SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 April 2017

PRESENT: Councillors Alan Law (Chair), Anne Murphy and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Josie Paszek attended 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) - 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, and Pete Mercer (for the Applicants), Nikki Bond, Tom Boydell, Dr. Chris Bronsdon, Helen Cameron, Aletheia Gentle, Chris Green, Louise Haigh, M.P., Ishah Jawaid, Meera Kulkarni, Tony Maltby, Lisa Markham, Antony May, Charlotte Mead, Laura Penhaligon, Andrew Ridge, Shelley Roche-Jacques, Laura Sillars, Emma Sposato, Martine Taube, Councillor Alison Teale, Roz Wollen, a representative of Zero Option plus one other (Objectors), Shelley Marshall (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 Shelley Marshall presented the report to the Sub-Committee and it was noted that written representations objecting to the application had been received from 97 interested parties, 23 of whom were in attendance and would address the Sub-Committee, and details of all those representations were attached at Appendix 'B',

and that 17 representations in support of the application had been received and were attached at Appendix "C" to the report.

4.5 **Representations from Objectors**

Dr. Chris Bronsdon

4.5.1 Dr. Chris Bronsdon strongly objected to the application, stating that he had worked as a GP in Sheffield for the past 19 years and was about to start work at the Sheffield Asylum Seeker Health Clinic situated on Mulberry Street, which was approximately an eight minutes' walk away from the venue. He stated that during his career he had seen the devastating effects of sexual violence and rape. He made reference to a patient he had seen recently presenting symptoms of depression and post-traumatic stress which had been caused by multiple drug rape. She had informed him that she had known the men responsible and that they had regularly frequented Sexual Entertainment Venues (SEVs). Dr. Bronsdon further stated that there was concrete, non-contestable, legally sound evidence that SEVs increase sexual violence in cities where they were located and directed Members to websites where this evidence could be found. He then quoted an extract from the Equalities Act 2010 stating that sexual harassment is a form of unlawful discrimination. Dr. Bronsdon then went on to state that the venue was situated one minutes' walk away from the Hallam University Hub building and that more than half of the students who attend both Sheffield Universities would be young vulnerable women, leaving home for the first time and suggested that these young women would strongly object to the licence being granted. Dr. Bronsdon further stated that half of the women registered at the Asylum Seeker Health Centre are victims of trafficking and as Sheffield was registered as a City of Refuge he found this to be incongruous and contradictory for the City Council to approve a sexual entertainment licence, when evidence suggested that visits to these types of venues would lead to sexual, physical and verbal abuse and violence against women. Dr. Bronsdon added that he was a member of the Church whose services were held in the Showroom Cinema on Sunday mornings and that many children, including his own, would play on the open space near the venue and he felt it was inappropriate for them to play near this type of club.

Louise Haigh, MP

4.5.2 Louise Haigh, MP, stated that the focus of her objection was on the grounds of locality, stating that the whole of the city centre going was through a period of redevelopment during the coming months and years. She referred to the City Centre Masterplan and how she had campaigned and supported the Council's preferred location for HS2 in the city centre, and whilst accepting that this was still a number of years away, felt that the message to potential investors and visitors to the city would be detrimental with a lap-dancing club in close proximity to the station. She added that she had recently met with the Vice Chancellor of Hallam University who had discussed with her the plans for the Tech Hub on Brown Street and Sheffield's role as a world leader in innovation and technology and the incredible research being carried out at the University and felt that a club of this nature would have implications for Sheffield's national and international reputation in terms of the digital economy.

Meera Kulkarni

4.5.3 Meera Kulkarni stated that she worked at the Sexual Rape and Sexual Abuse Centre and in that capacity came into contact with women who had been victims of those who frequented SEV's. She added that there were issues of inequality against women and that women should be treated as sexual equals. Meera Kulkarni further stated that felt that when walking around the area in which the club is situate, women felt nervous and are forced to change their behaviour by looking round to see if anyone is leaving the premises and take a different route to walk into the city centre so that they do not have to go past the venue. She felt that the City Council had a duty to give due regard to the Public Sector Equality Duty which states that "the Public Sector Equality Duty (PSED) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities" and added that venues of this nature discriminate against women by normalising the sexualisation and objectification of women.

Councillor Alison Teale

4.5.4 Councillor Alison Teale referred to the objection which had been received from Councillor Douglas Johnson, in which he supported the residents and businesses which he considered are adversely affected by this type of club. Councillor Johnson felt that whilst the club had traded for a number of years, its location had become inappropriate due to the growing development of the Cultural Industries Quarter and the expanding student accommodation and the proximity of the University and the Student Hub. Councillor Johnson's objection also made reference to the fact that the dancers themselves are self-employed and as such should have employment protection.

Chris Green

4.5.5 Chris Green stated that there should be zero tolerance towards SEV's in the City and asked the Sub-Committee to imagine a world without sexual violence towards young girls and women what a normal world it would be.

Aletheia Gentle

4.5.6 Aletheia Gentle stated that she regularly came into contact with older women with abusive partners and felt that venues such as Spearmint Rhino encouraged such behaviour towards women of all ages. She felt that with the world spotlight currently on South Yorkshire and in particular Rotherham, a club like Spearmint Rhino would do the City no favours. She added that granting a licence would give the impression that Sheffield as a city condones both the sexualisation and objectification of women and would be contradictory to the work that the City Council funds and promotes with regard to equality.

Roz Wollen (on behalf of Judith Dodds)

4.5.7 Roz Wollen stated that SEVs were incompatible with the City Council's policy on

equality and felt that the existence of such venues solely for the purpose for men to pay to see women's bodies promoted violence against women by attracting men with a bad attitude towards the opposite sex and felt that this was not in keeping with the policy. She added that she was always wary when walking through the area, that her freedom to move around that part of the city was limited and discriminatory and she was not unique feeling like this. She reiterated what had already been said about people having to pass the venue to access the bus and train stations, that students had to consider their safety, particularly late at night and the fact that the club was located in a key area surrounded by small businesses, cafes, restaurants and within the Cultural Industries Quarter. She further stated that violence within the Central Ward had increased and the city centre was becoming increasingly unsafe.

Ishah Jawaid on behalf of Apna Haq

4.5.8 Ishah Jawaid stated that she works for Apna Haq based in Rotherham. Apna Haq provided confidential, one to one support for Asian women and their children who were experiencing violence in the home. She added that Apna Haq was involved in inter-agency case work which helped Asian women via social services, the police and other agencies as well as being sought out by these agencies to help Asian women in distress. Ms. Jawaid gave an example of a service user who had been abused as a child and was uncomfortable in the area and the sight of SEVs triggered bad memories of her childhood and the victim knew for a fact that the perpetrators had visited other SEV's. As a Social Worker, she had come into contact with students who had commented that, when finishing studies late at night, they would make a huge detour so as not to pass the club. She had asked students if they had been made aware of this application and stated that none of them had, and that if they had known, they too would have objected strongly. She added that one student had stated that a club like Spearmint Rhino was no longer relevant in this day and age and knew of no-one who would want to attend. Ms. Jawaid said that her work took her across the whole of South Yorkshire and that her service users were very uncomfortable with this type of venue.

Dr. Tony Maltby

4.5.9 Dr Tony Maltby stated that he was objecting on behalf of the "Our Fair City Campaign" which arose out of the Sheffield Fairness Commission. He added that he had been a doctor and lecturer at Birmingham University and had pastoral care of students who attended there. He fully supported the arguments which had been made and that he totally objected to the sexualisation of women and felt that granting the licence would be contradictory to the SheFest, the Equalities Hub Network and the Social Cohesion strategy. He referred to posters which had been displayed throughout London during the 1970s which displayed scantily-clad women, which had subsequently been banned. He also referred to recent photographs in the press of the Prime Minister and the First Minister of Scotland showing off their legs and the press making a story out of it which was demeaning to both ladies.

Lisa Markham (outgoing Chair of the Equalities Hub)

4.5.10 Lisa Markham stated that due to ill-health she was standing down as Chair of the Equalities Hub. She further stated that during her career she had worked in the area of safeguarding children, with foster parents and had heard many disclosures regarding sexual violence. Ms. Markham said that whilst walking around Festival Square, she had found it to be an unpleasant, underused space but a place where charities and organisations, which supported vulnerable children and adults was situated and in close proximity to Spearmint Rhino. She added that she was a survivor of sexual abuse, which she had encountered on her first day at University and that when students and their families visited Hallam University they were horrified to learn that Spearmint Rhino was in the area. Ms. Markham referred to research that had been carried out which linked the effects of alcohol and the objectification of women.

Antony May

4.5.11 Antony May stated that it was 2017 not 1997 and that the "bums and breast" business belonged in the past. He felt as a resident of the city, a place like Spearmint Rhino put a black mark against it. He then referred to the location of the club being situated within the cultural area and felt that it was totally out of context. Mr. May said he had researched the internet and found that only four cities in the country have Spearmint Rhino and asked the question why was Sheffield one of them. He referred to the amount of women who came into the city centre either as residents, students or visitors and believed this type of venue was not needed, and could be moved out to Attercliffe. Mr. May said that Sheffield was supposed to be a City of Sanctuary, a city that takes pride in the welcome it offers to people in need of safety, and needed to consider the safety of its women in the area of the Spearmint Rhino.

Laura Sillars, Site Gallery

4.5.12 Laura Sillars stated that during the past seven years the City Council had gained £5m of investment to radically change the area linking Brown Street and Fitzalan Square to become the "Knowledge Gateway" in the city. She added that Site Gallery was part of that programme and was currently undergoing redevelopment and it had taken a long time to raise money to fund the project. Laura Sillars said that the project was a big target with big aspirations which helped 600 young people per year fulfil their potential. She added that the Art Industry would bring in a lot of much needed money into the city but with Spearmint Rhino sitting in the middle of the proposed new Festival Square, it was difficult to attract investment, making the ambitious project difficult to achieve. Laura Sillars finished by saying that what was hoped to be achieved by the redevelopment would inspire young people to have a better life than what was offered by establishments such as Spearmint Rhino.

Emma Sposato

4.5.13 Emma Sposato stated that she strongly objected to the extended opening hours of Spearmint Rhino on the grounds of its location close to the Students Union Hub, the Showroom Cinema and its proximity to several vulnerable women's organisations. She added that the Council had an obligation under the PSED to

fulfil its duty as a local authority. Ms. Sposato then referred to the prestigious Purple Flag status for its evening and night-time economy, raising the standard and broadening the appeal of town and city centres between 5pm and 5am and asked how this could be justified in a city where the exploitation of women for the gratification of mainly male clientele was seen as a viable source of revenue. Ms Sposato quoted articles from the Guardian newspaper regarding a sex worker who had been murdered and that liberal licensing laws fail to protect sex workers from violence and that this was a tragic part of our society.

Laura Penhaligon

4.5.14 Laura Penhaligon was objecting as she is a Trustee Director of Sheffield Rape and Sexual Abuse Centre, Leadmill Road. She said that Board meetings were held in the evenings and Board members would feel uncomfortable and unsafe walking near Spearmint Rhino especially after dark. She added that most women attending the Scotia Works, the Students Hub or generally walking alone to get from "A" to "B" would feel the same way.

Andrew Ridge

4.5.15 Andrew Ridge, Sheffield Hallam University, reiterated many of the points raised by other objectors regarding the location, arts, students hub, education facilities etc., but also pointed out that Hallam University was investing in the public realm gateway to be known as the Knowledge Hub, developing the Nelson Mandella Building with the aim of making Hallam University world renowned for science and technology.

Zero Option

4.5.16 A representative from Zero Option stated that hearings of this nature are very unpleasant and that she felt vulnerable in the presence of the Management and Q.C., acting on behalf of Spearmint Rhino. She added that she had only found out about the hearing two weeks prior to objections having to be submitted and felt that many more people would have objected had they known well in advance. She stated that SEVs are not an essential service. She referred to a number of objections included within the report which stated that women had stopped walking through the area saying that they felt unsafe. With regard to equality, she stated that the Council had to comply with the PSED and that SEVs perpetuate inequality. The representative then referred to quotes from former lap dancers which could be found on message boards. With regard to employment rights for the dancers, she stated that they are self-employed and have to pay to dance at the venue and then rely on tips to make a decent living, and many of the dancers earned less than the minimum wage and were on zero hours contracts. She suggested that the club had an adverse economic impact on other businesses in the area and that potential investors are put off due to its existence. The representative then referred to the Spearmint Rhino banner and felt that it was inappropriate due to the fact of the technological age where young children passing by using tablets could easily access the website and know what the club stood for. She then referred to proposed plans for the development of a block of flats at the former Bernard Works and the impact the SEV might have on future

tenants. Finally, she stated that the Notice of Application had been put in such a position that disabled persons would have been unable to read it.

Martine Taube

4.5.17 Martine Taube referred to the statement produced by the Women's Equality Party which was included within the report. She referred to the fact that the Council had emphasised the PSED in its report and she considered this a major change. She said that it was the first time she could be satisfied that the Council have considered PSED and that it was the first time that objectors been taken seriously when discussing equalities. She provided Members of the Sub-Committee with maps and images which appeared on the Spearmint Rhino website and stated that it was essential to respect the rights of the Spearmint Rhino workers, that society shouldn't allow men to police the way women should look and that the city didn't need to have strip clubs to have fun. She welcomed the fact that the objectors would be allowed to remain in the meeting during the deliberations by the applicant's Barrister as this had not been allowed in the past and hoped that the Sub-Committee would listen to what the objectors have had to say this year and come to the positive conclusion and not grant the application. She once again referred to the map she had circulated and stated that Sheffield was the only University City in the world to have its own lap-dancing club, something not to be proud of. She reiterated what many other objectors had said that students attending the University should not have to worry about their safety. As a transgender woman, she said that the area was a no-go area for herself and other LGBT people.

Nikki Bond

4.5.18 Nikki Bond stated that she was proud to live within a city which was empowering women and as such there was no place here for SEVs. She referred to the change in the city and in particular the Cultural Industries Quarter and she was campaigning hard for sexual education in schools given that it was estimated that four out of 10 young people would be victims of sexual harassment in their lives.

Anonymous Objector

4.5.19 The objector stated that she was a survivor of rape and domestic violence and that SEVs had no place in the 21st century. She further stated that unless people lived with domestic violence they didn't know how it affected people's lives. She felt that SEV's trigger men's attitudes towards harming women and women will alter their route through the city centre to avoid the club. She added that women with disabilities were more vulnerable to abuse and didn't feel it acceptable that a SEV could be located where there were so many educational establishment in the area. She referred to one of the other objections that had been put forward whereby one teenager had been put off attending Hallam University due to its close proximity to Spearmint Rhino. Finally she stated that full notice of the application had not been given and that, had appropriate time been given for people to prepare, there would have been a greater number of objections, such objections increasing year after year.

Shelley Roche-Jacques

4.5.20 Shelley Roche-Jaques stated that she was a lecturer at Sheffield Hallam University and often attends events in The Hubs and she had become aware at first- hand how uncomfortable students, colleagues and indeed herself, felt at the presence of Spearmint Rhino close by. She said that she had walked the route with a group of students and many had told her how they felt intimidated. She said that she had hosted a Poetry Festival in The Hub, the Showroom and the Workstation in 2015 and said how successful this had been, but many that attended had spoke about personal matters with regard to domestic violence and they had found it embarrassing being so close to the SEV. Although the Festival had been a success, many felt they would be unable to come again. Maybe it was time to relocate away from this area.

4.6 Philip Kolvin congratulated the speakers who he considered had spoken eloquently regarding their objections. He stated that he was a Regulatory Lawyer and as such, could not be as passionate as they had been, but would focus on the statutory tests when considering the impact of the premises. He stated that if the Licensing Authority wanted to monitor the premises, Spearmint Rhino would pay the costs to do so. 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 53 people, 40 of which are dancers, and there are two security staff on the doors every night. He added that the Manager had been at the premises for 12 years and that there were 10 years left to run on the lease. Mr. Kolvin stated that the club never trades during the day, and that there is no cross-over between the day-time and night-time opening hours. Mr. Kolvin further stated that there were no objections from the police with regard to crime and disorder, nor were there any objections from the Environmental Health Service, the Planning Service, the Safeguarding Children Board or from any residents who live close by. Mr. Kolvin said that each time the licence had been brought before the Sub-Committee, 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, but the same arguments had been used again when objecting to the application.

4.7 Philip Kolvin acknowledged that there was space around the venue which could be developed but did not consider that this remained unused due to the Spearmint Rhino premises being there. He felt that Brown Street was generally a very quiet street at night and the gateway to the city centre was up Howard Street, not along Brown Street. He didn't feel that Spearmint Rhino impacted at all on Tudor Square or the Peace Gardens. With regard to allegations of crime in the area, South Yorkshire Police had stated that the presence of Spearmint Rhino does not create anti-social behaviour, nor was there any evidence of sex trafficking. With regard to the patrons using the club, he stated that there was a clear set of rules for them and also for the dancers, where there was no touching and the dancers never offered anything more. He felt that the objections should not be based on moral grounds and as could be seen from the representations from the dancers themselves, they worked there under their own free will. Relating to the premises, Mr. Kolvin stated that the facade on one side was blank and low key at the front,

that any activities taking place inside could not be seen from the outside, there was no queuing, no drinks were allowed outside and no mass exodus when the club closes at 5.00 a.m. He added that some people might feel safer walking along Brown Street late at night due to the presence of door staff at the venue.

4.8 In response to questions from Members of the Sub-Committee, with regard to leafleting in the city centre, Philip Kolvin stated that the dancers went into pubs fully dressed, not scantily-clad as had been suggested. He added that the dancers are protected due to the "no touching" rule and any attempts to breach this would result in the customers being asked to leave. The dancers are self-employed and travel around to different venues and its their choice as to how many hours per night or per week they wished to work.

4.9 In summing up, Philip Kolvin invited officers to monitor the premises and report back on their findings. He stated that in a developing city like Sheffield he accepted that there would always be objections to SEVs but this venue formed part of the night-time economy, and that there were no changes from last year.

4.10 Shelley Marshall outlined the options open to the Sub-Committee in relation to the application.

4.11 RESOLVED: That, in accordance with the agreed hearing procedure, 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.

4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.14 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, with the additional conditions as follows:-

(a) that there be no leafleting around the city centre;

(b) a quarterly inspection of the premises be carried out by the Licensing Service; and

(c) there be no external signage depicting the name of the premises when the venue is closed.

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