**Sexual Entertainment Venue Policies: Analysing Trends, Conditions and Improvements in Dancer Welfare and Safety**

**Teela Sanders & Rosie Campbell**

**Journal of Licensing**

Previously in this Journal (Vol X Issue X) Sanders, Campbell and Hadfield (2012) reported on the research findings from a large scale national project on the working conditions and experiences of dancers operating in licensed strip venues in the UK (*The Regulatory Dance*). This project was carried out in the dawn of the new legislation under the Police and Crime Act, 2009 that introduced new powers for Local Authorities to control such venues in their locality under what became termed Sexual Entertainment Venues. After the initial research was collected from 197 dancers who answered a survey and 70 interviews with those who worked in the industry and were involved in regulation, another project designed to engage with Local Authorities, licensing officials and the industry itself was funded by the Economic and Social Research Council (ESXXXXX). One of the key aims of this dissemination and impact project ‘*Sexual Entertainment Venues: Regulating Working Conditions*’ was to share the findings from the Regulatory Dance project to licensing practitioners, particularly working closely with the Institute of Licensing.

During 2011-2012 we were able to present our findings and recommendations to various licensing officers through the IOL regional meetings as well as a national training event. Alongside this dissemination we spoke to several Licensing Committees during their SEV consultation phase. It was during this time we were becoming aware that a number of LA’s were making changes to their policies in light of our research, especially as a core element of the findings related to dancer safety and welfare issues. As a result we wanted to understand the broader picture regarding the extent to which safety and welfare matters were being included in Local Authority SEV polices and where applicable, what types of conditions. To do this, we took a sample of SEV polices and standard conditions and performed an analysis, focused on welfare and safety content in SEV policies alongside other common conditions. This paper reports on this analysis highlighting the trends in SEV conditions and the changes recently made to some of these policies which have now considered the role of the dancer in clubs when writing policy.

**Methods**

We reviewed and analysed a sample of N=45 SEV policies and standard conditions up to the end of August 2012.[[1]](#endnote-1) The sample was selected as follows:

* The top 30 populous districts in England were identified and included in the sample if a policy was available. This resulted in N=20 cases.
* We identified the top 24 club locations listed in Strip UK directory/website. We included these if they were not already in the sample, so N=13 were added to the sample.
* To ensure Welsh representation we included the 4 Council areas in Wales with strip clubs listed on Strip UK, plus Swansea, of these only N=3 policies were available for analysis.
* We added Basildon (N=1) to the sample so Essex was represented because in Strip UK ten clubs were listed for Essex.
* Finally for further geographical spread we added N=8; Hammersmith, Preston, Lincoln, North Somerset, Cambridge, Watford, Torbay & Gloucester.

Upon analysis the majority of SEV policies covered the following: legal framework and definitions; outlining the application and objection procedures; location of the venue; suitability of the applicants and criteria for refusal; external appearance; venue layout; advertising and promotion rules; nudity and contact; prohibition of solicitation regulations; Under 18’s prohibitive regulations; Record keeping (including Staff records); Drugs and alcohol policies for performers & customers. In this paper we look closely at a range of conditions that incorporate dancer safety and welfare.

**CCTV, Security and Facilities**

The majority of policies, 39/45, (87%) had specifications on CCTV. These varied - some were very detailed and comprehensive and others were briefer, simply stating that CCTV should be installed and maintained, with images retained for 28 days. Some policies specified CCTV was required in private performance areas. Selected examples of more lengthy requirements include Camden, Cornwall and Manchester. For instance, Manchester requires clubs to have CCTV specifications for facial recognition of all customers entering premises.Security staff/ door supervisors was a core condition in 33/45, (73%) of the policies. The majority specified that door staff must be Security Industry Authority registered and set conditions relating to appropriate numbers. Some Councils specify a minimum number of duty security staff with two being most commonly cited.Many had conditions giving detailed direction about how security staff should be positioned. Telford stated: ‘*At least 1 door supervisor should patrol the public areas and should monitor the interaction between any performer and their customer’.* The majority of SEVs had specifications about the number of security staff to be present when performances are taking place; *‘There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place’* (Preston).

There were a range of conditions that related to changing rooms, smoking areas and refreshments. N=29 (64%) had conditions relating to unrestricted access to private changing rooms or other facilities for performers (most were relating to changing rooms). Some specified the need to provide facilities to secure belongings (Durham). Other policies were more extensive: *‘The licensee will ensure entertainers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them*’ (Leeds). Camden has a section of conditions called ‘dancers private areas’ which specifies not only secure dressing room and sanitation facilities but also a separate smoking area from that of customers. One Council (Wigan) made specific reference to heating being in good working order. Only three clubs (Leicester, Camden and Coventry) specify the provision of water for performers with two stating this should be free.

**Codes of conduct**

*For Customers*

The majority of Local Authorities required clubs to have a Code of Conduct for customers to be displayed in a number of places in the club so customers are aware of the standards of behaviour required. A small number specified minimum standards for customer Codes of Conduct. Durham provides one example:

* *Persons under the age of 18 years will not be admitted into the premises.*
* *Customers must be seated before a performance starts, and they must remain seated during the performance.*
* *There must be no inappropriate behaviour or touching of the performers at any time during the performance.*
* *No propositioning of the performers is permitted.*
* *Customers must not dance at any time.*
* *The customer must remain fully clothed during a performance.*
* *Unacceptable behaviour must result in a customer being removed from the premises.*
* *No illegal substances may be brought into, or consumed on, the premises.*
* *No photography is permitted including the use of mobile phones and other electronic devices for such.*
* *The dress policy is to be smart casual.*
* *The right to refuse admission must be reserved.*
* *Customers must be aware that any breach of the code of conduct for customers will result in the customer being excluded from the premises.*

*For Dancers*

A quarter of policies analysed (13/45) required that performers must sign the club Code of Conduct for dancers which often formed part of licensing conditions. Four policies - Camden, Cornwall, Islington, Nottingham - specified that Council permission was required to change Codes of Conduct or the Council could request changes. Only one authority Bristol makes reference to a contract for dancers defining their rights and obligations. *‘Performers may perform only in accordance with written contracts, which define their rights and obligations, including terms as to the nature of their performance and payment. No deduction shall be made from such payment unless permitted by the contract, and no deduction by way of penalty shall be permitted’* (Bristol).Many more specify that dancers should sign up to house rules/code of conduct for performers but do not mention rights. There is further debate to be had about these dancer Codes of Conduct given the employment status of the dancers is one of self employed (see Sanders and Hardy, 2014).

*Dancers: Fines and Disciplinary Procedures*

Camden and Bristol stand out because they have conditions which prohibit fining. Camden requires clubs to have disciplinary procedures but is clear these cannot have a fining system; *‘A disciplinary procedure shall be in place to deal with dancers who breach the Dancer’s Code of Conduct.......No disciplinary procedure shall include provision to ‘fine’ dancers or otherwise impose pecuniary penalties. Any action to be taken shall only include verbal or written warnings, suspension of the dancer’s right to perform at the premises or revocation of the dancer’s right to perform at the premises’*. Blackpool has also entered the territory of regulating fining, not by banning it but has a condition which attempts to prevent the worst excesses of fining practice;*‘Internal disciplinary procedure ..... should include a system to ensure that performers suffering a genuine sickness or domestic emergency are not made subject to unfair punitive financial penalties’*

*Restrictions on Dancer/Customer Ratio*

Following learning about the ‘Regulatory Dance Finding’ that some clubs were putting on large numbers of performers which made it difficult for a fair income to be made and generating house fees to cover costs Blackpool reviewed it’s own clubs and found one club in particularly with extremely large numbers of dancers per evening. In order to address the worse excesses of this practice Blackpool introduced a condition that set a maximum on the number of dancers employed on any one night, calculated on no more than 10% of the total club occupancy.In the sample no other LA included such a condition. Carlisle though did have a condition which gave the Council the power to specify how many members of the public could be in an SEV on community safety and nuisance grounds.

**Safety**

*Leaving and arriving club policy*

Half of the policies in the sample, N=23/45, (51%) specified that venues must have leaving club safety policies. Here wording was fairly standardised and typified by the following; *‘The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work’* (Hilligdon, London). Amongst these some Local Authorities stated what measures should be taken for performer safety: *‘A member of staff will be available to escort performers from the premises to their own/public transport or taxi at the end of their working day if requested to do so’* (Nottingham). Only 3 policies specified an arriving and leaving club policy. Sheffield and Wiltshire had had exactly the same wording for this condition; *‘The licensee shall have in place and comply with a policy concerning the safety of performers arriving at and leaving the premises. The policy shall be recorded in writing and made available to the Police or authorised officers of the Council on request’.*

*Drunk, Offensive and Inappropriate Behaviour From Customers*

As well as general regulation specifying the need for clubs to have codes of conduct for customers, 19/45 (42%) of Local Authorities included some sort of specific condition/s relating to drunk or offensive customers and incidents of contact misconduct. Relating to drunkenness and drug use the following was typical: *‘No customer shall be admitted to the premises or allowed to remain in the dance area if, in the judgement of the management, they appear to be intoxicated or under the influence of illegal substances’.* (Cambridge). Cardiff and a number of other authorities (e.g. Swansea, Wrexham, Manchester, Cambrdige) specify *‘No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated.’* Equally Cardiff specifies dancers *‘cannot perform if intoxicated’*, reflecting that in the majority of SEVs, dancer drunkenness is also prohibited.

Durham specifies *‘unacceptable behaviour must result in a customer being removed from the premises’* and the condition must be made clear to customers through displaying the conditions publicly in the venue. Camden specified minimum conditions for the customer Code of Conduct including; not touching dancers during a performance, not make lewd or offensive remarks to dancers, not harassing or intimidating dancers. Coventry and Birmingham specify that *’Police are to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges’.* This would apply to all staff. It is also important to note that Leeds specifies that its ‘welfare pack’ must include; *‘Details of how to report crime to the relevant authority’.* Birmingham particularly take safety inside the club seriously, specifying that alarms must be fitted in all performance areas for the safety of performers.

*Regulation of Booths*

Whilst only two SEV policies banned booths (Camden and Cambridge) a third of the sample (19/45) had conditions relating to the management of booths. N=6 had a condition relating to preventing any doors closing or fastening shut (except toilets) whilst a further three specified that booths should not be fully enclosed (Coventry, Manchester and Preston). Six policies required either security staff to be able to see into booths, for there to be a clear line of sight or for security supervision whilst 5 required panic alarms to be fitted in booths these were (Manchester, Preston, Coventry, Maidstone and Torbay). But it is important to note that in a third of policies (17/45) there was a stipulation that any alterations or additions to clubs must get Council consent. We particularly felt these conditions demonstrated that the safety of the dancer in potentially the most vulnerable spaces in the club was taken seriously.

*Information for Dancers*

Leeds City Council is the one LA who requires licensees to provide a ‘welfare pack’ to all dancers and to make this available in the dressing rooms:

*‘All premises that provide relevant entertainment will be expected to provide new entertainers with a pack of information. This pack will include: a) A copy of the Sex Establishment Licence, including the conditions applied by the Licensing Committee. b) Details of any other conditions applied by management of the premises c) Details of how to report crime to the relevant authority d) Details of insurance (public liability/personal) e) Details of unions, trade organisations or other bodies that represent the interests of dancers/entertainers f) A copy of the code of practice for entertainers g) A copy of the code of conduct for customers h) Fining policy i) Pricing policy*

This is one way of using the regulatory framework to enable dancers to receive a range of information relating to their safety, welfare and employment rights and giving the opportunity for the Licensing Committee to scrutinise various polices such as customer Codes of Conduct and fining polices, as applicants must submit this pack to the committee.

**Contact & Nudity**

*Non-Contact*

Strip clubs in England and Wales are in effective non-contact clubs, as the large majority of Local Authorities prohibit deliberate contact. With some limited exceptions the standards conditions most commonly included prohibition against any touching from either dancer or customer. Policies were often prescriptive in stating when contact could be made: *‘During any performance (including ‘private dances’) there must not be any deliberate contact, by the performer, with any patron or person within the viewing audience except: a. Leading a patron hand in hand to and from a chair or private room or designated dance area. b. Simple handshake greeting at the beginning and/or end of the performance. c. A customary (‘peck on the face’) kiss at the end of the performance. d. The placing of monetary notes or dance vouchers into the hand or garter worn by the performer’* (Birmingham and Coventry same wording). Other policies were more restrictive and prescriptive. Bristol permits only hand to hand payment; *‘At no time during the performance may there be any contact between a performer and a customer. Prior to the performance or at the completion of the performance there may be hand-to-hand payment for the performance’.* A minority of authorities have a 100% non-contact policy with no exceptions; *‘There shall be no physical contact between the performers and customers before, during or after the performance.’* (East Cheshire). Policies also placed conditions on dancers touching each other: *‘Performers must not when performing, intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts’.* (Bournemouth). ‘*There shall be no physical contact between dancers whilst performing’.* (Brighton & Hove).

*Distance Rules*

Some Local Authorities specify a distance rule: 1 meter was the most common specified distance amongst our sample, here are two examples; *‘There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance. Whilst the dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers. Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.’* (Cardiff). *‘A minimum distance of 1 metre is maintained between performers and customers, and between performers, during performance’* (Cheshire West & Cheshire).

With regard to other forms of restrictions on behaviour, Leicester’s conditions typify many approaches: *‘The following will not be allowed as part of any performance on the premises:*

* + *Any physical contact between a performers and a member of the audience (other than brief incidental contact of hands during payment)*
  + *Any physical contact between performers*
  + *The use of sex toys or other props, other than clothing*
  + *Audience participation*
  + *Photography or video recording*
  + *Mixed gender performances*
  + *The performance or simulation of any sex act or masturbation*
  + *Straddling of a member of the audience by a performer*

*Nudity*

Full nudity (dancers removing bra and briefs showing genitals) is permitted in the majority of policies but regulated to designated areas which do vary across Councils. However, this can be specified in relation to an area in the club and type of activity.Cardiff takes the unusual stance and permits full nudity only on the stage and nowhere else - all other dance performances are topless. In Liverpool a ‘G-string’ must be kept on during stage performances. Some Council jurisdictions in effect allow only topless dances anywhere in the club so there is no full nudity (i.e genital display is not permitted, be that for stage dancing or in a private dance). This was the case for a minority of locations in our sample including Blackpool and Liverpool.

**Final Comments**

A small number of Local Authorities in the sample (N=7/45) had in their policies a specification that: ‘*the operator can be relied upon to act in the best interests of performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored.’* This was the wording used by; Birmingham, Blackpool, Camden, Islington, Wirral, Manchester and Leicester. This inclusive policy taken by informed Licensing Committees is a testament to how the new SEV licensing process can be a vehicle to increase the visibility, needs, safety and wellbeing of dancers in the strip industry, and provide the tools for managers and owners to create positive working environments.

1. These local authority areas/SEVs were included in the sample: Basildon

   Birmingham;Blackpool;Bournemouth; Brighton and Hove;Bristol;Bromley;Cambridge;Camden;Cardiff;Carlisle;Cheshire East;Cheshire West and Chester;Cornwall;Coventry;Durham; Ealing;Gloucester;Hackney;Hammersmith & Fulham;Hillingdon London;Islington;Leeds;Leicester;Lincoln;Liverpool;Maidstone;Manchester;Newcastle;North Somerset;Nottingham;Preston;Reading;Sheffield;Stoke on Trent;Swansea;Telford;Torbay;Wakefield;Watford;Westminster; Wigan;Wiltshire; Wirral;Wrexham [↑](#endnote-ref-1)