

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 16 September 2019

**PRESENT:** Councillors Karen McGowan (Chair), Andy Bainbridge and Vickie Priestley

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#### **1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence. Councillor Bob Pullin attended the meeting as a reserve Member, but was not required to stay.

#### **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) - 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 (Ref No. 52/19).

4.2 Present at the meeting were Philip Kolvin QC (Counsel for the Applicants), Robert Sutherland (Solicitor for the Applicants), John Specht (Director), Andy Foster (Area Manager) and Peter Mercer (Designated Premises Supervisor) (Spearmint Rhino), Andrew Bamber (Crime and Disorder Consultant), Julian Norman (Counsel for the Complaint Coalition), 13 objectors, seven supporters, Julie Hague (Sheffield Children Safeguarding Partnership and Sheffield Adults Safeguarding Partnership), Claire Bower, Emma Rhodes-Evans, Shelley Marshall and Lee Freeman (Licensing Service), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Emma Rhodes-Evans presented the report to the Sub-Committee, and it was noted that written representations objecting to the application had been received from 390 interested parties, 13 of whom were in attendance and addressed the Sub-Committee, and details of all those representations were attached at

Appendix 'D' to the report. It was also noted that written representations in support of the application had been received from 363 interested parties, seven of whom were in attendance and addressed the Sub-Committee, and details of all those representations were attached at Appendix 'E' to the report. In addition, a petition containing 958 signatures, in support of the application, had been submitted, and details of this were attached at Appendix 'F' to the report.

- 4.5 Julian Norman referred to a skeleton argument and an additional witness statement she had prepared on behalf of the Complaint Coalition. Philip Kolvin objected to these on the basis that he hadn't seen them prior to the hearing, therefore had not had a chance to give them consideration.
- 4.6 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.7 The Sub-Committee took legal advice as to whether the documents referred to could be taken into consideration as part of the license renewal application.
- 4.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.9 RESOLVED: That, based on the legal advice received, the Sub-Committee determines that the statement now referred to be not considered as part of the proceedings.
- 4.10 Julian Norman referred to John Specht's statement, which had been circulated to all parties on 13<sup>th</sup> September 2019, indicating that there was no supportive evidence to show that Mick Goodwin had taken on the role of General Manager in 2018, nor was there any information in terms of when he left. As the application for the renewal had been submitted on 29<sup>th</sup> April 2019, and as it was apparent that there were no changes to the operation of the premises at this stage, Ms Norman queried why Mr Specht's statement, and supportive evidence, had only been submitted to herself and the Sub-Committee at such late stage. There was also a lack of clarity in terms of what improvements had been made to the CCTV system, particularly when the application referred to the system being upgraded and having improved coverage, yet at the renewal hearing in 2018, it had been stated that cameras already covered all areas of the premises. It also appeared that images from the system were now only retained for a period of 31 days, and not 70 days, which represented a key change. Ms Norman referred to the findings of the undercover investigations in February/March 2019, indicating that it revealed that the private booths in the premises were enclosed, with some booths even being on a different floor, which also cast questions of the evidence contained in the application. She confirmed that such covert surveillance had been used in connection with objections raised in terms of renewal applications of similar clubs in other areas of the country. Ms Norman concluded her preliminary comments by indicating

that her objections were based on three key areas – Public Sector Equality Duty (PSED), location and the suitability of management, and handed over to the other objectors.

#### 4.11 **Representations from Objectors**

##### 4.11.1 Objector 1

Objector 1, whose role it was to advise national and local governments, and other bodies, on policy and practice to promote gender equality and prevent violence against women and girls, based her grounds for objection on the unsuitability of the applicant and the location of the premises. It was clear that, given the flagrant, serious and unlawful acts that had been recorded as part of the independent investigations, these rendered the applicant unsuitable. The existence of the premises also had a direct impact on the PSED in terms of the equal treatment of men and women. The premises, by their nature, had directly supported and promoted attitudes which constituted and fostered discriminatory behaviour by men and boys towards women and girls, which were the major causes of men's violence against women and girls. There was a tendency for customers to treat the workers as objects, and there was a need to give serious consideration to the safety of women who stripped. There was no evidence to show that, if the premises was closed down, stripping would go underground, thereby putting the workers in more danger, or that the practice would expand. In fact, it was such clubs that provided such services that fuelled the demand. The licensing of such activity contributed to normalisation, and there was evidence to show that men who worked in the sex trade were more likely to abuse women or treat them badly. There was also no evidence to show that regulating such clubs made the workers any safer. The location of the premises was also unsuitable, and the premises could easily be re-purposed to serve the local community, and provide local jobs in a contribution that would be positive to the City and its economy. There were issues with sexual entertainment venues located in other city centres, with applications for some being refused, with the support of local police and the local Crime Commissioner.

##### 4.11.2 Objector 2

Objector 2 stated that several women felt unsafe when walking past the premises. Reference was made to the two judicial reviews of decisions made in the past two years, one of which highlighted the fact that the Council had failed to take its PSED into account. The decisions by the Sub-Committee to grant renewals had not helped stop some men's views towards women and, despite all the promises made by management in the past, the recent undercover investigations had clearly highlighted the fact that licence breaches were taking place, which showed that the management were not fit persons to hold a licence.

##### 4.11.3 Objector 3

Objector 3, who was representing Sheffield Hallam University (SHU), stated that the University had been consistent in its objections to the renewal of the licence

over the years, on the grounds of location and unsuitability. Reference was made to the Council's Sexual Entertainment Venue Licence Policy, which indicated that the Council would not license premises that were close to schools, hospitals, parks, churches or buildings of a historical or cultural interest. Buildings including the University Technical College (UTC), the University's prayer rooms and Students' Union building and the Cultural Industries Quarter (CIQ) were all within close proximity of the premises, and the Site Gallery was located directly opposite. SHU was about to commence major investment in this area of the City, which would complement the Council's own development plans for the City Centre and, if the licence was renewed, the Council would be in conflict with such plans. The existence of the premises was not conducive to the PSED, and in 2016, at the request of the then Minister for Universities, all Universities had been requested to draft a report on hate crime, including violence against women, with those establishments where there were such occurrences, being cautioned. 85% of women aged 18 to 24 had been the subject of victimisation, harassment or sexual violence, with 45% being subject to unwanted sexual touching. SHU wanted to produce an environment for all students where such behaviour had no place.

#### 4.11.4 Objector 4

Objector 4 considered that the application for the licence should not be renewed on the grounds of unsuitability, location and conduct of the premises management. Harassment and violence against women were clearly evident in the sex trade, with several young women objecting to what sex clubs represented. There was evidence of former dancers being terrified of speaking out due to threats from management. Reference was made to an excerpt from the Women and Equalities Committee report of October 2018, on sexual harassment of women and girls in public places, specifically to comments made by Karon Monaghan QC, who stated that such venues 'have an impact on the wider community because they promote the idea that sexual objectification of women and sexual harassment commonly in those environments is lawful and acceptable'. Ms Monaghan continued 'how are we doing that in the 21<sup>st</sup> century – we are not going to get rid of sexual violence if we mandate the sexual objectification of women in licensed premises.' In terms of the unsuitable location of the premises, each year highlighted that a cumulative increase of women chose not to attend various venues in the surrounding area. It was apparent that evidence of sexual abuse and harassment against women had simply been dismissed. A number of such incidents had occurred on the SHU campus, and involved vulnerable young women, who were living away from their homes. Such incidents had been replicated at universities across the country. The location of the premises was unsuitable for a number of reasons, mainly due to the plans to regenerate the area and the fact that it was close to the UTC, one such establishment listed in the Sexual Entertainment Venue Licence Policy, where it states that the Council will not license premises if close to such establishments. In addition, the City Centre Plan identified Festival Square, which was located within the immediate vicinity of the premises, as a high quality events area. Reference was made to incidents and licence breaches at other Spearmint Rhino clubs, notably in Bournemouth and Leicester, with the club in Leicester having the same Area Manager as the club in Sheffield. The operation

at the premises should be closed down, and the premises used as a more inclusive venue, to enhance the City's night-time economy. Reference was made to the findings of the undercover investigators, which clearly highlighted numerous breaches of the licence, and raised questions regarding the merits of visits made by the Licensing Service's Enforcement Officers.

4.11.5 Objector 5

Objector 5 worked at the Sheffield Rape and Sexual Abuse Centre, which was located around 400 metres from the venue, and the majority of women who had sought help at the Centre were dismayed that a venue, based on the objectification and de-humanisation of women, was located so close. The location of the premises was totally unsuitable given the recent transformation of the City Centre into a modern, vibrant and safe space for everyone, with the venue being completely at odds with the environment being created. Given the serious nature of the licence breaches, it was hoped that the Council would refuse to renew the licence. The venue was not conducive to the Council's PSED, which needed to have regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between the sexes.

4.11.6 Objector 6

Objector 6 stated that the licence should not be renewed given the serious nature of the licence breaches, as highlighted by the undercover investigations. The nature of lap-dancing clubs normalised the representation of women as sexual objects, thereby making sexual harassment seem normal. The existence of such a club, particularly in such a central area of the City, provided a negative impact on all women, particularly those who had been subject to sexual abuse or sexual violence. It was believed that, in some cases, men's views in terms of violence against women was not just kept inside such venues. There was not just a moral duty on the Council, but a legal requirement, under the Equality Act 2010, to promote equality between men and women.

4.11.7 Objector 7

Objector 7, representing the Women's Equality Party, stated that it was the Party's policy to object to granting licences for sexual entertainment venues. Reference was made to the Council's duty in terms of its responsibilities under the Equality Act 2010, namely having regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity between the sexes and foster good relations between the sexes. The undercover investigations had highlighted over 200 licence breaches, which clearly indicated that the management was not fit to run such a venue. The imagery and publicity for the organisation, particularly online, promoted misogyny and sexism, and celebrated demeaning attitudes to women, again, contrary to the Council's legal obligation to promote equality. A number of quotes from women who had worked in the lap-dancing trade were read out at the hearing. In terms of the locality of the venue, as well as the use of buildings in the surrounding area, it was totally inappropriate having such a venue in such

a prominent City Centre location. Consideration should be given to the SHU's development plans for the area, and which represented a major investment, which would enhance the Council's own development plans in the City Centre. The PSED states that the Council will not license a sexual entertainment venue if it was located close to a school, amongst a number of other establishments.

4.11.8 Objector 8

Objector 8, who had been involved in the 'Know the Line' campaign against the sexual harassment of women and girls in South Yorkshire, stated that as part of the campaign, women had been consulted on a number of issues that affected them adversely, and sexual harassment was one of the main issues for the majority of the people consulted. The sexual entertainment business was based on the sexualisation and objectification of women by men, and Spearmint Rhino not only encouraged such behaviour, but legitimised it. The venue was not conducive to the Council's PSED, in which the Council has a duty to have regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between the sexes. Despite a growing number of people objecting to the renewal of the venue's licences over the years, the Council, which had the right to refuse to grant a licence, was ignoring such views.

4.11.9 Objector 9

Objector 9 considered that Spearmint Rhino had no place in this City, with its current location being totally unsuitable, specifically being located next to the SHU's Students' Union, directly opposite the Site Gallery and very close to the Showroom Cinema, which were both used by children and families. It was also near Freeman College, which was attended by many vulnerable people. On this basis, and in line with the Council's Sexual Entertainment Venue Licence Policy, the licence should not be renewed. The venue could have an adverse effect on the University's planned redevelopment, which represented a huge economic resource for the City. Reference was made to the two judicial reviews the Council had been subject to, following the licence being renewed in 2017 and 2018, regarding the Council's failure to consider the effects on all women of licensing strip clubs, as part of its PSED, both of which it lost. Such venues sent a message that it was acceptable to buy women's bodies, for sexual gratification, thus treating women as sex objects. There was clear evidence to show that employment at such venues was not safe, and was indeed exploitative and psychologically harmful.

4.11.10 Objector 10

Objector 10 expressed concerns at the fact that, despite the clear breaches of the licence conditions, and the subsequent investigation by the Council, the Sub-Committee was still giving consideration to the licence renewal. Concerns were also expressed at the lack of weight given to the concerns of local people who had objected to the licence renewal, as well as the fact that the Council had not taken proper account of the PSED, as regards sex inequality. Being a survivor of serious sexual violence, it was difficult to accept that such a venue, which

encouraged the objectification of women, harassment and violence, could continue to operate. Reference was made to safeguarding issues, specifically regarding the women who worked in the trade, many of whom would have suffered sexual violence or harassment in the workplace. There were concerns that many of the workers were students, many of whom were only working there to fund their studies. There were grounds for the Sub-Committee to refuse the licence renewal on the venue's location alone, and due to this, and the Council's commitment to end sexual violence and harassment against women, the application for renewal should not be allowed.

4.11.11 Objector 11

Objector 11, who was representing the Sheffield Feminist Network, stated that they were objecting to the application on the grounds that strip and lap-dancing clubs were outdated, harmful and promoted inequality between women and men, which was incompatible with the Council's obligation under the PSED. As well as having no place in the City, they considered the current location unsuitable, being next to SHU's Students' Union, opposite the Site Gallery and Showroom Cinema, which were both used by children and families, and near Freeman College, which was attended many vulnerable young people. The Sub-Committee had grounds, under the Council's Sexual Entertainment Venue Licensing Policy, for refusing the application based on its location alone. Reference was made to the two judicial reviews about the Council's failure to consider the effects of licensing such venues on all women, both of which had been lost. The Network believed that strip clubs promoted a message that it was acceptable to buy women's bodies for sexual gratification, thus treating women as sex objects. Research showed that men who held objectifying views of women were more likely to be violent towards them, therefore, if the application was granted, the Council would be sending out a confusing message with regard to its commitment to women's safety and equality. There was information, which included evidence from women who had worked in strip clubs, on the adverse impacts of working in such establishments, with regard to sexual harassment and assault of the women performers by users, and even staff. Reference was made to the numerous breaches of the licence, following the recent undercover investigations, which had not been picked up by the Council's own inspections.

4.11.12 Objector 12

Objector 12 stated that the Council was obligated to consider the licence renewal as though it was a new application each year, and discount any consideration given to previous applications. It was also believed that the whole electorate should be able to put their views forward in order to assist the Council in making the decision. The Council needed to consider effects that could not be seen, such as how such venues impacted on people's lives, and not just the physical aspects. Reference was made to the huge number of objections received to the renewal application, with the vast majority based on relevant criteria, which was not the case in respect of those in support. Case law indicates that Councils were able to refuse licence renewal applications even if there had not been any changes of circumstance. The key change in this case

was the change in the character and change of use of some of the buildings in the surrounding area. Such views were also held by the Council's own Office of the Director of Public Health. The Council had powers to refuse the application, under its Sexual Entertainment Venue Licensing Policy if the venue was located close to specific establishments, including schools, churches or parks or other recreational areas, to name a few, and given its proximity to such establishments in this case, the application should be refused on these grounds alone. Reference was made to the distances of the venue to the various establishments and areas, and specific reference was made to the fact that this was the first year that the UTC was taking children under 13 years of age, as well as the fact that the College had not been consulted on the renewal application. The undercover investigations in February/March 2019, had included only two visits to the premises, yet had uncovered six dancers breaching the licensing rules, with all of the actions being voluntary on their part. The breaches raised the question as to what the club had in place to stop this happening. There was obviously an issue in terms of the CCTV, in that staff must have been watching the coverage, but failed to take any action to stop what was going on. CCTV images of those two nights when the undercover investigators visited the premises must have been kept by management, but were not identified as breaches at that time. There was evidence to show that customers could pay extra for the privilege of a dancer in a private booth. It was evident that, despite previous assurances made by management in terms of the actions of the dancers, this has not been successful, given the serious nature of the recent breaches, which would not have been highlighted if the undercover investigations had not occurred. There were further suspicions regarding the CCTV in that when the Council tried to access the coverage during 9<sup>th</sup> and 10<sup>th</sup> February 2019, they were told it was not available, yet in an article in The Sunday Times on 31<sup>st</sup> March 2019, the dancers involved were identified via CCTV. There was clearly a failure on the premises management to stop, and identify the breaches, or take relevant action after the event.

#### 4.11.13 Objector 13

Objector 13 stated that her grounds for objection were based on the unsuitable location, unfit licence holder, prevention of crime and disorder, and breach of equality law. The location of the premises has always been unsuitable, even according to the Council's own Sexual Entertainment Venue Licensing Policy. It is very close to the SHU, and next door to the University's Students' Union. It was stressed that if the Sub-Committee was minded to refuse to grant on the grounds of locality, such decision could not be legally challenged. It was clear that the management was unsuitable, particularly given the recent licence breaches following the undercover investigations in February 2019. Such covert filming had resulted in Spearmint Rhino in Chester being closed down. Three former workers had given testimony last year regarding abuse they and others had suffered at the club, as well as reporting issues of drug use at the premises. It had also been disclosed that one of the managers had been abusing dancers. Questions had to be asked as to why the CCTV coverage of 9<sup>th</sup> and 10<sup>th</sup> February 2019, when the undercover investigators visited the premises, had not been made available to the Council or police. It was also pointed out that licence breaches had taken place under different managers. With regard to the

licence breaches and safeguarding concerns, the fact that the breaches had involved a number of dancers indicated that there was a good chance that the majority, if not all, of the dancers, would, at some stage, have been acting other than in accordance with the licence. If the licence was renewed, there would be a need for increased unannounced visits by Licensing Enforcement Officers, and better use of CCTV. The independent investigator hired by Spearmint Rhino did not visit the venue unannounced, and visited straight after the licence breaches had occurred, such time when management and staff would have been very mindful of their behaviour. If the Sub-Committee was to grant the licence, it would do so knowing that there was a likelihood that the licence conditions would be breached in the future.

- 4.12 Julian Norman stated that the Sub-Committee was able to take any evidence heard into account, even hearsay evidence. Many of the objectors lived and worked in Sheffield, therefore were aware of the adverse effects the venue was having on those people living and working in the surrounding area. The premises management did not inform of a change in management, when in fact there had been, after the breaches, which involved one manager leaving, then returning the day before the application for renewal was submitted. The question still remained as to whether this manager left before or after last year's renewal hearing, on 19<sup>th</sup> June 2018. There were a number of discrepancies in terms of what the Sub-Committee has been told in previous years to what it had been told now. One such discrepancy involved the CCTV, particularly how the system had been improved when the Sub-Committee were informed there had already been full coverage in 2018. The premises management also informed that there were no private rooms, which was clearly not the case, with some of the rooms even being on a different floor. The main grounds for objection were based on the Council's PSED, the location of the premises and the suitability of management. Ms Norman referred to a number of the representations made by objectors in order to highlight the fact that the venue was not conducive to the PSED. In terms of the representations in support of the renewal application, namely the references to the support of customers who visited the club, it was stated that it was not likely that such users were going to confirm the licence breaches. In addition, the fact that staff members had indicated that they were happy in their jobs was not a relevant consideration. The evidence obtained by the undercover investigators should be admissible, as part of the application for renewal, on the grounds that such covert footage had been used as part of applications relating to other sexual entertainment venues. The comments made regarding some dancers being forced to move underground, or work in illegal venues, was also not relevant as, according to current case law, the Sub-Committee could make a decision based on the PSED. The Equality Impact Assessment (EIA) included in the papers was deficient, and there was a reliance, on the part of the premises management, that the licence breaches could not be taken into consideration as they had not been seen by the Authority, despite the fact that it had been proved that they had occurred. There was no reference in any of the paperwork to indicate that dance groups brought in to provide entertainment, namely the Chocolate Men Dancers in this case, were paid by the club to perform, whereas the lap-dancers were not. A number of events at the venue were specifically targeted at students, and it was considered that no consideration had been given to the adverse effects that

attending such venues could have on young, vulnerable students. In terms of the locality, reference was made to the representation by Magda Boo, Health Improvement Principal, Office of the Director of Public Health, indicating that the site at Brown Street was no longer suitable for such an establishment due to the changed use and regeneration of the area. There was no evidence at all to suggest that Spearmint Rhino had looked for suitable, alternative accommodation. The findings of the recent undercover investigations had brought the suitability of the management into question, whether it was a case of the management being unaware of the licence breaches, or that they were aware, but had failed to take any action at the time. Either scenario rendered them unsuitable. Reference was made to conditions placed on the licence, by the Sub-Committee, following the grant of a previous licence on renewal, which included the requirement to remove any signage from the exterior of the venue, prohibiting advertisement and adhering to inspections, which it was believed, by the objectors, had done nothing to stop the licence breaches. In terms of advertising, the applicant had clearly disregarded this condition, as dancers had been sent outside to advertise events using ink stamps. It was apparent that the club had paid little or no attention to the requirements of the Sub-Committee at previous meetings, or had taken little action following the recent breaches of the licence conditions.

- 4.13 In response to a question from the Chair of the Sub-Committee, it was stated that the dates of the undercover investigations had not been brought to the Council's or police's attention straightaway as there were other similar investigations being undertaken at venues in other areas of the country, namely Camden and Manchester, and the objectors were wanting to see if there was a consistent pattern in terms of licence breaches, as part of their case.
- 4.14 Philip Kolvin QC, stated that Spearmint Rhino had operated in the City for 17 years, under various different licences, and had never had a licence either refused or reviewed, or had ever been prosecuted for any offence. Whilst it was acknowledged that the recent licence breaches were completely irresponsible, management had acted immediately, by implementing remedial measures. He stressed that management wished to apologise unreservedly for such lapses. The Authority had received 363 letters in support of the application, together with a petition containing just under 1,000 signatures, in support. Mr Kolvin focused on the three grounds, as raised by the objectors for the basis of their objections to the application, namely suitability, location and the Equality Act. In terms of the suitability of the premises, the presumption, under the Licensing Act 2003, was to grant such applications, with the burden of proof, as regards refusal, being on the objectors. The application could be refused on discretionary grounds, and the Sub-Committee must act proportionately. The Licensing Act was deemed to be forward-looking, and venues should not always be penalised for past breaches. The majority of licensed premises failed from time to time, but instead of closing them down immediately, local authorities should give consideration to what action was necessary to remedy any problems, including placing additional conditions on licences. Mr Kolvin made reference to the application, highlighting the fact that neither the applicant, Sonfield Developments Limited, or any of its directors, had any convictions, or had had any action taken against it, or them, in 17 years of operation. The recent licence

breaches had been subject to a full and detailed investigation by the Council and the police, and Spearmint Rhino had accepted the results of findings, namely regarding the improper conduct of the dancers. However, there was no evidence to show that there was any management complicity, and systems were now in place in respect of the conduct of the dancers. Reference was made to John Specht's statement, in which Mr Specht stated that he had instructed his solicitor to inform the Authority as soon as he was aware of the breaches; management had carried out their own investigations; the manager responsible at the time had been demoted; two security staff had been disciplined and the contracts of those dancers who had acted not in accordance with the licence had been stopped. The manager who had left in 2008 was brought back to replace the manager who had been demoted, and management began working on an action plan with the Council and other responsible authorities. All staff and dancers had received refresher training and an improved CCTV system, to the specification of the police, and including the installation of cameras in private dance areas, had been installed. A new CCTV monitoring room had been established, with the footage being reviewed regularly by managers throughout the night, with the timings of such viewings being logged, and an offer being made to the Licensing Service that its Enforcement Officers check these logs. In addition, the club had increased its security, now having two SIA registered doorstaff - one upstairs and one downstairs, being responsible solely for monitoring the dancers. The club had also increased the number of posters containing warnings for both customers and dancers with regard to their expected behaviour. The manager had been more than happy to take all the above action. Mr Kolvin made reference to the investigations requested by management of the premises, and introduced Andrew Bamber, Crime and Disorder Consultant, to report on the visits he and colleagues had made to the premises.

- 4.15 Andrew Bamber addressed the Sub-Committee, indicating that he had served in the Metropolitan Police for 34 years, being regularly involved in the enforcement, management and development of licensing initiatives and policies. After retiring from the police in 2007, he had been employed by an inner London Local Authority as an Assistant Director for Safer Communities, a position which he held for 10 years. Following questioning by Philip Kolvin, Mr Bamber stated that having an independent position was important for his integrity, and that the main reason for the visits were to inspect the remedial action undertaken by the premises, following the recent licence breaches. He undertook the first visit, then briefed colleagues in terms of undertaking further visits to the premises. During his visit, he found the premises to be compliant in all aspects, with particular note being made of the safeguarding arrangements and the clarity of signage in the venue, in terms of what customers and dancers should or should not do. Following the first visit undertaken by Mr Bamber, and three further visits made by colleagues, no licence breaches were found.
- 4.16 Philip Kolvin continued with the case on behalf of the applicants, referring to the integrity of the current manager, and stating that the manager was very concerned about the livelihood of around 50 staff members should the licence not be renewed, and that, following the investigation into the licence breaches, he had been responsible for ensuring that all issues highlighted had been

remedied. Reference was made to the fact that no representations had been received from the police, despite them being involved in the inspection. Mr Kolvin referred to the representations submitted by Julie Hague, Sheffield Children Safeguarding Partnership (SCSP) and Sheffield Adults Safeguarding Partnership (SASP), summarising her comments, and highlighting the fact that neither the Board or Partnership had received any complaints about the premises in the past 12 months; the safeguarding measures were consistent with other licensed premises of this nature; no unusual practices had been observed; the Challenge 25 age verification scheme had been evidenced, with records being maintained and there were both male and female managers on site, to support the self-employed performers in connection with any welfare issues they had. It was confirmed that the vulnerability training for managers had been provided and that welfare information for self-employed performers and other staff to access would be provided. In response to some of the concerns and comments raised by the objectors, Mr Kolvin stated that the dancers going into separate rooms was allowed, in accordance with the venue's Code of Conduct. The CCTV coverage of the incidents highlighted following the undercover investigations, had not been destroyed, but retained for a period of 31 days, in accordance with the licence. There was now CCTV coverage in the private rooms. All allegations of systematic rape at the premises were strongly denied and, with regard to the allegations of a former worker being physically and sexually assaulted at the premises, on a regular basis, there was no evidence to prove that she had worked at Spearmint Rhino.

- 4.17 In terms of the location, Mr Kolvin stated that this issue had been raised at previous renewal hearings, and at which the Sub-Committee had made no findings, or raised any concerns. The venue only operated at night and, due to conditions imposed by the Sub-Committee in 2017, namely the removal of all external signage, the premises were not only closed during the day, but were virtually anonymous. Even when the premises were open at night, the building and operation was mainly innocuous in terms of its impact on the surrounding area, with Andrew Bamber, Independent Investigator, commenting that the building looked like an office block, and did not impose itself on the surrounding environment in any way. Brown Street was almost deserted at night, and reference was made to the photographs taken by Mr Bamber and his colleagues, on the seven visits they made to the premises, which highlighted this. When the premises were open, customers were not able to take drinks outside, the dancers were not allowed outside and there would only be a steady stream of customers arriving at, and leaving, the premises. There had not been any complaints of nuisance from neighbours living near the premises, or from any of the responsible authorities. Mr Kolvin made reference to the witness statement of Inspector Neil Mutch, who had confirmed that only one of 26 incidents on Brown Street, in the last 14 months, had a link to Spearmint Rhino. It was considered that the venue provided a security presence at night, and this view was supported by a number of people who had submitted representations in favour of the application. The premises had been operating at this location for 17 years, and whilst it was in the immediate vicinity of the CIQ, there was no evidence to show that businesses in the Quarter had been adversely affected by its presence, or that it had adversely affected tourism in the City. Reference was made to the representation from SHU's Students' Union, in favour of the

application. Mr Kolvin pointed out that the UTC was in fact 320 metres away on foot; there was evidence to show that the existence of the club was not holding up any of SHU's development plans for the area; there had been no complaints in terms of the operation of the premises; there were extremely low crime levels on Brown Street; the premises were not having an adverse effect on the local area and the premises were not situated on a gateway to the City Centre. The Sub-Committee needed to have due regard to the discretionary powers it had in terms of determining the application, and also be mindful that lap-dancing had been determined a lawful activity. The comments raised by the objectors regarding violence against women in general was not a consideration for the Sub-Committee. Mr Kolvin made reference to the numerous representations made by dancers, both present and former, with the majority having positive views about their experiences, and how the club was managed. There was no evidence to show that such work was harmful. The licence breaches that took place had been due to incorrect supervision, and the Sub-Committee could impose conditions on the licence as it wished. Mr Kolvin concluded by referring to the Equality Act 2010, indicating that, whilst there were no separate grounds for refusing the application under this Act, the statutory grounds were relevant, such as the PSED. The Sub-Committee had looked at the impacts of the premises on the PSED in previous years, and had imposed relevant conditions to mitigate this. The dancers were protected, and were in the main, happy in their work, with several submitting representations to this effect, approximately 30% of customers were female, children were not allowed in the premises and there was disabled access to both floors, together with disabled facilities inside the venue. Consideration regarding the employment of the dancers was not admissible, as that came under employment law, not licensing law.

#### 4.18 **Representations from Supporters**

##### 4.18.1 **Supporter 1**

Supporter 1 was an academic, with an expertise in erotic dance, and who had conducted a number of studies which had been explored in academic publications, with such studies including work exploring dancer and customer culture, as well as community perceptions of sexual entertainment venues. It was quite clear, based on academic evidence, that erotic dance, including lap-dancing, was a stigmatised form of precarious labour, with this stigmatisation often being based on a moral opposition to sex work more widely. Whilst it was important that all opinions were taken into account, morality should not strictly determine licensing outcomes. One study conducted involved surveying a number of people in different locations in the country, as well as generating data from guided walks with community members around city centres at night and, interestingly, and significantly, the findings of this study had indicated that the majority of people did not object to sexual entertainment venues, and that only a significant minority objected. The majority of people involved in the study were no more concerned by such venues than other licensed premises, such as pubs and nightclubs. It was also pointed out that where objections were made, these were mainly directed at the customers, and not the dancers. The findings of other research had indicated that the majority of male customers who attended such venues, did not do so in order to sexually objectify women, but to engage

with fun, hospitality and emotional gratification. There were concerns that if the application was not granted, some dancers may be forced to seek work in unregulated sex work, which continued to persist with little scrutiny.

4.18.2 Supporter 2

Supporter 2, who was a SHU Students' Union Women's Representative, stated that the Union strongly objected to the University itself using the Union's location and existence as one of their reasons for objecting to the licence renewal application. There was very little impact on the Union, particularly as the building was rarely open past 11.00 pm, whereas Spearmint Rhino did not open until 10.00 pm. Several students were not even aware of the venue's existence, and the Union had not received a single complaint from students about the club. The University also objects on the grounds that the UTC was located very close to the club, but this was irrelevant as the club was never open during school hours, nor was there any signage or advertising. The University also refers to families not being able to use the public spaces near the venue, but they were not likely to be doing this after 10.00 pm. The Union believes that the campaign to revoke the licence was vindictive, and not representative of modern feminism, as well as violating the consent of the women working in the club. Women had the right to work where they wanted to, and if the venue was closed down, thereby removing their safe space to work, this could put them in more danger. The supporter concluded by stating that she had been very offended by some of the comments raised by the objectors.

4.18.3 Supporter 3

Supporter 3 was speaking both as a local resident and as a researcher working on sexual objectification, objectification more broadly and feminist sexual ethics. She lived very close to the premises, walked past the premises, going to and from work every day, and used to work nights, meaning that she walked past the premises in the middle of the night and early hours of the morning. She stressed that she has never felt unsafe in the area, and welcomed the security presence at night, in what was generally a very quiet area. It was pointed out that the concerns regarding the wellbeing of the workers had only been made by people who had not worked in the venue, and that it was the current workers who were the only people qualified to discuss current working conditions. It was extremely harmful and offensive to suggest that the workers' experiences of real sexual violence, and their work, were the same thing. Reference was made to the findings of research she had undertaken in terms of how people perceived exploitation and objectification differently.

4.18.4 Supporter 4

Supporter 4 stated that she had worked at Spearmint Rhino for two years, and that the job had helped her out in many ways, such as providing her with financial security and giving her the flexibility to look after her father. The dancers at Spearmint Rhino were valued, looked after and made to feel part of a team, and she felt safer at the club than she had done at other similar venues where she had worked. She had never been threatened, either by management

or customers, during her time working at Spearmint Rhino. Several of the workers were students, and the income received from the job helped to pay for their courses. She stressed that she loved her job and had never felt more valued.

4.18.5 Supporter 5

Supporter 5 stated that she had never felt threatened during her time working as a dancer at Spearmint Rhino, and had actually felt more threatened as a result of the undercover filming. The undercover filming of the dancers, when naked, and without their consent, had been very upsetting, and it was believed that these actions, and those of many of the objectors, were simply an attempt to take away the dancers' livelihoods. The unpleasant comments made on social media towards the dancers had also been very upsetting. Many of the dancers were viewed as vulnerable, and closing the club down would make them even more vulnerable. The dancers worked at the club on their own free will, and were not forced to do so. The dancers had made a number of attempts to speak to the groups objecting to the application, particularly those offering to help them, but such requests had been refused. Working as a dancer at the club gave the girls a huge confidence-boost, and being paid well for something they liked, gave them financial freedom. It was considered that many of the objectors were not bothered about the dancers' welfare, but just simply wanted lap-dancing clubs closed down.

4.18.6 Supporter 6

Supporter 6 stated that she was a dancer at Spearmint Rhino, and a full-time student at the University of Sheffield. She had not been forced into this line of work, or made to do anything at work, by anyone, that she did not want to. She worked there simply because she enjoyed being a dancer, providing services for both men and women. The flexible working hours provided her with the opportunity to mix work with pleasure. The venue was a very safe and secure place to work, and the management provided excellent support for the dancers, and closing the club down would result in them losing this sense of security. It could also result in customers turning to unlicensed brothels. The venue was ideally located, being very close to the train station, and generally only attracted clients who were seeking it out.

4.18.7 Supporter 7

Supporter 7 stated that the dancers at Spearmint Rhino were not sex objects, as had been described by some of the objectors, but were human beings, women, and should be treated with respect, like anyone else. As a survivor of sexual violence herself, she had been particularly offended by some of the comments made by the objectors. She objected strongly to the fact that the dancers had been privately filmed, without their consent, and had been very concerned with regard to where the footage could have ended up. She had been particularly offended by the degrading comments made against the dancers on social media, and referred to the lack of support, or willingness to engage, by those objectors who claimed to want to help them. The dancer, who was a disabled

student, chose to work at the venue for a number of reasons, for the financial benefits, the flexible working hours and the support of a predominantly female workforce. Reference was made to human sexuality being natural and nudity being normal, and that most of the dancers were working in order to pay mortgages or university tuition fees, whilst working in a safe environment at the same time. If the club was closed down, the dancers may be forced to work in unregulated venues, as well as having to travel further afield to other licensed venues, or undertake higher contact sex work that they wouldn't otherwise choose.

- 4.19 Julie Hague, Sheffield Children Safeguarding Partnership (SCSP) and Sheffield Adults Safeguarding Partnership (SASP), stated that the Partnerships were always proactive when identifying safeguarding risks in licensed premises, working closely with the Local Authority and the police. She confirmed that, other than the recent licence breaches, no safeguarding issues had been identified at the venue, nor had any complaints been received about the premises during the past 12 months. Ms Hague pointed out the importance of how the management had dealt with the recent licence breaches.
- 4.20 In response to questions raised by members of the Sub-Committee, it was stated that the SCSP and SASP had found a gap in the club's policies regarding the provision of help and advice in terms of any mental health or other welfare issues being faced by the dancers. Consequently, training for management and staff had been arranged, and had been delivered in the previous week, with plans to arrange refresher training at this and other sexual entertainment venues in the City. As the club had been operating for 17 years in the City, there was a likelihood that there had been other licence breaches during this time, but the important issue was to ensure that there were appropriate systems in place for identifying them, and taking appropriate action, which had been done in the recent cases. Regarding the retention of CCTV footage, particularly relating to the recent undercover investigations, the premises licence indicated the requirement to retain such images for a period of 31 days, which had been done in this case. The dancers were not able, or willing, to disclose how many of them were members of a union, in the presence of management.
- 4.21 Julian Norman summarised the case on behalf of the objectors.
- 4.22 Philip Kolvin summarised the case on behalf of the applicants.
- 4.23 Emma Rhodes-Evans outlined the options open to the Sub-Committee in relation to the application.
- 4.24 The meeting was adjourned at this stage, with a view to reconvening at 10.30 am, on Tuesday, 17<sup>th</sup> September, 2019.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee – 16<sup>th</sup> September 2019**

**Meeting reconvened on 17 September 2019**

**PRESENT:** Councillors Karen McGowan (Chair), Andy Bainbridge and  
Vickie Priestley

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1.1 **RESOLVED:** That the Sub-Committee agrees to grant the application for the renewal, for a period of twelve months, of the Sexual Entertainment Venue Licence in respect of the premises known as Spearmint Rhino, 60 Brown Street, Sheffield, S1 2BS (Ref No. 52/19), subject to the following additional condition:-

A random sample of the premises CCTV is to be inspected by officers on a minimum of a monthly basis, and an inspection report is to be presented to the Licensing Committee quarterly.

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