

## Consultation on Licensing of Sex Establishments

Herefordshire's Community Safety Partnership (CSP) developed the Sexual Violence Strategy 2023-28 because police statistics showed that Herefordshire was third worst out of 15 rural counties for sexual and violent crime. More recent data seen by CSP shows that this comparative data against most similar groups shows Herefordshire's position has not improved in fact it has scored more poorly against the most similar groups aggregated per 1,000 population.

Parliament has legalised sex entertainment establishments but this does not mean they pose no threat to the safety of women and girls. Herefordshire Women's Equality Group believes such establishments act against the government's Violence Against Women and Girls Strategy and, more important in this context, against Herefordshire's attempt to reduce sexual offending in the county through the CSP's Sexual Violence Strategy (1). This Strategy identifies gender inequality as 'one of the most significant underlying causes of male violence against women and girls, including sexual violence' (p.18). We argue that gender inequality is embedded in the operation of sex establishments and as such poses a risk to the safety of women employees and women in the community.

### *Gender inequality is embedded in sex entertainment*

Herefordshire Council's current licensing policy for sex establishments acknowledges that sex entertainment venues are mainly marketed at men. The majority of patrons are men, the majority of performers are women. According to the policy, sex entertainment includes lap dancing, pole dancing, topless bar staff, striptease and any live performance or display of nudity which is 'principally for the purpose of sexually stimulating' members of the audience (1.15, 1.20). It is women who expose their nakedness while performing with no or minimal clothing while men consume the spectacle from a position of observer. Consumer and performer roles are gendered and there is nothing equal in this relationship. On the contrary, gender inequality is embedded in the sex entertainment offering.

### *Sex entertainment incorporates sexual violence*

The current licensing policy recognises that sex entertainment includes 'feigned violence or horrific incidences' (6.18) and may involve sex articles that encourage 'acts of force or restraint associated with sexual activity' (1.18). It acknowledges the risk to women by directing that literature and contact details of organisations offering advice on domestic abuse, coercive control, rape and sexual assault, human trafficking and modern slavery be given to performers (Appendix). Representations of non-consensual, forcible or violent sex as a means of sexually stimulating the male consumer make no attempt to challenge sexual violence against women. Instead they legitimate and normalise it, leaving consumers with the notion that they are entitled to access women's bodies and that forcible sex is acceptable. Such an outcome contradicts the aim of reducing sexual violence in Herefordshire.

### *Sex establishments pose a risk to women's safety*

Sex entertainment creates a danger to women inside and outside the sex entertainment venue. Licensing policies can and should regulate what consumers and performers may do inside the venue and the policies should provide all possible protections to performers. But the risk also extends to women's safety in the community. Herefordshire's licensing policy recognises conflicting needs between

the wider community, and the owners and patrons of sex establishments (p.4). It is well known that women encounter sexually harassing behaviour from men who have visited a sex establishment and are in a state of sexual arousal (2). Licensing cannot regulate what consumers take away with them when they emerge from the sex establishment and re-enter the community, in every sphere of which women are present. Controlling the location of sex establishments (1.5, 2.4) can reduce the risk to women but cannot prevent it, since women have the right to use all areas of public life for their own purposes (6.8, 6.10) without intimidation or harassment. The danger to women in the community posed by male consumers leaving sex establishments and feeling entitled to sexual contact is in conflict with the aims of CSP's aim of reducing sexual violence in the county.

*Our proposal to mitigate the risk to women's safety*

As with the current licensing policy, our view on the operation of sex establishments is not based on moral considerations. It is entirely predicated on the risk we believe is posed to the safety and health of women in our county and on our wish to see a reduction in Herefordshire's rate of sexual offending. Our proposal for a change in the licensing policy is that any applications for a licence to run a sex establishment should be sent to Herefordshire CSP's Sexual Violence Strategy committee for comment prior to any decision being taken.

(1) <https://councillors.herefordshire.gov.uk/documents/s50109392/Appendix%201%20Sexual%20Violence%20Strategy.pdf>

(2) <https://www.tandfonline.com/doi/abs/10.1080/09627251.2012.695498>

<http://www.object.org.uk/files/Inappropriate%20Behaviour,2007,%20Eaves%20Housing.pdf>

Within the parameters of the document, we submit the following comments:

- Paras 6.12 and the following paras talk about staff training. The Council should make it mandatory for staff working in a licensed sex establishment to have the Purple Leaf training which is targeted at the nighttime economy. The training records should be kept by the employer on each member of staff and the cost of providing the training covered by the proprietor.
- 6.18 refers to "feigned violence and horrific incidents" HC should take a stand on this as unacceptable.
- 7.4 deals with Modern Slavery and Human Trafficking. It should also include any coercion of employees.
- 7.5 states noncompliance would "not automatically exclude" the operator. It should.
- Para 46 in Appendix 1 states staff should be aware of domestic abuse, coercive control, rape and sexual assault. This should be included in staff training. The training records should be kept by the employer on each member of staff and the cost of providing the training covered by the proprietor.