

Edinburgh Council Public Entertainment Consultation – Sauna Licensing

13 December 2013

Comments from Zero Tolerance

About us

We are a small charity, based in Edinburgh since 1992, working to prevent men's violence against women (VAW) in all its forms. See www.zerotolerance.org.uk

General comments

We welcome this consultation. We have had concerns about the licensing regime in Edinburgh for some time now. We began working on VAW 20 years ago and our initial campaigns focused mostly on domestic abuse and sexual violence. We have become increasingly concerned in recent years about the growth of an industry which trades in the sexual exploitation of women for profit. We highlighted these concerns in our DVD and education pack project (with the WSP) 'Money and Power'.¹

We responded to the City of Edinburgh Council's (CEC) consultation about the Public Entertainment Licensing Resolution (PELR) in April 2013, and then noted with interest the paper that went to the Regulatory Sub-Committee in May 2013 that reported on the outcomes of the consultation. That paper said:

"It is unclear how premises for health and fitness, saunas, massage parlours and sun-tan centres will be classed as premises for public entertainment. Respondents felt that, although these premises do need to be licensed and subject to inspection, a different form of licensing would be more appropriate." (p40/45/48/49)

We had concerns at the time that the discussion paper focused heavily on music and arts venues and not on saunas. It is common knowledge that saunas operate in fact as brothels, and that brothel-keeping is illegal in Scotland. It is also our view that brothels are exploitative and harmful for the women involved and for all women. They tear at the social fabric and represent a visible obstacle to gender equality.

We do not believe that these premises offer a legitimate form of 'entertainment' or that they are targeted at the general 'public', but to the sub-section of the public that is male and that think it is acceptable to pay for sex from women who are essentially commodities in that setting. As such, in our comments submitted in April 2013, we argued for saunas and massage parlours to be removed from the PELR altogether, but unfortunately that view was not reflected or even mentioned in the report of the consultation outcomes that went before the Regulatory Committee in May 2013.

We remain strongly of the view that saunas and massage parlours, which operate primarily to offer men the opportunity to use women's bodies for sexual services, are not a legitimate form of public entertainment and should not be included in the PELR.

We therefore welcome the opportunity to comment on the Council's latest proposal that saunas and massage parlours be removed from public entertainment licensing. We note that in the consultation background page on the council website it states that "The Council has historically licensed these premises as a risk reduction approach to minimise harm, however recent police reports have indicated that this

approach is no longer proving to be effective.”

We dispute that licensing premises where prostitution is known to take place has ever minimised harm – all it has done is sanctioned the harm of women being sexually exploited and allowed it to happen indoors; admittedly with some risks reduced. The core harm of prostitution – submitting to unwanted sex with strangers, many times a day - is not reduced by a licensing regime; it is effectively permitted by it. The societal harm of having premises where it is widely known that men can pay for sex with women is significant. It is a visible manifestation of women’s continuing inequality and subjection, which thrives on women’s poverty and lack of choices.

Recent police reports do indeed highlight serious problems with the regime as it operates now, and we are glad that policing has changed regarding this issue. It has always been anomalous that illegal activity has been effectively tolerated.

That a very small but vocal minority choose to frame prostitution as essentially a labour relations issue, which could be solved by ‘worker’ organisation and decriminalisation, ignores the reality that most people involved in prostitution, as sellers of sex, are women who are exhibiting survival behaviour. It is the men who are the ‘customers’ who make the free choice to pay for sex from vulnerable women. Women generally sell sex because they have to, not because they want to.

This is not a labour issue – this is an equality and exploitation issue. We urge the council to listen to the voices of women who have experienced prostitution who have not been heard in recent debates, and not just the unrepresentative ‘sex worker rights’ lobby. Prostitution is not work, it is a highly gendered form of exploitation and subjugation of women and that is why saunas and massage parlours should not be included in the council’s licensing regime.

Further reasons why we support this move

1. It fits with the Coalition Pledge on “Reducing poverty, inequality and deprivation” – prostitution is a significant equality issue that cannot be understood in isolation from women’s poverty, marginalisation, and deprivation. Prostitution is often cited as inevitable, and an obvious choice for women in extreme poverty, but it is rarely seen as such for men in poverty. Stephanie, a woman involved in prostitution told us, *“All of us do go into it off our own choice, but it’s because of the drug habit. We’ve not got the money.”* Prostitution feeds on poverty and deprivation. The Coalition needs to make real its pledge to tackle poverty and inequality.
2. This industry needs to be exposed for what it is. At the 23 October 2013 Regulatory Sub-Committee meeting we attended we were very concerned by the masking and de-gendering that took place – using language such as ‘patrons’ and talking about the ‘people’ who work there (in 11 out of 13 saunas women ‘work’ there) to suggest these are legitimate and respectable businesses relevant to all. They are not. They are brothels. (Or else why would they have a capacity of 20-60 ‘patrons’?). Some of these businesses seem to be allowed to get away with not paying rates, sometimes for up to 4

years.ⁱⁱ They need to be removed from a regime that confers on them a degree of unearned respectability.

3. Saunas are unsafe places for women. It is never safe to work in a sauna. Selling sex damages women's physical and mental health. Rebecca Mott, a survivor of the sex industry, said: "*There is a huge belief that indoors prostitution must be safe, or at least safer than street prostitution. This I cannot get my head round. What is safe about being stuck in a room with a strange man who knows he has permission to do whatever he wants to you, when he can use as much time as he wants to fulfil his p&rn fantasy? The only thing stopping him is not having enough money.*" But indoor prostitution is doubly unsafe when the owners have no concern for the women. Recent police reports spoke of health and safety breaches such as padlocked fire escapes, yet these were not commented on by the council's regulatory committee, unimaginable for a pub or a café. We have no confidence the men who run saunas care about women's safety.
4. Although the owners, patrons and 'sex worker' lobbyists argue for them, there is no wider public appetite for saunas in Edinburgh. People generally don't comment on existing ones because they don't know how to do so or have been led to believe that they are 'safe', and the process of auto-renewal is hardly transparent or accessible, as we found when we wished to object to licence renewals this year. However, when a new massage parlour was proposed for Easter Rd ('Glam') meaning people were properly consulted, the community response was revealing. The community was deeply opposed to this industry. There were 22 public objections, including from the local MSP, and 2 councillors. They included comments like "*There are a large number of women living alone in Easter Road and some have told me this is not the kind of development that will make them feel safer and more secure.*" and "*Easter Road deserves better - and hopefully the City of Edinburgh Council will help in trying to regenerate this key street in the nation's capital. A massage parlour is not the way forward.*" Another objector said: "*The last thing Easter Road needs is another massage parlour. There is already a sauna further down Easter Road. This will not benefit our community. Small, local businesses have already been eroded and replaced by betting shops and a sex shop (Leather and Lace). Easter Road has a mixed population, however most people living here are not affluent. I view businesses such as the potential one at 81 Easter Road as they type of business which will take...advantage of the vulnerable women who will be working in them. I really don't think it would benefit our community.*" Has the community ever been properly consulted about this issue? In Scotland, most people feel disengaged from their community: the Scottish Social Attitudes survey in 2012 found that only 22% of Scots feel that they have a say in their community. We believe most communities don't want saunas but don't know how to object.
5. Saunas damage women. Women who have left this industry tell us what it is really like. Their voices are too often unheard. Listen to Lisa, a former escort who says "*no money is worth what prostitution takes, everything in life has a cost, sell your body and your soul goes*" or Christine, who says "*I would say to any woman considering prostitution, do not do it, because it affects your*

whole life and the sadness never goes away. It will never be glamorous and you will never make loads of money. You will spend the rest of your life being affected by it. You will always feel dirty and unwanted and you will also not be able to trust anyone, you will always believe you're to blame. It's a cold and miserable life."ⁱⁱⁱ We need to listen to these women and other like them and not only to the minority who claim this is as a positive choice for them (taking a very individualistic view). Prostitution survivors want the industry to be challenged, not licensed. In the European Women's Lobby film 'Not for Sale'^{iv}, Fiona Broadfoot, a survivor of prostitution, says: *"Women have to tell themselves they have made a choice to survive. I told myself for many, many years I was OK. I had to do that to survive the industry"*.

6. Saunas create pathways out of child sexual exploitation into adult sexual exploitation. There is not a stable cohort of women involved in prostitution, the 'punters' demand variety and this drives a steady stream of new entrants (the small ads in the back of the Evening News often promise this with wording such as 'all new girls'). The women who will be working in saunas in a few years' time are 14 and 15 year old girls now, and many will be experiencing sexual exploitation. It seems highly inconsistent to say that a teenage girl being exploited needs support and services but on her 18th birthday she can go and 'work' in a sauna. She needs better options than that.
7. Licensing these premises has not met women's needs. We know that two saunas have consistently refused health workers access. A doctor who runs a weekly sexual health clinic for sex workers and women with substance abuse problems (Dr Alison Scott) says *"The women who are not from the UK are incredibly vulnerable. They don't speak English very well, so they find it difficult to negotiate the use of condoms."* Dr Scott also fears some of the women at her clinic have been trafficked. *"We see girls of 17 or 18 who don't speak English who have very high rates of STIs"*.^v Having a council license gives a veneer of respectability and suggests that these premises only have 'healthy' women offering sex. That is simply not true. (And of course no-one knows what STIs the male 'patrons' bring through the door. The women are at risk with every interaction).
8. We support the idea of work being taken forward with NHS, Police and other partner agencies to provide support and assistance to anyone 'working' within these establishments. Tackling prostitution needs multi-agency work; just as we use MARACs (multi agency risk assessment conference) to meet the needs of women experiencing domestic abuse. The work needs to look at the underlying reasons why women are involved and provide the solutions they need, such as access to refuge and/or legal remedies if a violent partner is coercing her or to drug rehabilitation if she has a substance addiction.
9. We object to the general approach of a council licensing any type of venue for a purpose it knows it's not really being used for. Would a pub be licensed in full knowledge that it would really operate as a gambling venue? Or a café as a drug-taking venue? It is common knowledge that 'saunas' are actually brothels, and not offering the activities they are licensed for; that undermines the whole licensing regime and the council's integrity.

10. We have no confidence that the council is able to reassure itself that these venues don't engage in criminality e.g. laundering money, trafficking women etc. since the core of their business (brothel-keeping) is criminal. The Glasgow based Trafficking Service 'TARA' has supported women trafficked into Edinburgh saunas so we know that is a real concern. See also Dr Scott's concerns above. If any other type of licensed venue was found to be operating criminally, e.g. a taxi driving dangerously or a café selling drugs there would be swift intervention. But with saunas the council has effectively been complicit. This is not good enough.
11. We would argue that granting licenses for purposes other than those actually intended amounts to Councillors and Council Officials effectively committing fraud. We have serious concerns about these individuals not meeting the standards we expect of people in public life.
12. The council is obligated to promote good relations between all people and prevent discrimination on the grounds of sex under the Public Sector Equality Duty, in the Equality Act 2010. We believe the council is currently in breach of the PSED by tolerating a regime that thrives on gender inequality.
13. This move would deliver more local and national policy coherence. The Scottish Government defines prostitution as a form of violence against women, which harms all women, regardless of whether some claim liberation or empowerment from it. Having the capital city acting on a policy which is in complete defiance of this shared approach^{vi} is an obstacle to progress in tackling this industry and meeting the needs of the women harmed by it.

Our concerns

1. We don't like the assumption that these premises would continue to operate. This needs to be the start of a process of closing saunas and massage parlours. Edinburgh does not need any brothels. If the council was designing the city from scratch today, would it include brothels to service men's sexual desires? These places are harmful to the women involved and to all women in wider society whose objectification is reinforced by premises such as these.
2. The Council cannot just remove saunas from the licensing regime and wash its hands of the issue – if this move is motivated by the desire to protect the council from financial and reputational risks as opposed to making the right decision for the citizens of Edinburgh we would be disappointed. (Although there is substantial risk to the council, even if this should not be the driving force behind this decision. You may be aware that Jenny Marra MSP is proposing a new Member's Bill on Human Trafficking, which would include a new criminal offence of 'aiding and abetting human trafficking'. Arguably any councillor or council official who was complicit in licensing premises where there was a high risk of trafficking for sexual exploitation would be guilty of this new offence).

3. This has to be the start of a process, not the end of one. The council has much work still to do to map the needs of the women involved in the sex industry in Edinburgh and to work towards meeting those needs. Often women who become involved in prostitution have multiple and complex needs in terms of housing, substance misuse, access to services, English language skills, and physical/mental health, and they are a vulnerable group whose needs are not served by identifying them as 'workers' and assuming they are in full control of their lives and don't need specialist services. The council cannot abrogate all responsibility for these women. We are aware of a severe shortfall in services for women who wish to exit this industry – for example the service located in the Edinburgh Women's Rape and Sexual Abuse Centre (the Aurora service) is only available for 8 hours a week, due to a lack of funding. Edinburgh needs a comprehensive exit service for women in prostitution, not the current piecemeal approach.
4. We're not convinced that the staff taking part in general enforcement activity through Trading Standards and Public Health powers have sufficiently specialist skills and knowledge to deal with the specific and complex needs of women involved in prostitution, if premises continue to operate and be inspected by these bodies. We query what relevant training the staff will have.
5. We would also suggest the council needs to do more to tackle the gender inequalities that lie at the root of this industry; and make this explicit in its single outcome agreement and its Council outcomes. It should also do more to tackle men's sense of entitlement to 'sexual entertainment' including reviewing its approach to licensing strip clubs, and to welcoming 'stag' parties seeking opportunities for sexual exploitation into the city.

Our recommendations

1. Remove saunas and massage parlours from the licensing regime.
2. Work with police, trading standards, neighbourhood groups including community councils, health services etc. to develop a plan for how to deal with issues arising from these premises operating on an unregulated basis.
3. Map out the scale and nature of the sex industry in Edinburgh and the needs of the women (and men) who sell sex, and work with partners to identify how to develop a comprehensive service response, putting women's needs at the centre of this work and consulting with prostitution survivors.
4. Develop in partnership with relevant agencies and groups, including the Edinburgh VAWP and sub-groups, a plan for preventing sexual exploitation in Edinburgh and for challenging men's demand for paid-for sexual experiences.

ⁱ <http://www.zerotolerance.org.uk/projects/CSE>

ⁱⁱ <http://www.heraldscotland.com/news/home-news/revealed-state-chases-saunas-for-unpaid-taxes.21144180>

ⁱⁱⁱ <http://www.ruhama.ie/page.php?intPageID=219>

^{iv} http://www.womenlobby.org/site/video_en.asp

^v <http://www.scotsman.com/news/insight-crackdown-on-edinburgh-saunas-1-3159754>

^{vi} <http://www.scotland.gov.uk/Publications/2009/06/02153519/0>