

Licensing Sub-Committee

Meeting held 19 June 2018

PRESENT: Councillors David Barker (Chair), Josie Paszek and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT (AS AMENDED) 1982 - 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 (Director), Andy Foster (Regional Manager); Peter Mercer (General Manager); Mick Goodwin (Manager) and a Dancer (Spearmint Rhino, Applicants); Natasha Harcroft (Barrister for the Objectors), Shelley Roche-Jacques, Meera Kulkarni, Michelle Webster, Christine Rose, Sammy Woodhouse, Tom Boydell, Martine Taube, Charlotte Mead, Nikki Bond, Tony Maltby, Amanda Hughes, Councillor Douglas Johnson plus four others (Objectors); Claire Bower and Craig Harper (Licensing Strategy and Policy Officers); Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing, as set out in Appendix "G" to the report.

4.4 Claire Bower presented the report to the Sub-Committee and it was noted that written representations objecting to the application had been received from 156 interested parties, 17 of whom were in attendance and would address the Sub-Committee, and details of all those representations were attached at Appendix "D" to the report.

4.5 **Representations from Objectors**

- 4.5.1 Amanda Hughes, Sheffield Hallam University, stated that the University had recently launched its ambitious and visionary Campus Masterplan, to which Sheffield City Council had had significant involvement in its development and was very supportive of the proposals. She added that Phase 1 of the Plan, due to be implemented over the next five years, would intensify development in the Cultural Industries Quarter (CIQ) and focused on the development of a new gateway to the University and the City. She said that the Plan would create a “University Green” on Arundel Lane, immediately adjacent to the Spearmint Rhino building and she was very concerned that the presence of a sexual entertainment venue in the area would have a negative impact on what would be a positive and substantial investment by Hallam University. Ms. Hughes referred to the location of the venue, stating that it was only a short distance away from the University Technical College (UTC) which was attended by 14 to 19 year olds, who walked past the club. Also, there were a number of residential premises and a place of worship nearby and that a venue of this nature was totally inappropriate. Ms. Hughes further stated that Hallam University had worked with stakeholders across the CIQ and the City, including the City Council, in the development of the new Campus and that there were too many compelling reasons for the Council not to renew the application and believed that the Council would be placing itself into conflict regarding its own plans for the development of the City Centre and would be jeopardising the impact of the planned Knowledge Gateway investment and also the proposal for a number of key stakeholders to obtain external funding to continue to develop this part of the City.
- 4.5.2 Councillor Douglas Johnson stated that he was lodging a formal objection to the renewal of the licence on behalf of local residents and businesses in the City Ward, which he represents, and were adversely affected by the location of the lap-dancing club within the developing CIQ. He added that since the venue first opened, there had been significant changes within the area with substantial residential and business development, non-profit organisations and teaching establishments situated close-by and was adjacent to land earmarked for the proposed expansion of Hallam University. Councillor Johnson further stated that the nature of a lap-dancing club meant that there was a significant difference in the treatment of men and women employed at the club. It was his understanding that regular staff, mostly men were employees but the dancers, all women, were hired on a self-employed basis, which, in his opinion, left them open to be exploited and that this contravened the Equality Act. He was concerned by the difference in employment status and stated that, should the application be granted, a condition should be added requiring all workers to be engaged under the same terms and conditions of employment.
- 4.5.3 Nikki Bond, on behalf of Louise Haigh MP and herself stated that their objection represented the views of a number of objectors and she drew attention to three main areas, being the locality of the club, the levels of crime in the area and the public sector equality duty. Ms. Bond added that the City Centre Masterplan had been updated and that Paternoster Row had recently been identified as a key area. She also made reference to the Sheffield Hallam University Masterplan and

its location within the CIQ, that the area was part of the Knowledge Gateway, and that the Sheffield Hallam University Students Union building, the Site Gallery, the Rape Crisis Centre, the Christ Church and the train station, were all in close proximity to the venue. She further stated that although South Yorkshire Police had declined to comment, there seemed to be an increase in violence in the area, i.e. fighting, dealing and the taking of drugs, which she attributed to customers of Spearmint Rhino and stated that she could provide evidence of this. She felt that no socialist should aspire to supporting this type of venue and the City Council, being run by a Labour Administration, should not support this application.

4.5.4 An objector, who requested that she was not filmed by the television camera crew present, gave a presentation. She spoke on behalf of "Not Buying It", a Sheffield based grass roots activist organisation, part of a national pressure group. She referred to Sheffield's proud history that the Sheffield Female Political Association was the first women's suffrage organisation in the United Kingdom. The group was founded in 1851 by several Sheffield women who were also active in the Chartist movement. She also mentioned the "Women of Steel" bronze sculpture, which was erected in 2016, that commemorates the women of Sheffield who worked in the City's steel industry during World War I and World War II. The objector then referred to the location of the premises sited within a residential area, an area which was increasingly becoming more residential for students and non-students. She added that there was some recreational space, between Hallam University and the premises, which was not achieving its full potential as she felt it could be developed similar to that at Devonshire Green. She felt that the University building could be put to better use, in that it could be used during the day as well as part of the night time economy. The objector stated that the condition placed on the licence that no external advertising of the premises should be visible during the day did not look very good. She also stated that the proximity of the premises was close to Arundel Gate which had an increasingly high level of crime. Referring to the presentation, she outlined several twitter accounts which advertised what happened inside sexual entertainment venues and the re-tweets which flaunted the rules, and that such club rules were not visible on these accounts. The objector then referred to the Equality Impact Assessment (EIA) which referred to the venue as a "gentleman's club", but felt that no gentleman would frequent such a club. She added that the EIA had not fully been addressed and that it did not focus on the wider public and only referred to staff and customers. She made reference to several witness statements and how, having worked in such venues, they now stated that they hated men and were repulsed by them. She asked that the City Council use its discretion following objections year after year about the club's impact on this area and reject the application and that there be no more costly judicial reviews.

4.5.5 Lisa Markham stated that she was connected to the Zero Option Campaign and was a Fairness Champion. She said that it was important that the City Council allowed people to come to the meeting and speak and that the information she gave was based on facts and her personal reflection on life experiences and felt that the Committee should base its decision on facts. Ms. Markham stated that her objection was not based on the location of the club as she didn't want Spearmint Rhino to be moved to another area of the city, she would prefer that there wasn't a club of this nature in the city at all. She further stated that she had

worked with criminals and victims of those who worked in the sex industry and had seen first-hand the consequences and impact on women who were used in this way. Ms. Markham referred to the “Chocolate Men” that had been engaged to perform at the club and felt that the name in itself was racist, and she had read racist remarks about black men being dangerous. Ms. Markham stated that she had visited the Central Library and had tried to access information about the dancers and lap-dancing clubs but the screen had frozen, enabling anyone who passed by to see the images displayed and felt that these sorts of images should not be easily publicly displayed. Ms. Markham then referred to students attending the Universities and stated that, at Sheffield Hallam University, 96% of students were from state schools and, as such, would seize the opportunity to earn extra money working at the venue, and she added that a study at Swansea University had shown that, 5% of students there had worked in the sex industry. Ms. Markham then expressed huge sympathy for women living in poverty, those unable to meet their needs and felt that the only option open to them was to turn to the sex industry. She had worked amongst women who had suffered sexual violence and who faced trauma because of it everyday.

- 4.5.6 An anonymous speaker expressed her concerns as a parent and grandparent and stated that venues of this nature discriminate against women by normalising the sexualisation and objectification of women, and that women should be valued and respected. She said that a venue of this type had no place in the 21st century. She reiterated many of the points already made with regard to the close proximity to religious buildings, schools, student accommodation and the Hallam University Adsetts Centre which was open to students 24/7. She felt that the venue was a detriment to the area and the licence application should be refused.
- 4.5.7 Shelley Roach-Jaques stated that she regularly attends events at the HUB which is in the vicinity of the premises and felt that it was totally inappropriate for a strip club to be located within the Hallam University Campus and the Cultural Industries Quarter. She said that she had accompanied a group of students from the train station to the Rutland public house, which is situated on Brown Street and had to pass the venue. Several of the students had said that they felt unhappy and angry at having to walk past such a venue on a regular basis. Ms. Roach-Jaques further stated that the normalisation and mainstream promotion of such venue was very harmful to women, that they promote a dehumanised view of women, sending out a message that women’s bodies were for male consumption. She felt that in the context of a society where there was widespread violence against women and in the light of the “Me Too Campaign”, the City Council should refuse the application. Ms. Roach-Jaques also stated that, in her opinion, were there to be zero tolerance to Sexual Entertainment Venues (SEVs) in the city, there would not be a negative impact and nor would it force such activities underground.
- 4.5.8 Michelle Webster stated that she had lived in Sheffield for the past 33 years and that a club of this nature eroded the pride she felt for the city. She further stated that she had worked at the Sheffield Rape and Abuse Centre and felt that what happens inside the premises transfers into the everyday treatment of women and that there were issues of inequality against the women who worked at the club and that women should be treated as sexual equals.

- 4.5.9 Meera Kulkarni stated that she also worked at the Sheffield 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 the community deserved better than to have a club of this nature in the area.
- 4.5.10 Christine Rose spoke on behalf of "Know the Line", a group of volunteers supported by multi- agencies such as local MPs, South Yorkshire Police and Members of the City Council, as well as frontline services, which help women who have been affected by violence and sexual harassment. She added that sexual violence started at a young age and asked the question how could a scantily clad woman stand up for herself against a man. She asked how could the City Council allow unlimited numbers of SEVs in the city, sending out the message to women and girls, that their safety and dignity were not considered important, and added that many women felt unsafe walking around the area due to the attitudes of men, towards women, who attended the venue. She felt that the location of the club, within Hallam University's plans for the City Campus, meant that the University would be the only one in the country with its own on-site strip club and that it would not help young women to make a positive choice when considering which University to attend.
- 4.5.11 Tom Boydell, who worked at Hallam University, asked the question "what does demean actually mean". He said that as a male he wanted to live and work in an equal relationship with females and felt that Spearmint Rhino did not allow this to happen.
- 4.5.12 Charlotte Mead, a Member of the Sheffield Women's Equality Party, stated that it was the fourth time that she had objected to the licence renewal of Spearmint Rhino. She said that strip clubs form part of the sex industry and that the area surrounding the venue would be changing due to the proposed Hallam University Campus. She further stated that the City Council had a duty to protect the people of Sheffield and keep everyone safe. Ms. Mead said that the Sheffield Labour Party stood for fairness and equality but the Council's Labour Administration, by allowing a club of this nature, and by allowing SEVs, did not promote this.
- 4.5.13 Martine Taube expressed her concerns about this high-risk industry which forced women to work in a grey area. She stated that she wasn't aware if the women paid tax, national insurance or pension contributions etc., and being self-employed placed them in a vulnerable position. She felt that the industry was not transparent enough and that the Council could impose many conditions onto the licence, but the employment rights of women were very unclear. Ms. Taube stated that there should be more scrutiny with regard to the industry and that the women who work within it should have more choice with regard to their contracts. She felt that the club in no way contributes to society.
- 4.5.14 An objector spoke on behalf of the Development Education Centre and stated that the Sub-Committee should be strong enough not to grant the application. She felt that there should be a new approach to lap dancing clubs and that legislation should be changed to reflect this. Since a loophole was discovered in the legislation which stated that premises no longer needed nudity licences, there had

been a massive increase in these types of clubs. She referred to licences in other parts of the country that had been applied for and refused, to the failed judicial review in Oxford and requested that the Council should follow this lead and refuse not only this application but eliminate SEVs in the City. She then referred to maps of the area, to the different uses of the buildings surrounding the club and the impact and its inappropriateness on the area. She emphasised the changes in the number and type of educational facilities in the area, stating that Sheffield College was not far away, that it had sites on Eyre Street and Matilda Street, the UTC was close by and the College also ran robotics clubs for seven year olds. She then made reference to the lack of signage and stated that this made no difference as people knew what the club was and what it stood for. She then referred to an objection contained within the report from a 16 year old girl, born and bred in Sheffield who was currently thinking about her choices of where to study at University but would never choose a University that had a strip club in the middle of several of the main University buildings and next door to the Student Union building.

- 4.5.15 An objector stated that, although being male he was also a feminist due to life experiences. He had worked in the social security sector, had also worked with abused women and had done a doctorate about feminism. He said that although a substantial number of women had been elected to Parliament, the country was still by and large governed by men. In the 1980s, there had been a rise in the number of “gentlemen’s club” but no true gentleman would visit one. He asked that Members be bold in their decision-making and ensure that time is up for this kind of venue.
- 4.5.16 A testimony was read out from a lap dancer which stated that she was forced to start dancing at Spearmint Rhino by her husband and it made her physically sick and she was introduced to cocaine to block out the reality of what was happening. The more she worked, the more drugs she took and the owners of the clubs were aware of the drug taking and drug dealing that goes on inside the premises. The testimony added that these kind of establishments ruin lives.
- 4.5.17 Sammy Woodhouse stated that she had worked in the lap dancing industry for 10 years, starting at the age of 18, but had been a victim of child abuse since the age of nine. She had started as a vulnerable, impressionable single mother who had discovered a way of earning extra money to support herself and her child. Her traumatic childhood had already left her vulnerable and she had little self-confidence and low self-esteem, and working within the industry had the opposite effect of building her confidence and sense of empowerment. She had experienced first-hand the overwhelming aspect of inequality as a dancer, had been sexually assaulted, verbally abused, suffered harassment and intimidation by the public and members of staff. As time went by she grew to hate men and gave instances of how she exploited them. She stated that the dancing industry was horrific and that all SEVs should be closed down. She now focuses on travelling around the country, working to change the policies and legislation governing the industry and speaking up about the exploitation of women at these venues. She finished by saying that although it was her personal choice to get into the industry in the first place, it didn’t make it right.

- 4.5.18 Natasha Harcroft, Barrister on behalf of the objectors, stated that the Sub-Committee had discretion to change its policy on SEVs, that they should refuse to grant if they think the club was inappropriate and the fact that the club had been previously licenced should not make any difference. She said they had a duty under the Equality Act to refuse to grant, that it was not a matter of ticking boxes and because it was lawful to grant the licence, it didn't make it right to do so. She felt that the presence of the club diminished equality between the sexes and freedom of movement within the city, especially amongst those with a protected characteristic. With regard to the locality, prospective students, arriving from the railway station, would see the building as part of the Cultural Industries Quarter, amongst student accommodation and close to the student union building. She stated that the concerns of the objectors were not moral objections, but showed the depth of feeling amongst them.
- 4.6 Philip Kolvin, Q.C., on behalf of Spearmint Rhino, stated that this was the 7th application made by Spearmint Rhino under the present legislation. He further stated that last year's decision took account of the Equality Impact Assessment (EIA) and the conditions placed on the licence and mandatory grounds for refusal did not arise. He referred to the management of the premises, the locality and the vicinity and the premises themselves. Regarding the suitability of the management, he said the manager had been employed there for the past 13 years, and together with the door staff, they had been there for a total of 50 years between them. Mr. Kolvin stated that there was no record of public nuisance, crime and disorder, no risk to children or public safety, and no non-compliance with the licensing objectives. He further stated that the rules of the club were clearly published, understood by everyone, and effectively enforced in a highly regulated environment. Mr. Kolvin then commented that much had been said by the objectors about the mis-treatment of the dancers at the club, but there was no evidence to back up these arguments. 75% of the staff were female and indeed, the President of Spearmint Rhino was a woman. With regard to questions raised about the reliability of the answers given in the questionnaire to the dancers last year, (which were submitted as part of the consultation for the Council's Sex Establishment Policy), the dancers themselves had stated that they were not mistreated, that they felt valued and protected and were not exploited in any way. A Condition imposed last year was that the venue be inspected four times during the year and on each of these occasions, the club had passed with flying colours. Mr. Kolvin then introduced one of the dancers at the club who wanted to speak in favour of the application.
- 4.7 A dancer at the club and mother of two, gave positive views and experiences of her work at the venue. She said that club had transformed her life and had given her the opportunity to improve her lifestyle. She spoke with regard to the proposed Campus Masterplan and felt that it was unfair to be forced out of the city centre, or maybe even closed down altogether, thereby losing her income. The dancer felt that the objectors based their views on assumptions. The dancers don't offer "extras", the staff keep them safe, she had never witnessed any fights or mass brawls, there is a strict customer "no touching" rule which was followed, and the girls are trained how to dance so that touching wouldn't happen. The dancer said that the female body was beautiful, not something to be ashamed of and hidden away and she also worked to help people gain confidence about

themselves and their bodies. With regard to the online trolls that had been mentioned, she referred to the fact that only the negative comments had been mentioned, none of the positive feedback had been spoken about. She finished by stating that her experience at Sheffield's Spearmint Rhino was brilliant, that she had never been forced into doing something she didn't want to do and had never been degraded by anyone.

- 4.8 Mr. Kolvin then referred to the allegations made by Sammy Woodhouse and asked members of staff of Spearmint Rhino if they could recall any of the incidents referred to. The Manager, Assistant Manager and SIA doorman all stated that they didn't recall her ever working at the club. Mr. Kolvin then referred to the appropriateness of the venue within the locality and stated that little had changed since the previous year, and that Brown Street generally at night was very quiet, and was a low crime area. Again, as reported in previous applications, no drinks are allowed outside, there is never a mass exodus of those leaving the premises, and customers arrive and depart in small groups. He added that when the Council consider granting licences, it relies on input from the responsible authorities, and, as in all the club's previous applications, no objections have been received. Mr. Kolvin said that, after 16 years, the adverse impact of the venue within the area had been nil.
- 4.9 Mr. Kolvin referred to the reasons given for last year's decision, which in his opinion was a balanced decision, and there had been no legal challenge to it. He referred to the Sheffield Hallam University Masterplan and stated that it would take 20 years to come into fruition, the CIQ had grown around the premises and that in regard to those who were horrified by the presence of the venue, he suggested this was not a statutory reason to refuse the application. Mr. Kolvin stated that the premises were visited by women as well as men, and no children were in the area during the hours of operation. He acknowledged that lap dancing was not something everyone agreed with, but Spearmint Rhino was a well-run, well-regulated establishment and asked that the application be granted. In addition, Mr. Kolvin referred to minutes from a Women's Hub meeting, where they decided not to oppose the SEV licence renewal application.
- 4.10 In response to questions from Members of the Sub-Committee, Mr. Kolvin stated that the door staff and bar staff are paid as employees, but the dancers are self-employed. He said that the applicant is a registered company and therefore could be scrutinised, and the dancers themselves chose to be self-employed. Mr. Kolvin added that Spearmint Rhino Sheffield had 40 registered dancers and 20 other staff employed there and everything was legal and above board. Regarding allegations made regarding customers touching the dancers and existence of private rooms inside the premises, Mr. Kolvin stated that there were no private rooms and the rules of the club are posted all over the premises and if customers attempted to touch any of the dancers, they would be immediately ejected from the club. He said that during the week, there were between five and 10 dancers working each day, rising to 20 dancers at weekends, on a rota basis, which was done the week before, but there were no hard and fast rules and dancers could check on the same day to ask if there were any vacancies to dance that evening. Customers buy chips to pay for dances and if a customer was found to be purchasing an excessive amount of chips, he would be investigated. Mr. Kolvin

stated that the club was covered by CCTV and kept up to date incident logs and these were available for inspection at any time. At the licensing hearing last year, it was reported that the area was run-down, in a poor state of repair and litter strewn everywhere and the owner contacted those in the area with the aim of cleaning up the area, but received no response.

- 4.11 Martine Taube summed up the case for the objectors, stating that she believed the questionnaires filled in by dancers were filtered and could have been changed to suit the applicant. She said that the premises were clearly visible from the Showroom, that the Site Gallery, after undergoing extensive refurbishment, was due to re-open in September and to ask young people to sit side by side with Spearmint Rhino was unacceptable. Ms. Taube stated that 62-64 Brown Street remained undeveloped and had been for some time. It was felt that the venue, by being located in the area, would jeopardise the £220m planned development by Sheffield Hallam University and that major investors would think hard before investing in the project. She felt that the former dancer, Sammy Woodhouse should be given the opportunity to respond, whereupon Ms. Woodhouse stated that she had nothing to gain by telling lies, that she had travelled all over the country dancing, sometimes under a different name, and if required to do so, she could produce times and dates of her time dancing in Sheffield and she had nothing to gain financially by speaking out at the hearing.
- 4.12 Philip Kolvin summed up on behalf of the applicants, stating that in a large city like Sheffield, there were bound to be a wide range of differing views, but there were only a small minority who were opposed to Spearmint Rhino. This venue formed part of the night-time economy, and there had been no changes from last year. The applicants contribute to the city, provide employment to 60 staff and the dancers do not wish to be self-employed, enjoying the flexibility that their current situation accords. Further, 62 and 64 Brown Street are occupied for storage and economic use, and the premises have communicated with their neighbours in order to continue working alongside them without issues, and to engage with the local businesses. Many are in support of the club however do not wish to speak out due to fear of reprisals.
- 4.13 Craig Harper outlined the options open to the Sub-Committee in relation to the application.
- 4.14 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.
- 4.15 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.16 It had been determined that the decision would be communicated to all concerned at the same time, as soon as reasonably practicable, and in any event, within 5 working days.

- 4.17 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, in the terms requested.

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