treat them in the same category as karaoke bars and night clubs, especially in an era that has seen an explosion in international sex-trafficking (*Hansard*, 18 June 2008, column 949). Such claims insinuate adult entertainment as part of an increasingly legitimate and mainstream business sector that thrives on mass sexual exploitation and enforced migration. Whilst not dismissing out of hand the idea that stripping may sometimes involve exploitative working relations (and Bindel, 2003, 59, reports instances of observing ‘customers sexually objectifying and exploiting dancers’) the idea that adult entertainment encourages sex trafficking is unproven (and it is actually highly unlikely that illegal migrants would be employed in any licensed venue).
Nonetheless, to allege such connections is to play to one of the most powerful set of myths of our times (concerning the emergence of a ‘new white slave trade’ in women), providing an unanswerable case for legislative reform (Berman, 2003).

Given this, Roberta Blackman-Wood’s claim that the purpose of redesignating lap dancing clubs ‘would not be to ban striptease clubs outright, merely to acknowledge that they are undesirable in some areas’ (cited in Hansard, 18 June 2008, column 949) appears slightly misleading, given that this is exactly the aim of many of those who support such reform. This is starkly evident in one of the widely-cited reports purporting to present objective and ‘ethically sensitive’ empirical data on the phenomena of lap dancing in the UK (i.e. Eden, 2007), which contains appendixes advising readers how to close or oppose clubs on the basis they damage ‘women and girls’ living and working around them. Dismissing the possibility that a reformed licensing regime might encouraged improved working conditions among women dancers, and potentially putting the rights of the ‘average woman’ ahead of the rights of the dancer-worker’s, this report ultimately argues that reclassifying lap dance clubs as ‘sexual encounter businesses’ is vital so that the public does not divorce them from ‘prostitution and abuse’ (Eden, 2007, 704). Likewise, the Adult Entertainment Working Group (2005) itself started from the standpoint that lap dancing is violence against women, and that while there is ‘nothing intrinsically wrong with the naked human body’ local authorities should be able to determine if ‘full nudity is appropriate’. Rather than being viewed merely as a mechanism for resolving local land use conflicts and maintaining public order, licensing is hence being explicitly recast
as a means to control the form and content of adult entertainment, and an arena where questions of private morality and taste may be to the fore.

**Conclusion**

In the context of the UK, licensing has been the main mechanism by which locally-contentious land uses such as spaces of gambling, drinking and sex entertainment are regulated (Hadfield, 2006, Valverde, 2003). Licensing hence constitutes a site of struggle in which different constituencies fight to have their understanding of what is appropriate land-use legitimated. Nowhere is this more apparent than in the field of adult entertainment, where the real and imagined impact of a club on its neighbourhood, the reputation of its owners and wider questions of public order are hotly-disputed. In principle, the nature of the performance (or even whether a performer is fully nude or not) is not something licensing authorities are supposed to consider, and objections made on moral or taste grounds are inadmissible. In practice, however, the regulation of striptease clubs continues to hinge on wider cultural debates about appropriate femininities and masculinities (especially notions of the ‘average woman’), the social and symbolic geographies associated with particular places and the respectability of different forms of consumer culture.

Considering the hostility expressed towards ‘adult entertainment’ venues in the UK has highlighted these issues, suggesting they attract opposition disproportionate to that associated with other
licensed spaces of public entertainment. Recognising this, and acceding to a national campaign that has become more vociferous, the UK government appears on the verge of reversing its long-held principle that the state should not interfere in matters of private sexuality or censor the content of non-obscene entertainment. Imminent reform will certainly reclassify spaces of adult entertainment as sexual encounter venues, meaning a local authority can refuse a license for a lap-dancing venue if it regards it inappropriate in the locality. It will also allow stringent conditions to be imposed on existing clubs, with the possibility of no-nudity and no-touching clauses constraining the entertainment offered. When similar clauses have been imposed in the past, the most vociferous opposition has not come form clients or owners but dancers, who argue that this seriously limits their ability to extract tips from punters, and limits their performative repertoire (Liepe Levinson, 2003).

All this underlines the continuing difficulty the state and law has when confronted with the naked body: posed between normalisation and marginalisation, lap-dancing represents an arena where claims to the right to nudity clash with concerns about the corrupting and exploitative nature of the entertainment that is provided. Strip clubs are, as Frank (2005) notes, ‘highly embattled’ venues, caught between different moralities and ideologies, and what is perhaps most interesting is that many of those who voice concerns are not so much interested in what actually goes on in the clubs, but are more concerned with their ‘public face’ and the general prominence of striptease in contemporary society. It is this clash of ideologies that seemingly makes any meaningful debate
about the regulation of lap-dancing impossible (see Egan and Frank, 2005). Given the very real possibility that the legal repression of the lap-dancing industry in the UK might drive adult entertainment ‘underground’, rendering dancers more rather than less vulnerable to exploitation (Hubbard et al, 2008), and noting that there are already existing laws which can tackle sexual harassment in the public realm, this paper hence concludes by arguing for more research that looks objectively at the ways such clubs should be regulated to end exploitation and sexual harassment, and does not simply attempt to close them down on the assumption that all forms of striptease damage dancers, clients and local communities.

References


assessments of the adult entertainment industry’ Economic Development Quarterly 21: 315-322