

This summarises the two successful legal proceedings taken against Sheffield City Council for its support for the local strip industry.

The Council was challenged under equality law for breaching the Public Sector Equality Duty, PSED. This states that all Councils must 'pay due regard to the need to':

- **Seek to eliminate harassment, discrimination and victimisation of women**
- **Foster good relations between the sexes.**

In both legal challenges cases, the Council conceded it had breached equality law on exactly the same grounds having spent in the region of £150,000 of taxpayers money or more on legal costs.

We ask when will the Council stop acting on behalf of the local sex industry and when will it start representing the local community and support women's equality and safety?

"It is disappointing to see the defendant has now failed twice on exactly the same grounds"
Judge Whipple

"wrongly ignored objections .. treating them as moral" Judge Jefford

Act 1 Unlawful licensing of Strip Club

**Council
FAILURE**

In 2017, Sheffield City Council concedes days before going to court that it had unlawfully failed to comply with equality law (the PSED) when it allowed the re-licensing of Sheffield Spearmint Rhino strip club.

In Detail

In May 2016 Sheffield City Council relicensed its one strip club or 'sexual entertainment venue' (SEV), Spearmint Rhino. This was despite staunch objection (over 70 written objections) from the local community, women's rights and support groups.

It had carried out no Equality Impact Assessment and at no stage made any reference to equality law or the PSED.

Irene, a local resident, with support from local pressure group, Zero Option, initiated legal proceedings against the council. She argued that:

Sheffield City Council had failed to:

- Comply with its duty under section 149 of the Equality Act 2010 when making its Decision
- Comply with its duty . . . when formulating and maintain its policy in relation to the grant/renewal of SEVs
- Take account of relevant considerations and/or misdirected itself as to its legal powers when making the Decision

Case May Go Ahead

High Court Judge, Justice Jefford, allows case to go forward to Judicial Review (JR) in the High Court. She stated [our emphasis]:

1. That the Council had Not Considered Equality Law:

"There is no direct evidence that the Defendant [Sheffield City council] has had due regard to the Public Sector Equality Duty (as it is required to do under s.149 of the Equality Act 2010). The decision gives no indication that it has been considered."

2. That the Council had Wrongfully Ignored Objections as ‘Moral’:

“Further, there is a tenable basis for the Claimant’s inference that the Defendant [Sheffield City Council] has **wrongly ignored objections based the potential impact on gender equality treating them as moral objections and irrelevant.**”

Council Concedes

Days before the High Court date, the Council concedes that it had unlawfully granted Spearmint Rhino a license as it had failed to consider Equality Law, the Public Sector Equality Duty (PSED), when it did so.

Claimant’s Lawyer

Louise Whitfield lawyer for the Claimant, Irene, states:

“This is an important victory for my client and many others who are very concerned about the harmful impact of sex entertainment venues on women. **The council now accepts that they were wrong to ignore the concerns raised about the sexual objectification of women, and to dismiss these as ‘moral objections’**

“It is now clear that a local authority considering any such licence applications must look long and hard at the **adverse impact on gender equality of letting such an enterprise exist at all.** Otherwise it will be acting unlawfully and will be subject to legal challenge.”

Sheffield City Council

We acknowledge that things could and should have been done differently then. This is why we offered to settle the claim out of court, thus avoiding a trial and, therefore, potentially huge costs to Sheffield council tax payers.”

It should be noted that the ‘huge costs’ to the taxpayer had mostly already been incurred since the Council only conceded days before going to trial. We are currently pursuing an FOI (Freedom of Information Act) for the exact figure spent by the Council on this case

Act 2 And So it Goes On

Strip clubs must apply for their license to be renewed annually. Shockingly, even though the Council was found to have unlawfully granted Spearmint Rhino's license in 2016 it re-granted the club's license in 2017 *and* in 2018. Each and every one of these renewals has breached equality law in exactly the same manner and failed to take adequate account of objections.

2017 Club Re-Licensed

Unbelievably, just before the Council conceded that it had granted Spearmint Rhino's license unlawfully in 2016, it **relicensed** Spearmint Rhino at its **2017 licensing hearing**. It is hard not to find the timing of the concession, just *after* the licensing hearing, extremely convenient.

This is what the Council had to say:

"The granting of this latest licence came after a lengthy meeting at the Town Hall, which followed due process and gave the applicant and objectors ample time to have their say. We thank everyone who took the time to address that meeting, and would commend them for the informed, considered and, in many cases passionate, way they presented their arguments.

"This settlement relates to the granting of a previous licence for Spearmint Rhino, in 2016. **We acknowledge that things could and should have been done differently then.** This is why we offered to settle the claim out of court, thus avoiding a trial and, therefore, potentially huge costs to Sheffield council tax payers."

http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=31176%3Acouncil-admits-failure-to-comply-with-equality-duty-when-renewing-spearmint-rhino-licence&catid=61&Itemid=29

It is also noteworthy that the Council is quick to point out this decision did not apply to its most recent re-licensing of the club.

The only difference between the 2017 licensing hearing and the 2016 hearing (which the Council conceded breached equality law) is that by 2017, the Council finally made reference to equality law and, for the first time, carried out (an extremely poor) Equality Impact Assessment.

2018 Club Re-Licensed

In 2018, despite 145 objections to the club, Spearmint Rhino was again relicensed.

It is notable that the Licensing Hearing was held days before a High Court hearing against the Council's entire licensing policy, at which the Council again conceded breach of equality law (as outlined in Part 3). *Sounds familiar?*

The Club's Supporters

On the day of the Licensing Hearing, pro-sex industry Sheffield University Labour Students organised a demo in support of the multi billion dollar strip chain:



Public Figure 'A Liar'

Written objections to the Licensing renewal included testimonies from 3 women who had worked in the club as lap dancers. They exposed the large scale intimidation and abuse by management and the sex acts routinely performed by dancers.

One of them, Sammy Woodhouse, was also at the Licensing Hearing in person to present her evidence. Sammy is a well-known local figure (with a reputation to uphold) having blown the lid on the Rotherham child abuse scandal, of which she was a victim. She also regularly appears on TV and is constantly meeting MPs, the Home Office and other officials.

Sammy's Testimony:

<http://www.notbuyingit.org.uk/sites/default/files/SR%20Sammy%20Objection.pdf>

Representatives from Spearmint Rhino, 3 large men in suits, lined up one after the other to call her a liar, stating:

'We have no record of her working in the club'

'We have no recollection of her working in the club'

The manner in which the Council dealt with these allegations is particularly telling. At around the same time another former lap dancer blew the lid on another well established club, LA Confidential in Ealing. Ealing Council sent in undercover Trading Standards officers who confirmed the

widespread acts of prostitution that were taking place in the club. The club immediately lost its license and the council then reviewed its entire licensing policy.

More here: www.notbuyingit.org.uk/StripSleazeRecent

Sheffield Grants the License

Sheffield City Council, however, decided within a day to re-license its well established strip club with widespread allegations of intimidation, abuse and sex acts against it.


The Chair of the licensing committee was reported in the BBC news as saying:

Granting the licence, Mr Barker said: "There was a very strong case against sexual entertainment in general from the objectors.


"However, we could find no strong evidence of poor practices or detrimental impact on the local area arising from the operation of the club."

<https://www.bbc.co.uk/news/uk-england-south-yorkshire-44558912>

Which is odd given the copious evidence of the detrimental impact on the area and poor operation of the club that was provided:



Sammy Woodhouse
about 3 weeks ago



Sheffield council have renewed the license of Spearmint Rhinos. The chair of licensing David Barker said "we could find no evidence of poor practices" That's interesting as he was given testimony from 3 dancers speaking of poor practices at the club and also told more had come forward. Rhinos also denied I had ever worked for them which I can prove to be untrue. I offered to give some evidence but was told it wasn't necessary.

All 145 objections to the Council's consultation are here:

<http://democracy.sheffield.gov.uk/documents/g6975/Public%20reports%20pack%20Tuesday%2019-%20Jun-2018%2010.00%20Licensing%20Sub-Committee.pdf?T=10>

This is How We Found Out

The Council told the club before objectors, many of whom are the tax paying local constituents whose needs the Council is supposed to be representing. This meant that the first that objectors heard of the renewal was via tweets from club dancers and Sheffield Labour Students:



A Comedy of Errors

There has been a catalogue of blunders and mistakes by the council throughout numerous consultations and licensing hearings:

Not keeping records of Licensing Hearings

Not informing interested parties within an adequate time frame of Licensing Hearings

Giving the wrong dates for Licensing Hearings

Providing a hostile and unpleasant environment at licensing hearings

Informing the strip club of the decision to renew its license before objectors

Much of this is documented here:

<https://zerooptionblog.wordpress.com/2017/04/14/zero-options-representation-at-the-spearmint-rhino-licence-renewal-hearing-11th-april-2017/>

And On ...

The 2017 and 2018 Licensing Renewals could not be challenged because of the high costs involved (the original challenge was done on legal aid). But, as can be seen from the growing number of objections in recent years, the fight goes on:



NotBuyingItSheffield @NotBuyingItShef · May 18
History of #Sheffield #SpearmintRhino objections

2012 - 56
2013 - 1 (Sheffield Hallam Uni)
2014 - 0 (people got fed up with not being listened to & felt it was pointless)
2015 - 11
2016 - 71
2017 - 97
2018 - 145

#Sayno to #SpearmintRhino

And we continue to ask *why* is this Council so determined to support the strip industry and not local people or the safety of women?

More Here

Local Government Lawyer:

http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=31176%3Acouncil-admits-failure-to-comply-with-equality-duty-when-renewing-spearmint-rhino-licence&catid=61&Itemid=29

Zero Option Full representation at the Licensing Hearing:

<https://zerooptionblog.wordpress.com/2017/04/14/zero-options-representation-at-the-spearmint-rhino-licence-renewal-hearing-11th-april-2017/>

In the Press

This has received considerable press attention, this is just a sample:

BBC News: <https://www.bbc.co.uk/news/uk-england-south-yorkshire-44558912>

The Star:

<https://www.thestar.co.uk/news/sheffield-campaigners-call-for-spearmint-rhino-closure-1-9214298>

The Tab: <https://thetab.com/uk/sheffield/2018/06/21/spearmint-rhino-has-had-its-licence-renewed-by-sheffield-city-council-33083>

Unherd: <https://unherd.com/2018/06/let-thought-police-invade-universities/?=frpo>

Medium: <https://medium.com/@josephinebartosch/sheffield-labour-students-protest-feminists-in-support-of-sex-industry-giant-b4dc7097d361>

Act 3 Unlawful Strip Club Policy

**Council
FAILURE**

In June 2018 Sheffield City Council *again* conceded that it had failed to properly consider equality law *or* responses to its own consultation when it introduced a policy of 'unlimited' strip clubs in the city.

Background

Sheffield introduces a policy that places No Limit on the number of strip clubs in the city.

During 2017, Sheffield City Council consults on a SEV (strip club) draft policy for 2 clubs to be allowed in the city. Over 100 respond to the consultation outlining their opposition to this branch of the sex trade. However, the final policy puts **no limit** on the number of clubs appropriate – a policy not even consulted on. In addition the research (of demonstrably poor quality and pro-sex industry bias) quoted in the final policy was not included in the consultation draft for comment.

Legal Challenge Launched

In April 2018, Irene, a local resident, initiates legal proceedings against the council. She is supported by a coalition of groups and individuals including Fawcett Society, Not Buying It, Zero Option, Southall Black Sisters, Glasgow Women's Aid, local MPs, Councillors, victim support groups and many others, including former lap dancers at Sheffield's strip clubs. Together we crowd fund to take the case forward.

Over the course of the next few months this receives ongoing coverage in local and national media – all reflecting very poorly on the Council.

The Claim

Irene's claim was that :

- **The Council had failed to abide by the PSED in arriving at this policy**
- **The council has not properly considered objections to the strip trade in its consultation process**

Case May Go Ahead

In March 2018 a High Judge rules that the case may go forward to Judicial Review. A landmark in itself. What's more, to help ensure the claimant, Irene, takes the case forward he takes the rare step of introducing a cap on the costs she must pay the Council if she loses. **The case is important and it is in the public interest that the case is resolved at Judicial Review - Mr Justice Kerr.**

Sheffield's Defence

Preliminary documents put forward by Sheffield City Council reveal its defence as:

'It is Controversial to say strip clubs objectify women'

'We do not have to consider the effect on wider society'

'Law says we can license clubs so *not* to is illegal'

'Strip clubs will 'go underground' if we don't license them so licensing them is actually pro-equalities'

'Evidence of harm is 'minutiae'

'Women can go to strip clubs too'

Our Day in Court

In June 2018 the case was heard in the High Court. During the Court case. Karon Monaghan, QC, Counsel for Irene carefully outlined for how the Council had breached equality law. And, to gasps from the public gallery, shocking revelations are made:

Only on disclosure for the court case do tracked changes to Council's internal documents reveal its draft policy changed from a cap of 2 clubs (as was consulted on), then zero clubs, then 2 clubs to finally unlimited clubs. **This was dubbed 'aesthetic changes'**

The effect on women in the vicinity of clubs and effect on women in wider society was initially recognised and **then removed** from later drafts of the policy

"It's taking the gender our of gender equality" Karon Monaghan, Irene's barrister

The Council's Day in Court

The Council's day didn't go quite so well.

We should point out that Spearmint Rhino was named as an 'Interested party' in support of the Council, although the club chain's barrister, Philip Kolvin, described himself as '**an innocent bystander**' during the proceedings.

Despite this, the club as well as the Council *were* set to present the case in defence of the Council.

First, the Council's barrister, took the stage for close to half an hour. To audible giggles from the public gallery he showed no understanding of equality law whatsoever but kept referring to the 'suitability of the locality' and the fact that an equality duty exists using words such as 'mantra' and 'fluid concept'. As one member of the public put it: "He was floundering, no - drowning, in his own waffle".

After 20 mins the Judge, Mrs Justice Whipple, asked how long the two defence barristers would need as she had to leave by 4.30pm.

She told Barrister for Spearmint Rhino, Philip Kolvin that she '**was not keen on being given a reading list**' when he said he could reduce his time if he just used page references.

At one stage, she also told both defence barristers that '**this is not a very good way to run your defence**'.

Council Concedes

During lunch there was a flurry of to-ing and fro-ing and once back in court the Council conceded on all grounds before even starting to properly present its case (unheard of in JRs). Council's policy is now quashed and must be consulted on again and redrawn.

Judge's Remarks

Please note these are reflected as accurately as notes taken during the court case can allow.

Karon Monaghan, QC, for Irene (the Claimant):

"Defendant will in a consent order accept failures to comply with PSED and failures in respect of communicating to licensing committee outcome of consultation exercise. Quashing and costs. **I have a fairly good model from last time.**"

Judge:

“I have a copy of the proposed consent order and statement of reasons, **we should read that out, there will be members of the public here who should hear this.**”

Counsel for the Defence:

“on 23 Nov 2017 Defendant decided to adopt SEV policy. **Defendant accepts it failed properly to discharge Public Sector Equality Duty in respect of that decision. Defendant accepts it failed to take proper account of consultation responses.**”

Judge:

“Consent order, claim should be allowed. **Decision under challenge is to be quashed.** This removes it as a matter of law. What happens next is the policy dated 23 Nov 2017, the one the licensing committee purported to adopt should be subject to a further **fresh consultation**. Whatever then results from that, do whatever you feel appropriate as public servants, come with a fresh draft policy, to present to licensing committee but that is to be subject to a new fresh consultation.”

“**It was in this case important to state in open court why the Defendant has conceded. It does reflect my understanding that the Council has conceded every aspect of this Judicial Review and made mistakes in how it observed its obligations under section 149 (of the Equality Act) and on how consultation responses were put before the council.**”

Judge To the Defendant:

“**This is the second Judicial Review this Council has conceded on the same issue, and conceded on PSED grounds on both occasions. That is disappointing. I hope council will take this seriously now**”

Judge to Karon Monaghan (QC for Irene) and her assistants:

“**I thought your submissions showed very great skill and got us where we are now**”

According to the Council

Sadly no one from the Council was present in Court so they full impact of what was said will not be felt, or possibly even heard. Perhaps Councilors will find this review of the day helpful, particularly as *this* is the statement released by the Council to the press:

"We understand that we could have been clearer about how the consultation had affected our final policy. We welcome the feedback from the court, and are committed to re-running the consultation, including a new Equality Impact Assessment. We really hope all those with an interest in this area will take the opportunity to have their say, as we work to get the right policy for Sheffield.

Today's decision has no bearing on sex establishment venues which are already licensed."

More

Local Government Lawyer

http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=35844%3Acouncil-concedes-in-strip-club-policy-legal-challenge-over-equality-duty-failure&catid=61&Itemid=29

DPG (law firm who represented Irene against Sheffield City Council):

<https://dpglaw.co.uk/sheffield-city-council-concedes-on-strip-clubs-policy-challenge/>

Media Coverage

This case has been in numerous national and local media for months. This is just some of the coverage:



Guardian:

https://www.theguardian.com/uk-news/2018/apr/26/sheffield-strip-club-protesters-judicial-review-spearmint-rhino?CMP=share_btn_tw

Independent:

<https://www.independent.co.uk/voices/sheffield-city-council-strip-clubs-gender-equality-women-safety-timesup-a8327951.html>

BBC News:

<https://www.bbc.co.uk/news/uk-england-south-yorkshire-43910555#>

Sunday Politics Show:

<https://www.youtube.com/watch?v=SjasTQgHYHI>

The Star:

https://www.thestar.co.uk/news/sheffield-city-council-still-ignoring-strip-clubs-negative-impact-on-women-say-campaigners-1-9146128/amp?_twitter_impression=true