

Lap Dancing - In The Docks

Legal Challenges to Strip Clubs

Last Updated May 2018

This is a working brief, documenting legal challenges over Strip Club licensing and their outcome.

We have found that the courts consistently rule in favour of Council decisions to refuse to license or re-license strip clubs or to allow private booths.

We have not been able to find a single instance where a Court has ruled in favour of any strip club when challenging Council decisions.

If you have any additional information, it would be most welcome
Please drop us a line at no@notbuyingit.org.uk

Why Have We Compiled This?



We have compiled this report because it appears Councils are often cowed into granting and re-granting strip club licenses because of fear of legal challenge by the powerful strip industry.

However, we have not been able to find a single successful legal challenge against Councils for refusing to license or re-license a strip club or Sexual Entertainment Venue (SEV).

This reiterates SEV legislation that clearly states that, providing councils have gone through due diligence when refusing a license, it is entirely within their rights to do so.

This applies to refusing to re-license existing clubs (ie 'the right to look with fresh eyes') as well as refusing to license new clubs. It applies to specific conditions (such as a ban on private booths) imposed by Councils. Rulings have also specifically disregarded club operators' claims of a 'breach of human rights;.

Note SEV = Sexual Entertainment Venue (Strip Club)

Camden

Successful Court Case vs Strip Club's 'private booths' 2018 'The Red Rooms' Strip Club

Camden Council took The Red Rooms strip club to High Court to argue its right to ban private rooms/areas. Council won.

Leeds

Successful Court Case re 2 Strip Clubs' Re-Licensing 2014 'Wild Cats' & 'Deep Blue' Strip Clubs

[Bean v Leeds City Council](#)

Two clubs refused re-licensing by Leeds City Council. Leeds allows 4 and culled the existing 7 down to this. Owners of both clubs took Council to court. The SEVs tried unsuccessfully to challenge lawfulness of the entire SEV licensing policy.

Oxford

Successful Court Case re 1 Strip Club's Re-Licensing 2014 'The Lodge' Strip Club

['The Lodge' Thompson, R \(On the Application Of\) v Oxford City Council](#)

License had been granted to this venue in 2011 but was refused in 2012. Club operator took council to court. Court of Appeal upholds refusal of SEV:

"I consider that while it was open to the sub-committee in the present case to depart from the decision of its predecessor, it was under a duty to take account of the earlier decision, to grasp the nettle of any disagreement with the earlier decision and to state its reasons for coming to a different conclusion."

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 conclusions.

A council has a **wide discretion** in the assessment of whether the grant or **renewal** of a licence would be appropriate having regard to the character of the relevant locality.

In making that assessment, the sub-committee **was permitted to have regard to an imminent development** of which it was aware [developments of **student housing**], even if there could be no certainty that it would be completed and operational within the period of the licence.

Also Reported:

[Oxford Mail](#)
[Oxford Mail](#)

South Bucks

Successful Court Proceedings re 1 Strip Club License Judge did not even allow club to take case to Court

R (KVP ENT LTD) v South Bucks DC

An attempt to put a club on the outskirts of a rural village. Planning officers had previously granted permission for change of venue to an SEV but the *licensing* committee refused a week later. This underpinned the SEV's complaint.

201 objections received. Judicial Review not even granted.

In a ruling that will be of great assistance to licensing authorities, a High Court judge has dismissed an application for judicial review against a refusal to grant a sex entertainment venue licence for a lapdancing venue in a rural location. Josef Cannon explains why:

Analysis

1. The breadth of the discretion in applications for SEV licences is confirmed. It is intended to be wide;
2. 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;
3. Where the extent of reasons given is criticised it is permissible to produce 'amplified reasons' – in this case a reconvened sub-committee (the same three members) produced a fuller note of their reasons, which was accepted;
4. The assessment of 'character' for the purposes of the planning regime is distinct from the assessment of 'the character of the locality' for the purposes of the SEL regime, and can lawfully produce different outcomes. One need not follow the other.

Sheffield

Successful Court Proceedings re 1 Strip Club Re-license 2017 'Spearmint Rhino'

Council Admits failure to comply with equality duty

Court proceeding initiated by member of the public against Council for breach of Equality Law by not properly considering its PSED (Public Sector Equality Duties) when re-licensing Spearmint Rhino strip club.

Judge gives leave to proceed to Judicial Review.

Council concedes days before High Court hearing that it has failed to consider the PSED.

Sheffield

Judicial Review Granted re Strip Club Policy 2018

Campaigners Win Challenge for Judicial Review

Judicial Review (court proceedings) granted to member of the public against Council for breach of Equality Law by not properly considering its PSED (Public Sector Equality Duties) in its entire SEV licensing policy

High Court date set for June 2018.

Leicester

Unknown Outcome, but club no longer exists 2016

'Lily's Lounge' Strip Club

[Lily's Lounge Leicester](#)

Club took Council to Court. Club near place of worship, city shopping centre and in same building as a children's dance studio.

Council mostly said Management of SEV was inadequate

Swansea 2012

[Committee Grants License but Council as Landlord blocks change of use](#)

Council's licensing committee grants SEV license but Council, as landlord of the venue from which the SEV would operate out of, refused to allow 'change of use' to an SEV.

Cheshire West & Chester

Council fails *on a technicality* re Re-License 2014

'Platinum Lounge' Strip Club

Club now shut

[Bridgerow Ltd, R \(on the application of\) v Cheshire West and Chester Borough Council](#)

Council fails only on a technicality ie the council's decision making panel was too large (12 councillors decided not a panel of 3)! However, the presiding Judge stated Council's decision not to renew would have been granted, including '**right to look with fresh eyes**'. The judge ruled in favour of the council on 5 substantive charges just not on the 6th. Judge did not rule in favour of **club's 'human rights'** defence either.

"An interim decision allowed the company to re-open the club pending the outcome of a full hearing"

By July 2015 the license had not been re-granted and the club was shut: [BBC](#)

Club tried to 'rebrand' as Burlesque: [BBC](#)