

# Strip Clubs and the Law

A Guide for  
Councils



"merely the fact that a number of people are concerned about this **justifies refusal**"

"Parliament has drawn **no distinction** between grant and renewal of a licence .."

"licensing authorities may refuse to relicence 'even where there has been **no material change in circumstances**'"

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# SUMMARY

## Key Concerns

- There is little understanding of Councils' sweeping powers to refuse to (re)license SEVs
- Once a strip club is operating, Councils invariably will not stop licensing it
- Instead, Councils feel thwarted by SEV operators – despite their having no recourse to legal action
- This is furthered by concerning legal misdirections by SEV operators and their legal counsel
- Licensing has in effect become a rubber stamping exercise
- Clubs with appalling track records and in wholly inappropriate locations are continually relicensed
- Local democracy, and often the will of Local Authorities, is being overridden by the sex industry
- This is directly contrary to the intent of SEV legislation

## The Licensing Powers of Councils

- Councils can refuse to relicense a strip club merely if they now feel the location is inappropriate
- There does not need to be any *change* in locality
- There does not need to be any *change* to the licensing committee
- There does not need to be *any material changes* whatsoever
- 'Evidence' (eg of harm or the impact of the club) is not required to refuse a license
- By contrast Councils *must* always look 'with fresh eyes', even for a long established club
- The licensing process *cannot* be a rubber stamping process
- If a council now believes the locality is inappropriate they are entitled not to relicense
- All a Council need do is tell the applicant *why* they have refused
- There have been *no* successful legal challenges to such refusals (except on technical grounds)

## Policy Making

- Councils are fully entitled to introduce a policy for zero SEVs regardless of whether clubs already exist

## Councils must heed Equality Law

- There have been several successful legal challenges by objectors against councils for breach of equality law in their pro-strip industry licensing and policy decisions
- It is unlawful to dismiss valid concerns by objectors *as 'moralistic'*
- The impact on wider society *must* be considered under equality law

## In Addition

- Personal details of objectors' may not be published without permission
- 'Hearsay' information may be used
- It is not a breach of human rights to refuse to relicence or to set a zero policy
- The Home Office must close the 'frequency exemption' which allows unregulated, unlicensable 'occasional' lap dancing events

# ABOUT THE REPORT AUTHORS

[Not Buying It](#) has contributed to, attended and reported on numerous SEV licensing and policy consultations and hearings. Our founder helped ensure SEV legislation was introduced in 2011. Since then we have been involved in two successful High Court challenges against Sheffield City Council for breach of equality law due to its pro-strip industry stance. A further subsequent High Court challenge has taken place against Bournemouth, Christchurch and Poole council.

This report is based on our experience of how SEV and Equality legislation is *actually* being implemented compared to how it *should* be implemented - according to the law, Judge's rulings, legal precedent and expert legal analysis.

It has become clear that where there is a strip club, Councils (almost without exception) will *not close it down* – no matter how inappropriate the locality or its operation – in breach of SEV legislation.

# ABOUT THE REPORT

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# LICENSING AND THE LAW

## Councils have Sweeping Powers to Refuse to (Re)License on Grounds of Locality

The entire purpose of strip club (SEV) legislation is to give Councils the right to refuse to license (or relicense) strip clubs – particularly on the grounds of locality. And yet many, if not all, Councils seem wholly unaware that they have sweeping powers to refuse a license on these grounds and instead appear to believe they will face a costly legal challenge by strip club operators, which the Council will lose:



This is the near universally held belief, even though Councils' considerable powers are clearly stated in the [legislation](#) and its accompanying guidance and has been reiterated in a [Parliamentary briefing](#). This is despite the fact that these powers have been reaffirmed and acknowledged numerous times by Judges and licensing experts (such as Philip Kolvin, KC, the expert in licensing law who helped bring in SEV legislation in 2011):

[Kolvin, KC on the Relicensing of a Chester strip club:](#)

"The .. legislation .. is designed to **give authorities much greater control** over what goes where taking into account community concerns."

"The courts have said that you can respond to a body of feeling in the locality, **merely the fact that a number of people are concerned about this justifies refusal.**"

“.. you have to make a value judgement, that’s why you are elected.. the law states that you **can refuse simply because the venue is in the wrong place..** ”

[Legal Analysis of Judge’s ruling refusing a License Renewal for a South Bucks strip club:](#)

The **breadth of the discretion** in applications for SEV licences is confirmed.

It is **intended to be wide**

## Clubs have No Legal Recourse to Challenge Refusal on Grounds of Locality

The discretion to refuse to license/relicense on the grounds of locality is so wide that *all* a Council need do is give the reason(s) why the license was not granted. Further, strip club operators have no legal grounds for appeal. They must pursue a case in the High Court, an exceedingly difficult (and invariably unsuccessful) path.

The lack of legal recourse by strip club operators has been confirmed numerous times by legal experts:

Kolvin, QC: advice to Fawcett Society 08.04.08:

There is **no appeal** from a licensing authority’s decision under the “**locality grounds**” which gives a licensing authority considerable leeway to make decisions using their own perception of the needs of their area. The only challenge is then on rationality grounds in the **High Court, a route which is difficult to pursue.**

[Kolvin quoted in Parliamentary Briefing p7:](#)

[Originally in Kolvin ‘Licensed premises: law, practice and policy’ (2nd ed), Bloomsbury, 2013, p668]

“The grounds for refusing a license “confer a **wide discretion** and **will not easily be shown to be unreasonable**”

## Failed Legal Challenges by Strip Clubs

The inability of existing strip club operators to legally challenge a refusal on the grounds of locality is now well demonstrated in the courts. There has never been a successful legal challenge by a strip club operator against a Council for refusing to license or relicense on grounds of locality (except on a technicality). This is so well established in case law that a club is unlikely even to be given leave to proceed with the case. Clubs can only to challenge a refusal on locality grounds in the *High Court* – a very difficult route to pursue and a higher court than a Magistrates Court where refusal on other grounds (such as an ‘unfit applicant’) is pursued:

- i. [Oxford strip club](#) license refusal. **Decision to refuse upheld in High Court *and* on appeal.**
- ii. [Two Leeds strip club refusals](#) on grounds of locality. **Decision to refuse upheld in High Court**
- iii. [Four Sex Establishment License Renewals](#) refused on grounds of inappropriate localities in *four different* local authorities. **Decision upheld**

R v Birmingham City Council ex parte Sheptonhurst Ltd [referenced in Thompson v Oxford City Council]

- iv. [Platinum Lounge Strip Club, Chester](#) There is only one instance, to our knowledge, where a challenge to a refusal was successful, but this was purely on a technicality (the committee had not been properly constituted). Indeed, the **Judge specifically stated he agreed with the committee’s decision and would otherwise have upheld it.**

## Absolute Right to refuse to Relicense Strip Clubs

Strip clubs’ legal counsel often argue that if a license was previously granted it *must* be granted again. *This is not true*. All a council need, indeed *should*, do is ‘pay due regard’ (acknowledge) the fact that it has previously licensed the club. To refuse, all it need do is state the reason(s) why (ie ‘the location is not appropriate’):

i. Kolvin, QC: Advice to Fawcett Society 08.04.08:

“the fact that the premises **currently holds a licence**, although a relevant factor, is **not a determining factor** in its renewal”

ii. [Court of Appeal in North Wiltshire DC](#) 30 p13 (referred to in Thompson v Oxford):

“.. the decision maker is **free to disagree with the earlier judgment [grant of license]** but before doing so he should have regard to the importance of consistency and give his reasons for departure from the previous decision.

iii. [R v Birmingham City Council ex parte Sheptonhurst Ltd](#) 27 p 11 (referred to in Thompson v Oxford):

“.. the statute imposes **no constraint** upon a Local Authority's discretion when it is considering a **renewal** ..In my judgement it is not perverse to refuse a renewal where there is no change in the character of the relevant locality or in the use to which any premises in the locality are put.”

iv. [Legal Analysis of Judge's ruling to refuse a license renewal for a South Buckinghamshire strip club:](#)

Although it is important to give reasons for a decision to refuse, **those reasons need only be sufficient to enable the losing party to know why he has lost**

v. [Court of Appeal O'Connor](#) 28 p12 [referred to in Thompson v Oxford]

“ it must give its reasons for refusal .. **If the reasons given are rational**, that is to say properly relevant to the ground for refusal, then the **court cannot interfere**. “

## Unlawful to Treat Existing Clubs differently from New Applicants

Countless councils treat existing clubs differently from (and preferentially to) new applications. SEV legislation merely states that ‘due regard’ must be given to the fact that a club is currently operating. The legislation does *not* allow existing clubs to be treated materially differently from any new applicant.

[R v Birmingham City Council ex parte Sheptonhurst Ltd \[1990\] 1 All ER 1026](#) p12:

“Parliament has drawn **no distinction between grant and renewal** of an SEV licence .. **To make a distinction would fetter the discretion of the local authority** in cases of renewal, which Parliament has not done”

## Absolute Right to refuse to Relicense even if NO CHANGES

Strip club’s Legal Counsel often imply, if not outright state, that licenses cannot be refused unless there has been a *change* in the locality or some other material change. This is categorically untrue.

Councils have the absolute right not to relicense a strip club even if there has been **no change in the locality or any other material change whatsoever**. The same licensing committee for the same club in the same, unchanged location merely need to look at the application ‘with fresh eyes’, as they are fully entitled - indeed charged - to do:

- i. [R v Birmingham City Council ex parte Sheptonhurst Ltd](#) 27 p 11 (referred to in Thompson v Oxford):

“.. the statute imposes **no constraint** upon a Local Authority's discretion when it is considering a renewal ..In my judgement it is not perverse to refuse a renewal where there is **no change** in the character of the **relevant locality** or in the **use to which any premises in the locality** are put.”

- ii. [Kolvin, QC et al:](#)

‘licensing authorities are entitled to ‘have a fresh look’ and may refuse to relicense ‘even where there has been **no material change** in circumstances”

- iii. [Court of Appeal O’Connor](#) 28 p12 (referred to in Thompson v Oxford)

“ the licensing authority were entitled to have a **fresh look** at the matter



iv. [Court of Appeal in North Wiltshire DC](#) 30 p13 (referred to in Thompson v Oxford)

“the decision maker is free to **disagree with the earlier judgment** [grant of license].

Strip club lawyers frequently refer to the Thompson v Oxford case, where there *had* been a change in location to suggest there therefore *must* be a change in location. However, not only does this not provide any legal precedent for the need for change, a Judge has expressly confirmed that no change was required *with reference to this case*:

[Court of Appeal O'Connor](#) 28 p12 (referred to in Thompson v Oxford):

“ the licensing authority were entitled to have a **fresh look** at the matter... In a case where there has been **no change of circumstances**, if the licensing authority refuses to renew on the ground that it would be **inappropriate having regard to the character of the relevant locality**, it must give its reasons for refusal .. If the reasons given are rational, that is to say properly relevant to the ground for refusal, then the **court cannot interfere**. “

## ‘Evidence’ is NOT Required

Evidence of harm or any other impact of a strip club is *not* needed in order to refuse a license. However, strip club lawyers often mis-represent this:

Strip club lawyers frequently refer to the ‘**Thwaites case**’ to suggest the need for ‘evidence’. However, this case has been reviewed and it has been determined that it is ‘sometimes misconstrued’ as requiring decisions to be based on real evidence. See 4 [here](#)

In fact, one legal journal specifically cites how this case is deliberately used to [misdirect local councils](#) on the idea that ‘evidence’ is required.

## Strip Clubs Themselves Impact Locality

It is well demonstrated that strip clubs can negatively impact the local area – from the presence of pimps touting outside to increased crime and disorder, such as harassment in the vicinity and acting as a ‘feeder’ for local brothels. This in itself allows grounds for refusal:

### [High Court Judge ruling on Chester-based strip club 38ii:](#)

The second reason [Judge would agree with Council’s refusal to relicense a strip club] was the committee’s conclusion that the location of the **premises** in that area had an **impact on the character of the locality**.

### [Judge in Spearmint Rhino vs Camden Council:](#)

"I am left in no doubt that **the club** is an attraction which draws touts to the vicinity and keeps them there whilst the club is open. It is pervasive and persistent and intractable. The behaviour of the touts is anti-social and is I find perceived by some as intimidating. The issue is not just the question of crime, disorder and nuisance but the **wider character of the area**. All the best efforts of the club have properly been put into seeking to eradicate the problem which they themselves describe as a scourge but to no real effect, save for a temporary displacement at a short distance. As I am sure of this and that when the club shuts at 4 a.m. the problem goes away, the only relief which I can give to the affected residents is not to add to the problems and difficulties caused until a solution can be found. For this reason alone I would refuse the club's application to extend their hours...."

## Licenses Should NOT be Rubber Stamped

Licensing expert Philip Kolvin, KC, stresses that the annual hearing to decide whether to relicense a strip club should not be a ‘rubber stamping’ process. However, many licensing hearings frequently appear to be exactly this:

Kolvin, P (2010) Sex Licensing, The Institute of Licensing p.90:

“Given that there is potential for the discretion to be exercised afresh, the renewal should not just be a **rubber stamping** exercise, but an opportunity, if needed, to review the principle and content of the license”

## Right to use ‘Hearsay’ at Licensing Hearings

In 2021, the lawyer representing the [Portsmouth Strip club, Elegance](#), stated that evidence not given in person should not be considered (even including statements from victims of sexual harassment). This is not true and clearly designed to misdirect Councils into making a decision favourable to the strip club. There have no doubt been many other instances of this, given that a Judge had already had to formally intervene, ruling that ‘hearsay’ evidence from anonymous sources can be used by Councils to help inform their decision:

### [Judge in Court of appeal which upholds Oxford City Council’s right to refuse to relicence a strip club](#)

"There was a “considerable body of evidence” relating to the **impact of the club on the area** in the first year of its operation. The Court accepted that this evidence was hearsay evidence from anonymous sources and therefore carried less weight than might otherwise have been the case. Nevertheless, the sub-committee was entitled to have regard to this evidence and it was capable of sustaining the sub-committee’s conclusion”

## It is an Offence to Lie to a Council

Several strip club operators often appear to make misleading, if not false, statements to Local Authorities. Their lawyers, despite being highly versed in the relevant legislation, also routinely confuse, mislead and at times appear to make false statements about the legislation in which they are expert. This includes information given to [Camden Council](#), [Calderdale](#) and others. Making false statements (ie lying) to a Council is however, unlawful:

[Local Government \(Miscellaneous Provisions\) Act or LG\(MP\)A Section 21 Schedule 3:](#)

Any person who, in connection with an application for the grant, renewal or transfer of a license under this Schedule, makes a **false statement** which he knows to be false in any material respect or which he does **not believe to be true**, shall be **guilty of an offence**.

## Councils cannot make Objectors' Details Public

Unlike for other types of licensing, SEV legislation clearly states that details of those who object to strip clubs cannot be passed on to operators:

[Local Government \(Miscellaneous Provisions\) Act or LG\(MP\)A Schedule 3 section 17](#)

The Appropriate Authority shall not without the consent of the person making objection reveal his **name or address to the applicant**

Despite this, in 2021 Camden Council, started routinely publishing the names and home addresses of all those who objected to its strip clubs. Nearly a dozen individuals were immediately targeted in an aggressive libellous letter by a strip club operator threatening legal action against them. It took two interventions by the Information Commissioners Office (with the power to issue substantive fines) before the [Council backed down](#).

This doesn't merely demonstrate the lack of understanding or adherence to the most basic tenants of licensing law, it indicates how often decisions are made that favour strip club operators. This case, like the two High Court Equality Law challenges to Sheffield City Council (see below) also indicate that it is often only when council's hands are 'forced' that they cease making decisions, including unlawful ones, that favour strip club operators.

Camden Council eventually stated that it would ensure 'more training'. If training is needed over such a basic aspect of licensing law then how much more urgently is training needed regarding more complicated SEV legislation and far more complicated Equality Law?

# POLICY AND THE LAW

## The Right to Introduce and Adhere to a Zero Policy

Local Authorities have the absolute right to decide that no clubs are appropriate in their borough (a zero policy). They also have the absolute right to adhere to this.

This includes councils which already have strip clubs when their zero policy is formed. This was confirmed in a [Court ruling in 2023](#) regarding Edinburgh City Council – with four strip clubs. This right was reiterated despite the Judge finding the council had failed to create a lawful policy, essentially on a technicality.

Licensing expert, Philip Kolvin, KC, even goes so far as to state that a zero policy can be so tightly written that it, in effect, becomes an embargo that cannot be challenged:

### ‘Sex Licensing’ Kolvin, QC, The Institute of licensing p129, para 15.15:

One option for policy is to state that the appropriate number in a particular locality is zero and that the **policy is intended to be strictly applied**, except in genuinely exceptional circumstances. The policy ought to justify such a course, for example by reference to the status of the locality as a ...residential area... Of course, an authority may not reject an application without considering it, even where it breaches a zero policy

### ‘Sex Licensing’ Kolvin, QC, The Institute of licensing p127, paras 15.10 and 15.11:

“...the provision gives the authority a high degree of control, **even amounting to an embargo**, on sex licences or particular types of sex establishment, within particular localities. The width of the discretion is consolidated by the absence of any appeal against a refusal on this ground”

### ‘Sex Licensing’ Philip Kolvin, QC, The Institute of licensing p 60:

“.. an authority may evolve **a policy so precise that it could well be called a rule**; and there could be no objection to that provided that the authority was always willing to listen to anyone with something new to say. ... In other words, there is no rule against closed policies - the rule is against closed minds.”

## A Nil Policy/Closing Clubs is NOT a Breach of Human Rights

It has been confirmed several times that a zero policy or closing strip clubs does not constitute a breach of human rights (Article 1, 'right to property' or Article 10 'freedom of expression').

This was reconfirmed in the [Scottish courts in 2023](#)

One notable [human rights expert](#) has gone so far as to suggest that it would be 'almost impossible' to challenge a zero policy or a strip club closure on these grounds.

## SEV Policies invariably written around Existing Clubs

Most Councils have created their SEV policy around the presence of pre-existing clubs, even when these clubs are in areas their policy deems totally unsuitable. For instance, [Hammersmith & Fulham council](#) with one pre-existing SEV, created a policy stating it was appropriate to have one SEV. Its strip club is then relicensed year on year, despite it being surrounded by schools, the local transport hub and main shopping area – inappropriate locations according to the Council's own SEV policy.

A repeating pattern is seen across the UK. The end result is the licensing of pre-existing clubs is turned into a rubberstamping exercise, Councils clearly feeling unable to refuse to re-license its clubs, despite the inappropriateness of their location, or indeed breaches.

## Existing Clubs invariably 'Exempted' even from a Policy for Zero SEVs

Numerous Councils have created policies that state there is no appropriate location for an SEV, but exempts existing clubs, even when they are in areas deemed totally inappropriate according to the policy.

Although councils are entitled to exempt existing clubs they are equally entitled to create guidance (a policy) that does **NOT** do this.

This exemption has again meant that existing venues are in effect given 'Grandfather rights' – they are allowed to continue operating in perpetuity. Councils no longer 'look afresh' at each licensing hearing but instead seem

to believe (and are frequently told by SEV lawyers) that since the policy originally allowed existing clubs to operate, they *must* continue to do so.

The result is that constant relicensing occurs no matter how many breaches or how inappropriate the location. The clubs license is being treated like a premise license (where licenses are given in perpetuity) rather than a strip club license (where licenses have to be properly re-considered annually).

[Camden Council](#) is a case in point – continually re-licensing its clubs because they are ‘exempt’. Between them, Camden’s 8 original strip clubs have variously shown mass fraud; GBH, including a near fatal stabbing; copious sexual contact; pimping outside (an issue with all Camden’s strip clubs according to the police) and various other issues of serious concern. Even calls by police and trading standards to stop licensing clubs has fallen on deaf ears.

Similarly, [Leeds City Council](#) (with 7 strip clubs) created a policy for zero clubs, stating no location was appropriate for an SEV - based partly on equality concerns. In direct contradiction to this it then it then stated 4 clubs were appropriate in the city centre.

# EQUALITY LAW

## Breach of Equality Law – Equality Impact Assessment

We contend that it is impossible to create a meaningful EIA (Equality Impact Assessment) which allows for strip clubs to be licensed: [How To Write an EIA](#)

Equality Law or the Public Sector Equality Duty ([PSED](#)) states that *all* public bodies must in *all* their decisions and policies:

Pay due regard to the need to seek to:

- **Eliminate** harassment, victimisation and discrimination of women by men
- **Foster good relations** between women and men

Guidance for the PSED clearly states that ‘the greater the relevance and potential impact, the higher the regard for the duty’. Clearly this is particularly relevant for any branch of the sex industry. Further it does not just apply to women in strip clubs and in their vicinity – it applies to wider society.

However, some Council’s SEV policies state that Equality Law is not relevant (Newcastle) whilst many councils either have not carried out an Equality Impact Assessment (EIA) or have carried out one of such poor quality as to be meaningless. This means that most councils are laying themselves open for legal challenge on grounds of unfit EIA alone.

## Breach of Equality Law – High Court Challenges

There have been three well documented court cases concerning equality law breaches which reiterate:

1. Councils cannot dismiss harm-based concerns as ‘moralistic’
2. Councils must consider the harm to women and girls *in wider society*



These include a 2022 High Court case against the SEV policy created by BCP (Bournemouth, Christchurch and Poole) Council, where the [Judge ruled](#) the council had failed on both counts.

It includes two High Court Cases ([2016](#), [2018](#)) against Sheffield City Council where the council conceded that it had wrongly dismissed concerns for safety and equality as ‘moral objections’ whilst the Judge reiterated that the PSED applies across wider society. Despite these rulings, the Councils never once refused to relicense its one strip club and swingers club (with 2 reported rapes) – these venues only shut down due to Covid. It took more than 5 years for this council still has not created a new, lawful SEV policy.

“it is now clear that a local authority considering [strip club] license applications must look long and hard at the adverse impact on gender equality of letting such an enterprise exist at all. Otherwise it will be acting unlawfully and will be subject to legal challenge”

**Louise Whitfield, DPG, Solicitor for the claimant against the Council in 2018**

# THE FREQUENCY EXEMPTION

A loophole in SEV Legislation – ‘the frequency exemption rule’ - allows venues to host ‘occasional’ lap dancing performances without an SEV license or any regulation. In fact the exemption means they *cannot* be given a license or be regulated. Venues do not even need to tell councils they are running a ‘pop up’ stripping event. This has seen ‘cowboy’ operators in towns like [Cheltenham](#) running unregulated ‘pop up’ strip clubs during racing events – near 24 hour events, servicing 500 punters a day. Not only are the conditions in these venues particularly exploitative, the town itself turns into a ‘no go’ zone for women – with high levels of harassment.

It also means that venues that do apply for a license can ‘hold the council to ransom’, because if they don’t get the license they can simply set up as an unlicensed ‘pop up’. As a result, licensed venues are being allowed to waive industry norms – this even includes being sanctioned to provide physical contact between lap dancers.

Although the problem might only be particularly marked in the small market town of Cheltenham, where SEVs are only profitable during horse racing events, the exemption applies to any location and could effect any Council anywhere in England and Wales (or indeed Scotland where a similar exemption loophole also exists).

To date, the Home Office has declined to close this loophole, despite it being a relatively easy process which does not require new legislation.