

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 May 2016

PRESENT: Councillors David Barker (Chair), Dianne Hurst and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED) - SEXUAL ENTERTAINMENT VENUES - SPEARMINT RHINO, 60 BROWN STREET, SHEFFIELD S1 2BS

4.1 The Chief Licensing Officer submitted a report to consider an application for the renewal of a Sexual Entertainment Venue Licence made under Schedule 3, Section 10, of the Local Government (Miscellaneous Provisions) Act 1982, as amended, in respect of the premises known as Spearmint Rhino, 60 Brown Street, Sheffield, S1 2BS.

4.2 Present at the meeting were Philip Kolvin QC (Counsel for the Applicants), Robert Sutherland (Solicitor for the Applicants), John Specht, Andy Foster and Pete Mercer (for the Applicants), Charlotte Mead, Emma Sposato, Shelley Roche-Jacques, Giselle Brook, Alison Boyde, Lisa Markham, Lesley James, Vivienne Hutching, Tony Maltby, Eleanor Willcocks, Lizz Tuckerman, Loveday Herridge and Vivien Ratcliffe (Objectors), Matt Proctor (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing, as set out in Appendix F to the report.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that written representations had been received from 71 interested parties, 13 of whom were in attendance and would address the Sub-Committee, and details of all the representations were attached at Appendix 'B' to the report.

4.5 Charlotte Mead stated that, in her opinion, venues like Spearmint Rhino should be consigned to history in that a club of this nature directly discriminates against

women by normalising the sexualisation and objectification of women. She further stated that the Club was located in a key gateway to the City Centre, and within the City's Cultural Industries Quarter. It was a short walk from the main bus and train stations, as well as a number of cultural venues, which were open to the public, such as art spaces, the Site Gallery and the Showroom Cinema, a place of worship, two colleges and also Sheffield Hallam University Students' Union building. She further stated that when walking around the area, women feel nervous and change their behaviour by looking around them to see if anyone is leaving the venue or changing route completely so that they do not have to go past. The students visiting the Union building are very often impressionable young people, sometimes vulnerable, being away from home for the first time. Charlotte Mead referred to the Council's Sexual Entertainment Venue Licensing Policy, which indicated that the Council wished to support both the local community and businesses by ensuring that sexual entertainment venues were properly managed and that they should integrate, where possible, into the local community. She considered that Spearmint Rhino did not integrate at all with any of the other venues in the immediate vicinity and is completely contradictory to everything in the policy and everything the Council says it stands for with regard to equality. Charlotte Mead referred to all the great things that Sheffield as a City had done over recent years to promote the Cultural Industries Quarter and that this venue undermines this. She made reference to the fact that in the last few years, Leeds City Council has successfully defended a refusal to renew two SEV licences and felt that Sheffield City Council should take a fresh look at its policy with regard to SEV licences.

- 4.6 Emma Sposato strongly reiterated the points made by Charlotte Mead and added that the venue is open on some evenings until 4.30 a.m. the following day and from as early as 7.00 p.m. with a ready supply of cheap alcohol. This, combined with the long opening hours, could result in heightened anti-social behaviour and a real danger to members of the public and indeed the workers themselves being harassed by the patrons and felt that there was a real danger of stalking. She added that, through experience, she was all too aware that stalking is an obsessive type of behaviour that can cause significant distress to the person on the receiving end of it. Emma Sposato stated that she had reports of students feeling unsafe in the area and felt that they should be able to walk around freely without the fear of being threatened. In response to questions, Emma said that although she didn't know of anyone that had actually been approached, she had friends at Hallam University who said that they felt uneasy in the vicinity of the premises and that as far as she was aware, no incidents had been reported to the Police. She added that 1,480 students had taken part in a survey but as yet she did not have any data on its outcome.
- 4.7 Shelley Roche-Jacques stated that she is a lecturer at Hallam University and knows that a number of students feel uncomfortable about the presence of Spearmint Rhino. Shelley added that she is unhappy that Spearmint Rhino promoted "student nights" offering free entry with NUS cards, discounted drinks and dances. She considered that, in the context of a society in which there was widespread violence against women, and in the light of the recent National Union of Students research findings regarding 'lad culture' in universities, this was something the City Council should be taking very seriously. Shelley Roche-

Jacques also made reference to the Council's policy regarding SEV licences and reiterated the need for change in the policy. She went on to say that when the club was first granted its licence, a number of charities and businesses were not there but that now the area is packed with artistic and cultural institutions, charities supporting vulnerable young people and victims of domestic violence, it was time the club was closed.

- 4.8 Giselle Brook stated that she feels it is time for the Council to take a fresh look at this type of venue and that there are only five Spearmint Rhino clubs throughout the country. She reiterated many of the points already mentioned by other objectors i.e. it being within the cultural hub of the city, pedestrianized areas, artspace, bars etc. She stated that there is an empty building alongside the venue and asked the question "who would want to be at the side of Spearmint Rhino". She also referred to the fact that a local MP was also objecting to the licence being renewed and asked what price dignity and equality.
- 4.9 Alison Boydell reiterated many of the points already stated by other objectors to the application. She stated that she had attended the hearing last year and felt that the whole process was weighted towards the applicants in that there had been very little time to respond to the application and had only discovered the outcome in the local media. She added that Sheffield City Council wished to support both the local community and businesses by ensuring that SEV's are properly managed and integrated into the local community, but she failed to see how a business of this nature could possibly integrate. Alison Boydell stated that the logo for the club was like the "Playboy" logo and felt that this too was totally inappropriate. Alison also made reference to the colleges, businesses and other organisations within the vicinity and said that, by granting a licence, this would be contradictory to the work the Council does to identify and tackle inequalities within the City Council and the City as a whole.
- 4.10 Lisa Markham stated that she was speaking on behalf of Zero Option, group of local people opposed to sexual entertainment venues (SEVs) in the City, who believe that SEVs not only project a negative image of Sheffield, but are also harmful to women, girls, boys and men. Lisa stated that she came to the City to work with those who had been sexually abused or raped, so was aware of what was happening to young people, particularly in schools where there was evidence to suggest an increase in sexual assault, harassment and other sexual activities. Lisa Markham also reiterated the points made by other objectors regarding the locality of the club in relation to other establishments in the vicinity, the fear women have of walking in the area and their avoidance of it so as not to walk past the venue and also the procedure followed at last year's hearing at not been able to stay to hear the applicant's case and she also asked when there was to be a review of the Council's policy regarding this type of licence. Lisa Markham further stated that she had no wish for the club to be moved to another part of the City and asked what financial contribution it made to the City. In response, Matt Proctor informed the hearing that there was to be a review of the Sexual Entertainment Venue Licence policy before the end of this year.
- 4.11 Lesley James, a resident of the City stated that she felt the venue was totally inappropriate within the Cultural Industries Quarter (CIQ) but that the CIQ had

been established after Spearmint Rhino was opened 14 years ago. She asked what does such a club say about Sheffield's values and stated that she felt ashamed that visitors passing by from the station must be appalled to walk past such a venue. Lesley James stated that parents visiting their student daughters must worry for their safety. She added that she regularly attends the Showroom Cinema, which is a praised arthouse which hosts national events like DocFest and that people attending such Festivals must wonder what sort of place Sheffield is.

- 4.12 Vivienne Hitchings stated that her grandmother had been a suffragette and feels that in 2016 women should not still be treated in this way.
- 4.13 Loveday Herridge stated that she was aware that licences for Spearmint Rhino have been granted in the past but was hopeful that the members would look at the application with fresh eyes and not grant this time. She referred to the Council's policy and reiterated the views of the other objectors regarding the position of the venue within the CIQ and directly opposite the Site Gallery, which the City Council and the Arts Council firmly support. Ms Herridge felt that the Council failed to treat everyone with respect and that the female population of the City should not be subjected to the objectification and sexualisation of women. She also felt that the Council has a duty under the Equality Act to work to eliminate unlawful discrimination, harassment and victimisation of women.
- 4.14 Tony Maltby stated that he had been a doctor and lecturer at Birmingham University and had pastoral care of students who attended there. He added that he fully supported all the arguments already made and that he totally objected to the sexualisation of women and that granting the licence would be contradictory to the other work that the Council does, funds or promotes, for example the SheFest, the Equalities Hub Network, the Social Cohesion strategy and the campaign "Our Fair City" which arose out of the Sheffield Fairness Commission. He felt that the Council has a duty under the Equality Act to work to eliminate the unlawful discrimination, harassment and victimisation of women in this way.
- 4.15 Eleanor Willcocks stated that the City Council had the opportunity to decide that there should be no sexual entertainment venues in the City and that it should take the lead on this moral issue, as it had done with the City of Sanctuary initiative. She asked the Sub-Committee members if they would be happy to allow their daughters to work in an establishment of this nature which directly discriminates against women. Eleanor Willcocks also made reference to the venue being within the Cultural Industries Quarter.
- 4.16 Lizz Tuckerman stated that she moved to Sheffield some 20 years ago, and is very familiar with the area as she has a studio in Persistence Works. She added that she has exhibited her own work and organised exhibitions, some of which were funded by the Arts Council and feels that Sheffield has an increasingly successful and vibrant cultural community and that the Spearmint Rhino club does not fit well within that community. She went on to add that the area is busy at night, there being a number of bars and restaurants in the area and that a club of this kind does not fit well within the CIQ.
- 4.17 Philip Kolvin paid tribute to the objectors and felt that they had been given every

opportunity to get their objections across. He then provided a brief history of the venue, indicating that it opened as Spearmint Rhino in 2002, originally under the Public Entertainments Licence having formerly been a nightclub, and had traded successfully since that time. The venue employed 55 people and opened at 22:00 hours on Mondays to Fridays and at 21:00 hours on Saturdays, not opening at all on Sundays unless there is a bank holiday. He added that there are 12 years left on the lease at a rental of £165,000 per annum and that Pete Mercer has been the Designated Premises Supervisor for the past 12 years. Mr. Kolvin added that the club never trades during the day, that there is no cross-over between the day-time and night-time use within the area. Mr. Kolvin further stated that there were no objections from the police with regard to crime and disorder, nor had there been anything from the Licensing Service or the Environmental Health Service. Mr. Kolvin said that this was the fourth time the licence had been brought before the Sub-Committee and that it had been considered appropriate to grant on those occasions and that this year was no different in that there had been no changes since last year.

4.18 Philip Kolvin referred to one of the objectors referring to stalking in the area but he stated there was no evidence to support this. Crime levels on Brown Street and in the surrounding area were very low. In terms of the internal operation of the venue, there would usually be around 100 customers on a busy weekend night, with as few as 20 people attending on a quiet night during the week. The management worked strictly in accordance with the licensing conditions attached to the licence and there was a very strict set of codes in terms of what the dancers and customers were allowed to do. There were security staff and CCTV in order to monitor any problems and, as a result of this, the venue experienced very few problems. He stated that customers are advised of the rules when entering the premises. He further stated that there is no evidence that the premises are detrimental to the locality, that the facade has been approved by the Council and that, if anything, the presence of two security guards, external lights and CCTV have a positive impact in keeping crime levels down in the area. He added that there is never any queuing outside the venue and patrons leave at various times, rather than a mass exodus experienced from nightclubs. Mr. Kolvin stated that the Council's policy details the cultural hub as the Peace Gardens and Tudor Square and that the venue was a long way away from Howard Street and could not be seen by people walking up or down that street. Mr. Kolvin said that whether the City should have any lap dancing club was not the issue and that there will always be objections to it, but the company will always work to ensure that the club is a discreet, well controlled, well regulated venue with no impact on the surrounding area.

4.19 In response to questions from Members of the Sub-Committee, Philip Kolvin explained the ratio of staff to customers and that the dancers themselves were self-employed and would work on busier nights of the week. Pete Mercer, the Designated Premises Supervisor, added that there was no membership for the club and no fixed closing time as the club is totally different to a nightclub. He added that taxis are provided for the dancers and they are escorted to the taxi. In response to further questions, John Specht, Vice President for Spearmint Rhino UK, stated that rules and laws have changed over the years and that Spearmint Rhino as a company has changed with it.

- 4.20 Matt Proctor outlined the options open to the Sub-Committee in relation to the application.
- 4.21 The meeting was then closed to all parties in accordance with the agreed hearing procedure.
- 4.22 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.23 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.24 RESOLVED: That the Sub-Committee agrees to grant the application for the renewal, for a period of 12 months, of the Sexual Entertainment Venue Licence, in respect of the premises known as Spearmint Rhino, 60 Brown Street, Sheffield, S1 2BS.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)