



SHEFFIELD CITY COUNCIL Licensing Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 27th June 2013 at 10:00 a.m.

Subject: Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 (as amended) – Sexual Entertainment Venues

Author of Report: **Andy Ruston** – 203 7752

Summary: To consider an application for the renewal of a sexual entertainment licence

Recommendations: That Members note the content of the report and any further information supplied.

Background Papers: Attached to this report.

Category of Report: OPEN

**Schedule 3 of the Local Government Miscellaneous Provisions Act 1982
(as amended) - Sexual Entertainment Venues**

Premises –Spearmint Rhino, 60 Brown Street, Sheffield S1 2BS

1.0 PURPOSE OF REPORT

- 1.1 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.

2.0 THE APPLICATION

- 2.1 The applicant is Sonfield Developments Limited.
- 2.2 The application, which was received on 26th April 2013, is attached to this report labelled Appendix 'A'.

3.0 REASONS FOR REFERRAL

- 3.1 Objections concerning the application have been received from the following:-
- a) Interested parties Appendix 'B'
- 3.2 A copy of the standard conditions are attached at Appendix 'C'.
- 3.3 A copy of the conditions attached to the current Sexual Entertainment Venue Licence for Spreamint Rhino are attached at Appendix 'D'. The applicant has not applied to add any further conditions or to amend the conditions currently attached to the licence.
- 3.4 The hearing will be held in two parts.
- 3.5 Objectors have been informed of the hearing and objections will be heard in Part One of the hearing.
- 3.6 The applicant and his representative have been informed of the hearing and the applicant will be invited to present the application in part two of the hearing.
- 3.7 Copies of the invites sent to the applicant and objector are attached to this report labelled Appendix 'E'.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications arising from this application. However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

5.0 THE LEGAL POSITION

5.1 Section 27 of the Policing and Crime Act 2009 amends Paragraph 2A of Schedule 3 of the Local Government Miscellaneous Provision Act 1982 and introduces a new category of sex establishments called “sexual entertainment venues” which allows licensing authorities to regulate lap dancing clubs and similar venues.

5.2 Sheffield City Council has adopted the Sexual Entertainment Venue Provisions under Schedule 3 of the Local Government (Miscellaneous Provision) Act 1982 as amended by Section 27 of the Policing & Crime Act 2009 so as to have effect as from the 1st May, 2011, in relation to the whole of the Sheffield City Council area for the purposes of regulating premises deemed to be sexual entertainment venues.

5.3 Section 27 of the Policing and Crime Act 2009 amends Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and reclassifies lap dancing clubs as sexual entertainment venues and gives local authorities in England and Wales the power to regulate such venues.

5.4 For the purposes of these new provisions “sexual entertainment venue” is defined as:

“any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

5.5 The meaning of “relevant entertainment” is defined as;

“any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)”.

5.6 The Licensing Authority will have regard to the Home Office Guidance when exercising its functions in order to promote best practice and consistency across England and Wales.

6.0 HEARINGS REGULATIONS

6.1 The hearing procedure is set out in Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 at Section 10. A copy of the hearing procedure is attached at Appendix ‘F’.

7.0 APPEALS

7.1 In the event that an application for the grant, renewal or transfer of a sexual entertainment venue licence is refused, the applicant may appeal to the Magistrates’ Court within 21 days of receiving notification of the decision.

If the application was refused on paragraph (c) or (d) of the discretionary grounds specified in Appendix 'G', there is no right of appeal.

There is no right of appeal for objectors where an application is granted.

8.0 RECOMMENDATIONS

8.1 That Members carefully consider the application and / or any objections made and take such steps as the Committee consider necessary for the promotion of the Council's Sexual Entertainment Venue Policy and with regard to the Home Office Guidance.

9.0 OPTIONS OPEN TO THE COMMITTEE

9.1 To renew the sexual entertainment venue licence in the terms requested.

9.2 To renew the sexual entertainment venue licence, with additional or amended conditions.

9.3 To defer the application.

9.4 To refuse the whole or part of the application.

Stephen Lonnia
Chief Licensing Officer
Head of Licensing
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot
Sheffield S9 3GZ

19th June 2013

APPENDIX A

Application for Grant of a Sexual Entertainment Venue Licence

Notes to Applicant:

All questions must be answered unless otherwise stated.
 If relevant questions are not answered, the application will be deemed incomplete
 and returned to the Applicant.

WE HEREBY APPLY to the Sheffield City Council for the grant of a licence to use a premises as a Sexual Entertainment Venue.

A. THE APPLICANT

Q1	Is the Applicant:		
	a. An individual?	<input type="checkbox"/>	Answer question 2
	b. A company or other corporate body? ✓	<input checked="" type="checkbox"/>	Answer question 3 & 4
	c. A partnership or other unincorporated body?	<input type="checkbox"/>	Answer question 5

Q2	Answer only where the applicant is an individual.	
	Full Name of the Applicant	n/a
	Applicants permanent private address	n/a
	Occupation (during preceding six months).	n/a
	Telephone No.	n/a
You need to complete Annex A. Now go to question 5		

Q3	Answer only if the Applicant is a company or other corporate body.	
	Full Name of the Applicant	Sonfield Developments Limited ✓
	Applicant's trading address	60 Brown Street Sheffield S1 2BS ✓
	Applicant's registered address (if different)?	c/o Hillier Hopkins LLP 64 Clarendon Road Watford WD17 1DA
	What is the registered number of the Applicant?	4315210
	Has the Applicant previously been known by any other name, and if so, what?	No ✓

	What are the full names of the Directors and Company Secretary?	Director: John Specht, Kathy Vercher ✓ Company Secretary: Spearmint Rhino Secretarial Services Limited
	Are any persons responsible for the management of the Applicant other than the Directors and Company Secretary? If so, state their names	Yes [] No [x]
	For all persons with a shareholding greater than 10% in the Applicant state the names, and registered address where it is a body corporate of all persons and their percentage shareholding at the date of application.	(1) Spearmint Rhino Ventures (UK) Limited c/o Hillier Hopkins LLP 64 Clarendon Road Watford WD17 1DA ✓
	For any body corporate with a shareholding holding greater than 10% in the Applicant, state the names of its Directors and Company Secretary.	Spearmint Rhino Secretarial Services Limited (Secretary) John Specht Kathy Vercher ✓

All individuals named above need to complete Annex A. Now go to question 5

Q4	Answer only if the Applicant is a partnership or other unincorporated body:	
	Full Name of the Applicant	n/a
	Applicants trading address	n/a
	What are the names, of the Applicants Partners?	n/a
	Are there persons responsible for the management of the Applicant other than the Partners? If so, state their names.	n/a
	Has the Applicant previously been known by any other name, and if so, what?	n/a

All individuals named above need to complete Annex A. Now go to question 6

Q5	Will the business for which a licence is sought be managed by or carried on for the benefit of a person other than those already mentioned in answer to Q2 to Q4 above. This includes third parties such as funders and suppliers where the arrangements are not on normal arm's length commercial terms or any persons who may share in the profits.	Yes [] No [x] ✓
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	If the answer is yes, state their name(s). If a body corporate body, state their place of registration and registered number, and the name(s), of all Directors, the Company Secretary and those with a greater than 10% shareholding.	
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All individuals named above need to complete Annex A. Now go to question 6

Q6	Has any body corporate or unincorporated named in Q3 to Q5 above:	
	• Ever been convicted of a criminal offence, issued with a caution, or bound over to be of good behavior?	Yes [] No [X]
	• Ever had a grant or renewal application for a sex shop, sex cinema or sexual entertainment venue licence refused or such licence revoked?	Yes [] No [x]
	• Ever been the subject of insolvency proceedings?	Yes [] No [X]
	• If Yes please provide full details including dates (this can be done on a separate piece of paper).	

Note: Question 6 does not apply to individuals as they are required to answer similar questions in Annex A.

Q7	Does the Applicant have a trading name different from that given in answer 2, 3 or 4 above? If so, state the trading name.	Spearmint Rhino ✓
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Q8	Does the Applicant operate any other sex shop, sex cinema or sexual entertainment venue in Sheffield whether licensed or not?	Yes [] No [x] ✓
	If so, state the name, address and type(s) of sex establishment (e.g. sex shop, sex cinema, sexual entertainment venue).	

Notes to Applicant:

Each of the individuals named in Questions 2, 3, 4 and 5 must complete a copy of the form attached at Annex A to this application.

These form part of the application and must be submitted with this application. If not, the application will not be regarded as complete and will not be processed.

It will be rejected if not made complete within seven working days of receipt.

B. THE PREMISES, VEHICLE, VESSEL OR STALL


Q9	Is this application in respect of:	Premises	<input checked="" type="checkbox"/> Go to Question 11
		Vehicle	<input type="checkbox"/>
		Vessel	<input type="checkbox"/>
		Stall	<input type="checkbox"/>

Q10	Answer only where the application is for a vehicle, vessel or stall	
	Give a description and state all locations where the vehicle / vessel / stall is proposed to be located during use as a sexual entertainment venue. If moving please describe the route to be taken and any places where it will be stationary.	n/a
Now go to question 12		

Q11	Postal address of premises:	
	Spearmint Rhino 60 Brown Street	
	Post Town: Sheffield	Postcode: S1 2BS
	Telephone Number: c/o 020 7339 7010	Email Address: ajc@jgrlaw.co.uk

For Q12 to Q17 reference to premises should be taken to include vehicle, vessel or stall as appropriate.

Q12	Is the whole of the premises to be used as a sexual entertainment venue?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	If not, state the use of the remainder of the premises		
	State the names of those who are responsible for the management of the remainder of the premises		

Q13	State the nature of the Applicant's interest in the premises.	a.	Owner	<input type="checkbox"/>
		b.	Lessee	<input checked="" type="checkbox"/>
		c.	Sub-lessee	<input type="checkbox"/>
	If the Applicant is a lessee or sub-lessee, state:			
	(i) the name and address of the landlord	Keith Wilson 		

	Is each customer access from the street to be supervised at all times the premises are open to the public?	Yes [x] No [] If the answer is No give full details of proposed door controls and supervision: ✓
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Q17	Are the premises, so constructed or adapted and laid out as to permit access to, from and within the premises (including WC facilities) for members of the public who are disabled?	Yes [x] No [] If the answer is No give full details of proposals for affording such access: ✓
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Q18	Are the premises being used as a sex shop, sex cinema or sexual entertainment venue at the date of this application?	Yes [X] No [] ✓
	If the answer is Yes, state the name and address of the body or person now operating the business.	Name: Sonfield Developments Limited ✓ Address: c/o Hillier Hopkins LLP 64 Clarendon Road Watford WD17 1DA ✓

C. MANAGEMENT OF THE BUSINESS

Q19	State the identity of the person who will be primarily responsible for the day to day management of the business at the premises.	Name: Peter Mercer - General Manager ✓
	Will that person be based at the premises and will the management of the business there will be his/her sole and exclusive occupation.	Yes [x] No [] ✓
	Which person(s) will be responsible for the day to day management of the business in the absence of the person named above.	Name: Michael David Goodwin (Manager) ✓ Name: Andy Foster (Regional Manager) ✓

Confirm that the relief manager(s) or one of them will be based at the premises full time in the absence of the Manager.	Yes [x] No [] /
You should ensure that any person listed in this question is also included in Q2 to Q5 above as appropriate.	

Q20	State all times at which the premises will be used as a Sexual Entertainment Venue			
	Day	Start	Finish	Please give further details here:
	Mon	00.00	00.00	
	Tue	00.00	00.00	
	Wed	00.00	00.00	
	Thur	00.00	00.00	State any seasonal variations:
	Fri	00.00	00.00	
	Sat	00.00	00.00	Non-standard timings. Where you intend to use the premises at different times from those listed in the column on the left:
	Sun	00.00	00.00	

Q21	State proposals in respect of: (A plan of the exterior must be submitted)		
Exterior Signage	Nature:	<ol style="list-style-type: none"> 1. Sign above front door 2. Window sign, logo and web address 3. Sign at side of building 	
	Size:	<ol style="list-style-type: none"> 1. 4ft high by 9ft long 2. 6ft high by 13ft long 3. 2ft high and 7ft long 	

		Images:	Photos provided
		Copy Supplied:	Yes [<input checked="" type="checkbox"/>] No [<input type="checkbox"/>]
	Advertising	Nature:	Events board next to the front door.
		Size:	A1/A2 poster size
		Images:	Photos provided
		Copy Supplied:	Yes [<input checked="" type="checkbox"/>] No [<input type="checkbox"/>]
	Window Displays	Nature:	See above
		Size:	
		Images:	
		Copy Supplied:	Yes [<input checked="" type="checkbox"/>] No [<input type="checkbox"/>]

Q21	State any proposals for solicitation or advertisement of business in public areas (in doing so you should take account of the Council's Policy and the Standard Terms and Conditions that will apply to the licence if granted) :		
	Fliers	Images:	Fliers and VIP passes distributed where legal and on display in hotels by agreement
		Copy Supplied:	Yes [<input checked="" type="checkbox"/>] No [<input type="checkbox"/>]
	Business Cards	Images:	
		Copy Supplied:	Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]
	Other	Images:	
		Copy Supplied:	Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]

Q22	What means are to be taken to prevent the interior of the premises being visible	The entrance foyer is visible from the outside. No areas where relevant entertainment is provided
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	to passers-by?	are visible from the outside due to the location of the rooms and windows being boarded or blacked out.
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Q23	<p>State what age restrictions are to be applied in respect of admissions, and how are these to be enforced.</p> <p>In answering, state what forms of identity will be accepted.</p>	<p>No-one under the age of 18 years of age will be permitted entrance.</p> <p>Passport/Driving Licence</p>
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Q24	<p>State the arrangements for CCTV and for retention of recordings.</p> <p>In answering, state whether all public areas are to be covered by CCTV at all times the business is open and whether the feed from all cameras will be recorded.</p>	<p>The location of the CCTV is set out on the plan. Cameras both internal and external. All cameras record whilst the premises is open for business. Recordings are kept for 70 days. Copies can be provided to the Police or local authority subject to the Data Protection Act 1998</p>
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Q25	State whether the proposal is for full nudity (nudity is defined as per the Council's Policy).	Yes [x] No []
	<p>Give full details of the nature of the entertainment.</p> <p>Lap Dancing</p>	<p>√ In booths – see plan</p>
	<p>Pole Dancing</p>	<p>√ On stage – see plan</p>
	<p>Stage Strip-tease</p>	<p>√ On stage – see plan</p>
	<p>Other</p>	<p>Anything of a like kind subject to conditions.</p>
	<p>State whether arrangements are proposed for private booths or areas. If so, provide full details (highlighted on accompanying plans), including proposals for supervision of such areas.</p>	<p>See plans. Areas are covered by door supervisors.</p>

Q26	This question need not be answered in the case of renewals.
A	State proposals for preventing nuisance to residents and businesses in the vicinity:

	The premises has operated for a number of years with policies and practices to promote the licensing objectives under the Licensing Act 2003. No complaints have been received. It is not proposed to change the operation, policies or practices.	
B	State proposals for promoting public safety: See A above. Appropriate fire risk assessments and health and safety risk assessments have been carried out and are updated as necessary.	
C	State proposals for preventing crime or disorder: See A above. CCTV and security officers will be in use.	
D	State proposals for protecting children from harm: See A above. No under 18's allowed into the premises when the licence is being used. Appropriate signage and security. Photo ID required if a person looks under 21.	
E	Set out the system for training all staff in the Code of Practice for performance, and enforcing compliance. <i>(Note: the Code of Practice must be attached to this form.)</i>	All staff receive induction training involving the code of practice. A copy is provided if requested. Records of training are kept. Refresher training is provided. Compliance monitored by security and CCTV. Breaches are dealt with as a disciplinary process.
F	Set out the system for notifying customers of the Rules for Customers, and for monitoring and enforcing compliance. <i>(Note: the Rules for Customers must be attached to this form.)</i>	Notices placed around the premises on walls and tables. Monitoring by CCTV and security officers.
G	Set out the system for monitoring compliance with the venue's Policy for Welfare of Performers. <i>(Note: the Policy for Welfare of Performers must be attached to this form.)</i>	Records monitored by management. Maintained and signed by the performers where appropriate

Q27	Set out any further information which you wish the authority to take into account. Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the authority's Sexual Entertainment Venue Policy or Standard Conditions (any such application will be referred to Licensing Sub-Committee for determination).
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<p>days starting with the date of the application. ✓</p> <p>I understand that I must advertise the application in a local newspaper within seven days after the date of the application and that a copy of the complete newspaper must be provided to the Licensing Authority in accordance with paragraph 10(8), Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. ✓</p>	<p>[x]</p>
<p>Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application is submitted and the date it is determined, the Applicant must advise the Licensing Authority immediately. Failure to do so may result in any licence issued being revoked.</p> <p>I/we agree to notify the Licensing Authority should any of the information given in this application change.</p>	<p>[x]</p>
<p>I declare that I have read and agree to abide by the standard conditions of a Sexual Entertainment Venue Licence made by Sheffield City Council in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 should my application be granted. Subject to any amendments.</p>	<p>[x]</p>

Applicants are informed that any person who, in connection with an application for the grant, renewal or transfer of a licence, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, is guilty of an offence and liable, on summary conviction, to a fine not exceeding £20,000.

we certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect. [x]

Name: ...JEFFREY GREEN RUSSELL LIMITED.....

Solicitors and Authorised Agents and on behalf of Sonfield Developments Ltd

Date:25th April 2013.....

Signature: *Jeffrey Green Russell limited*

.30 Contact name (where not previously given) and postal address for correspondence associated with this application:

Address:

Jeffrey Green Russell Limited
Waverley House
7-12 Noel Street

Postal Town: London

Post Code:
W1F 8GQ

Telephone Number: 020 7 339 7010

Mobile Number:

Email Address: ajc@jgrlaw.co.uk

Please return the fully completed form and all attachments to:
Licensing Service,
Block C, Staniforth Road Depot.
Staniforth Road
Sheffield
S9 3HD

Guidance Notes for Applicants

1. Application

All questions must be answered unless otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.

A separate "Annex A" form must be completed by each of the individuals named in Questions 2, 3, 4 and 6 of the application form. These must be submitted with the application.

The correct fee should be enclosed with the application.

The application must be served on South Yorkshire Police at:

**The Police Licensing Team
1st Floor
Attercliffe Police Station
60 Attercliffe Common
Sheffield
S9 2AD**

No later than seven days after submitting the application to Sheffield City Council.

2. The Plan

The layout plan must show:

- (a) The layout of the premises including, e.g. stage, bars, cloakroom, wc's performance areas and dressing rooms.
- (b) The extent of the boundary of the premises outlined in red.
- (c) The extent of the public areas outlined in blue.
- (d) Uses of different areas in the premises, e.g. performance areas and reception.
- (e) Structure or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
- (f) Location of points of access to and egress from the premises.
- (g) Any parts used in common with other premises.
- (h) Position of CCTV cameras.
- (i) Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
- (j) Where the premises includes any steps, stairs, elevators or lifts, the location of the same.
- (k) The location of any public conveniences, including disabled WC's.
- (l) The position of any ramps, lifts or other facilities for the benefit of disabled people.
- (m) Any level changes at the entrance to or within public parts of the premises which may be inaccessible to disabled people.
- (n) The location and type of fire safety and any other safety equipment.
- (o) The location of any kitchen on the premises.
- (p) The location of emergency exits.

3. Public Notices

A notice must be displayed at, or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the Council. The notice must be able to be conveniently read from the exterior of the premises.

Where the premises cover an area of more than 50 square metres, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting the highway.

The full regulations regarding the size, content and font to be used on public notices can be obtained from the Licensing Service.

A notice must also be placed in a local newspaper circulating in the area within 7 days of serving the application on the Council (Example the Sheffield Star or Sheffield Telegraph).

You must send a copy of the newspaper containing the advertisement as soon as is reasonably practicable to the Licensing Section.

4. Grant of a Licence

The Council may grant to any applicant a licence for the use of a premises as a sexual entertainment venue on such terms and conditions as specified by the Council.

A licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.

To apply for the grant of a sexual entertainment venue licence an applicant must send to the Council:-

- a) A completed application form;
- b) The fee;
- c) A plan of the premises to which the application relates (to the scale of 1:100) showing all means of ingress and egress to and from the building, layout of the premises;
- d) A site plan detailing the location of their premises in relation to the surrounding area and other premises (to the scale of 1:1250);
- e) Drawings showing the front elevation of the premises as existing and as proposed (to the scale of 1:50);

And must also:

- f) Display a notice at or on the premises (see section 1 above);
- g) Place a public notice in a local newspaper (see section 1 above);
- h) Serve a copy of the application on the Chief Officer of Police at **The Police Licensing Team, 1st Floor, Attercliffe Police Station, 60 Attercliffe Common, Sheffield, S9 2AD.**

Application forms are available from www.sheffield.gov.uk/sev.

For further information and guidance in relation to applications for a Sexual Entertainment Venue, please see our Sexual Entertainment Venue Licensing Policy at www.sheffield.gov.uk/sev.

SHEFFIELD CITY COUNCIL

Statutory declaration sheet for application for grant of Sexual Entertainment Venue licence.

One of these forms must be completed by (i) the applicant;
(ii) all directors of any company applying for a licence; and
(iii) any other person who will be responsible for the management of the licensed premises.

Q1	Full Name:	John Specht
	Former Name (if any):	
	Position in relation to Applicant (e.g. Director, Partner, Manager):	Vice President
	Date of Birth:	[REDACTED]
	Gender:	Male [x] Female []
	Permanent Residential Address:	[REDACTED]
	If resident at this address for less than 3 years, state previous address:	

Q2	Have you been a resident in the United Kingdom for more than six months prior to the date of the application?	Yes [x] No [] If the answer is No give the date your residency started:
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Q3	Have you ever been disqualified from holding a sex establishment licence (sex shop, sex cinema or sexual entertainment venue) under Schedule 3, Paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982?	Yes [] No [x] If the answer is Yes give full details:
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Q4	Have you ever been involved in the management of a business, whether as proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?	
	Sex establishment licence	Yes [] No [x]
	Licence for the sale of alcohol	Yes [] No [x]
	Licence for the provision of entertainment, whether sexual or otherwise.	Yes [] No [x]
	Personal licence under the Licensing Act 2003	Yes [] No [x]
	If the answer is Yes to any of the above give full details:	

Q5	Have you ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?	Yes [] No [x]	If the answer is Yes please give full details below:	
Details of previous convictions and/or cautions				
	Date of Conviction	Court of Conviction	Nature of Offence	Sentence

Q6	To your knowledge are you currently the subject of any criminal investigation?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q7	Have you ever had any civil legal action taken against you?	Yes [] No [x]
	If the answer is Yes please give full details:	

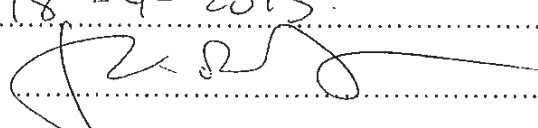
Q8	Have you ever been declared bankrupt or entered into an arrangement with creditors or an individual voluntary arrangement?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q9	Have you ever been disqualified from acting as a company director?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q10	Is there any other information which you believe the licensing authority would reasonably expect notice of or you would like the licensing authority to take into account when considering the information you have supplied?
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Q11	Is there any information on this Annex which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen.
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	I declare that I believe the information given above is true and complete in every respect.
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	<p>Name: ...John Specht.....</p> <p>Position in Organisation: Vice President.....</p> <p>Date: 18 - 4 - 2013</p> <p>Signature: </p>
<p>Where the applicant is a body corporate or unincorporated body this application should be signed by a partner, the secretary or a director stating in which capacity it is signed.</p>	

Statutory declaration sheet for application for grant of Sexual Entertainment Venue licence.

One of these forms must be completed by	(i) the applicant; (ii) all directors of any company applying for a licence; and (iii) any other person who will be responsible for the management of the licensed premises.
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Q1	Full Name:	Kathy Vercher /
	Former Name (if any):	
	Position in relation to Applicant (e.g. Director, Partner, Manager):	President and COO ✓
	Date of Birth:	
	Gender:	Male [] Female [<input checked="" type="checkbox"/>]
	Permanent Residential Address:	
	If resident at this address for less than 3 years, state previous address:	

Q2	Have you been a resident in the United Kingdom for more than six months prior to the date of the application?	Yes [] No [<input checked="" type="checkbox"/>] If the answer is No give the date your residency started:
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Q3	Have you ever been disqualified from holding a sex establishment licence (sex shop, sex cinema or sexual entertainment venue) under Schedule 3, Paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982?	Yes [] No [<input checked="" type="checkbox"/>] If the answer is Yes give full details:
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Q4	Have you ever been involved in the management of a business, whether as proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?	
	Sex establishment licence	Yes [] No [x]
	Licence for the sale of alcohol	Yes [] No [x]
	Licence for the provision of entertainment, whether sexual or otherwise.	Yes [] No [x]
	Personal licence under the Licensing Act 2003	Yes [] No [x]
	If the answer is Yes to any of the above give full details:	

Q5	Have you ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?	Yes [] No [x]	If the answer is Yes please give full details below:	
Details of previous convictions and/or cautions				
	Date of Conviction	Court of Conviction	Nature of Offence	Sentence

Q6	To your knowledge are you currently the subject of any criminal investigation?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q7	Have you ever had any civil legal action taken against you?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q8	Have you ever been declared bankrupt or entered into an arrangement with creditors or an individual voluntary arrangement?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q9	Have you ever been disqualified from acting as a company director?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q10	Is there any other information which you believe the licensing authority would reasonably expect notice of or you would like the licensing authority to take into account when considering the information you have supplied?
	No

Q11	Is there any information on this Annex which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen.
------------	---

No

48

Q12	I declare that I believe the information given above is true and complete in every respect.
	Name: ...Kathy Vercher.....
	Position in Organisation:President and COO
	Date: <i>18/04/13</i>
Signature: <i>Kathy Vercher</i>	
Where the applicant is a body corporate or unincorporated body this application should be signed by a partner, the secretary or a director stating in which capacity it is signed.	

ANNEX A /

SHEFFIELD CITY COUNCIL

Statutory declaration sheet for application for grant of Sexual Entertainment Venue licence.

One of these forms must be completed by (i) the applicant; (ii) all directors of any company applying for a licence; and (iii) any other person who will be responsible for the management of the licensed premises.

Q1 Full Name: Andrew Lewis Foster; Former Name (if any):; Position in relation to Applicant (e.g. Director, Partner, Manager): Regional Manager; Date of Birth: [redacted] ✓; Gender: Male [x] ✓ Female []; Permanent Residential Address: [redacted]; If resident at this address for less than 3 years, state previous address:

Q2 Have you been a resident in the United Kingdom for more than six months prior to the date of the application? Yes [x] No []; If the answer is No give the date your residency started:

Q3 Have you ever been disqualified from holding a sex establishment licence (sex shop, sex cinema or sexual entertainment venue) under Schedule 3, Paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982? Yes [] No [x]; If the answer is Yes give full details:

Q7	Have you ever had any civil legal action taken against you?	Yes []	No [x]
	If the answer is Yes please give full details:		

Q8	Have you ever been declared bankrupt or entered into an arrangement with creditors or an individual voluntary arrangement?	Yes []	No [x]
	If the answer is Yes please give full details:		

Q9	Have you ever been disqualified from acting as a company director?	Yes []	No [x]
	If the answer is Yes please give full details:		

Q10	Is there any other information which you believe the licensing authority would reasonably expect notice of or you would like the licensing authority to take into account when considering the information you have supplied?
-----	---

52

Q11	Is there any information on this Annex which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen.
------------	---

Q12	I declare that I believe the information given above is true and complete in every respect.
	Name: ...Andrew Lewis Foster.....
	Position in Organisation:Regional Manager.....
	Date: <i>18th April 2013</i>
	Signature: <i>Andrew Lewis Foster</i>
	Where the applicant is a body corporate or unincorporated body this application should be signed by a partner, the secretary or a director stating in which capacity it is signed.

SHEFFIELD CITY COUNCIL

Statutory declaration sheet for application for grant of Sexual Entertainment Venue licence.

One of these forms must be completed by

- (i) the applicant;
- (ii) all directors of any company applying for a licence; and
- (iii) any other person who will be responsible for the management of the licensed premises.

Q1	Full Name:	Peter Mercer
	Former Name (if any):	
	Position in relation to Applicant (e.g. Director, Partner, Manager):	General Manager
	Date of Birth:	[REDACTED]
	Gender:	Male [x] Female []
	Permanent Residential Address:	[REDACTED]
	If resident at this address for less than 3 years, state previous address:	[REDACTED]

Q2	Have you been a resident in the United Kingdom for more than six months prior to the date of the application?	Yes [x] No [] If the answer is No give the date your residency started:
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Q3	Have you ever been disqualified from holding a sex establishment licence (sex shop, sex cinema or sexual entertainment venue) under Schedule 3, Paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982?	Yes [] No [x] If the answer is Yes give full details:
----	---	--

Q4	Have you ever been involved in the management of a business, whether as
----	---

Q4	Have you ever been involved in the management of a business, whether as proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?	
	Sex establishment licence	Yes [] No [x]
	Licence for the sale of alcohol	Yes [] No [x]
	Licence for the provision of entertainment, whether sexual or otherwise.	Yes [] No [x]
	Personal licence under the Licensing Act 2003	Yes [] No [x]
	If the answer is Yes to any of the above give full details:	

Q5	Have you ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?		Yes [x] No []
	If the answer is Yes please give full details below:		
Details of previous convictions and/or cautions			
	Date of Conviction	Court of Conviction	Nature of Offence
	[REDACTED]	[REDACTED]	[REDACTED]

4739154-1

53

Q6	To your knowledge are you currently the subject of any criminal investigation?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q7	Have you ever had any civil legal action taken against you?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q8	Have you ever been declared bankrupt or entered into an arrangement with creditors or an individual voluntary arrangement?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q9	Have you ever been disqualified from acting as a company director?	Yes [] No [x]
-----------	--	------------------

4739154-1

56

	If the answer is Yes please give full details:	
--	--	--

Q10	Is there any other information which you believe the licensing authority would reasonably expect notice of or you would like the licensing authority to take into account when considering the information you have supplied?
------------	---

Q11	Is there any information on this Annex which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen.
------------	---


Q12	I declare that I believe the information given above is true and complete in every respect.
------------	---

57

Name: ...Peter Mercer.....

Position in Organisation:General Manager – Spearmint Rhino Sheffield

Date:18/04/2013.....

Signature:.....

Where the applicant is a body corporate or unincorporated body this application should be signed by a partner, the secretary or a director stating in which capacity it is signed.

SHEFFIELD CITY COUNCIL

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Statutory declaration sheet for application for grant of Sexual Entertainment Venue licence.

One of these forms must be completed by (i) the applicant; (ii) all directors of any company applying for a licence; and (iii) any other person who will be responsible for the management of the licensed premises.

Q1 Full Name: Michael David Goodwin
Former Name (if any):
Position in relation to Applicant (e.g. Director, Partner, Manager): Manager
Date of Birth:
Gender: Male [x] Female []
Permanent Residential Address:
If resident at this address for less than 3 years, state previous address:

Q2 Have you been a resident in the United Kingdom for more than six months prior to the date of the application?
Yes [x] No []
If the answer is No give the date your residency started:

Q3 Have you ever been disqualified from holding a sex establishment licence (sex shop, sex cinema or sexual entertainment venue) under Schedule 3, Paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982?
Yes [] No [x]
If the answer is Yes give full details:

59

Q4	Have you ever been involved in the management of a business, whether as proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?	
	Sex establishment licence	Yes [] No [x]
	Licence for the sale of alcohol	Yes [] No [x]
	Licence for the provision of entertainment, whether sexual or otherwise.	Yes [] No [x]
	Personal licence under the Licensing Act 2003	Yes [] No [x]
	If the answer is Yes to any of the above give full details:	

Q5	Have you ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?	Yes [x] No []		
	If the answer is Yes please give full details below:			
Details of previous convictions and/or cautions				
	Date of Conviction	Court of Conviction	Nature of Offence	Sentence
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Q6	To your knowledge are you currently the subject of any criminal investigation?	Yes [] No [x]
	If the answer is Yes please give full details:	

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Q7	Have you ever had any civil legal action taken against you?	Yes [] No [x]
	If the answer is Yes please give full details:	

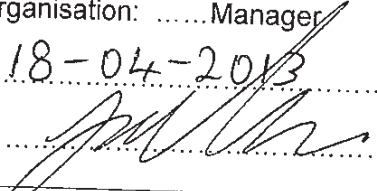
Q8	Have you ever been declared bankrupt or entered into an arrangement with creditors or an individual voluntary arrangement?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q9	Have you ever been disqualified from acting as a company director?	Yes [] No [x]
	If the answer is Yes please give full details:	

Q10	<p>Is there any other information which you believe the licensing authority would reasonably expect notice of or you would like the licensing authority to take into account when considering the information you have supplied?</p> <p>No</p>
-----	--

Q11	<p>Is there any information on this Annex which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen.</p>
4739163-	No

61

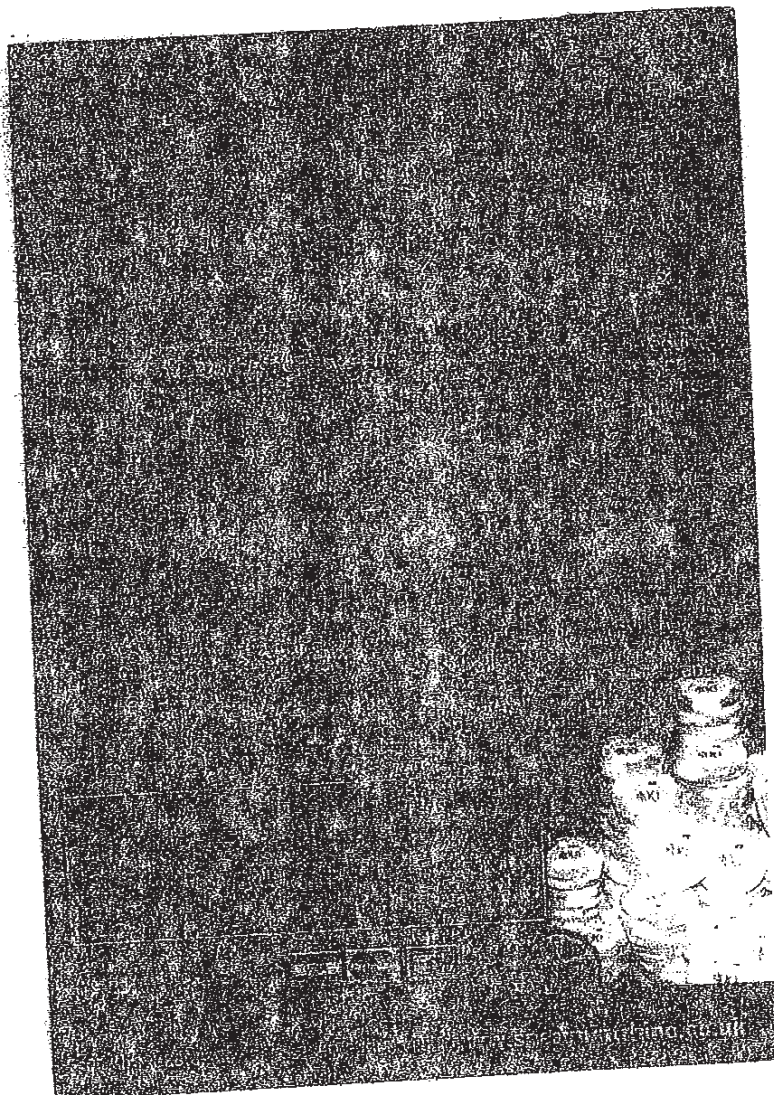
Q12	I declare that I believe the information given above is true and complete in every respect.
	Name: ...Michael David Goodwin.....
	Position in Organisation:Manager
	Date: 18-04-2013
	Signature: 
Where the applicant is a body corporate or unincorporated body this application should be signed by a partner, the secretary or a director stating in which capacity it is signed.	

SPEARMINT RHINO – SHEFFIELD

RULES FOR CUSTOMERS

1. Customers must be seated before a dancer can commence a dance and the customer must remain seated during the dance with their hands at their sides.
2. There must be no touching of the dancers at any time during the dance except when paying the dancer a fee.
3. No propositioning the dancers.
4. Customers must not dance at any time.
5. The customer must remain fully clothed at all times.

Any breach of the above rules will result in the customer being excluded from the club.



SPEARMINT RHINO SHEFFIELD

POLICY FOR WELFARE OF

PERFORMERS

INTRODUCTION:

Dancers are not employed by Spearmint Rhino Ventures UK Limited or any of its group companies including, but not limited to:-

Spearmint Rhino Companies (Europe) Limited

Spearmint Rhino Companies (Birmingham) Limited

Sassy Productions Limited t/a Spearmint Rhino Bournemouth

RKW Limited t/a Spearmint Rhino Heathrow

Bacchus Leisure Limited t/a Spearmint Rhino Gentleman's Club

Sonfield Developments Limited t/a Spearmint Rhino Sheffield.

The relationship between the owner and the performer is as set out in the dancer performer licence entered into between the owner and performer.

PURPOSE OF THIS POLICY:

This policy sets out the information which the dancer should expect and sets out general procedures customarily followed by the owner in the regular operation of its business.

1. Each dancer will undergo a preliminary interview with the manager and will provide two forms of identification including a utility bill and photographic identification.
2. During induction the House Rules and Code of Conduct together with a copy of any conditions on the Premise Licence or Sexual Entertainment Venue Licence will be explained and the dancer will be required to sign and confirm their understanding.
3. Appropriate health and safety training will be provided in relation to the layout of the premises and the procedures in case of emergency.
4. Training will be provided in relation to working schedules, changing room etiquette, payments and charging, disciplinary procedure, customer relations and conflict management, arrival and exit procedures, incident reporting, mystery shoppers and their function.

5. Experienced dancers will initially accompany new dancers and there will be on-going evaluation and supervision by the club management to ensure the dancer is compliant with all house rules and code and conditions.
6. All areas of the premises to which the public have access will have adequate supervision via CCTV and/or a SIA registered door supervisor.
7. A Secure dressing room facility will be provided for performers.
8. At the end of the performers schedule the performer will be escorted from the premises to her vehicle, taxi or pre-arranged transportation in the adjoining streets.

CODE OF CONDUCT FOR DANCERS

**THE FOLLOWING APPLIES AT ALL TIMES AND MUST
BE READ SUBJECT TO ANY VARIATIONS
AGREED WITH STATUTORY AUTHORITIES ATTACHED**

A. General points and dancer attire:

1. Dancers must always sign in with the Club Management prior to commencing each shift;
2. At any time, dancers arriving or departing the Club must be fully dressed in clean, neat and smart attire. Dancers must endeavour *always* to arrive at and depart from the Club quietly, particularly during the evening and early morning;
3. Dancers are to arrive within adequate time to ensure that the dancer is ready on the main floor commensurate with the dancers shift or as designated by the Club management;
4. Except in an emergency, the use of mobile phones in public areas is prohibited;
5. After arriving at the Club and entering the dressing room, dancers are to change into appropriate attire as required by the Club and remain so dressed unless providing a stage or table dance performance. On leaving the premises, dancers' attire should be as indicated at (2) above;
6. Dancers' appropriate attire shall include:
 - a) Floor length elegant gowns and high heel shoes as approved by the Club management. The Club reserves the right to specify what is and is not appropriate on a continual basis;
 - b) Shoes must retain a minimum of a 3" heel and be worn at all times while in any public area of the Club;
 - c) Dancers' hair and make-up must be presented professionally. The Club encourages the use of costume jewellery, hairpieces, gloves and related accessories - remember style and elegance is the desired intent;
 - d) Dancers shall be required to wear at least a g-string or t-back undergarment in addition to the afore mentioned appropriate attire and not be completely nude except while performing on the centre main stage of the Club or performing a nude table dance where permitted;
 - e) At all times, other than during a table dance or stage performance, dancers must remain clothed whilst in the public areas and;
 - f) Dancers must fully dress at the end of each performance.

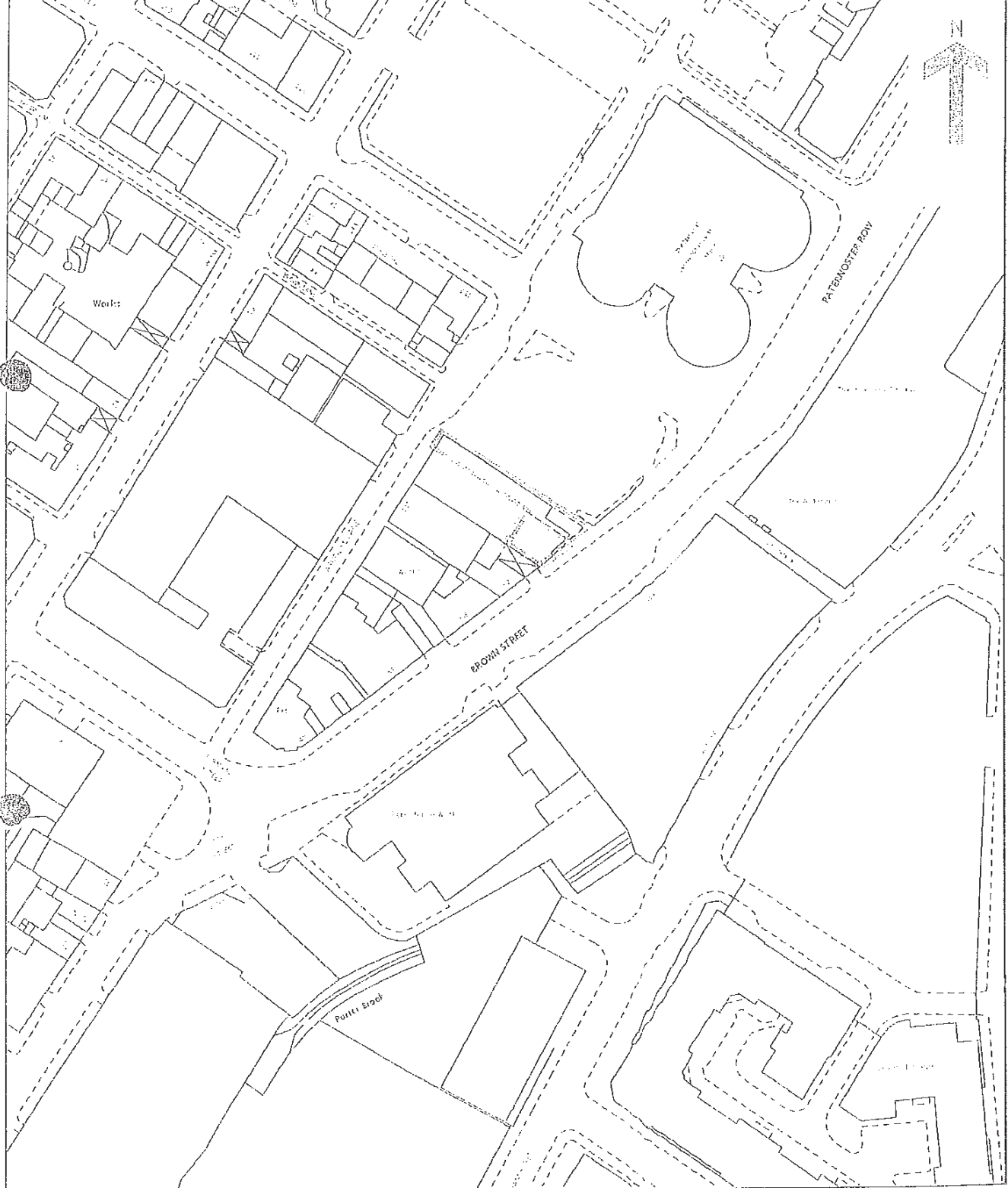
B. Dancer conduct:

1. Dancers may *never* give out any personal information, including telephone numbers, or contact details away from the Club. Dancers may provide a customer with the days and shifts they or other dancers work at the Club;
2. Dancers may *never* accept any telephone number, address or any other contact information from any customer, except in the form of a business card, but may *not* make use of that information to contact the customer. Before leaving the premises, dancers *must* permanently surrender all such cards to a member of *management* (without copying any information);
3. Dancers are *never* to be in the company of a customer except in an area open to the public within the Club (excluding toilets);
4. Dancers are *never* to enter or be in a roped-off VIP dance area, *only* a floor supervisor or manager may open such a roped-off area;
5. Dancers are *never* to perform a nude table dance unless dancer is in a supervised area or within 5 metres of a floor supervisor;
6. Dancers must *never* perform a nude table dance except in a VIP dance area;
7. During the performance of a table dance:
 - a) Customers *must* be seated in an upright position against the back of the booth with their hands by their sides *before* a dancer can commence a table dance, customers must remain so seated during the entire dance;
 - b) For the purpose of constraint, dancers may only touch a customer above the customer's chest with only the dancer's hands;
 - c) Dancers must not sit on or straddle the customer;
 - d) Dancers must maintain one shod foot on the floor at all times and not place their feet on the booth seat;
 - e) Dancers may not place their knee or knees on the booth seat;
 - f) Floor work is prohibited and may only be performed whilst performing stage shows on the Club's designated stages;
 - g) Dancers may not perform any act that clearly simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger into any genital opening. Dancers may not touch their breasts with their mouths, lips or tongues;
 - h) Dancers may not intentionally touch a customer at any time during the performance except as stated in (b) above, or unless absolutely accidental by a third party or object;
 - i) Dancers may not use language of an inappropriate, suggestive or sexually graphic nature at any time;
8. Customers are *not* permitted to dance at any time. Customers *must* remain *appropriately* clothed at *all* times. Neither customer nor dancer may remove any of the customers clothing during a performance;
9. If a customer attempts to touch, or speak to a dancer inappropriately, the dancer must immediately stop the performance and explain the relevant rules. If necessary, ask for assistance from and cooperate with a floor supervisor, who will take appropriate action, which may include escorting the customer out of the Club.

10. Dancers are *never* to intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts;
11. Dancers are *never* to engage in an act of **prostitution** (the receiving of gratuities or payments for any form of sexual favour or offer as such);
12. Dancers may not accept a customer's offer of payment in return for sexual favours (**solicitation**);
13. Dancers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the dancer has no intention of carrying out the act;
14. Dancers are *never* to intentionally meet any customer outside of the Club;
15. Dancers are *never* to agree to meet a customer outside of the Club;
16. Dancers must *never* engage in any unlawful activity within the Club;
17. Dancers may *never* leave the premises during a shift, except in the case of an emergency and then *only* with the express permission of the duty manager. In that event, dancers must sign out before leaving the premises. If a dancer leaves early, *for any reason*, the dancer will *not* be re-admitted during that *shift*;
18. Dancers will either leave at the end of a shift in a nominated taxi or a member of security will escort them to their car or on the premises;
19. At the end of the night shift, dancers *must* not leave the premises *until* after the customers have departed and then have been cleared to leave by the manager;
20. Dancers may *only* consume alcohol in *moderation*;
21. Dancers must *never* consume, possess or be under the influence of any unlawful drug or substance, unless it is personally prescribed medication by a registered GP;
22. Dancers are *never* to invite or knowingly permit dancer's spouse, boyfriend or anyone else with whom dancers are romantically involved to enter the Club;
23. Topless table dances and full nude table dances may be performed for a pre-determined rate as set by the individual Club;
24. Dancers are required from time to time to participate in promotional activities and offers as designated by the Club manager;
25. Dancers are required from time to time to participate in stage and podium performances as designated by Club staff;
26. Whilst performing on stage or podium, dancers may not perform any act that clearly simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger into any genital opening. Dancers may not touch their breasts with their mouths, lips or tongue;
27. For the purposes of safety and standards, the Club may employ the use of closed circuit cameras and radio communications throughout the premises and;
28. Any dancer found to be in violation of any of these rules, without exception, will be subject to the disciplinary procedure.



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THE LICENSING ACT 2003

Premises Licence No: SY 0971 PR

ISSUE NO: 3

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

PART 1 – Premises details

Spearmint Rhino
60 Brown Street
SHEFFIELD S1 2BS

Telephone Number: 0114 2798092

Where the licence is time limited, the dates:

Not applicable.

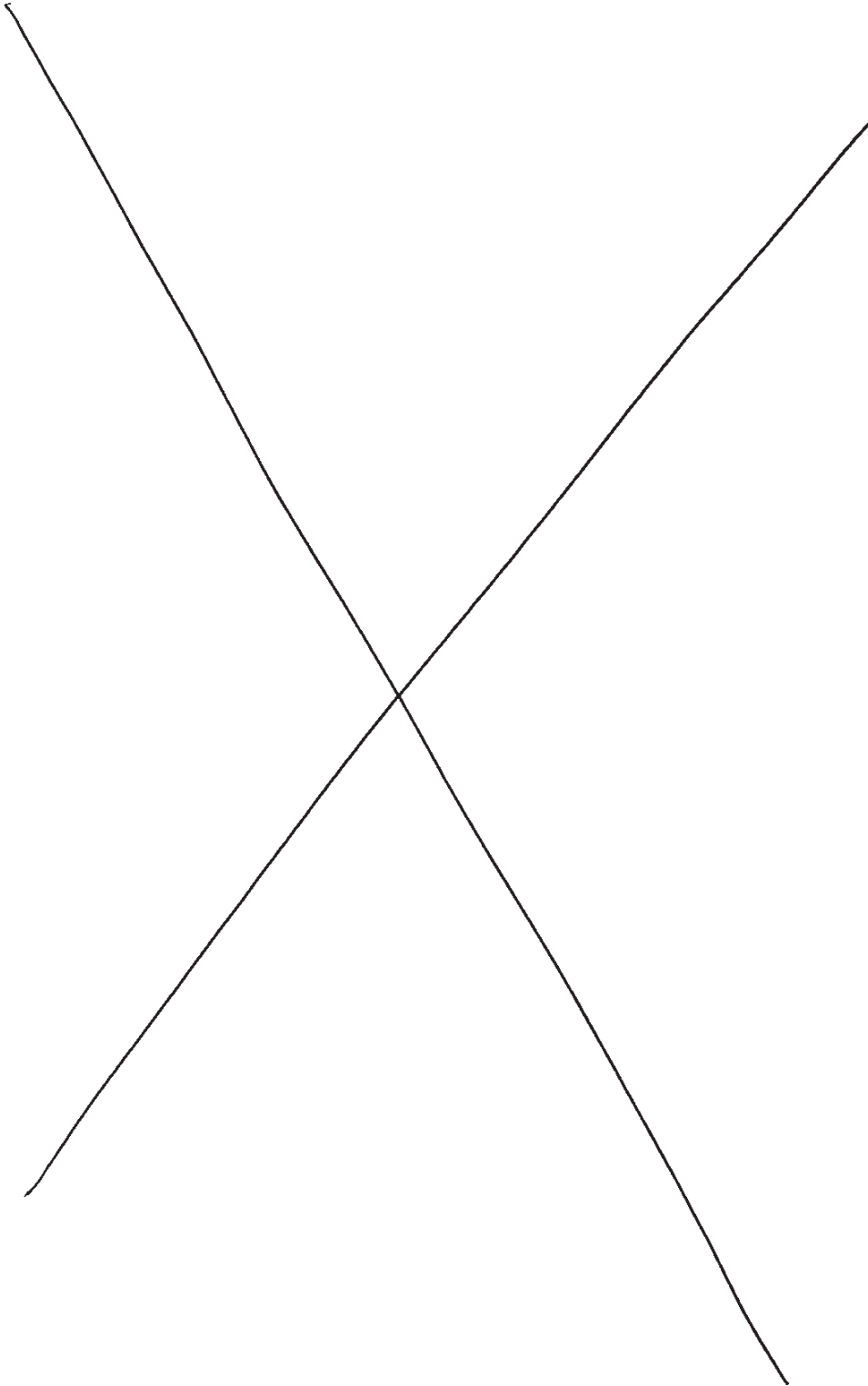
Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:

1. Provision of regulated entertainment: Indoor
- (a) plays
 - (b) films
 - (c) live music
 - (d) recorded music
 - (e) performances of dance
 - (f) anything of a similar description to that falling within (c), (d) or (e)

Sunday	10:00 to 06:00 hours the following day
Monday	10:00 to 06:00 hours the following day
Tuesday	10:00 to 06:00 hours the following day
Wednesday	10:00 to 06:00 hours the following day
Thursday	10:00 to 06:00 hours the following day
Friday	10:00 to 06:00 hours the following day
Saturday	10:00 to 06:00 hours the following day

On 31st December the hours will be 10:00 to the beginning of permitted hours on 1st January the year following.

To add such hours during which the licensable activities may be provided during a live broadcast of any 'Olympic Sport', or cricket, where a team representing a Commonwealth Country is taking part together with Formula 1 Grand Prix and the American National Football League Finals. A minimum of 10 days notice is to be given to the Police and Licensing Authority, with the police having the power to veto the occasion.



2. Provision of entertainment facilities for: Indoor

- (g) making music
- (h) dancing
- (i) entertainment of a similar description falling within (g) or (h)

Sunday	10:00 to 06:00 hours the following day
Monday	10:00 to 06:00 hours the following day
Tuesday	10:00 to 06:00 hours the following day
Wednesday	10:00 to 06:00 hours the following day
Thursday	10:00 to 06:00 hours the following day
Friday	10:00 to 06:00 hours the following day
Saturday	10:00 to 06:00 hours the following day

On 31st December the hours will be 10:00 to the beginning of permitted hours on 1st January the year following.

To add such hours during which the licensable activities may be provided during a live broadcast of any 'Olympic Sport', or cricket, where a team representing a Commonwealth Country is taking part together with Formula 1 Grand Prix and the American National Football League Finals. A minimum of 10 days notice is to be given to the Police and Licensing Authority, with the police having the power to veto the occasion.

3. Provision of late night refreshment: Indoor

Sunday	23:00 to 05:00 hours the following day
Monday	23:00 to 05:00 hours the following day
Tuesday	23:00 to 05:00 hours the following day
Wednesday	23:00 to 05:00 hours the following day
Thursday	23:00 to 05:00 hours the following day
Friday	23:00 to 05:00 hours the following day
Saturday	23:00 to 05:00 hours the following day

To add such hours during which the licensable activities may be provided during a live broadcast of any 'Olympic Sport', or cricket, where a team representing a Commonwealth Country is taking part together with Formula 1 Grand Prix and the American National Football League Finals. A minimum of 10 days notice is to be given to the Police and Licensing Authority, with the police having the power to veto the occasion.

4. Sale by retail of alcohol:

- (a) for consumption on the premises
- (b) for consumption off the premises

Sunday	10:00 to 06:00 hours the following day
Monday	10:00 to 06:00 hours the following day
Tuesday	10:00 to 06:00 hours the following day
Wednesday	10:00 to 06:00 hours the following day
Thursday	10:00 to 06:00 hours the following day
Friday	10:00 to 06:00 hours the following day
Saturday	10:00 to 06:00 hours the following day

On 31st December the hours will be 10:00 to the beginning of permitted hours on 1st January the year following.

To add such hours during which the licensable activities may be provided during a live broadcast of any 'Olympic Sport', or cricket, where a team representing a Commonwealth Country is taking part together with Formula 1 Grand Prix and the American National Football League Finals. A minimum of 10 days notice is to be given to the Police and Licensing Authority, with the police having the power to veto the occasion.

The opening hours of the premises:

Sunday	00:00 to 24:00 hours
Monday	00:00 to 24:00 hours
Tuesday	00:00 to 24:00 hours
Wednesday	00:00 to 24:00 hours
Thursday	00:00 to 24:00 hours
Friday	00:00 to 24:00 hours
Saturday	00:00 to 24:00 hours

PLEASE NOTE:

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to which ever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale by retail of alcohol for consumption both on and off the premises.

PART 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Sonfield Developments Limited
C/-LT Law
18 Soho Square
London W1D 3QL

Telephone Number: 020 7025 8332

Registered number of holder, for example company number, charity number (where applicable):

4315210

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Peter Mercer



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Personal Licence Number: WK/050603
Issuing Authority: Harrogate Borough Council

State whether access to the premises by children is restricted or prohibited:

Restricted.

This Premises Licence shall be in force from the Second Appointed Day.

Issued on: 16th January, 2006

A handwritten signature in black ink, appearing to read "Steve Harris".

.....
Acting Head of Licensing
On behalf of Sheffield City Council (issuing licensing authority)

Sheffield City Council – For Office use only		
Variation of Premises Licence	1	Granted 3 rd March 2011
Variation of DPS		
Transfer of Premises Licence		
Minor Variation		

Annex 1A – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

Where a licence authorises the sale of alcohol then no supply of alcohol may be made under the premises licence –

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Mandatory Condition 2 (Section 19 ss 3)

Where a licence authorises the sale of alcohol then every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition 3 (Section 20)

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:

- (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
- (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.

2. In this section -

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

Annex 1B - Mandatory Conditions effective from 6th April 2010:

These mandatory conditions apply where the licence authorises the supply of alcohol. The conditions in paragraph 1 to 3 do not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Annex 1C - Mandatory Conditions effective from 1st October 2010:

These mandatory conditions apply where the licence authorises the supply of alcohol. The condition 5 does not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that–
- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures--
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) Customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the operating schedule

1. CCTV installed and maintained according to current standards.
2. Door Supervisors should be SIA registered.
3. A customer code shall be prominently displayed and clearly visible throughout the premises advising patrons of the rules in relation to strip tease.
4. A price list should be displayed in a prominent and clearly visible throughout the premises advising patrons of the rules in relation to striptease.
5. Water and non-alcoholic beverages are available.
6. Notices to leave the premises quietly will be displayed at the premises.
7. Except as with the consent of the council, no external advertising of the striptease / lap dancing shall take place at the premises or in its immediate vicinity (within 440 yards of the premises).
8. No dancer may perform at the premises until such time as photographic proof of identity showing date of birth is provided, confirming that the dancer is over the 18 years.
9. Whilst strip tease is taking place, no person under the age of 18 shall be permitted on the premises. A notice shall be clearly displayed at the entrance to the premises stating that "no person under 18 will be admitted" so it can be easily read by persons entering the premises.

Any embedded permissions and restrictions attached to the justices on/off licence including those specified at Appendix 1.

1. Any personal licence holders at the premises to be a member of the Pub Watch Scheme.
2. Colour CCTV will be installed in positions agreed with the Police and tapes or other forms of record stored for such period of time as the Police may specify.

Specific conditions converted from the Public Entertainment Licence

1. Capacity

- 1) The number of members of the public who may be present at any one time on the premises or in any part of such premises specified below shall not exceed: -

Area	Capacity
The whole of the premises	450

- (2) Where the Council is of the opinion that in order to avoid or reduce any disturbance of or annoyance to residents in the neighbourhood of the premises or the occurrence of disorderly conduct in the premises, it is desirable for the permitted

hours specified in Part 1 of the Premises Licence to be varied, the Council may, after affording the licensee the opportunity of making representations to the Council, by notice served on the licensee vary the permitted hours and thereafter the hours specified in the notice shall apply in substitution for the hours specified in Part 1 of the Premises Licence.

2A. Security Staff

The licensee shall maintain at the premises a register containing the following details of all persons present on the premises during Public Entertainments whose duties wholly or mainly consist of the direction or control of the members of the public. The details of each person shall be entered prior to that person commencing such duties and shall not be deleted from the register for a period of twelve months from the last date upon which that person carried out such duties. The details of each person required to be kept are: full name and address, date of birth, photograph, physical description and description of duties at the premises.

The licensee shall also keep a record showing which registered person(s) are working at the premises on each occasion the premises are open for the purpose of Public Entertainment. This record is to be kept at the premises for a period of not less than twelve months.

The register and record shall be open for inspection at any time by any Police Officer or Authorised Officer of the Council.

2B. Security Staff Registration Scheme

The Licensee shall only permit staff registered by the Council (under its Security Staff Registration Scheme) or licensed by the Security Industry Authority to be engaged in duties which wholly or mainly consist of: (a) deciding on the suitability of persons to be allowed on the premises and/or (b) maintaining order on the premises.

1. The Licensee must take a proactive approach to noise control to ensure that noise is kept to a reasonable level so as not to cause a nuisance at the nearest noise sensitive building.
2. The power amplifier must have an electronic noise limited device fitted and set to a maximum of 94 dB at the nearest bar.

Striptease / Pole / Lap Dancing Conditions:

1. The striptease/entertainment (lap dancing) shall be given only by the performers /entertainers and the audience must remain fully clothed.
2. The performance must not be visible from the street.
3. Except with the consent of the council no external advertising of the striptease/lapdancing shall take place at the premises or in its immediate vicinity (within 440 yards of the premises).
4. When the premises are open for striptease/lap dancing no person under the age of 18 shall be allowed on the premises.

5. Customers must be informed prior to lap dancing commencing of the following rules:-
 - a. No touching must take place during dances.
 - b. Customers must remain seated during dancing.
 - c. Customers must leave the area as soon as the dances allotted to that customer have finished.
6. Lap dancers must not:-
 - a. Sit on customers' laps during performances.
7. On completion of the dance or dances, dancers must:-
 - a. Ask the customer to leave the area immediately.
 - b. Dress themselves immediately.
 - c. Dancers must not leave the dance area in a state of undress and must dress in accordance with club regulations.
8. Podium (Pole) dancers must not:-
 - a. Entice customers onto the podium.
 - b. Remove their lower undergarments. (Dancers may dance topless)
 - a. Interfere with their undergarments in such a way as to show their genitals.
 - b. Receive gratuities other than in their garter belts or by hand.
9. Sex toys must not be used and penetration of the genital area by any means must not take place.
10. Dancers must not solicit, exchange addresses or telephone numbers with customers or liaise with customers off the premises.
11. When dancers leave the premises they must be escorted to their cars or taxi by a another staff member.
12. The following minimum number of registered security staff will be located at the front entrance:-

One person Sunday to Thursday;
Two persons Friday and Saturday.

In addition there will be one registered security staff located within the premises for the first 50 customers and then one registered security staff per additional 100 customers thereafter whenever the premises are open.

Notwithstanding the above, no floor at the premises will be open to the public unless there is a minimum of one registered security staff on that floor.
13. These conditions are imposed in addition to the standard Public Entertainment Licence Conditions with which the Licencee must comply.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

Plan Reference: G/100/40

Date: JULY 2005

2. Provision of entertainment facilities for: Indoor

- (g) making music
- (h) dancing
- (i) entertainment of a similar description falling within (g) or (h)

Sunday	10:00 to 06:00 hours the following day
Monday	10:00 to 06:00 hours the following day
Tuesday	10:00 to 06:00 hours the following day
Wednesday	10:00 to 06:00 hours the following day
Thursday	10:00 to 06:00 hours the following day
Friday	10:00 to 06:00 hours the following day
Saturday	10:00 to 06:00 hours the following day

On 31st December the hours will be 10:00 to the beginning of permitted hours on 1st January the year following.

To add such hours during which the licensable activities may be provided during a live broadcast of any 'Olympic Sport', or cricket, where a team representing a Commonwealth Country is taking part together with Formula 1 Grand Prix and the American National Football League Finals. A minimum of 10 days notice is to be given to the Police and Licensing Authority, with the police having the power to veto the occasion.

3. Provision of late night refreshment: Indoor

Sunday	23:00 to 05:00 hours the following day
Monday	23:00 to 05:00 hours the following day
Tuesday	23:00 to 05:00 hours the following day
Wednesday	23:00 to 05:00 hours the following day
Thursday	23:00 to 05:00 hours the following day
Friday	23:00 to 05:00 hours the following day
Saturday	23:00 to 05:00 hours the following day

To add such hours during which the licensable activities may be provided during a live broadcast of any 'Olympic Sport', or cricket, where a team representing a Commonwealth Country is taking part together with Formula 1 Grand Prix and the American National Football League Finals. A minimum of 10 days notice is to be given to the Police and Licensing Authority, with the police having the power to veto the occasion.

4. Sale by retail of alcohol:

- (a) for consumption on the premises
- (b) for consumption off the premises

Sunday	10:00 to 06:00 hours the following day
Monday	10:00 to 06:00 hours the following day
Tuesday	10:00 to 06:00 hours the following day
Wednesday	10:00 to 06:00 hours the following day
Thursday	10:00 to 06:00 hours the following day
Friday	10:00 to 06:00 hours the following day
Saturday	10:00 to 06:00 hours the following day

On 31st December the hours will be 10:00 to the beginning of permitted hours on 1st January the year following.

To add such hours during which the licensable activities may be provided during a live broadcast of any 'Olympic Sport', or cricket, where a team representing a Commonwealth Country is taking part together with Formula 1 Grand Prix and the American National Football League Finals. A minimum of 10 days notice is to be given to the Police and Licensing Authority, with the police having the power to veto the occasion.

The opening hours of the premises:

Sunday	00:00 to 24:00 hours
Monday	00:00 to 24:00 hours
Tuesday	00:00 to 24:00 hours
Wednesday	00:00 to 24:00 hours
Thursday	00:00 to 24:00 hours
Friday	00:00 to 24:00 hours
Saturday	00:00 to 24:00 hours

PLEASE NOTE:

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to which ever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale by retail of alcohol for consumption both on and off the premises.

PART 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Sonfield Developments Limited
C/-LT Law
18 Soho Square
London W1D 3QL

Telephone Number: 020 7025 8332

Registered number of holder, for example company number, charity number (where applicable):

4315210

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

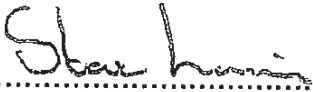
Peter Mercer

State whether access to the premises by children is restricted or prohibited:

Restricted.

The Premises Licence shall be in force from the Second Appointed Day.

Issued on: 16th January, 2006



.....
Acting Head of Licensing

On behalf of Sheffield City Council (issuing licensing authority)

Local Government (Miscellaneous Provisions) Act 1982 Schedule 3
Licence To Use Premises As A Sex Establishment

Sheffield
City Council



ISSUE NO:1

Category: **SEXUAL ENTERTAINMENT VENUE**

Licence No: **SEV 002**

Sheffield City Council being the appropriate Authority under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 hereby grant a sexual entertainment venue licence in accordance with the requirements of the Act and subject to the conditions attached to the following:

Name and (registered) address of holder of the licence:

Sonfield Developments Limited
161 Tottenham Court Road
London
W1T 7NN

To use the following premises as a Sexual Entertainment Venue situated at and known as:

Premises details:

Spearmint Rhino
60 Brown Street
Sheffield
S1 2BS

Telephone number: 0114 2798092

Nature of entertainment:

Lap Dancing / Pole Dancing / Strip Tease / Other of a like kind

This licence is granted subject to any terms, conditions and restrictions contained in regulations made by the Council applicable to Sexual Entertainment Venues, insofar as they, or any of them, are not expressly excluded by any provision in the Schedule below, but subject to any variations to such regulations set out in the said Schedule.

The times at which the premises will be used as a Sexual Entertainment Venue:

Sunday	24:00 to 00:00 hours
Monday	24:00 to 00:00 hours
Tuesday	24:00 to 00:00 hours
Wednesday	24:00 to 00:00 hours
Thursday	24:00 to 00:00 hours
Friday	24:00 to 00:00 hours
Saturday	24:00 to 00:00 hours

Seasonal variations / non standard timings:

None

Designated areas permitted for performance of sexual entertainment:

Performances of 'sexual entertainment' may only be permitted in areas of the premises as outlined on the plans attached to this licence at Appendix 1.

This licence shall be in force from:

1 May 2012

until:

30 April 2013

issued:

26 April 2012

A copy of this licence and the conditions applicable to this sexual entertainment venue licence shall be displayed inside the licensed premises where they can conveniently be read by any member of the public who has entered the premises.



.....
Stephen Lonnia

Chief Licensing Officer

Head of Licensing

On behalf of Sheffield City Council being the appropriate Authority

Sheffield City Council – For Office use only		
Transfer of an SEV licence	0	
Variation of a SEV licence	0	

Annex 2 – Conditions attached after a hearing by the Licensing Authority

KEY DEFINITIONS

The following terms are used frequently throughout the conditions:

- **“The Council/Licensing Authority”** refers to Sheffield City Council
- The **“2009 Act”** refers to the Policing and Crime Act 2009
- The **“1982 Act”** refers to the Local Government (Miscellaneous Provisions) Act 1982
- The **“2003 Act”** refers to the Licensing Act 2003
- **“Section 27”** refers to section 27 of the Policing and Crime Act 2009
- **“Schedule 3”** refers to schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended
- **“The Licensing Committee”** refers to the committee of Sheffield City Council.
- **“Relevant Entertainment”** refers to: live performance and live displays of nudity, provided solely or principally for the purposes of sexually stimulating any member of the audience
- **“Nude”** means in the case of a woman exposing her nipples, pubic area, genitals or anus and in the case of a man, exposure of his pubic area, genitals or anus.

General Conditions

1. Rules shall be produced by the licensee for customers indicating conduct that is permitted. These rules shall be prominently displayed in any bar area, and at sufficient other locations within the venue to ensure that they are brought to the attention of customers.
2. No relevant entertainment provided shall be visible from the street or from any other external area to which the public have access.
3. Performers shall not whilst Nude, whether engaged in relevant entertainment or not, be visible from the street or from any other external area to which the public have access.
4. The licence holder shall ensure that no staff or other persons engaged on their behalf remain in any area of the premises which can be viewed from outside the premises, or from any other area outside the premises, for the purpose of encouraging potential customers into the premises.
5. Without the prior written consent of the Council there shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the city any advertisements, photographs or images that indicate or suggest that relevant entertainment takes place on the premises.
6. There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices in respect of relevant entertainment, including any charge for the company of any person working at the premises, which shall be illuminated and placed in such a position that it can at all times be easily and conveniently be read by persons inside the premises.
7. No charge shall be made to the customer for any food or drink provided for any person working at the premises unless that customer has specifically ordered it having first been made aware of the cost.

The Premises

1. CCTV will be provided and in working order in the premises, the positioning of such cameras will be in liaison with the Police Licensing Officer and Crime Prevention Department and shall comply with the minimum specification of the South Yorkshire Police at the date of license issue.
2. CCTV recorded material should be kept secure for a period of 31 days and disclosed to any Police Officer or authorised officer of the Council.
3. No CCTV footage is to be copied, for the purpose of being given away or sold (except as required by Police / Council for investigation / enforcement purposes). CCTV footage may be distributed internally by licence holders (including to other group premises) for the purposes of internal management and training.
4. Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of a performance be shown outside of the premises (except for the purpose of remote management of the premises and in those circumstances, the licensee shall ensure that only those involved in management shall view any photograph, film or recording).
5. Notices shall be displayed informing customers of the presence of CCTV.
6. An appropriate room shall be available as a change and rest area for performers. Access to this room shall be restricted to performers and employees only whilst the performers are on the premises. This room shall be marked on the plans.
7. The licence holder or his nominated deputy (who is authorised in writing), or door-supervisors shall carry out regular monitoring of all areas of the premises to which the public have access and shall intervene promptly, if necessary, to ensure compliance with licence conditions.

Management Standards

1. Training shall be provided to all members of management and staff regarding the conditions of the licence, management practices and any relevant legislation to ensure compliance with the same. A written record of all such training shall be maintained at the premises and made available on request to the Police and authorised officers of the Council.
2. The licensee shall not employ any person under 18 years of age in the business of the establishment.
3. No person may provide relevant entertainment at the premises until such time as photographic proof of identity showing date of birth is provided to the licence holder, confirming that the person is over the age of 18 years.
4. A record of any person employed or engaged at the premises, including name, address, National Insurance number, photograph and date of birth will be retained in a register at the premises. Such details are to be checked and verified by the licence holder against other forms of identity. These records are then to be retained at the premises for at least 12 months from the last day (date) of their employment and made available to both Police Officers and authorised officers of the Council on request.

5. A 'Signing-in' register shall be kept at the premises that records the date, start time and finish or cash out time of all person(s) involved in the relevant entertainment at the premises. This shall be retained for a period of 12 months and made available for immediate inspection by a Police Officer or authorised officers of the Council.

6. When the premises are open for relevant entertainment no person under the age of 18 shall be permitted to be on the premises. The licensee shall operate a Challenge 21 Policy and persons appearing to be under the age of 21 shall be required to show proof of ID. A notice to this effect shall be displayed in a prominent place at the entrance to the premises and any other appropriate location (i.e. at the bar).

7. The licence holder must maintain an incident log of any person(s) refused entry at the premises and record the reason why such persons were refused entry. The log shall be retained for a period of 12 months and the licence holder shall make the log available to any Police Officer or authorised officer of the Council on request.

8. A written code of conduct for those engaged in the relevant entertainment shall be produced by the licence holder together with a disciplinary procedure for any breaches of the code. The code of conduct shall prohibit activities that might be thought to lead to prostitution, breaches of the licence or any other unlawful activities. The Code shall be made available to the Police or authorised officers of the Council on request.

The Protection of those Engaged in Relevant Entertainment / Prevention of Crime and Disorder

1. Any person who is providing relevant entertainment, must be briefed verbally, or in writing, by the licence holder or his nominated deputy (authorised in writing) as to the conditions that pertain to their particular premises and as to the code of conduct, including the fact that their activities will be recorded on CCTV. The performer(s) shall sign in a register that they have been briefed, any such register shall be retained for 12 months and made available for inspection by any Police Officer or authorised officer of the Council.

2. (a) During any performance of relevant entertainment there must be no physical contact between the performer and any member of the viewing public, except for the placing of money / tokens in an item of clothing worn by a performer or into the performer's hand before or at the end of the performance and a customary kiss on the cheek of the patron by the performer at the conclusion of the performance. A brief handshake before or at the end of a performance is permitted.

(b) Notwithstanding paragraph (a) above, a performance which does not involve striptease or nudity may involve a patron seated on a chair on the stage whilst dancers perform on the stage around the patron and may include touching the patron's head and shoulders solely with the performer's head and shoulder solely with the performers hands.

3. There shall be no penetration of a performer's genitals or anus by any means.

4. Performers shall not engage in masturbation and or/oral sex.

5. Except with the consent of the performer and at their invitation no customer shall participate in any relevant entertainment. Any customer participating must remain seated during the performance.

6. No customer shall be required or encouraged to participate in any relevant entertainment against their will.

7. No customer shall have any clothing removed during any relevant entertainment.

8. At the completion of the relevant entertainment the performers shall dress themselves immediately.

9. Whilst on the premises performers are not to solicit, exchange addresses or telephone numbers with customers, or arrange to liaise with customers off the premises.

Safety and Security

1. The licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.

2. Relevant entertainment may only take place in 'designated areas' that are marked on the plan of the premises submitted to the Licensing Service as part of their application.

3. The licensee shall have in place and comply with a policy concerning the safety of performers arriving at and leaving the premises. The policy shall be recorded in writing and made available to the Police or authorised officers of the Council on request

4. The licensee or a nominated manager (in writing) shall be present on the premises at all times whilst the relevant entertainment is taking place.

APPENDIX B

[REDACTED]

23 May 2013

Licensing Service,
Sheffield City Council,
Block C, Staniforth Road Depot,
Staniforth Road, Sheffield,
S9 3HD

Dear Sirs

Re: Spearmint Rhino, 60 Brown Street, Sheffield, S1 2BS - Application under Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 - Sexual Entertainment Venue License

We, [REDACTED] wish to object to the above application for the reasons outlined below. Section 7 of Sheffield City Council's Sexual Entertainment Venue Licensing Policy states that The Council may refuse the grant or renewal of the licence if it would be inappropriate, having regard to the character of the relevant locality; and that the Council acknowledges that licensed premises (sexual entertainment venues) *"can result in a potential fear of crime, anti social behaviour, noise pollution and other disturbance to residents"*.

The route past Spearmint Rhino is a very high traffic area for students with an abundance of student accommodation nearby and a new development for student accommodation situated immediately adjacent: the route for students to Sheffield Hallam takes them directly past the venue during normal working hours and around the clock, due to Sheffield Hallam University's Learning Centre opening hours 24/7 and teaching hours up to 9pm. There is also concern that our students are entitled to and need to feel safe and secure during their studies at Sheffield Hallam and that a venue such as Spearmint Rhino will undermine the perception of safety that the City and the University has spent considerable resources to ensure.

Spearmint Rhino falls within the Cultural Industries Quarter Conservation Area, which was formally designated on 5 February 2001. The current existence of the venue portrays the area in an anti social light not conducive with its setting in the Cultural Industries Quarter, with fear and perception of crime being induced in some people who use the area including walking past the venue. The University is looking to make significant investment in improvements to the public realm around the Cultural Industries Quarter: The presence of the Spearmint Rhino club detracts from the quality of the area rather than making a positive contribution. As such, [REDACTED] does not consider it appropriate to have such a "sex establishment" in the locality.

The Policy states that the council will not license premises that it feels are in close proximity to: -

- a) a school, nursery or other premises substantially used by or for children under 16 years of age;

- b) a park or other recreational area used by or for children under 16 years of age;
- c) a church or other place of religious worship;
- d) a Hospital, Mental Incapacity or Disability Centre or similar premises;
- e) the Cultural Hub of the City (i.e. close to the Peace Gardens and Tudor Square etc.); and/or
- f) a central gateway to the city or other city landmark, historic building or tourist attraction.

The presence of a striptease club in the heart of the Cultural Industries Quarter is inappropriate, with the focus of the area being arts, media and education mixed with industrial heritage. Sheffield train station and the main transport interchange is just a moment's walk from the venue providing a main gate way to and from the city centre and we feel that having Spearmint Rhino in such a location gives a negative impression of Sheffield and [REDACTED]. A strip club in this area is clearly not in keeping with the character of the relevant locality or the use of the premises in the vicinity. Indeed, we consider it detrimental to the character of the locality and to those individuals who live, work and visit the area.

The strip club is also directly adjacent to the Quarters' only designated Public Space which is probably not used to its full potential, likely to be down to the fact that it is next to a strip club. Whilst not necessarily designed as such, this area could potentially be used by children as a casual play or recreational area. The strip club is also directly opposite Sheffield Hallam University's Students Union which is a Social and Cultural Hub as well as providing advice and services including counselling, equality, and disability, legal and personal issues.

According to Sheffield City Councils' Urban Design Statement, the venue is surrounded by significant buildings of character, is within a Character Area and is adjacent to a Landmark (SHU Students Union).

Sheffield City Council states that its vision for the Cultural Industries Quarter is 'to develop its growing reputation as a thriving cultural enclave and will help to establish Sheffield as a regionally and nationally significant centre for knowledge and creativity' and that 'mixing of uses within the Quarter could offer a diverse range of activity. These uses would complement each other and not inhibit the development of the Quarter as a vibrant cultural destination'. We feel that Spearmint Rhino does not complement any of these attributes and in fact works in total opposition to above statements and does not fall into the categories of cultural, artistic or educational.

The venue is not in close proximity to a church or places of worship; however a large number of students studying at Sheffield Hallam University are religious and regularly visit our Prayer Rooms and Multi-faith Chaplaincy located off Pond Street. They must walk past Spearmint Rhino to get there. It is likely that a venue such as this may cause offence to such students.

Sheffield Hallam University also has various Cultural and social hubs nearby including Cafes on Arundel Street and an art gallery in the Cantor Building. Other gallery spaces are often used by Sheffield Hallam including several venues on Brown Street and Paternoster Row.

The issues raised above potentially fall under a number of the discretionary grounds for refusing a licence, as set out in Appendix B of the Policy. We believe that the following grounds are relevant to Spearmint Rhino's application for renewal:

"(c) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;

(d) the grant or renewal of the licence would be inappropriate having regard-
(i) to the character of the relevant locality;
(ii) to the use to which any premises in the vicinity are put;

...Nil may be an appropriate number for the purposes of (c) above"

With regards procedural matters, Paragraph 10(8) and (9) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 requires an advertisement to be published in a local newspaper no later than 7 days after the application for renewal. This requirement is also set out under Section 13 of the Policy. We have not been able to identify the relevant advertisement in local newspapers and we would therefore be grateful if you could review whether the correct procedure has been followed by Spearmint Rhino in that respect.

Yours sincerely



APPENDIX C

Sheffield City Council

Sexual Entertainment Venues

Standard Conditions

KEY DEFINITIONS

The following terms are used frequently throughout this document:

- **“The Council/Licensing Authority”** refers to Sheffield City Council
- The **“2009 Act”** refers to the Policing and Crime Act 2009
- The **“1982 Act”** refers to the Local Government (Miscellaneous Provisions) Act 1982
- The **“2003 Act”** refers to the Licensing Act 2003
- **“Section 27”** refers to section 27 of the Policing and Crime Act 2009
- **“Schedule 3”** refers to schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended
- **“The Licensing Committee”** refers to the committee of Sheffield City Council.
- **“Relevant Entertainment”** refers to: live performance and live displays of nudity, provided solely or principally for the purposes of sexually stimulating any member of the audience
- **“Nude”** means in the case of a woman exposing her nipples, pubic area, genitals or anus and in the case of a man, exposure of his pubic area, genitals or anus.

General Conditions

1. Rules shall be produced by the licensee for customers indicating conduct that is permitted. These rules shall be prominently displayed in any bar area, and at sufficient other locations within the venue to ensure that they are brought to the attention of customers.
2. No relevant entertainment provided shall be visible from the street or from any other external area to which the public have access.
3. Performers shall not whilst Nude, whether engaged in relevant entertainment or not, be visible from the street or from any other external area to which the public have access.
4. The licence holder shall ensure that no staff or other persons engaged on their behalf remain in any area of the premises which can be viewed from outside the premises, or from any other area outside the premises, for the purpose of encouraging potential customers into the premises.
5. Without the prior written consent of the Council there shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the city any advertisements, photographs or images that indicate or suggest that relevant entertainment takes place on the premises.
6. There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices in respect of relevant entertainment, including any charge for the company

of any person working at the premises, which shall be illuminated and placed in such a position that it can at all times be easily and conveniently be read by persons inside the premises.

7. No charge shall be made to the customer for any food or drink provided for any person working at the premises unless that customer has specifically ordered it having first been made aware of the cost.

The Premises

1. Colour CCTV will be provided and in working order in the premises, the positioning of such cameras will be in liaison with the Police Licensing Officer and Crime Prevention Department and shall comply with the minimum specification of the South Yorkshire Police at the date of license issue.
2. CCTV recorded material should be kept secure for a period of 31 days and disclosed to any Police Officer or authorised officer of the Council.
3. No CCTV footage is to be copied, for the purpose of being given away or sold (except as required by Police / Council for investigation / enforcement purposes). CCTV footage may be distributed internally by licence holders (including to other group premises) for the purposes of internal management and training.
4. Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of a performance be shown outside of the premises (except for the purpose of remote management of the premises and in those circumstances, the licensee shall ensure that only those involved in management shall view any photograph, film or recording).
5. Notices shall be displayed informing customers of the presence of CCTV.
6. An appropriate room shall be available as a change and rest area for performers. Access to this room shall be restricted to performers and employees only whilst the performers are on the premises. This room shall be marked on the plans.
7. The licence holder or his nominated deputy (who is authorised in writing), or door-supervisors shall carry out regular monitoring of all areas of the premises to which the public have access and shall intervene promptly, if necessary, to ensure compliance with licence conditions.

Management Standards

1. Training shall be provided to all members of management and staff regarding the conditions of the licence, management practices and any relevant legislation to ensure compliance with the same. A written record of all such training shall be maintained at the premises and made available on request to the Police and authorised officers of the Council.
2. The licensee shall not employ any person under 18 years of age in the business of the establishment.

3. No person may provide relevant entertainment at the premises until such time as photographic proof of identity showing date of birth is provided to the licence holder, confirming that the person is over the age of 18 years.
4. A record of any person employed or engaged at the premises, including name, address, National Insurance number, photograph and date of birth will be retained in a register at the premises. Such details are to be checked and verified by the licence holder against other forms of identity. These records are then to be retained at the premises for at least 12 months from the last day (date) of their employment and made available to both Police Officers and authorised officers of the Council on request.
5. A 'Signing-in' register shall be kept at the premises that records the date, start time and finish time of all person(s) involved in the relevant entertainment at the premises. This shall be retained for a period of 12 months and made available for immediate inspection by a Police Officer or authorised officers of the Council.
6. When the premises are open for relevant entertainment no person under the age of 18 shall be permitted to be on the premises. The licensee shall operate a Challenge 21 Policy and persons appearing to be under the age of 21 shall be required to show proof of ID. A notice to this effect shall be displayed in a prominent place at the entrance to the premises and any other appropriate location (i.e. at the bar).
7. The licence holder must maintain an incident log of any person(s) refused entry at the premises and record the reason why such persons were refused entry. The log shall be retained for a period of 12 months and the licence holder shall make the log available to any Police Officer or authorised officer of the Council on request.
8. A written code of conduct for those engaged in the relevant entertainment shall be produced by the licence holder together with a disciplinary procedure for any breaches of the code. The code of conduct shall prohibit activities that might be thought to lead to prostitution, breaches of the licence or any other unlawful activities. The Code shall be made available to the Police or authorised officers of the Council on request.

The Protection of those Engaged in Relevant Entertainment / Prevention of Crime and Disorder

1. Any person who is providing relevant entertainment, must be briefed verbally, or in writing, by the licence holder or his nominated deputy (authorised in writing) as to the conditions that pertain to their particular premises and as to the code of conduct, including the fact that their activities will be recorded on CCTV. The performer(s) shall sign in a register that they have been briefed, any such register shall be retained for 12 months and made available for inspection by any Police Officer or authorised officer of the Council.
2. During any performance of relevant entertainment there must be no physical contact between the performer and any member of the viewing public, except for the placing of money / tokens in an item of clothing worn by a performer or into the performer's hand before or at the end of the performance and a customary kiss on the cheek of the patron by the performer at the conclusion of the performance. A brief handshake before or at the end of a performance is permitted.

3. There shall be no penetration of a performer's genitals or anus by any means.
4. Performers shall not engage in masturbation and or/oral sex.
5. Except with the consent of the performer and at their invitation no customer shall participate in any relevant entertainment. Any customer participating must remain seated during the performance.
6. No customer shall be required or encouraged to participate in any relevant entertainment against their will.
7. No customer shall have any clothing removed during any relevant entertainment.
8. At the completion of the relevant entertainment the performers shall dress themselves immediately and leave the designated performance area.
9. Whilst on the premises performers are not to solicit, exchange addresses or telephone numbers with customers, or arrange to liaise with customers off the premises.

Safety and Security

1. The licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.
2. Relevant entertainment may only take place in 'designated areas' that are marked on the plan of the premises submitted to the Licensing Service as part of their application.
3. The licensee shall have in place and comply with a policy concerning the safety of performers arriving at and leaving the premises. The policy shall be recorded in writing and made available to the Police or authorised officers of the Council on request
4. The licensee or a nominated manager (in writing) shall be present on the premises at all times whilst the relevant entertainment is taking place.

APPENDIX D

Annex 2 – Conditions attached after a hearing by the Licensing Authority

KEY DEFINITIONS

The following terms are used frequently throughout the conditions:

- **“The Council/Licensing Authority”** refers to Sheffield City Council
- The **“2009 Act”** refers to the Policing and Crime Act 2009
- The **“1982 Act”** refers to the Local Government (Miscellaneous Provisions) Act 1982
- The **“2003 Act”** refers to the Licensing Act 2003
- **“Section 27”** refers to section 27 of the Policing and Crime Act 2009
- **“Schedule 3”** refers to schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended
- **“The Licensing Committee”** refers to the committee of Sheffield City Council.
- **“Relevant Entertainment”** refers to: live performance and live displays of nudity, provided solely or principally for the purposes of sexually stimulating any member of the audience
- **“Nude”** means in the case of a woman exposing her nipples, pubic area, genitals or anus and in the case of a man, exposure of his pubic area, genitals or anus.

General Conditions

1. Rules shall be produced by the licensee for customers indicating conduct that is permitted. These rules shall be prominently displayed in any bar area, and at sufficient other locations within the venue to ensure that they are brought to the attention of customers.
2. No relevant entertainment provided shall be visible from the street or from any other external area to which the public have access.
3. Performers shall not whilst Nude, whether engaged in relevant entertainment or not, be visible from the street or from any other external area to which the public have access.
4. The licence holder shall ensure that no staff or other persons engaged on their behalf remain in any area of the premises which can be viewed from outside the premises, or from any other area outside the premises, for the purpose of encouraging potential customers into the premises.
5. Without the prior written consent of the Council there shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the city any advertisements, photographs or images that indicate or suggest that relevant entertainment takes place on the premises.
6. There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices in respect of relevant entertainment, including any charge for the company of any person working at the premises, which shall be illuminated and placed in such a position that it can at all times be easily and conveniently be read by persons inside the premises.
7. No charge shall be made to the customer for any food or drink provided for any person working at the premises unless that customer has specifically ordered it having first been made aware of the cost.

The Premises

1. CCTV will be provided and in working order in the premises, the positioning of such cameras will be in liaison with the Police Licensing Officer and Crime Prevention Department and shall comply with the minimum specification of the South Yorkshire Police at the date of license issue.
2. CCTV recorded material should be kept secure for a period of 31 days and disclosed to any Police Officer or authorised officer of the Council.
3. No CCTV footage is to be copied, for the purpose of being given away or sold (except as required by Police / Council for investigation / enforcement purposes). CCTV footage may be distributed internally by licence holders (including to other group premises) for the purposes of internal management and training.
4. Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of a performance be shown outside of the premises (except for the purpose of remote management of the premises and in those circumstances, the licensee shall ensure that only those involved in management shall view any photograph, film or recording).
5. Notices shall be displayed informing customers of the presence of CCTV.
6. An appropriate room shall be available as a change and rest area for performers. Access to this room shall be restricted to performers and employees only whilst the performers are on the premises. This room shall be marked on the plans.
7. The licence holder or his nominated deputy (who is authorised in writing), or door-supervisors shall carry out regular monitoring of all areas of the premises to which the public have access and shall intervene promptly, if necessary, to ensure compliance with licence conditions.

Management Standards

1. Training shall be provided to all members of management and staff regarding the conditions of the licence, management practices and any relevant legislation to ensure compliance with the same. A written record of all such training shall be maintained at the premises and made available on request to the Police and authorised officers of the Council.
2. The licensee shall not employ any person under 18 years of age in the business of the establishment.
3. No person may provide relevant entertainment at the premises until such time as photographic proof of identity showing date of birth is provided to the licence holder, confirming that the person is over the age of 18 years.
4. A record of any person employed or engaged at the premises, including name, address, National Insurance number, photograph and date of birth will be retained in a register at the premises. Such details are to be checked and verified by the licence holder against other forms of identity. These records are then to be retained at the premises for at least 12 months from the last day (date) of their employment and made available to both Police Officers and authorised officers of the Council on request.

5. A 'Signing-in' register shall be kept at the premises that records the date, start time and finish or cash out time of all person(s) involved in the relevant entertainment at the premises. This shall be retained for a period of 12 months and made available for immediate inspection by a Police Officer or authorised officers of the Council.

6. When the premises are open for relevant entertainment no person under the age of 18 shall be permitted to be on the premises. The licensee shall operate a Challenge 21 Policy and persons appearing to be under the age of 21 shall be required to show proof of ID. A notice to this effect shall be displayed in a prominent place at the entrance to the premises and any other appropriate location (i.e. at the bar).

7. The licence holder must maintain an incident log of any person(s) refused entry at the premises and record the reason why such persons were refused entry. The log shall be retained for a period of 12 months and the licence holder shall make the log available to any Police Officer or authorised officer of the Council on request.

8. A written code of conduct for those engaged in the relevant entertainment shall be produced by the licence holder together with a disciplinary procedure for any breaches of the code. The code of conduct shall prohibit activities that might be thought to lead to prostitution, breaches of the licence or any other unlawful activities. The Code shall be made available to the Police or authorised officers of the Council on request.

The Protection of those Engaged in Relevant Entertainment / Prevention of Crime and Disorder

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2. (a) During any performance of relevant entertainment there must be no physical contact between the performer and any member of the viewing public, except for the placing of money / tokens in an item of clothing worn by a performer or into the performer's hand before or at the end of the performance and a customary kiss on the cheek of the patron by the performer at the conclusion of the performance. A brief handshake before or at the end of a performance is permitted.

(b) Notwithstanding paragraph (a) above, a performance which does not involve striptease or nudity may involve a patron seated on a chair on the stage whilst dancers perform on the stage around the patron and may include touching the patron's head and shoulders solely with the performer's head and shoulder solely with the performers hands.

3. There shall be no penetration of a performer's genitals or anus by any means.

4. Performers shall not engage in masturbation and or/oral sex.

5. Except with the consent of the performer and at their invitation no customer shall participate in any relevant entertainment. Any customer participating must remain seated during the performance.

6. No customer shall be required or encouraged to participate in any relevant entertainment against their will.
7. No customer shall have any clothing removed during any relevant entertainment.
8. At the completion of the relevant entertainment the performers shall dress themselves immediately.
9. Whilst on the premises performers are not to solicit, exchange addresses or telephone numbers with customers, or arrange to liaise with customers off the premises.

Safety and Security

1. The licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.
2. Relevant entertainment may only take place in 'designated areas' that are marked on the plan of the premises submitted to the Licensing Service as part of their application.
3. The licensee shall have in place and comply with a policy concerning the safety of performers arriving at and leaving the premises. The policy shall be recorded in writing and made available to the Police or authorised officers of the Council on request
4. The licensee or a nominated manager (in writing) shall be present on the premises at all times whilst the relevant entertainment is taking place.

APPENDIX E



SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
Sexual Entertainment Venue – Spearmint Rhino, 60 Brown Street, Sheffield.
IMPORTANT: NOTIFICATION OF A COMMITTEE HEARING

To: Angela Cromey
Jeffrey Green Russell
Waverley House
7-12 Noel Street
London
W1F 8GQ.

LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982

LICENCE TYPE: Sexual Entertainment Venue (Renewal)

I refer to the above and an application for the renewal of a Sexual Entertainment Venue Licence.

This matter has been referred to the Licensing Committee of Sheffield City Council for determination. Full details will be provided in the report to the Committee which will be sent to you in due course. The Licensing Committee has the authority to decide what action to take in relation to each application.

The Committee has indicated that it expects applicants and objectors to attend the meeting.

The hearing in respect of the application will take place on **27th June 2013** in a Committee Room of the Town Hall, Sheffield (Pinstone Street entrance) and you are invited to attend at **10:00 am.**

PLEASE NOTE:

I would be grateful if you could confirm that you will be attending the meeting by telephoning the Licensing Office on 0114 2037752.



.....
Steve Lonnia
Chief Licensing Officer
Head of Licensing

Date: 17th June 2013

Licensing Service, Business Strategy and Regulation, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD
Telephone 0114 2037752

The Licensing Service is open from 9.00am to 5.00pm, Monday to Friday

SHEFFIELD CITY COUNCIL

LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982
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APPENDIX F

SEXUAL ENTERTAINMENT VENUES
COMMITTEE HEARING PROCEDURE

This procedure has been drawn up to assist those attending Sexual Entertainment Venue Committee hearings. The hearing can be heard in two parts and may be held on separate dates – objectors will be invited to attend Part One only. Part One will not apply if there are no objectors.

The hearing before the Council is Quasi Judicial.

PART ONE

1. The Chair of the Licensing Sub-Committee will introduce the Sub-Committee and ask officers to introduce themselves.
2. The Chair will ask the objectors (or nominated speaker(s) on behalf of the objectors) to formally introduce themselves.
3. The Solicitor to the Sub-Committee will outline the procedure to be followed in the hearing.
4. Hearing Procedure:-
 - (a) The Licensing Officer will introduce the report.
 - (b) Questions concerning the report can be asked by Members.
 - (c) The Licensing Officer will introduce in turn the objectors (or nominated speakers) who will then be asked to detail the relevant representations. New representations must not be raised.
 - (d) The Chair of the Licensing Sub-Committee will invite members of the Sub-Committee to put any relevant questions to the objectors
 - (e) The Chair of the Licensing Sub-Committee will close Part One of the hearing.

PART TWO

1. The Chair of the Licensing Sub-Committee will introduce the Sub-Committee and ask officers to introduce themselves.
2. The Chair will ask the applicants to formally introduce themselves.
3. The Solicitor to the Sub-Committee will outline the procedure to be followed in the hearing.
4. Hearing Procedure:-
 - (a) The Licensing Officer will introduce the report.
 - (b) Questions concerning the report can be asked both by Members and the applicant.

- (c) The applicant/licensee (or his/her nominated representative) will then be asked to:-
 - i) Present their case to the Sub-Committee and respond to any objections made;
 - ii) Call on any witness in support of their application;
 - (d) The Chair of the Licensing Sub-Committee will invite Members of the Sub-Committee to put any relevant questions to the applicant/licensee (or his/her nominated representative) and/or any witnesses who speak.
 - (e) The applicant will be invited to briefly sum up the application.
 - (f) The Licensing Officer will then detail the options.
 - (g) There will then be a private session for Members to take legal advice and consider the application.
5. The decision of the Licensing Sub-Committee will be conveyed in writing following the hearing, to the applicant/licensee (or his/her representative).
6. Objectors will receive a copy of the written notification of the Sub-Committee's decision sent to the applicant, if they have advised the Licensing Authority that they wish to do so. The decision will also be made available on the Council's website.
- NB: At any time in the Licensing Process Members of the Sub-Committee may request legal advice from the Solicitor to the Sub-Committee. This advice may be given in open session or in private.

APPENDIX G

Discretionary Grounds for Refusing a Licence

The Council may refuse the grant or renewal of a licence in the following circumstances:-

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Nil may be an appropriate number for the purposes of (c) above.

The Council may refuse the transfer of a licence only in the circumstances of (a) and (b) above.

