

Licensing Committee

Meeting held 9 March 2020

PRESENT: Councillors Andy Bainbridge (Chair), Karen McGowan (Chair), Dawn Dale, Roger Davison, Adam Hurst, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Mick Rooney and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were 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 In relation to Agenda Item 6 (Sex Establishment Policy), Councillor Douglas Johnson declared a personal interest on the basis that he had commented on the policy, when it was last submitted to the Committee for approval, in 2017.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The meetings of (a) this Committee held on 3rd February 2020, and (b) the Sub-Committee held on 13th, 14th, 20th and 27th January and 11th and 17th February 2020, were approved as correct records.

5. SEX ESTABLISHMENT POLICY (INCORPORATING SEX SHOPS, SEX CINEMAS AND SEXUAL ENTERTAINMENT VENUES)

5.1 The Chief Licensing Officer submitted a report informing Members of the results of the consultation process undertaken on the Council's new Sex Establishment Policy (incorporating Sex Shops, Sex Cinemas and Sexual Entertainment Venues) and seeking approval of the final updated Policy, for implementation with effect from 1st April 2020.

5.2 Claire Bower (Licensing Strategy and Policy Officer) outlined the updated Sex Establishment Policy, which was attached at Appendix 'D' to the report, indicating that the Policy had last been approved by this Committee at its meeting held on 23rd November 2017, with a commencement date of 1st January 2018. The decision, however, had been subsequently subject to a judicial review, following which, it had been quashed, and the Council undertook that the Policy would be subject to another round of public consultation, with the Policy to be presented to this Committee being subject to an Equality Impact Assessment (EIA). Ms Bower reported on what the Policy would deal with, what the Policy would deliver, and

referred to the Equality Impact Assessment, which was attached at Appendix 'A'. She reported on Stage 1 of the consultation, which had commenced on 15th April 2019, following which 158 comments had been received, and were attached at Appendix 'B' to the report. At the commencement of the consultation exercise, the Equality Impact Assessment and the Policy had been updated accordingly. Stage 2 of the consultation was carried out between 28th January and 23rd February 2020, with an updated draft of the Policy being circulated to all those people and groups that had made comments during Stage 1. Seven comments had been received, and were attached at Appendix 'C'. Again, at the end of Stage 2 of the consultation process, the Equality Impact Assessment and the Policy were updated accordingly.

- 5.3 Magdalena Boo (Health Improvement Principal, Sheffield City Council Public Health) referred to the comments provided by Public Health, as part of the consultation, and which were set out in Appendix 'B' to the report. Ms Boo emphasised the fact that the information was based on generic evidence, and not specifically Sheffield-based evidence, which was not currently available.
- 5.4 In response to questions raised by Members of the Committee, with regard to the comments now made by Sheffield City Council Public Health, it was stated that there was currently a two-tier system within the sex industry where, on one hand, there were well-managed and well-regulated venues, where the welfare of the workers was considered to be much better, and on the other hand, those workers working in less regulated venues tended to experience more problems with regard to welfare, safeguarding and sexual and domestic abuse. Those workers working in less regulated venues were more likely to comprise people whose immigration status was not clear or confirmed, and who were more likely to have debts and/or drug problems. Ms Boo confirmed that the evidence provided, as part of Public Health's comments, was global, but the Service had looked at the evidence in countries having similar social background to Sheffield, such as America and Australia. Rates of anxiety and self-harm tended to be higher for young women, a number of whom were employed in the sex industry. There was no evidence with regard to public health implications in those cities that did not have a Sex Establishment Policy, but Public Health could undertake investigations into this. Whilst there were no details available, Public Health was aware that there were services where young women working in the sex industry, and who suffered with mental health problems, could seek help and assistance, although there may be long waiting times. A number of the young women also experienced debt problems, therefore it was important that there were adequate welfare services for them.
- 5.5 In response to questions of Public Health from members of the public in attendance, it was reported that whilst there was evidence of Post-Traumatic Stress Disorder being linked to workers suffering violence in the sex industry, there was a need for Public Health or a suitable, alternative organisation, to undertake more detailed research into this link. Current evidence highlighted the two-tier system (licensed and non-licensed venues/activities) and where those workers whose immigration status was not clear or confirmed, were forced into working in non-licensed venues. Public Health had no current evidence of any existence of exit programmes for those workers wanting to leave the sex industry, but could undertake such research if requested. There was evidence to show that those

workers working in well-managed, licensed premises, were less likely to experience bullying or sexual harassment. Whilst it was accepted that a number of young women working in the sex industry were self-employed, therefore could not be represented by a trade union, there was such a union for performers, and they had commented as part of the consultation on the Policy. It was accepted that the comments provided by Public Health, as part of the consultation, were pragmatic, but they had solely been designed to inform the decision-making process.

- 5.6 In response to questions raised by Members of the Committee with regard to the Policy, it was reported that the Licensing Service was not aware of any evidence to show that management of licensed sex establishments in the City were involved in criminal activity. As part of the application process, all applicants were checked by the police and all venues were inspected quarterly, and further on renewal. None of these checks had highlighted any issues. The Police had commented on the Policy, as part of the consultation. The quarterly visits made to the venues were all unannounced. A formal review of the Sex Establishment Policy was undertaken every three years. All premises would be checked on application, and conditions attached to the licence. The result of the Committee's decision approving the Policy in 2017 being quashed, following a judicial review, was that the Authority was now consulting on the fourth draft of the 2011 Policy. Since 2017, a considerable amount of work had been undertaken with the objectors, regarding their concerns, and Public Health, regarding the health implications, in an attempt to reduce the effect of potential harm to workers.
- 5.7 Charlotte Mead (Women's Equality Party) stated that she welcomed the process being followed with regard to the Policy, indicating that this was the first time that the public had been afforded the opportunity to comment at the Licensing Committee meeting. She referred to a considerable amount of Sheffield-based evidence which had been provided by objectors, as part of their objections to the renewal application for Spearmint Rhino, but which had not been forwarded to, or considered by, the Licensing Sub-Committee during the renewal application process.
- 5.8 Councillor Joe Otten stated that he would have reservations in agreeing a nil limit without having all the relevant evidence available. Councillor Dawn Dale stressed that it was important for the Committee to see evidence to show that the workers wouldn't be forced into less-regulated sex work before agreeing a nil limit.
- 5.9 **RESOLVED:** That the Committee, whilst noting the contents of the report now submitted, and expressing its thanks to officers in the Licensing Service for the report, particularly in connection with the consultation exercise, agrees to defer consideration until such time the following information is provided, and could be taken into consideration as part of the Committee's deliberation on the Policy, specifically around the imposition of a nil limit of sex establishment venues in the city centre:-
- (a) Evidence focussed on Sheffield sex establishment venues/sex industry specifically;
 - (b) policy comparisons between Sheffield and other core cities;

- (c) information on exit support available to those working in the venues in Sheffield;
- (d) information on whether Sheffield is providing the correct support services for those working in venues;
- (e) information regarding trauma caused by working in venues; and
- (f) evidence of displacement from cities that have imposed nil limits.

The votes on the above resolution were ordered to be recorded, and were as follows:-

For the Resolution (9) - Councillors Andy Bainbridge, Dawn Dale, Roger Davison, Karen McGowan, Joe Otten, Josie Paszek, Vickie Priestley, Mick Rooney and Cliff Woodcraft

Against the Resolution - Councillors Douglas Johnson and Ruth Mersereau (2)

Abstentions (1) - Councillor Bob Pullin

(NOTE: Prior to the passing of the above resolution, an alternative Motion, moved by Councillor Douglas Johnson and seconded by Councillor Ruth Mersereau, as follows, was put to the vote and negatived:-

‘That the Committee whilst noting the contents of the report now submitted, and expressing its thanks to officers in the Licensing Service for the report, particularly in connection with the consultation exercise, approves the Policy, as set out in the report now submitted, subject to the receipt of the following information within 12 months:-‘

- (a) Evidence focussed on Sheffield sex establishment venues/sex industry specifically;
- (b) policy comparisons between Sheffield and other core cities
- (c) information on exit support available to those working in the venues in Sheffield;
- (d) information on whether Sheffield is providing the correct support services for those working in venues;
- (e) information regarding trauma caused by working in venues; and
- (f) evidence of displacement from cities that have imposed nil limits.

The votes on the alternative Motion were ordered to be recorded, and were as follows:-

- For the Motion (2) - Councillors Douglas Johnson and Ruth Mersereau
- Against the Motion (8) - Councillors Andy Bainbridge, Dawn Dale, Roger Davison, Karen McGowan, Joe Otten, Josie Paszek, Vickie Priestley and Cliff Woodcraft
- Abstentions (2) - Councillors Bob Pullin and Mick Rooney.)

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