

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 28<sup>th</sup> February, 2012**

**PRESENT:** Councillors John Campbell (Chair), Jenny Armstrong, Diane Leek and Ian Saunders.

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence received.

### **3. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED) – SEXUAL ENTERTAINMENT VENUES – SPEARMINT RHINO, 60 BROWN STREET, SHEFFIELD S1 2BS**

3.1 The Chief Licensing Officer submitted a report to consider an application for a Sexual Entertainment 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.

3.2 Present at the meeting were Julian Skeens, Angela Cromeey, John Specht and Andy Foster (for the applicants), Keith Wilson (Landlord), Laura Sillars, Coralie Hopwood, Patricia Sheerer, Richard Bartle, Andy Ridge, Steve Ellwood and Maureen Storey (Objectors), Shimla Rani and Kathy Stockdale (Licensing Officers), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

3.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.4 Kathy Stockdale presented the report to the Sub-Committee and it was noted that representations had been received from interested parties, and were attached at Appendix "B" to the report.

3.5 Maureen Storey, who worked for an organisation that dealt with delivering services to women suffering from violence and harassment, stated that she had particular concerns regarding the safety and wellbeing of female students of Sheffield Hallam University who walked past or nearby the premises on a regular basis. Although she was unable to provide any proof relating to this application, she referred to evidence relating to increases in harassment and intimidation within the vicinity of such establishments

generally. She also referred to the safety and wellbeing of women living, working and engaging in activities in the Cultural Industries Quarter (CIQ) and stated that the decision to locate a sex establishment in the centre of the CIQ was highly inappropriate in terms of its effects on the quality and reputation of the area.

- 3.6 Steve Ellwood, a representative of the CIQ Agency, stated that he believed the premises was inhibiting the growth and development of the numerous businesses in the CIQ, and referred particularly to the CIQ's reputation as an educational centre for young people and children. He also referred to the open space next to the Hubs Student Union Building and the fact that its proximity to the premises made it difficult for local businesses to undertake public activity and work with young people.
- 3.7 Laura Sillars, Artistic Director, Site Gallery, stated that the Gallery, which had been established in the area for 15 years, comprised a number of small independent industries. She believed that Spearmint Rhino was inhibiting business development in the area, referring to percentage figures regarding the levels of funding Leeds and Newcastle received for contemporary arts in comparison to Sheffield. The Site Gallery's funding was dependent upon undertaking participatory work with young people and children and on being accessible to all, and she believed that the level of funding received was as a result of Spearmint Rhino creating a bad impression in the area. She also believed that the public recreational space next to the Hubs was not used as much as it could be, particularly by young people and children, as a result of it being next door to a sex establishment. There were over 200 artists and creative workspaces in the area and the various industries were a key driver to getting people involved in the arts, and it was considered that having a sex establishment in the centre of the area was not only making the area feel threatening to some people, but was also holding back further funding and investment.
- 3.8 Patricia Sheerer stated that she attended a number of events in the area, often accompanied with her grandson, and considered that having such an establishment in an area where a lot of young people and children would visit regularly was not suitable. She indicated that she found the premises intimidating and thought it would be better to be sited in an alternative area.
- 3.9 Coralie Hopwood, a local resident, stated that she often attended activities in the City Centre in the evenings, including the Showroom Cinema, and that she worked in a restaurant close to the Town Hall. She objected to the fact that she should not be forced to walk through areas where she felt unsafe and intimidated. She stated that customers leaving such establishments, often left drunk and could be verbally abusive to people in the area, and referred to evidence indicating that there had been an increase in incidents within areas where such establishments were situated, though not specifically this venue.
- 3.10 Richard Bartle, a self-employed businessman in the area, indicated that business owners and residents were promised a lot in terms of funding and

investment when the CIQ was first established, and whilst there had been considerable growth in the area over the last few years, he believed that the premises was holding back further investment, thereby creating pressure for the existing businesses in the area. He referred to the fact that some people visiting the City by train would leave the station and walk past the venue, and immediately have a bad impression of the area.

- 3.11 In response to questions from Members of the Sub-Committee, it was stated that, whilst the majority of people arriving in the City by train would walk straight up Howard Street, a number of people do use other routes, such as the one along Brown Street, past the premises. The objectors clarified the precise location of their business premises, as referred to in their representations, using the map in the report. In terms of further investment by Sheffield Hallam University in the area, the University opened the Hubs, as its Student Union, within the former building of the Centre for Popular Music in 2004 and opened its Centre for Art on Arundel Street in 2008. In terms of the perception of the area, it was accepted that there was a core, committed audience in terms of the utilisation of the facilities, but it was hard to attract people over and above this, as well as being difficult to persuade key providers and funders, such as the Arts Council, to invest further in the area. This, in their opinion, was due in part to the location of Spearmint Rhino in the centre of the area. When showing people round the area, some people, including the Director of Strategy, Arts Council, have made reference to the premises, and how it must have an adverse effect on the area. It was reported that, as a result of the investment in the area over the past few years, it was only Spearmint Rhino that was now affecting the potential for further funding and investment. If the premises were relocated, it would certainly help to establish the City as one of the Country's major arts providers. Whilst there was no evidence provided in terms of crime linked to the premises, it was reported that the highest levels of crime in Sheffield were in the City Centre. It was indicated that the issues of crime and community safety in respect of the premises referred mainly to harassment and personal safety within the vicinity of the premises. Licensing Officers pointed out that no objections had been received from the Police or any of the Council's Services.
- 3.12 Kathy Stockdale referred to the report which she had presented to the Sub-Committee earlier in the meeting.
- 3.13 Julian Skeens reported that the applicants had took ownership of the premises in 2002 and as part of the application for a new licence and a variation to the Public Entertainment Licence, a number of objections were raised at the hearing at that time. In 2005, the premises licence was converted to that in operation today. Apart from changes to the décor, the layout of the premises has remained the same since 2002, and since the venue had been operating in its present format, since 2005, there had been no complaints in terms of its operation. Spearmint Rhino was a worldwide organisation and very proud of its excellent reputation and there had been no issues in terms of its operation in Sheffield. In terms of the objections received to the application for a Sexual Entertainment Licence, Mr. Skeens

referred to the recreational space next to the premises, pointing out that the nature and layout of the area did not make it suitable for children to play and therefore, young children would not be attracted to play here. Regarding the personal safety of students, he pointed out that there was a student night at the venue, which was one of the busiest nights and also attracted a number of female students. He stated that the venue did not open until 22:00 hours and therefore, there was no reason why students or anyone else should feel intimidated or unsafe when walking past or near the premises during the day. Even when the premises were open, there would only be up to three door supervisors outside the venue who, more often than not, had very little to do other than welcome customers to the venue. In March 2010, management wrote to local businesses and residents, asking for any feedback in terms of the operation of the venue and in terms of responses, there was very little in terms of complaints and several people welcomed the operation on the basis that it created some form of security at night. In terms of concerns regarding crime and disorder relating to the premises, Mr. Skeens referred to the statement by Darryl Butterworth, Licensing and Security Compliance Manager, contained in the additional information circulated, which indicated that, in his experience and following his investigations, lap dancing bars did not produce increases in crime and disorder, public nuisance or a danger to public safety, or issues regarding the protection of children from harm. Mr. Skeens also referred to the latest Police statistics regarding crime and anti-social behaviour in and around Sheffield City Centre, which indicated that, in December, 2011, the area around the premises had the lowest levels of such behaviour. Reference was also made to the views of a Chief Inspector at Scotland Yard, which indicated that the Police favoured lap dancing clubs in the light of the low level of crime and anti-social behaviour associated with their operation. With regard to the location of the premises and in the light of the issues raised by the majority of the objectors, and as set out in the Council's Sexual Entertainment Licence policy, Mr. Skeens stated that there were no schools in the area, nor parks or other recreational areas suitable for use by young children, nor churches or other places of religious worship, nor hospitals, mental incapacity or disability centres or similar premises, it was not within the immediate vicinity of the cultural hub of the City and it was not on the route of the main central gateway to the City. Mr. Skeens also referred to Spearmint Rhino's procedure for disciplinary action, indicating that, as far as he was aware, there was no record of any dancers being fined for disciplinary reasons.

- 3.14 In response to questions from Members of the Sub-Committee, it was reported that there was only one poster on the outside of the premises, advertising events, and whilst there was no reference to the age limit of 18 regarding entry on the poster, there were other notices in and around the entrance relating to this, and the door supervisors also regulated entry. The venue did not randomly hand out flyers in terms of advertising events, other than at other events in the City, such as boxing bouts, where people may be visiting the City on a one-off basis. The majority of advertising was done on the club's website. There would only be a maximum of three door supervisors working at the entrance to the premises at any one time. All the door supervisors were over 30 years of age and would wear a suit and tie at

all times whilst on duty. The club attracted Door Supervisors of such an age as they were aware of the low level of trouble associated with the job. The capacity of the venue was 250 and there would be between 100 and 120 customers visit the venue at weekends, with considerably less during the week. As a result of these numbers, there were never occasions when there were long queues outside the venue. In response to the issues raised by the objectors regarding the safety of students, it was reported that the vast majority of students would feel perfectly safe and would not be intimidated when walking past the venue, both when the premises were closed and when they opened at 22:00 hours. The student night held at the venue was one of the most popular events, and attracted female students as well as male. With regard to the views of local businesses and residents in terms of the operation of the venue, reference was made to the survey, which comprised letters being sent by the club to such business owners and residents, seeking their views, and this had resulted in very few issues being raised. Reference was also made to the findings in a document produced by the University of Leeds, regarding dancers and lap dancing clubs, which indicated that if the dancers were not happy or did not feel safe, clubs would not be able to operate successfully. In terms of the relationship between the venue and other businesses in the area, the landlord of the premises stated that there had been no problems at all with the tenants, both in terms of his relationship with them and their relationship with other businesses in the surrounding area.

- 3.15 At this stage in the proceedings, the public and press and attendees involved in the application were informed that, in accordance with the legislation, the Sub-Committee were not able to determine the application until two further applications for Sexual Entertainment Licences had been made by different applicants. These applications were to be considered by the Sub-Committee at its meeting to be held on 1<sup>st</sup> March, 2012, and all applicants would be informed of the determinations after this date.

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