

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 30 June 2015**

**PRESENT:** Councillors David Barker (Chair), Anne Murphy and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence received.

**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.

4.2 Present at the meeting for Part One of the hearing were Philip Kolvin QC (Counsel for the Applicants), Robert Sutherland (Solicitor for the Applicants), John Specht and Andy Foster (for the Applicants), Alison Boydell, Judith Dodds, Shelley Roche-Jacques and Bridget Kelly (Objectors), Matt Proctor (Licensing Enforcement and Technical Officer), 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 E 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 11 interested parties, four 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 Judith Dodds stated that Spearmint Rhino was located in a key gateway to the City Centre, and within the City's Cultural Industries

Quarter. It was a three-minute 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. Ms Dodds was particularly interested in art and the cinema and, as a member of the Showroom Cinema, visited it frequently, resulting in her having to walk past Spearmint Rhino on a regular basis. She always felt uncomfortable, as well as being mindful of her personal safety as, in her opinion, she considered that due to the nature of the activity inside the venue, it was likely to attract some men who had a bad attitude towards women, in that they may get the sense that women were, in some way, available and there for their pleasure. She considered the situation worse at night-time, when there was a chance that they had consumed alcohol. Ms Dodds specifically queried why such a venue was situated very close to the Sheffield Hallam University Students' Union Hubs, where there was likely to be a large number of young people, some of whom would not be of adult age. She referred to the City Council's aim to create and sustain a quality City Centre environment that was clean, safe and welcoming and created a sense of pride and ownership for all users, and considered that Spearmint Rhino had the opposite effect. The venue was also located close to cafes and restaurants, residential accommodation, Sheffield Hallam University and its Students' Union, Freeman College for young people with special needs, the University Technical College for 14 to 18 year olds and two organisations which provided help and support for disadvantaged and/or vulnerable women. This area attracted high numbers of visitors, with some venues having a national or international reputation. Ms Dodds referred to the City's Destination Management Plan, which aimed to develop Sheffield as an internationally important tourist destination by concentrating on developing a vibrant City Centre, by ensuring the Centre had the highest concentration of visitor-related facilities and services. The Plan also aimed to make Sheffield an attractive and successful place to live, work and invest, and she considered that having a lap-dancing club in this area would not help to promote the aims of the Plan. In addition, Sheffield's City Centre Masterplan calls for "the Centre to be a safe, inclusive and welcoming meeting point for all age groups, cultures and classes, reflecting our vision for a fairer city", including the possibility of developing Festival Square as an exhibition space. Ms Dodds made reference to the City's Sexual Entertainment Venue licensing policy, relating specifically to its obligations under the Human Rights Act and the pressure being placed on the lap dancers at the venue who, in her opinion, were being forced to perform in a sexually stimulating way, in order to earn money. She indicated that the contractual obligations of the lap dancers were sufficiently restrictive such as to render them in a state of sexual servitude, in contravention of the Act, an Act which the Council had stated it had considered when drafting its Sexual Entertainment Venue licensing policy. Ms Dodds concluded by stating that, although the Council claimed to work for gender equality and communities that experienced discrimination, supporting the renewal

of this licence indicated that it was acceptable that access to women's bodies could be bought and thus, directly contravenes this claim.

- 4.6 Alison Boydell, by means of a presentation, referred to the location of Spearmint Rhino, specifically its location within the Cultural Industries Quarter which had undergone considerable urban regeneration since the venue had opened. Reference was also made to the numerous other venues in the vicinity, which included a number of organisations which supported vulnerable women. She also referred to a number of annual events held at venues in the area, which included Doc fest, Showcomotion, Off the Shelf, Children's Media Conference, Sheffield Design Week and Grand Depart. Ms Boydell stated that it was unsuitable having such a venue in this area, which attracted so many visitors, referring specifically to research which showed how street harassment of women was greater in the vicinity of such venues. She referred to the City's Purple Flag Status which, in part, had been gained due to its reputation as a safe city, and stated that having this venue in such close proximity to public transport stops in the Centre was at odds with the granting of such status. The two women's support services within extremely close proximity to the venue resulted in vulnerable women having to pass the venue, on route, to access services to help them feel safe and recover from the devastating effects of male violence was highly inappropriate and potentially detrimental. Spearmint Rhino was also very close to the University Technical College and again, this was wholly inappropriate and conveyed damaging messages to girls and boys, of an impressionable age, whilst they were trying to navigate the hyper-sexualised culture in which we live. Ms Boydell 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. Ms Boydell went on to refer to the Sheffield Destination Management Plan for a Vibrant City 2012-15 and how the City Centre had been transformed over the last 15 years, which relied on things such as culture and leisure, hospitality, retail and public realm and, again, stated that the operation of a lap dancing club in this area of the City Centre was wholly inappropriate. She then referred to two screen shots of the Spearmint Rhino Twitter account pages, indicating that such images were totally incompatible with the Cultural Industries Quarter. She reported on findings relating to violence against women and girls, which indicated that images, in the media, of violence against women, in particular those that depicted rape or sexual slavery, as well as the use of women and girls as sex objects, including pornography, were factors contributing to the continued prevalence of such violence. Ms Boydell referred to recent comments made by Dr Alan Billings, South Yorkshire Police and Crime Commissioner, who stated that 'macho culture' was one of the causes

of child sexual exploitation, indicating that in general, lap dancing clubs attracted such types of males, and this view was supported by a number of comments displayed on the Sheffield Forum relating to the nature of the venue. Ms Boydell concluded by displaying a photograph, taken at 1.00 pm on 25<sup>th</sup> June 2015, which showed the area next door to Spearmint Rhino, known as Festival Square, as totally disused, and to a letter from a local resident, who expressed his concerns in terms of the adverse effect of the venue on the area.

- 4.7 Bridget Kelly, Chief Executive, SHIFT, stated that her organisation worked with young people aged 16 to 18 who, prior to attending SHIFT, had been designated as being Not in Employment, Education or Training (NEET). She stated that, as well as Spearmint Rhino being situated in the heart of the Cultural Industries Quarter, the venue was located very closely to SHIFT, resulting in vulnerable children having to walk past the venue. It was accepted that the venue would not be open when they walked past, but it was considered that they were still being exposed to a 'Gentleman's Club', and the notion that women were available and sexual services, in the form of entertainment, could be purchased. It was believed that this offered poor role modelling of adult behaviour to such young people. Ms Kelly made reference to the new Ofsted Common Inspection Framework and the Equality Act 2010, referring specifically to issues regarding gender inequality, and indicating that Spearmint Rhino was an illustration of gender inequality, as well as it being a commercial activity that not only objectivised women, but also made that objectification part of a commercial transaction and therefore, commodification of women. Whilst she accepted that the majority of students' footfall occurred outside the times the venue was open, she considered that they were still being exposed to a message that men buy sexual entertainment from women which, in essence, was exploitative. Reference was also made to the name Spearmint Rhino which, she considered, had sexual connotations. Ms Kelly reported that SHIFT's aim was to agenda its students an aspiration for self-improvement through education and to promote emotional wellbeing, and considered that the subliminal message of Spearmint Rhino did not support the agenda clearly laid out by Ofsted in the new Common Inspection Framework (June 2015) in relation to gender equality or wellbeing or indeed, the City Council's agenda that all groups of people were able to enjoy the City Centre equally. She considered that the venue reflected a poor context for the cultural activity of the City in that it presented an outdated and rather downbeat image, that was out of sync with modern life and sensibilities.
- 4.8 Shelley Roche-Jacques, a lecturer at Sheffield Hallam University, stated that a number of students at the University had indicated that they felt uncomfortable about the presence of Spearmint Rhino so close to the Students' Union, and that herself and some students also felt unhappy about the way the club was promoted as being part of the normal, mainstream, nightlife of Sheffield. She and a number of

students felt that the normalisation and mainstream promotion of these venues was very harmful to women, and helped to create a dehumanised view of women, sending out the message that women's bodies were for male consumption. She also referred to a weekly events newsletter, printed by Spearmint Rhino and made available for students, which included details of various entry and drinks offers at the venue throughout the week. 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, that this was something the City Council should be taking very seriously.

- 4.9 Although the following evidence was provided, at the approval of the Chair, in accordance with the hearing procedure, the evidence could not be taken into consideration by the Sub-Committee as it was deemed to be new, and had not been made available to the applicants before the meeting. Ms Roche-Jacques referred to comments from representatives of Sheffield Hallam University, including Professor Philip Jones, Vice-Chancellor, and Emily Connor, President of Sheffield Hallam Students' Union, expressing their objections to the application. She went on to make further reference to statements provided by Helen Mort and Susannah Evans, poets and organisers of the South Yorkshire Poetry Festival, expressing their objections and concerns with regard to the location of Spearmint Rhino at the heart of the Cultural Industries Quarter. Reference was made to a further statement provided by Clive Belgeonne, Education Advisor, Development Education Centre (South Yorkshire), Centre for Learning, Development and Citizenship, indicating that the Centre was based on Leadmill Road, very close to Spearmint Rhino, and that as well as the venue being out of character with the rest of the area, the Centre viewed a Gentleman's Club as part of the process of maintaining unequal gender relations. Mr Belgeonne expressed concerns at the fact that some men entering or leaving the club after drinking, and aroused, could put visiting teachers and young people at risk, and make them feel unsafe when they left the Centre.
- 4.10 In response to questions from Members of the Sub-Committee, it was reported that many buildings in the area were not there when Spearmint Rhino opened, in 2002, including the Students' Union and the University Technical College. There was also very little residential accommodation in the area at this time. It was not possible to provide any hard evidence in terms of incidents of sexual abuse or violence linked to men attending Spearmint Rhino, although there had been an incident where two girls had allegedly been sexually abused in the Leadmill by some men who had come from the venue. It was also pointed out that only 15% of rapes were reported, therefore it was highly likely that there had been incidents, but for whatever reason, had not been reported. Due to the issues faced by a number of people who attended one of the support organisations in the area, relating in some cases, to sexual abuse or other similar issues, they

had been instructed not to walk past or use the area immediately surrounding Spearmint Rhino in order to stop them being influenced in any way.

- 4.11 Present at the meeting for Part Two of the hearing were Philip Kolvin QC (Counsel for the Applicants), Robert Sutherland (Solicitor for the Applicants), John Specht and Andy Foster (for the Applicants), Matt Proctor (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.12 Philip Kolvin provided a brief history of the venue, indicating that it opened as Spearmint Rhino in 2002, having formerly been a nightclub, and had traded successfully since that time. The venue employed around 85 people and opened at 22:00 hours each night of the week. In terms of the external appearance of the building, Mr Kolvin stated that there was no sexual imagery or flashing lights which would attract attention, the entrance area was regularly repainted to maintain its appearance and no one was able to see in through the windows. Due to the numbers of people attending the venue, there was never a queue outside and the only people regularly seen outside the building, during opening hours, were two security staff who, not only provided security for the venue, but for the surrounding area also. 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. The management attended Pub Watch meetings and were members of the City Centre Retailers Against Crime (CRAC) radio scheme, which was a crime reduction radio scheme, which allowed the venue to communicate with the Police and other local traders to reduce crime and disorder. The venue's management also worked closely with the local Police and the Licensing Authority. Mr Kolvin stated that as well as there very rarely being any trouble inside the venue, the management had not received any complaints from neighbours living or working nearby, nor had the Police ever reported an assault or other crime in connection with anyone leaving the club. He also stated that there was no evidence of any investor or developer being deterred from investing or developing in the area as a result of Spearmint Rhino being there. He stressed that there had been major development in terms of the Cultural Industries Quarter over the last few years, which therefore showed the venue had not acted as a deterrent in any way. In terms of the level of representations, Mr Kolvin stated that 11 objections represented a very low proportion and stressed that there had been no objections

from the Police, Environmental Health, the Licensing and Planning Authorities or students from Sheffield Hallam University. In response to the representations made at the hearing, Mr Kolvin stated that the vast majority of the information provided, specifically relating to public safety and the prevention of public nuisance, was anecdotal and therefore, could not be taken into consideration by the Sub-Committee. With reference to the City's Purple Flag status, Mr Kolvin made the point that such status had been awarded at the time Spearmint Rhino was trading in the City Centre. He stated that the management were not dismissive of the objectors' views, accepting that not everyone was in favour of lap dancing clubs, but indicated that, if the application was granted, they would continue to work closely with the Licensing Authority, as well as continue trading with the minimum of fuss. In terms of the adverse effect of the club on students, Mr Kolvin stated that a number of students visited the venue, taking advantage of the various themed nights and associated drinks offers. He added that no objections had been received from the Showroom cinema, nor had any evidence been provided to show that customers stayed away from the cinema due to its close proximity to Spearmint Rhino. As well as there being no objections from the University Technical College, the point was also made that the club did not open until 22:00 hours, when all the students would have gone home. There had also been no objections from the Elements Society and, although reference had been made, no evidence had been provided to show that there had been a link between sexual entertainment venues and child sexual exploitation.

- 4.13 In response to questions from Members of the Sub-Committee, Mr Kolvin stated that the term 'Gentleman's Club' was used as it was considered neutral, and did not include any wording of a sexual nature. Whilst the management had introduced themselves to the various groups and organisations in the locality, when the venue opened in 2002, no specific work had been undertaken in terms of raising the awareness of the sexual objectification of women and the potential of sexual abuse by men towards women both inside and outside the venue. The management had, however, provided an opportunity for representatives of SAFE to meet with the dancers and provide them with the opportunity of discussing any issues of concern they had regarding their employment. As stated previously, there had been very few problems or complaints from the lap dancers or the female customers as a result of the strict security and code of conduct. It was also pointed out that the club did not advertise for dancers, and that all the girls visited the club, looking for employment, on their own free will. There was no evidence provided to show that the young people who visited SHIFT were harmed or affected in any way by the existence of Spearmint Rhino in the locality, particularly as the club will be closed when they would most likely be walking past. The club's management had not been approached by any groups or organisations in the locality to discuss any concerns or problems they had with the venue, although contact details would be on the club's

website and anyone was free to visit the venue to talk to management. The smoking area for the club was situated to the right of the front doors, when facing the venue.

- 4.14 Philip Kolvin stated that he had nothing further to add in terms of a summary.
- 4.15 Matt Proctor outlined the options open to the Sub-Committee in relation to the application.
- 4.16 The meeting was then closed to all parties in accordance with the agreed hearing procedure.
- 4.17 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.18 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.)