

Leicester
City Council

WARDS AFFECTED
Castle

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Licensing Enforcement Sub-Committee

2 July 2021

Application to Renew a Sexual Entertainment Venue Licence

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. This report provides information for Members about an application made to renew a sexual entertainment venue (SEV) licence under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, to assist them in determining the outcome of that application.

2. Recommendations (or OPTIONS)

- 2.1 Having considered the application and representation(s), Members may
- Renew the licence in accordance with the application
 - Renew the licence subject to additional and/or varied conditions
 - Reject the application

3. Summary

- 3.1. This report outlines an application the renewal of a licence for a sexual entertainment venue for Spearmint Rhino, 64 Belgrave Gate, Leicester and summarises the representation received. It also refers to the Leicester City Council Policy on Licensing of Sexual Entertainment Venues and provides other pertinent information specific to this application.

4. Location Plan

- 4.1 A location plan highlighting where the premises is situated is attached at Appendix A. This plan also shows what other buildings surround the premise.**

5. Application

- 5.1 An application was received on 24 March 2021 from Bacchus Leisure Limited for the renewal of their Sexual Entertainment Venue Licence for Spearmint Rhino, 64 Belgrave Gate, Leicester LE1 3GQ. A copy of the application is attached at Appendix B.
- 5.2 The application is for the provision of sexual entertainment during the following hours:

Day	Hours
Monday	Unrestricted – 24 Hours
Tuesday	Unrestricted – 24 Hours
Wednesday	Unrestricted – 24 Hours
Thursday	Unrestricted – 24 Hours
Friday	Unrestricted – 24 Hours
Saturday	Unrestricted – 24 Hours
Sunday	Unrestricted – 24 Hours

- 5.3 Bacchus Leisure Limited holds a premises licence under the Licensing Act 2003 for the premises concerned and for the same hours. The application under consideration is separate to the regime imposed by the 2003 Act.
- 5.4 The applicant is required to serve a copy of their application on the Chief Officer of Police and to inform other interested parties by way of a notice on site and in the local paper. These requirements have been satisfied for this application.
- 5.5 The applicant is also required to submit additional information with the application, including formal criminal record checks for the applicant, managers and any other persons who may receive financial gain from the business. The disclosures that have been received in relation to this application are attached to the application.

6. Representations

- 6.1 A representation was received on 18 April 2021 from a local resident. The representation refers to the establishments being there to use women to service men's sexual gratification, or titillation. This is degrading to women, it objectifies women's bodies, and teaches men and boys that women can be used. It runs counter to good sex and relationships education, which it also refers to a review of the Sexual Entertainment Venue Policy.
- 6.2 A copy of the representation is attached at Appendix B1.
- 6.3 The morality of SEVs is not a matter that Members may take account of when determining the application.

7. Suitability of applicants

- 7.1 The Council's Policy on Licensing Sexual Entertainment Venues refers to the suitability of applicants. The Council may refuse an application if it considers that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
- 7.2 When determining whether the applicant is unsuitable, the City Council will give consideration to whether the applicant:
- is honest
 - has any relevant convictions identified on their CRB disclosure
 - has sufficient appropriate experience of running a sexual entertainment venue
 - understands the conditions that will be attached to the licence

- that the operator is proposing a credible management structure and operating plan that will ensure compliance with all conditions and legal requirements
- can be relied upon to act in the best interests of performers, e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
- can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation
- can show a track record of management of compliant premises, or that s/he will employ individuals who have such a track record
- does not operate as an agency for unsuitable controllers or beneficiaries.

7.3 In determining the above the City Council will base their judgement on information on the application form, written representations received, information provided at the hearing and on the results of any additional interviews with the applicant or enquiries of third parties that may take place.

8. Location of premises

8.1 The Council's Policy on Licensing Sexual Entertainment Venues deals with the locality of premises to be licensed as SEVs.

Locality

8.2 The policy sets a limit of five SEVs in the city centre and Braunstone Gate area. This is an existing business seeking to renew their licence which they have held since 1 April 2012. There are currently three licensed Sexual Entertainment Venues in Leicester City Centre (including the one subject to this application).

Character

8.3 The policy also sets out the character of areas that are considered appropriate to locate SEVs in. This is based on:

- the potential for sexual entertainment venues to cause offence and nuisance to sensitive premises;
- the use land and buildings are put to;
- the need to preserve the image of the city to encourage visitors, investment and regeneration;
- the response to the consultation it has carried out; and
- its experience and policy in licensing and in particular licensing of other sex establishments.

8.4 The City Council considers that the appropriate area in which sexual entertainment venues should be located are areas associated with the night time economy. Officers consider that Spearmint Rhino is on the edge of an area associated with the night time economy.

8.5 The City Council does not consider the following locations as suitable locations for sexual entertainment venues:

- shopping centres and main shopping streets;

- areas which are predominately residential; and
- areas which are predominately made up of offices.

8.6 Officers have visited the area and note that the premises is on a main road within the City Centre surrounded by a mixture of late night takeaways and is opposite the Haymarket Bus Station.

Vicinity

Vicinity

8.7 Finally, the policy identifies types of sensitive premises that SEVs should not be located next to. This is based on:

- the potential for sexual entertainment venues to cause offence and nuisance to sensitive premises;
- the use land and buildings are put to;
- the response to the consultation it has carried out; and
- its experience and policy in licensing and in particular licensing of other sex establishments.

8.8 The City Council considers that sexual entertainment venues should not be located in the vicinity of the following types of venue:

- places of worship;
- schools and other educational establishments;
- community facilities such as libraries and community centres
- residential premises; and
- buildings of cultural or historical significance, such as museums and the Town Hall.

8.9 Officers have visited the area and the premises is not located near any of these type of premises.

9. Layout of premises

9.1 Members should give consideration to the layout of the premises, and how this may impact on the way the business will be run if an SEV licence is granted. The plan submitted with the application should give Members some assistance in this regard, Ordinarily a site visit would be arranged however due to Covid-19 and ensuring minimal travel and social distancing this has not be arranged. The applicants have been asked to provide additional information regarding the layout of the premises for members.

9.2 Some of the standard conditions (see section 10) concern the layout of the premises (namely conditions 8, 13, 14, 15 and 16).

10. Conditions

- 10.1 The City Council's policy states that standard conditions will apply to all licences for SEVs. The current standard conditions are set out in Appendix C.
- 10.2 The Licensing Committee may decide to impose additional conditions when it determines the application.
- 10.3 It is suggested that Members add a condition to confirm that any licence issued is for the premises in its existing layout and for the managers listed, and that any changes will need to be approved by the City Council.

11. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

11.1. Financial Implications

The renewal fee paid by the applicant is £3279.00.

11.2. Legal Implications

Paragraph 12 of Schedule 3 of the Local Government (Miscellaneous Provisions Act 1982) sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- to a person under the age of 18;
- to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- to a person, other than a body corporate, who is not resident in an European Economic Area (EEA) State, or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an EEA State; or
- to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal

A licence may be refused where:

- the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- 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;
- the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- that the grant or renewal of the licence would be inappropriate, having regard:
- to the character of the relevant locality; or
- to the use to which any premises in the vicinity are put; or

- to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

A decision to refuse a licence must be relevant to one or more of the above grounds.

There is no right of appeal against a refusal to grant a licence for the reasons identified in Paragraph 4.3(c) or 4.3(d) above.

12. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Climate Change	No	

13. Background Papers – Local Government Act 1972

- 13.1 Licensing Committee report 'Procedure for the determination of applications for Sexual Entertainment Venue licences' – 6 October 2011
- 13.2 Mayor and Cabinet report 'Sexual Entertainment Venue policy – Setting the limit on the number of premises' – 4 July 2011
- 13.3 Licensing Committee report 'Conditions on Sexual Entertainment Venue Licences' 7 July 2011
- 13.4 Licensing Committee / Cabinet report 'Licensing of Sexual Entertainment Venues' – 10 February 2011 / 7 March 2011
- 13.5 Council report 'Licensing of sexual entertainment venues' – 25 November 2010
- 13.6 Cabinet report 'Licensing of sexual entertainment venues' – 21 June 2010
- 13.7 Licensing Committee report 'Licensing of sexual entertainment venues' - 23 February 2010

14. Consultations

- 14.1 The Licensing Authority is not obliged to consult any parties with regard to applications for SEV licences. However, the applicant is required to serve a copy of their application on the Chief Officer of Police and to inform other interested parties by way of a notice on site and in the local paper.

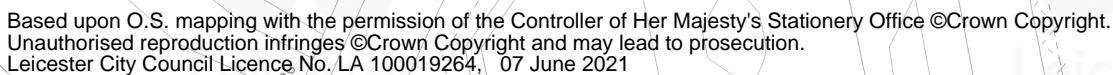
Report Author

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Licensing Manager (Policy and Applications)
0116 4541924

Deborah.bragg@leicester.gov.uk

Appendices	Content
A	Location Plan
B	Application
B1	Representation
C	Standard Conditions

DISCUSSION





**APPLICATION FOR GRANT / RENEWAL / VARIATION / TRANSFER
OF A LICENCE FOR A SEX ESTABLISHMENT.**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART II SCHEDULE 3.**

All applicants are required to submit a 1:100 scale plan showing the premises or part of the premises to be licensed.

The fullest possible information must be given in answer to each question. Please use continuation sheets where necessary.

SECTION 1 - ABOUT THE FIRST APPLICANT	
Is the applicant:	a) — An individual b) — A partnership or other unincorporated body c) A body corporate (Delete those that do not apply)
Full name of FIRST applicant or body applying for the licence. If an individual or partnership please state any previous name(s) and date(s) changed	BACCHUS LEISURE LIMITED
Date and place of birth	
Daytime telephone number(s)	[REDACTED]
Email address	R [REDACTED]
Applicant's permanent address. If a company please give registered or principal address	[REDACTED] [REDACTED] [REDACTED]
Address to which any communication is to be sent	[REDACTED] [REDACTED] [REDACTED] F

Has the applicant been resident in the UK throughout the period of 6 months preceding the date of this application? Please give details of addresses and dates.				Yes – R/0 Aug 2008		
Does the applicant have any convictions / cautions? If the answer is yes please give details below:				NO		
CONVICTIONS						
Forename	Surname	Former name (if any)	Court	Date	Offence	Penalty or sentence
Forename	Surname	Former name (if any)	Court	Date	Offence	Penalty or sentence
What is the applicant's interest in the premises?				a) Freehold b) Leasehold i) Main lease ii) Sub-lease		

SECTION 2 – ABOUT ADDITIONAL PARTIES

Please complete a separate continuation sheet for each additional applicant, each Director and any other persons who will manage or otherwise be involved in running the establishment or who will have an interest / will benefit from the venue. Continuation sheets are available on Leicester City Council's website at www.leicester.gov.uk/licensing/sex-establishments

Number of continuation sheets accompanying this application:

Will be forwarded prior to reopening of premises.

Details of any other parties or companies who are likely to benefit financially from the business in any way

Spearmint Rhino Ventures (UK) Limited
161 Tottenham Court Road
London
W1T 7NN

SECTION 3 – ABOUT THE PREMISES

Trading name

SPEARMINT RHINO

Description

BUILDING WITH BAR AND RELEVANT ENTERTAINMENT OVER 2 FLOORS. VIP AREAS LOCATED IN BASEMENT

Address

64 BELGRAVE GATE, LEICESTER LE1 3GQ

Telephone number at the premises

0116 2626010

Give details about what forms of relevant entertainment will take place on the premises

LAP DANCE; POLE DANCE; STRIPTEASE; STAGE PERFORMANCES; ENTERTAINMENT OF A LIKE KIND

If only part of the building is to be licensed, give details:-

(a) Of the use (s) to which the remainder of the premises will be put:

(b) The names of those who are responsible for the management of the remainder of the premises:

Please state the proposed hours of operation for the premises

	Opening time	Closing time
Monday	00:00	00:00
Tuesday	00:00	00:00
Wednesday	00:00	00:00
Thursday	00:00	00:00
Friday	00:00	00:00
Saturday	00:00	00:00
Sunday	00:00	00:00

If this application relates to a vehicle, vessel or stall, state where it is to be used as a sex establishment.	N/A
Name, permanent address and date of birth of the person who will be in day to day management control of the premises	Will be completed prior to reopening of premises following Covid roadmap restrictions.
Name, permanent address and date of birth of any other person(s) who will be engaged in managing the premises	JOHN ROBERT SPECHT, [REDACTED] [REDACTED] Will be finalised prior to reopening of premises following Covid roadmap restrictions.
Give date and name of newspaper in which public notice of this application is to be made.	LEICESTER MERCURY – 26 th March 2021

SECTION 4 – ABOUT THE LICENCE	
FIRST APPLICATION Choose this option if this is the first time the premises has been licensed or if the previous licence for the premises has lapsed. You MUST provide a 1:100 scale plan of the premises and a criminal record certificate for every applicant, director and other persons who will manage or otherwise be involved in running the establishment or who will have an interest / will benefit from the venue	
RENEWAL APPLICATION Choose this option if you already hold a licence for the premises that is due to expire	X
VARIATION APPLICATION Choose this option if you are proposing to change the hours of operation, the premises layout, etc	
TRANSFER APPLICATION Choose this option to transfer the licence from one licence holder to another	

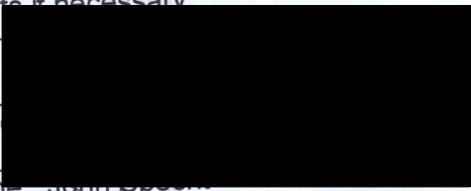
SECTION 5 – ADDITIONAL INFORMATION	
I/We enclose the relevant fee: New application - £6,559 Renewal application - £3,279 Variation - £1,608 Transfer - £1,072	To follow
I/We enclose a basic disclosure showing the criminal record of every applicant, every person to be involved in the management of the premises, and any person who will receive financial benefit from the business (i.e., all persons referred to in sections 1 & 2 of this application form).	TO FOLLOW
I/We enclose a plan of scale 1:100 showing all parts of the premises to be licensed, the extent of the premises and its location.	X
I/We confirm that I/we have read Leicester City Council's 'Policy on Licensing Sexual Entertainment Venues' and that I/we am/are aware of the standard conditions of licensing.	X
I/We confirm that a copy of this application will be been served on the Chief Officer of Police at Mansfield House Police Station, 74 Belgrave Gate, Leicester, LE1 6GG, within the next 7 days.	X
I/We confirm that a notice publicising this application will be displayed on or near the premises in a place where it can conveniently be read by the public, and that the notice will be in place from the date of this application for a continuous period of 21 days. The notice shall be A4 or larger, a yellow colour and printed legibly in black ink of font size 16 pt or larger.	X
I/We confirm that a notice of application will be published in a local newspaper circulating in the local area within 7 days of the date of this application, and that a copy of the newspaper in which the notice appears will be forwarded to the Licensing section.	X

SECTION 6 – DECLARATION BY APPLICANT(S)

I understand that any person who, in connection with an application for the grant, renewal, variation 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, shall be guilty of an offence punishable on summary conviction by a fine not exceeding £20,000.

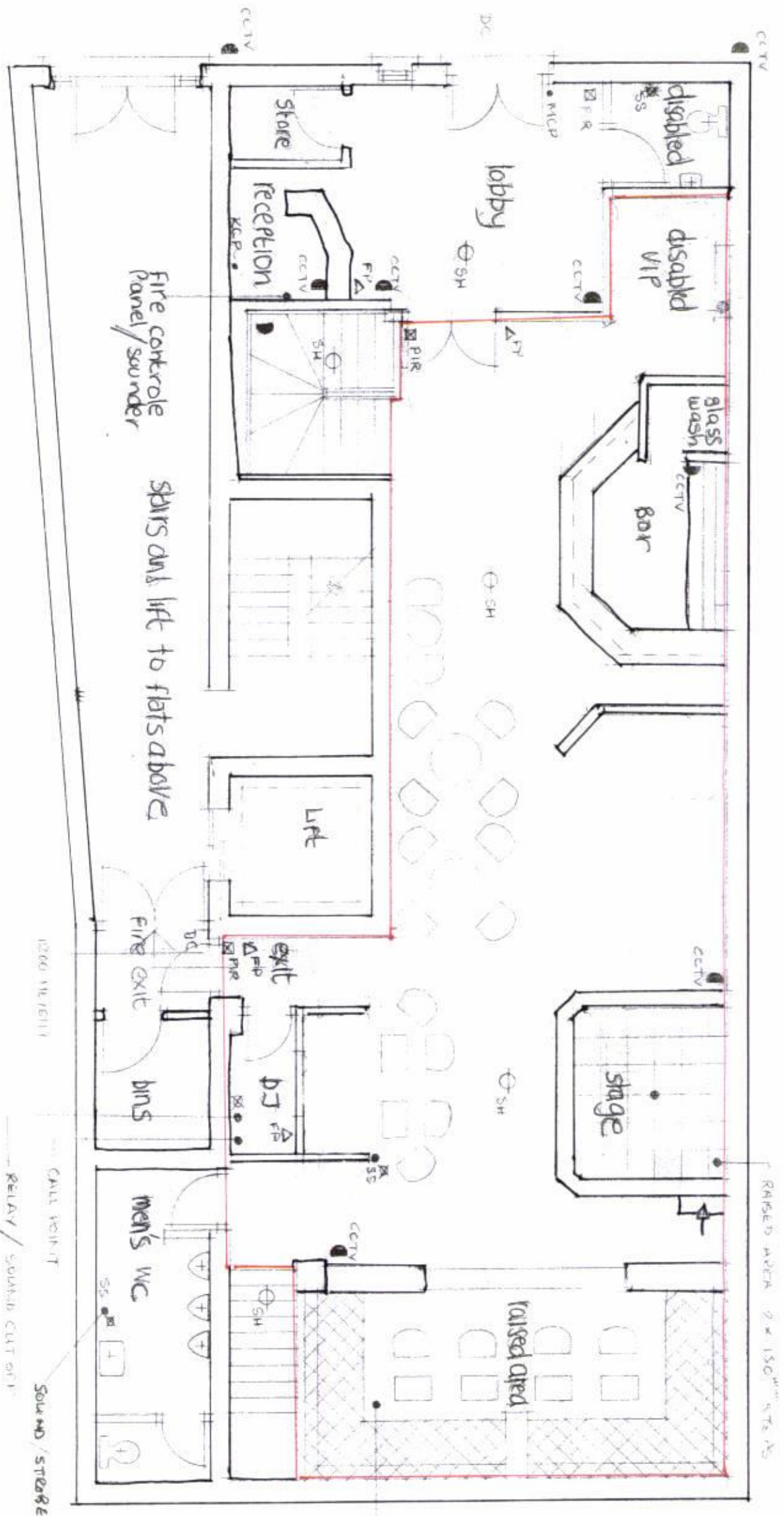
I declare that the information I have given in this form is true and complete in every respect.

Where the application is made on behalf of a limited company, the company secretary or director(s) should sign this form. In the case of a partnership each partner should sign, using continuation sheets if necessary.

	SECOND APPLICANT
Sign 	Signed:
Name: John Depp	Name:
Capacity: Director	Capacity:
Date: 24 th March 2021	Date:

SPEARMINT RHINO

LEICESTER LE1 3GQ



GROUND FLOOR
SCALE 1:100 - OCTOBER 2010

- CCTV CAMERA SYSTEM
- SH
- PIR
- ✱ KPC
- ✱ SOUND / STORE
- MCP
- ▲ FIRE ALARM

NOTE: ALL STAFF MUST BE IN POSSESSION OF A

All licensable activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown as is on the date hereof but may be moved in consultation with the fire officer.

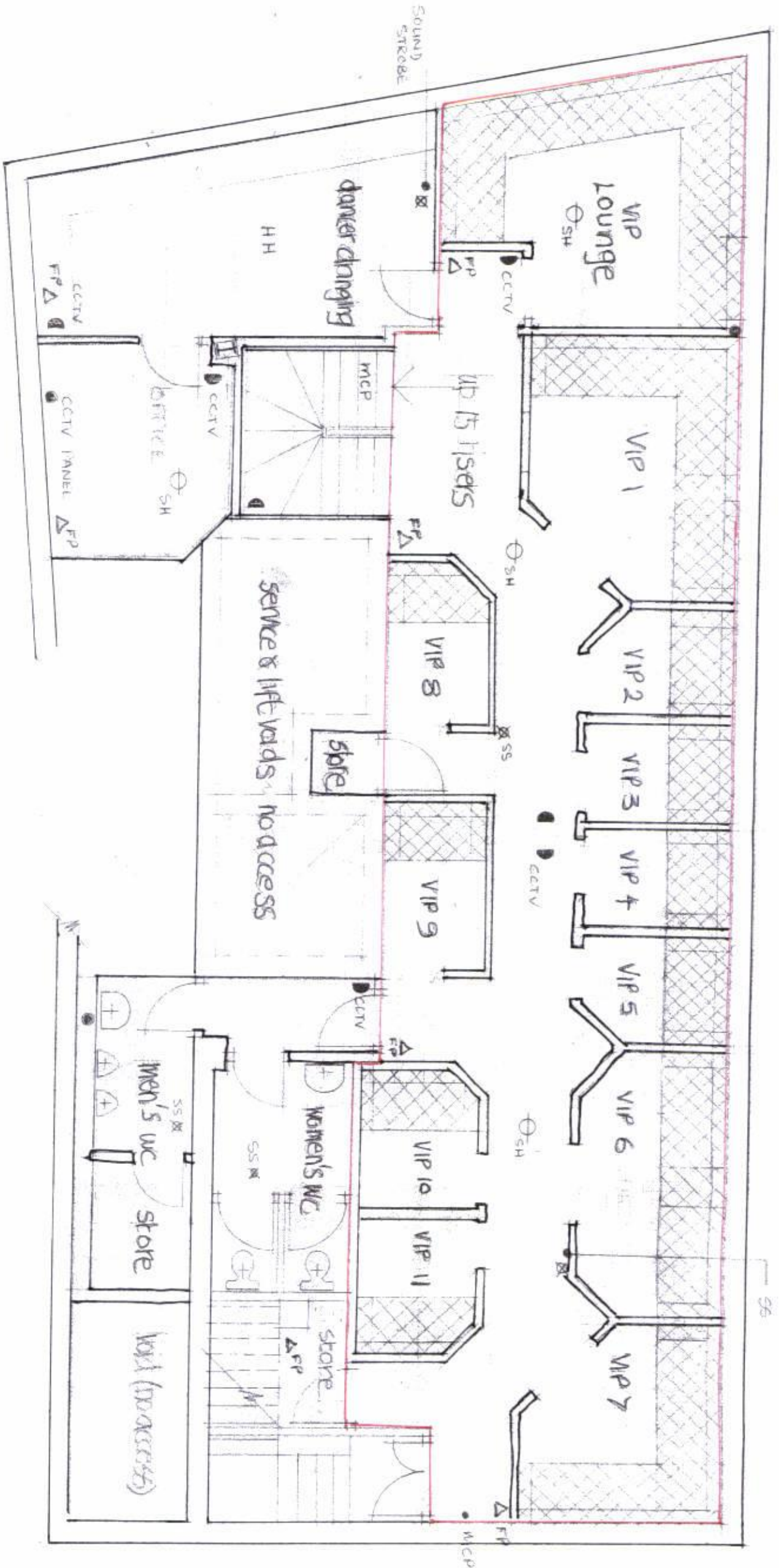
Dated: 28.09.2011

DRAWING
PROPOSED
SRL 2

SEV

SPERMINT RHINO

LEICESTER LE1360



BASEMENT
SCALE 1:100 - OCTOBER 2010

All licensable activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown as is on the date hereof but may be moved in consultation with the fire officer.

Dated : 28-09-2011

DRAWING
1307064D
SRL

SEV

Appendix B1

I wish to lodge objections to both these licence renewals on the grounds that, by continuing to nod through these licences, the Leicester City Council is in breach of its Public Sector Equality Duty.

These establishments use women to service men's sexual gratification, or titillation. This is degrading to women, it objectifies women's bodies, and teaches men and boys that women can be used. It runs counter to good sex and relationships education, which it is now compulsory to teach in schools. There is no place for strip clubs in Leicester, the current written policy on location makes no sense, and the Council, if it had the political will to do so, could easily revise the policy to set a NIL limit on the number of such establishments, give the existing 3 businesses 12 months notice to change the nature of their business, and set a good example to other local authorities by having none of them.

Leicester City Council

Standard Conditions for Licences for Sexual Entertainment Venues

1. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
2. The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990 and the Building Act 1984 or any legislation amending or replacing the same
3. The licence holder, or an appointed deputy, shall be on duty at the premises at all times that the premises are open for business to exercise general supervision and control of the premises.
4. The licence holder must maintain a daily register in which shall be recorded the name and address of any person who is made responsible for managing the premises in the licence holders absence and the names and addresses of other persons employed in the premises, including entertainers, door supervisors and security staff. The register is to be completed each day within thirty minutes of the premises being opened for business and be updated as additional staff arrive. The register is to be available for inspection by the police and by authorised officers of the Council.
5. All members of staff, other than performers, must wear appropriate identification whilst on duty on the premises indicating that they are members of staff.
6. There must be no activities designed to obtain custom by means of personal solicitation, touting or distribution of printed matter anywhere outside of the premises within the City of Leicester.
7. Any images displayed outside of the premises shall be designed so as not to cause offence to members of the public. No, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public.
8. The layout of the premises shall be designed to ensure that no activity taking place inside the premises is visible from outside through any external openings, such as doors and windows, even when these are open.
9. There shall be prominently and legibly displayed inside the premises in a position where it can be conveniently read, a notice showing all charges and prices for entertainment provided on the premises.
10. No person under the age of 18 shall be admitted to any part of the premises

and the licence holder must adopt the Challenge 21 policy on admissions and there will be adequate, documented training for staff on its implementation. This training will be repeated every twelve months, in order to retain focus, and records of that training will be provided to Council licensing officers and police on request.

11. No person under the age of 18 shall be employed in the business of the sex establishment.
12. The licence holder must ensure that a suitable number of trained security staff are employed to supervise admission to the premises and all public areas inside the premises at all times the premises are open for business. Security staff must be registered with the Security Industry Authority.
13. All areas of the premises, including private booths, must be adequately monitored by either security staff or CCTV to ensure that licence conditions are complied with.
14. CCTV must be installed and maintained in accordance with the following
 - CCTV shall be of a type to be approved by the City Council to monitor events at the premises and shall be installed to the satisfaction of the Council. The CCTV system shall be professionally installed and be capable of consistently producing pictures clearly showing the identity of persons frequenting the premises and in the vicinity of the premises. The CCTV shall operate continuously during the permitted hours.
 - All recordings must be retained for a period of 28 days and shall be made available to the Police or an authorised Officer of the Council on demand.
 - Notices shall be clearly displayed inside the premises indicating that a CCTV system is in operation.
15. A secure changing room is to be made available for performers. The door to the changing room is to be locked using a combination lock. The changing room shall be provided with suitable refreshment facilities for performers including a supply of drinking water. No members of the public are to be allowed in the changing room at any time.
16. There must be an adequate separation between stage areas and the audience and the performer should be able to leave the stage area without the need to walk through the audience.
17. Performers shall be aged not less than 18 years. The licence holder must undertake adequate identity checks of all performers to ensure that they are 18 years of age or over and have the right to work in the UK. Copies of all documents used to verify identities together with the name, address, a photograph and date of birth of the performer must be retained for inspection.

18. Routine monitoring should be carried out to ensure that drugs are not being used by performers. Written records should be retained of all monitoring to be carried out.
19. The licence holder must allow confidential access to performers and other staff by Council officers and other agencies working on behalf of the Council in respect of compliance monitoring and the provision of advice and support to those working in the sexual entertainment industry.
20. The licence holder must allow access to appointed officers of the local authority to all parts of the premises, at any time that the premises is open for business, to determine whether the conditions attached to the licence are being complied with.
21. The Licence Holder will arrange for performers to be escorted by security staff from the premises to the performer's vehicle or secure transport at the end of their shift.
22. The licence holder must adopt and implement a code of conduct for performers, a code of conduct for customers and a formal complaints procedure.
23. Performers shall only perform on the stage area, or to seated customers, or in such other areas of the premises as specified on the licence.
24. There must be no displays of nudity except during performances in areas specified on the licence.
25. There must be no exchange of personal information or contact details between performers and members of the public.
26. The following will not be allowed as part of any performance on the premises:
 - Any physical contact between a performers and a member of the audience (other than brief incidental contact of hands during payment)
 - Any physical contact between performers
 - The use of sex toys or other props, other than clothing
 - Audience participation
 - Photography or video recording
 - Mixed gender performances
 - The performance or simulation of any sex act or masturbation
 - Straddling of a member of the audience by a performer
27. Any departure from the above condition must be agreed in writing with the City Council before any departure takes place.

28. The licence issued is for the premises in its existing layout and the managers listed and any changes will need to be approved by the City Council. The licensee should notify the Council's Licensing Department of any temporary management cover.