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MAY 2ND 2006 - VERONICA DENEUVE'S RESPONSE TO AEWG'S REPORT TO PARLIAMENT

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Foreword

And so, we have reached the end of the beginning. The report of the Adult Entertainment Working Group was published on 25th April 2006. Now Tom McCabe has to decide what to do with it and Parliament may have to scrutinise and decide on a set of regulations based on the report.

The last year has been a time of real uncertainty and fear for dancers working in Adult Entertainment. As the report's contents show, dancers are unfairly stigmatised, judged and vilified by some sections of the public and some institutions, and the stigmatisation is sometimes made worse by those who think and believe that they want to "help and protect" but are really on an ideology trip. The added stress of knowing their jobs and safety might be at risk as a result of the review did not help.

The AEWG itself deserves praise and thanks from all. They were given a very difficult and complex task to perform in a very short space of time. For people who were strangers to it, they have worked very hard to try to understand lap dancing and the issues that surround it. This and trying to do their day jobs at the same time would have been time consuming and tricky. Veronica and her colleagues know how they feel.

The report at least relieves some uncertainty because it recognises that a total ban is both impossible and undesirable. This realisation and acknowledgement will not be popular with those whose opposition is based on ideological objections to erotic dancing & want to see it banned permanently. Veronica and her colleagues across Scotland thank the AEWG for their honesty and bravery in facing up to the reality that the industry is a thriving and valid part of the leisure and entertainment sector in Scotland.

The report has, however understandably and for the best of motives, misunderstood some of the issues and got some of the outcomes badly wrong. It has some recommendations that are **actively dangerous** to the dancers and will create and exacerbate the harms that the group was trying to prevent. It also misses the point in some areas and misses the opportunity to propose some regulations that would not only have realistically reduced the risk of prostitution becoming part of the industry in Scotland, but would also have improved the business and its contribution to the Scottish economy. The biggest omission is in not addressing the structural differences in power that exist between owners and dancers. The AEWG report's content needs several careful readings, **not just the executive summary and recommendations**. Those with the responsibility of choosing what to do with it should read all of it – including the annexes and background research.

Veronica has aimed this response at everyone who has an interest in this issue. She would particularly like all decision makers and opinion formers to read it as part of their debates and considerations. Others who might be interested are; journalists, academics and the general public who can get a proper handle on the issues and the dancers' views.

Its purpose is to critique the AEWG report, but not to blindly object to it and defend the indefensible. Instead if you read it carefully it will build on the AEWG's foundations and help to make sure that our industry – and it is **our industry**, (we belong only to ourselves and our loved ones, **not** our customers or the bar owners) is safe, fun and profitable for us and help us make it function better.

Scotland's aspiration is to be the best small country in the world. Being the best includes being democratic, tolerant, liberal and diverse. The way to achieve that is through excellence in everything we do. Let's make sure together that we have the best Adult Entertainment sector in the world!

Introduction

A week is a long time in politics, but a very short time to respond to a complex and important report that will have a big say in the rest of your life even if you are submerged in the issues because you live them every day. Veronica was not surprised by the report's contents or its recommendations because some of them have appeared, been tried, and failed elsewhere – particularly in England. She did however want to respond coherently to the report, and there's a lot of detail. Let's just hope that the response is in time to positively influence the decision makers.

It's been a feature of our fledgling democracy that it has tried to do things by tight regulation, bans and trying to control people's lives. That's not the fault of any one political party. We seem to live in a time when that's the preferred style of all parties because of demands placed on them. If we keep heading this way we will end up with a bland form of tyranny where only the perceived majority view, values and behaviour is allowed to exist. Scotland was meant to be different, let's see politics return to persuasion, influence leadership and support instead. With the AE sector this approach will work much better. A mixture of light touch regulation at the highest common denominator (Edinburgh) where it's necessary, and working with all concerned, especially to empower and value dancers; will bring benefits to everyone.

The response is structured to include:

***The facts about AE dancers in Scotland.
Responses to all 11 AEWG recommendations.***

The "Glasgow effect".

Where the report has misses the point about the industry's operations.

Comments on the evidence base.

A word about Human Rights.

What Tom McCabe can and should do next.

What dancers expect their MSPs to do next.

At this point it is appropriate to comment on the AEWG's concern about its failure to engage a large number of dancers in the consultation process. Their concern is justified. Only 5 responded to the public consultation, and only one of the five responded during the initial consultation period. The other four contacted the group after the consultation results were published i.e. not until the start of 2006, some 9 months into the group's work.

There are three reasons for this:

There were no dancers or former dancers present on the group to represent them.

The consultation stated off conventionally. The AEWG naively did not think that adult entertainers would be a hard group to contact and therefore did not specifically target them. It is partially why the report has turned out as it has. Executive policy on women's issues is always to consult **directly** with groups of women who may be most affected by its policies and actions. In this the AEWG has erred badly, group members and researchers should have realised the difficulty of contacting the dancers and tried different methods. Some dancers are also students, so peer research might have been an option. Posters displayed in AE venues would have helped, as would asking owners and operators to spread the word about the consultation and encourage dancers to

contribute. The AEWG's code of conduct was useful, but the dancers didn't know about it at the time.

Dancers are mostly unwilling to stick their heads above the parapet because they feel as if people continually judge, stigmatise and vilify them, They are insecure about what will happen if their identities are made public, so they keep their heads down & try not to draw attention to themselves. They do not trust institutions of any sort to look after their interests. Until society looks on them with respect they are unlikely to want to talk to society or believe that society cares about them. They are one of the few minorities that people, including elected representatives at all levels, feel can disrespect with impunity. They are also very cautious about doing or saying anything that will put their jobs at risk. They fear that speaking out of turn will see them lose the facility to perform in safe venues. Let's face it- being critical of the management often results in losing one's position – even some MSPs have suffered the same fate at the hands of their own parties!

Adult Entertainment dancers in Scotland

All of these themes can be found from a *detailed* reading of the AEWG report and the research it commissioned from April 2005 – April 2006. They do not however feature heavily in the summary or recommendations. They should help dispel some of the mistaken perceptions about dancers that inform public fear and the ludicrous moral panic about AE.

- Dancers in Scotland are **not** prostitutes.
- Dancers concerns are around working conditions and management arrangements. They neither want nor need to be protected from themselves or their customers.
- Dancers do not feel at physical risk from their customers while working in AE bars. They would feel at risk working in unsafe environments.
- Dancers do not like alcohol induced rudeness from customers & wish that bar staff & security staff would be less tolerant of the *minority* of idiots who drink too much and indulge in rude and disrespectful behaviour. (doesn't everyone?)
- Sources of stress in their lives do not come from performing – the social stigma is the major stressor, followed by lack of control over their work, and having to compartmentalise their lives to avoid being judged.
- Dancers are normal women, with normal value systems, doing an unusual, but perfectly legal and valid job that they enjoy.
- Dancers' spending power is considerable. They contribute to society, the economy, assist inward investment and pay tax on their earnings. They are valuable citizens.
- Dancers are fit, athletic, active, intelligent and highly skilled people. Almost all have other interests, careers, studies or skills.
- Dancers are not drug addicts or dependent on booze – their job depends on good co-ordination and physical fitness.
- The majority are Scottish, but there is also healthy cultural and ethnic diversity.
- AE Dancers are not trafficked into Scotland by gangsters.
- Dancers do not do it "just for the money" or because they are desperate, or because they are vulnerable or abused. The AEWG research confirms this and mentions excitement, the buzz of performing and fun as reasons for entering the industry.
- Dancing does not drag the culture down, nor encourage violence against women, or create false impressions of female sexuality or encourage public disorder outside venues. To acknowledge this does not mean that dancers or anyone else is in denial about Scotland's very real problem with violence against women – just that they are not responsible for it in any way.
- The police see no link to public disorder or sexual assaults from AE premises in Scotland.

Responses to the AEWG recommendations

These are detailed responses to all 11 AEWG recommendations. They are intended to be a positive contribution, not objection for objection's sake.

1. "There should be national regulations applied to AE activity, regardless of where it takes place. The current licensing regime allows unfair differences depending on the type of licence. If licensing is tightened up for a particular class of premises, imaginative operators may try to avoid regulation by, for example, providing adult entertainment in vehicles, or in a neighbouring building that does not serve alcohol."

Agreed, there should be a level playing field for all AE venues. The playing field should reflect good practice not petty repression. It should be recognised though that regulations have to be interpreted, and there will be a temptation to interpret narrowly if an authority disapproves of AE for political reasons.

2. All AE activities should be, at all times, fully visible to the public visiting the premises. Private activities should not take place on a public premises. Private booths are particularly difficult to oversee or manage and activities which occur in them may constitute or lead to prostitution.

This recommendation is **downright dangerous, disproportionate and unreasonable.**

Most of dancers' income is earned from private dances. They get paid very little, if at all in some clubs, for striptease and pole dancing. Table dancing is very uncommon in Scotland. Some dancers will get round this ban by dancing in unsafe environments like hotel rooms and private dwellings and parties, believing they can charge premium rates for a forbidden product. Banning something merely makes it more attractive & will place unofficial lap dancing squarely in the sex industry. Agents and escort agencies will get more heavily involved; pimping will become a growth industry. This is already happening in England. It will be a rapist's dream environment. A murder or a rape is not a price worth paying to discourage non-existent prostitution amongst the 99.99% of dancers in Scotland who do not get involved in it. Others will move to other pursuits like hardcore porn movies and the internet video sex chat room to keep their level of earnings up. The bad news is that the sharks are already circling, and have been since the review started last year, trying to lure dancers into other things.

It misunderstands the purpose of the private booth. Dancers like private booths because it means they are not performing to the entire club all night. It gives them their own space in which to work and a greater degree of autonomy. **Performing in a private booth hands power to the dancer, not the operator or the customer.** Skilled dancers are good judges of their customers, and are well aware of when boundaries are in danger, and well aware of how to control those boundaries. There should also be no confusion between lap dancing and the American practice of "friction dancing" where the intention is to stimulate the customer to keep him in the booth, paying for dances until he can ejaculate. Lap dances are not the same thing & friction dancing is not practised in Scotland. It should not be assumed that dancers use private booths to "get round" the rules, such assumptions are deeply insulting and not supported by credible evidence. This recommendation has been based on some very deeply flawed research, and is informed by potential – not actual - events in Scotland. Check with the courts to see if any dancer has ever been prosecuted here for lewd conduct, soliciting or public indecency. The answer is no!

Striptease is an altogether different art to lap dancing & they require different environments for the dancer to feel comfortable and safe. Stripping or pole-dancing on a stage is an enjoyable, time-limited buzz for a good dancer & she will enjoy the undivided attention and applause for one or two songs. Undressing in front of an entire club, as in table dancing, for a whole shift will very quickly become a dreary, demoralising and demeaning experience for all

but the most determined exhibitionist. Table dancing is a lousy and inefficient way to make a living.

Banning private dances will be like trying to un-invent the wheel. Lap dances in private or semi-private booths are a mature part of the product range in Scottish Clubs. Customers already expect to be able to purchase a private dance & may tip over into using the sex industry if they can't. Private lap dances are an important part of the experience of visiting an Adult Entertainment venue.

The economic benefits of AE identified by the group's research may be minimised or vanish altogether if this is banned. Some customers would not enjoy table dances in front of their friends, colleagues and acquaintances for fear of being humiliated and teased by them afterwards.

3. Performers should not touch, or be touched by, customers. In order to remove any doubts about touching, and for the safety of performers, there must be a distance of 1 metre between performer and any other person during entertainment activities. Performers may not perform any act that clearly simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger into any genital opening. Performers may not touch their breasts with their mouths, lips or tongues. There is a need to separate AE from activity that might be illegal in terms of indecency or prostitution. As it is the operator who obtains the licence, the operator is responsible for ensuring compliance. The operator's own codes of conduct should, however, include information for the performer on what she should do if a customer tries to breach this rule. Operators should also have clear notices for customers, including what action will be taken against anyone who breaches the rule

This recommendation is **disproportionate, potentially harmful and unnecessary**. It requires to be modified to reflect existing practice i.e. customers are not allowed to touch dancers & be no more than that. In its current form will not achieve its stated aim of separating AE from illegal activity or prostitution. The explanatory text is too prescriptive and has more loopholes in it than it is possible to relate in this response. It is also gender-specific, does not cover male dancers and is therefore judgemental and discriminatory.

Customers are already forbidden to touch dancers in Scottish venues. Those who do, or try to, are removed and barred from the venue. There is an obvious tension in that a minority of guys will want to push the boundaries and this is where the dancers appreciate good management. Good security systems and staff and a management style that places dancers' safety at the top of the list of priorities is enough to manage the idiots out of the venues. Customers are also forbidden from using cameras or video phones to record their visits. Touching a woman without consent, no matter what her job is, is assault, pure and simple & dancers' tolerance of customers who try to breach this rule is non-existent. Again, this recommendation is based on flawed research and misunderstanding of the industry and is informed by potential harms, not ones that actually exist in Scotland.

The one metre rule is unenforceable, as the report shows, even in those places where it is in force it is breached regularly. This will waste even more council taxpayers money to police. As mentioned above, skilled dancers in private booths can manage this risk without the need for complex and prescriptive regulations. Soon dancers and customers will have to go out with an army of enforcers to ensure they behave in the "approved" fashion. One to monitor parking, one to monitor smoking, one to monitor potential littering, one to monitor anti-social behaviour etc. Oh and don't forget to use your identity card to check in with every CCTV camera as you pass it.

Dancers only touch customers very briefly and not in intimate ways. The normal signal to a customer that a dance is over is to peck him or her (yes there are female customers) on the cheek. Dance routines in Scottish venues are no more explicit than material available to view on terrestrial TV, and considerably less explicit than that available on cable TV or on the

internet or in magazines. The Executive cannot regulate any of those, so instead it is picking on the one thing they can influence. Don't confuse censorship with protection – it is patronising and very, very silly. Still, if Tom McCabe wants to go down in history in the same breath as those who banned D.H Lawrence and James Joyce as "obscene publications", who are we to stop him?

Very strict regulations and policies about what dance moves may or may not be used in a routine are **deeply irrational and smack of censorship rather than the prevention of crime or the safety of dancers**. Why has the AEWG said that a dancer may not kiss her own breasts, but is presumably allowed to touch them with her hands? Perhaps because they lifted this text straight from the extensive "Code of Conduct" used by Spearmint Rhino (check the report's annexes). Dancers agree that penetration with objects or fingers is unacceptable, but do not need regulations to tell them that! Regulations, licensing conditions and local policies about what can and cannot be done during a routine **disempower and de-skill dancers. Disempowerment is the bane of a dancer's working life**. This recommendation gives dancers no control. It removes any choreography from the dancer and hands straight it to the operator and the council, who will react to the market and behave according to their respective perceived best interests, not the dancers'. It may actually facilitate pressure being put on dancers to move or perform in a way that they do not feel comfortable with. It reduces dancers' role to little more than production line stripping, in front of a whole club. Now that really is commoditisation and objectification.

Leave it to the experts, and the experts are the dancers, not the operators, enforcers, or politicians, however well intentioned. Treat dancers like the intelligent adult citizens they are, not like victims who have to be helped or problems that have to be controlled.

Taken together or separately, recommendations 2 & 3 will lead to a market in "escort lap dancing" being created with the inevitable tragic results. It will facilitate prostitution and then separating it from lap dancing. This new(ish) market has already been allowed to develop in England as a result of the constantly changing goalposts between and inside different authorities. A quick look at the classified ads in any pornographic magazine will confirm the existence of unofficial "escort" lap dancing in England.

4. There should be adequate health and safety protection for performers, including

- dedicated and private changing, washing and toilet facilities, separate from public facilities. The Local Authority should determine what is adequate given the layout and circumstances of the venue.
- a minimum temperature of 20°C, confirmed by fixed thermometer, in all working and changing areas.
- adequate lighting in all working and changing areas.
- all work and changing areas must be kept clean, free from obstruction and with surfaces that are fit for purpose.
- adequate and hygienic facilities to make hot drinks and eat meals, and a supply of cold drinking water.

At last, a recommendation that has listened to dancers' views. Unfortunately it does not go far enough.

Dancers risk assessing their own performances against the risk of boundaries being crossed as well as the physical risk of the routine would further reduce the perceived risks articulated by the group in the text accompanying recommendation number 3. Good risk assessment practice by dancers will be far more effective than regulation of performances.

Health and Safety is about more than just adequate facilities. The report highlights psychological risk in several contexts. As already mentioned, these risks mostly stem from the labels attached to dancers by other people, not from the job itself. The rest of the psychological risk stems from the same occupational stresses and strains as any other job.

Dissonance and dissociation are features of many, many jobs - they only become actively harmful when the individual finds them unmanageable. Dancing is no different. How many politicians experience dissonance when they toe party lines against their own consciences? How many soldiers enter a disassociative state in battle to protect their minds from the realities of war? How many jobs have unique gallows humour to help ease the stress?

Part of looking after dancers' welfare should be about making them feel valued, having the optimum amount of control over their work and not having them subjected to arbitrary policies and poor management style. In addition proper assistance schemes should be in place, as most other good businesses have. So should proper whistle-blowing arrangements and support to weed out those managers and other staff who think they have a divine right of access to dancers and a divine right to order dancers around.

It would be a big help if there was accessible H & S training available at low cost to dancers and owners and if there was a duty on owners to allow dancers to select a Health & Safety representative to represent them on H&S matters.

As with any other new regulatory regime, operators should be given time and financial support to help them comply. Will taxpayers agree to fund it?

5 . There should be adequate security to ensure compliance with the AE regulations and prevent illegal activity. Each Local Authority should have discretion to determine appropriate methods of security but as a minimum there should be CCTV. Recordings must be retained for a period of at least one month and delivered to the Local Authority within three working days of request. The Local Authority should determine the precise deployment and operation of CCTV and if there is adequate staff supervision/stewarding to ensure performer safety. This will include any additional measures required to ensure that operators comply with the mandatory.

Agreed – with **reservations and improvements.**

The reservations are firstly, why is this recommendation phrased to be about compliance and not about personal security for all concerned? Secondly who precisely will be doing the policing, and who watches the watchers? Dancers can see lots of possible misuse of the material by any enforcement agency's staff and do not want to become objects of either scorn or personal comments by contracted out privatised enforcers of any sort.

Nor do dancers want to be famous! CCTV systems are mostly digital now and the material they record can be easily enhanced, doctored, copied and distributed. They should not be sent anywhere off the premises, but any inspection carried out within the venue. Access by the venue's staff should also be strictly controlled. Inspections should not be fishing trips, but only undertaken as part of a planned inspection or on the basis of evidence of illegality having occurred.

Giving control of images to someone else risks them being copied, infringing the privacy of all concerned and adding to the risk of vilification dancers already face. It is not so long ago that CCTV videos, covertly filmed, copied and released were big selling items in all major suppliers. These images will be worth a fortune on the black market.

CCTV should be part of the minimum requirement, but may not be the magic bullet of enforcement in any case. Cameras do not always produce distinct, good quality pictures. How will a camera pick up if a dancer is penetrating her genitals with her fingers or simply placing

her hand over them to prolong a striptease? How many false positives will it produce? Over reliance on CCTV is a disease in society, please think carefully about its purpose and operation in this setting.

The minimum should include fixed panic alarms for private areas for those very rare occasions when they are needed, and mobile ones for the dancer when she is moving around the club. The minimum should also include enough security staff to cover the entire venue, not just the front door. It could also usefully include security mirrors to provide a way of seeing into blind spots in the venue.

6. There should be a minimum age of 18 for AE performers, public and employed staff with an obligation on the operator to ensure compliance. Adult entertainment should be restricted to adults

Agreed – wholeheartedly!

7. The Local Authority should determine if full nudity is appropriate for a specific venue taking into consideration proximity and the degree of security and oversight. There is nothing intrinsically wrong with the naked human body but the context is important. Full nudity, for example, may be more acceptable if the performer is at some distance from the customer and there is adequate operator supervision.

Agreed, but with a minor change to "*the Local authority should have discretion about whether or not full nudity is appropriate for a specific venue*". Decisions about this must of course be taken lawfully; transparent, rational, founded on evidence, take account of operators and dancers representations, and published under Freedom of Information. They should never be made on the grounds of ideology, political pressure or censorship. They should also be subject to swift judicial review.

8. The Local Authority must have a policy on appropriate levels of provision for AE. Local authorities should be able to control the number and size of venues providing particular types of AE in specific localities. The economic impact study showed that there are different markets for adult entertainment and measures that may be appropriate for a sporting or stag weekend market may not be suitable for the corporate conference market. Decisions on over-provision depend to a very large extent on the nature of the neighbourhood, and on aims and ambitions for the city or town as a whole.

Agreed, with the same caveats as for No.7. The policy must be rational, evidence based, transparent, published, and subject to judicial review. Councillors signing off any such policy should declare any relevant political or financial interests in the relevant localities.

9. The Local Authority should determine the degree of external visibility allowed for AE establishments, taking into account the location of the specific premises. Premises should have external signs which indicate what the premises are so that members of the public can make a reasonable informed choice in advance. There should, however, be local discretion on the size and content of signs depending on the neighbouring area; a small alleyway with limited footfall might have larger signs than a busy thoroughfare. What goes on inside the premises should only be visible to those who have chosen to go into the premises, regardless of the location.

Agreed. Dancers don't want passers-by gawking at them.

10. There should be a National Exemption so that the regulations do not apply to artistic representational performance. Regulations designed to minimise exploitation should not, by accident, restrict genuine artistic freedom.

Dancers know what the AEWG meant by this, but this is another example of labelling and unconscious stigmatisation. The degree of athleticism fitness, skill and practice required to perform a good pole dance or striptease would put many a street acrobat or mime artist at the Edinburgh Fringe to shame. Good AE dancers are good dancers, full stop. A striptease requires very careful choreography, otherwise it's just someone getting undressed. You would be hard pressed to find many people who wouldn't describe Gypsy Rose Lee as an artist. On the recent BBC web coverage of lap dancing, Dr. Tuppy Owens, a hugely well respected academic, added a comment that she had just performed her first pole dance for an audience at the age of 60 and it felt wonderful. In addition, some of the dance moves are representations of sexual activities, without being sexual activities. The distinction is a fine, but vital one.

11. The Scottish Executive should develop a co-ordinated strategic approach to the issue of gender based exploitation. Regulation of one small area may be a contribution but can do little to achieve change in underlying attitudes. We realised early on that there were a number of Working and Expert Groups examining and advising the Executive on issues that were linked in some way with the AEWG's remit. It is no accident that this work is being undertaken by many different Scottish Executive Departments because sexual behaviour and gender inequality affect so many areas of everyone's life. We are conscious that tightening up the regulations for adult entertainment does little to affect underlying attitudes, and that should be the longer-term aim

This recommendation is perhaps the most important one of all. When this review started, dancers were at a loss. Why us? Why now? What have we done to deserve this? They were angry and upset at what seemed another manifestation of the blame culture and a pandering to some extreme views about Adult Entertainment. A thorough look at the Executive parties' manifestos and programme for government yielded no clues, neither did a look at the huge amount of paper that has been generated by the government on women's issues since 1999. Nobody seemed to be raising AE as an issue so where had all the hassle come from & why were dancers jobs and safety threatened? The best guess was that the Executive thought that having a good look at this industry might be a good secondary prevention measure in its drive to reduce violence against women.

There might also be a few cheap votes in it, by regulating people that have no effective voice or representation in order to appease the extremists who hate the very idea of AE, up to and including page 3 models and bra adverts. If regulating AE so tightly that it goes away as being an unprofitable bad investment was the intention behind setting up the review then that intention was a bullying disgrace to Scotland's tolerant liberal culture.

The recommendation's explanatory text is revealing, demonstrating that this review is randomly and arbitrarily picking on one small issue that will have little effect on society. In other word, lets have some very big regulations for a very small issue.

Then dancers discovered the "Glasgow effect" in all this.

The Glasgow Effect:

Glasgow has a uniquely troubled relationship with its Adult Entertainment sector. It seems to object to AE licences as a blanket political policy. The courts may have something to say about such a policy, but that is a matter for club owners to take up, not dancers.

The City Council was clearly worried enough to commission a report on the subject & has published it on its website. Way back in 2004, the council requested that the Executive give them more powers to control AE. The report's author, Julie Bindel, states their concerns as being linked to equality and exploitation – so ideology was the driver rather than evidence, or even reasonable suspicion, of harm! The foreword by the council's deputy leader confirms it.

This is the root and origin of the of the AEWG review. It is also the root and origin of the enabling power in the 2005 licensing bill, that was slipped in amongst fuss about binge drinking and happy hours – stealth legislation. It has very little relationship with any strategic objective of the Executive on equality, violence or crime, It's more of a "seemed like a good idea at the time kinda thing that just might be popular and help a bit with the equality stuff". It also explains why the AEWG was confused about where its work fitted with all the other work that was going on.

That's not to dismiss Glasgow's concerns. The report they commissioned from Julie Bindel seemed to confirm their worst bits of moral panic. The Bindel report has informed the AEWG report to a large extent, and its results seem to have been backed up to some degree by the consultation responses given to the group by the Sandyford initiative and SWAP (Scottish Women Against Pornography, membership 30). Bindel describes hearsay evidence and **perceptions**, from people who did not know that they were taking part in research, of regular illegal activity and public indecency in the AE bars in Glasgow. If this was the true reflection of Glasgow's AE scene in 2004 then there was clearly a very serious problem there that does not exist in Edinburgh, Dundee or Aberdeen.

Strathclyde Police however don't seem to agree that there's a problem. The evidence given to the AEWG'S economic impact researchers from Napier University says:

*The general consensus was that AE establishments have **little or no impact on crime rates**. Reports from A division (Glasgow city centre) report no policing issues in relation to AE. AE venues are seen to be less of a problem than regular clubs regarding law and order. The police saw alcohol is the main problem in Glasgow and stated that there are less alcohol-related problems in AE clubs. Both statistics and anecdotal evidence suggest that here is no extra policing or extra cost involved due to the presence of AE establishments.*

Strathclyde's view was also reported by Tayside, Grampian and Lothian and Borders Police for the AE venues in their areas.

Why should the whole of the rest of Scotland suffer for Glasgow's political posturing? Surely if there was a serious problem in Glasgow then all of the appropriate authorities in Glasgow should have sorted it by now – it shouldn't need the Executive to intervene and hold Glasgow's hand! The problems alleged are all criminal in nature and the existing legislation is enough to sort it out. Glasgow MSPs should take a long, hard open minded look at this. The police and the council can't both be right.

And the real question is - why on earth have the government decided to be so pro-active in fixing a problem that doesn't exist? They are spending so much money and using up so many resources to look into this lapdancing matter, which frankly isn't causing anyone any harm. If it ain't broke, don't fix it. Haven't they got enough on their plate like trying to fix important things like the NHS and the education system?

The other point about this is that the Council themselves may have created the harm, if it ever existed, that they are moralising about. Their ideological drive to police and regulate AE out of Glasgow is characterised by stringent enforcement and therefore stringent club rules about what can and cannot be worn, said or done by AE performers. This structurally reduces a dancer's potential earnings and makes her a very low status worker subject to a repetitive script and repressive regime, no matter how much she is earning. This combination of factors is dangerous to all concerned and actively creates the conditions for illegality to occur

Finally - on the Bindel report, readers should examine the report for themselves and form a view on whether or not they think it is strong, valid and reliable evidence.

Missing the point.

The group's research and consideration of AE had a major flaw, in that it did not include dancers at the earliest stage. For reasons already discussed, dancers contributions were few in number and most were only heard very late in the process. The group's work has therefore relied heavily on its background reading, its commissioned research and its visits to clubs. The group seems to have been particularly impressed by the supposed efficacy of tight licensing, stringent enforcement and the prescriptive codes of conduct in preventing illegality.

As the report says:

" All three are experienced operators and we were convinced by the level of detail in their Codes that they were worried that illegal activities would probably take place without these strict and strictly monitored rules."

They missed the fact that repressive, politically motivated, inconsistent licensing creates a **need** for bar owners to impose ever stricter and more repressive and disempowering codes of conduct that would simply not be allowed in any other industry. Would ACAS or the IPD would find them acceptable? These codes of conduct have evolved from business pressures and are there to protect the license and the owner's business. They are often very lengthy, overly prescriptive and almost impossible to comply with. Over-used they can be patronising and demeaning in their scope. In the event of a problem, the owner can point to the code and try to shift the responsibility onto the dancer. *They are not there primarily to deter illegality or to protect dancers' safety*, despite what the group may have been told. The codes are also used to generate income for the club through the ridiculous "fines system".

Dancers want to see an end to the practice of "fines". Conduct warnings followed by removal from the club's roster as a last resort would be a better and more modern system. Financial penalties should be no part of a dancer's contract with a club. Codes of conduct should be basic, outcome focussed and should enhance dancers control over their work.

The group also noted, but did not fully appreciate, the impact of the commission system. Clubs charge fees to allow dancers to work in a safe venue. These charges can vary immensely and can be variable percentages of a dancer's takings per shift. Again they generate revenue for the club that is not reinvested in facilities for dancers. Heavy commission charges, coupled with fines and added to normal business expenditure like costume, makeup, hair, gym memberships, travel and taxation can make a considerable dent in dancers' earnings. This business model ignores the fact that without dancers, clubs would just be another city centre bar. There is not much AE in Scotland – 16 venues across 4 cities is hardly a cutthroat competitive environment. The clubs are not in competition with other parts of the night-time economy. People don't just wander in to lap dance bars, they actively go to find them.

Clubs need skilled, motivated dancers to maximise profit just as much as dancers need clubs. Share the power more equally and it will lead to better results.

The combined effect of repressive licensing that forces repressive codes of conduct, fines and commission can seriously reduce a dancer's potential income. It also reduces her to near powerlessness over her working conditions. It sends her a clear message that she is not valued by anyone – something no citizen of Scotland should feel. This lethal cocktail modelled by the industry elsewhere is what really creates and exacerbates the temptations for dancers to become involved in more harmful activity. **Stop the fines, cap the commission charges and admin fees and let dancers use their skills, values, judgement and common sense and they will increase turnover in the clubs, provide responsible entertainment and earn far more than a prostitute ever would.** This business model is the best way to keep everyone safe and prevent illegality. Some bars in Scotland already have this model, they are the bars that are busy, have happy dancers and are the best run.

Interestingly, three of the dancers identified 'bad clubs' which give other 'good clubs' a bad name. The term 'bad clubs' was used to describe clubs that were either perceived to offer little protection to the dancers by management against verbally offensive customers and/or clubs that demanded high commission and applied fines

"We are lowest down the pecking order - its management, bar staff, bouncers and then dancers'."

(Source – AEWG consultation, dancers post consultation structured interviews, 2006)

The Evidence Base.

Bad, incomplete or inadequate evidence is a terrible basis for policy and legislation. Bad evidence leads to bad law, irrational regulation and unnecessary interference with people's lives.

Three types of approach to evidence gathering were used by the AEWG. First hand observations, literature searches and specifically commissioned research. The group are to be commended for their industry in trying to put together a good evidence base and for allowing their interpretation of what they learned to guide their recommendations. At least now we have some specifically commissioned Scottish research.

Unfortunately they got it wrong, misinterpreted what they heard, saw and read and relied too heavily on literature that may be academically either unreliable or invalid, however politically convenient its contents.

There is very little British academic literature about adult entertainment. As can be seen from the group's reading box, most of the evidence is grey literature (not peer reviewed or published in reputable academic journals). Much of what there is comes from the USA and does not culturally or economically transfer to the Scottish context. Some of it is up to 30 years old. Scotland has changed an awful lot in 30 years.

As the group itself says in the report:

*The AEWG wanted to understand the wider social impact of the adult entertainment industry. Of particular interest has been the possible impact that viewing adult entertainment performances may have on social attitudes towards women. **We could not find literature relating directly to this topic and commissioning such research would have been beyond the timeframe of this group***

The group moved on to what it thought might be the closest thing – pornography. The concern was "desensitisation". What they found when they looked at this was that non-violent pornography has no impact on anyone, men or women. Violent porn, which the Executive is already acting on (possession will soon be a criminal offence), does have a temporary

desensitising effect on men making them less sympathetic to victims of abuse – the effects are reversible, as long as the exposure is not long term.

The problem with this approach is that AE is not pornography; still less does it provide violent images. Pornographic images do not have feelings, cannot hold a conversation, or behave independently and can have feelings and attitudes ascribed to them by the viewer.

Dancers are not images- **they are people** and the more autonomy they have the less likely is the objectification process to even begin, never mind succeed. Movies tell us that anti-hostage training and police TV appeals for missing persons concentrate on making the perpetrator see the victim as a person precisely to combat the objectification process that criminals and terrorists use to rationalise their acts. It goes without saying that the vast majority of AE customers do not behave like this, and the dancers have confirmed it every time that they have been asked. The limited literature on customers' behaviour and the commissioned research also confirms it.

The three pieces of commissioned research are interesting and have some useful themes in them.

The Economic Survey is almost universally positive about the impact of AE on the economy. It reports that it has little or no impact on violence and disorder in any of the four cities that have venues. The police do not report any problems. It demonstrates that a healthy AE sector is an expected part of an international city hoping to attract investment and jobs.

The Mori public attitude survey is mixed but has some positive themes about AE in it. Read all of it and it will tell you that a surprisingly high number of people have been to an AE venue, even though the survey concludes that AE venues are "not popular". NIMBYism applies to AE, but no surprises there, NIMBYism applies to most development. Less than a quarter support an outright ban. It will also tell you that having experience either of attending AE or being in proximity to a venue lessens the moral panic and that the reality does not match the ideology of those who oppose AE on principle, but have never actually had experience of it. It seems that there is a cultural shift happening. Younger people just do not see AE as an issue. Dancers may finally have a surrounding population that does not judge them. Over half those interviewed, 51% in total, thought that AE had either no impact or a positive impact on areas. The majority support more regulation of AE, and so do dancers, we only ask that the regulations are proportionate, sensible and will help us, not punish us.

The consultation.

First things first, when the consultation was launched, 274 specific invitations to contribute were issued. The consultation was available on the internet for all citizens to make their views known. Only **52** responses were received from both sources. 52 responses from a possible 5 million citizens! This, more than anything else reveals how much AE isn't an issue or a priority for most people in Scotland. While individual responses may be powerful and emotive, it would be daft to generalise from them.

A fair proportion of the responses received were from those who object on political or religious grounds. Those who object on principle quote the grey literature as if it were holy writ. They trot out the usual stereotypes, ideology and unevidenced social impacts. When some dancers eventually responded, after the initial consultation period had closed their testimonies directly contradicted the "evidence". The extreme antis would no doubt say – "poor victimised fools, if only they realised what they were doing". Well, ladies and clerics – dancers neither need nor want your judgement, what we want is your acceptance of us as equals and support for our choices.

Interestingly the consultation responses also acknowledged that there are no policing concerns about AE and that AE has no link to violence against women.

A Word about Human Rights

The report does not consider its recommendations from a human rights perspective. The usual human rights suspects have not commented so far – maybe dancers' human rights are less important than other citizens'. No, that can't be it because rights are universal. Scotland signed up to that concept when the Scotland Act came into force, and before that the UK signed up to that when the Human Rights Act was passed. Maybe dancers' rights are just a less popular or politically correct cause?

The AEWG was not a public body, and therefore had no obligation to look at the Human rights aspects. Parliament, The Executive and Local Authorities do.

Dancers think that their rights are engaged by this report and will definitely be engaged by any recommendations that flow from it – particularly if the harmful, disproportionate and unreasonable recommendations 2 & 3 are accepted and enforced. We think articles 8, 10, and 14 of the convention apply along with Article 1 of Protocol 1.

The message is, please consider dancers' rights if you're making decisions. You have a duty to do so.

What Tom McCabe Should do Next.

The Minister has four choices now. He can:

1. Accept the report in full and proceed to make all the recommendations into regulations.

Doing this **will** cause harm to dancers, the economy, and Scotland's reputation for tolerance and respecting individual liberty. It will create new problems and exacerbate others. It will help nobody and please nobody. It is not a realistic or sensible option.

2. Accept none of it and shred it.

That would be a waste, as the report is a useful contribution to the debate, providing at least the start of an evidence base and a couple of useful recommendations.

3. Accept parts of it and reject the harmful bits.

Maybe, but recommendations 2 & 3 **have** to be rejected as they are the ones that will do the most damage to everyone concerned. Some of the rest will need extensive work to improve them and make them workable. The full consultation and participation of dancers and all other interested parties will be necessary for this.

4. Pay attention to the text of recommendation 11, realise that this is an insignificant part of a much bigger issue and use the report to inform future strategic work. In the meantime, work with the AE industry, lead it to improve and be the best Adult Entertainment sector in the world.

This is by far the best option. Rushing to regulate as an answer to a non-existent problem would be very wasteful and unnecessary. Just because the power is there in the 2005 act does not mean you have to use it instantly. Instead, why not engage with AE, see what help, leadership and influence it needs using the report, its research and all the other information you can gather from dancers and other interested parties. See what business support, policing, health and other services can be provided to help the industry to successfully get rid of the unnecessary structural inequality of power that exists between dancers and operators. It exists because owners have been subjected to irrational, inconsistent licensing over the years and are understandably very concerned about their

licenses; of whatever type they currently hold. This way dancers might just begin to feel that Scotland cares about them and wants to support them rather than stigmatising them as outsiders who need to be told what to do all the time.

What Dancers Expect From MSPs Now.

Simple really

- Put aside ideology, party interest, and preconceptions and open your minds.
- Read this.
- Read the **full** report and **all** the supporting material.
- Don't get into a moral panic about AE.
- Engage with the real issues, not the myths.
- Engage constructively with AE.
- Constituency and list MSPs have a particular responsibility. There are jobs and safety issues to consider.
- Talk to dancers, go and watch them work in Edinburgh
- Talk to owners and operators, understand their concerns and the pressures they face.
- Respect dancers confidentiality if they do decide to talk to you.
- Make dancers feel valued, listen to them because they are the experts.