

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL (NON LICENSING ACT 2003 FUNCTIONS)

10.00am 17 FEBRUARY 2025

DECISION LIST

Part One

3. PUSSYCAT CLUB LICENSING PANEL (NON LICENSING ACT 2003 FUNCTIONS)

Licensing Panel (Non-Licensing Act 2003 Functions) Hearing - Notification of the Determination

Licensing panel hearing held in person Monday 17th February 2025 in respect of the application for renewal of a Sexual Entertainment Venue licence in respect of The Pussycat Club, 75 Grand Parade, Brighton.

The panel has considered the report with the appendices including the objections and submission on behalf of the applicant. It has listened carefully to all the points and submissions made. In reaching its decision, it has also had due regard to the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, The Public Sector Equality Duty, and Equalities Impact Assessment for this application, the Human Rights Act 1998, and the Council's Sex Establishment Policy.

The application is for a renewal of the Sexual Entertainment Venue (SEV) licence for the Pussycat Club, 75, Grand Parade Brighton. The application, history and relevant background are detailed in the report before us.

A total of 18 objections were received, 2 of them detailed. The substance of the objections falls into 3 main areas. Firstly it is alleged that granting the application would be in breach of our own sex establishment policy on grounds of unfit applicant or benefitting such person, and on the basis that renewal would be inappropriate having regard to the character of the locality (these factors can also be the basis for refusal of a licence under paragraph 12, Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Secondly that to grant the application runs contrary to the Council's Public Sector Equality Duty (PSED) especially with regard to women and girls and sex equality. Thirdly that such establishments should be seen through the lens of reducing harm and violence against women and girls and are contrary to such initiatives such as White Ribbon accreditation. Full details of these arguments are in the papers before us.

Two of the objectors from the Sisters Salon organisation attended the hearing and amplified their objections. They referred to a floating debenture from 2012 in favour of Kenneth McGrath and another linked to company assets including 75 Grand Parade. They also noted that the area is undergoing regeneration and was increasingly a family leisure and residential area. They said there was evidence that dancers experienced abuse and women self-exclude from areas in which SEVs operate.

In response to questions from the panel, it was accepted there was no specific evidence linking the club itself to complaints or issues of crime and disorder, apart from a reference to 'full service' linked to the club on their website and the financial evidence. However, women had said they don't feel safe in areas in which such clubs operate, and the objection was to SEV's existence per se and the way they operated, and this was relevant to equalities considerations.

Mr Robinson, the manager of the club addressed the panel. He refuted the claims about the financial involvement or otherwise of Kenneth McGrath and was happy to have a condition around this. He sought specific instructions about the debenture and told the panel that the 2012 debenture was a joint loan from Kenneth McGrath to refinance residential properties. It was an interest free loan and would be released soon in 2025 which meant that Kenneth McGrath would not profit or benefit otherwise from it. He said that the ladies managed the club and the 'girls' safety was very important, and they did feel safe at the club. He referred to comments from the dancers in the written submission. There is extensive CCTV which can be viewed at any time. Regarding the reference to 'full service', while it may have been used in social media, he strongly denied this ever happened in the club. He further noted that it was a private members club and they had male and female security staff.

In terms of location Mr Robinson did not consider the club had any negative impact in the area. The club had been there many years. They ran a limited operation on Friday and Saturday nights starting at 10pm until 4am. He agreed that he would be willing to change signage if appropriate but did not consider it was overly visible.

In response to questions from the panel, the membership arrangements were explained by Mr Robinson and how membership would be revoked if there was any breach of the rules regarding dancers or unacceptable behaviour. Details of all members are kept, and he said it gave them more control. There was discussion around when it would be appropriate to call the police in the event of any incidents, and concerns were raised by the objectors that there seemed to be a reluctance to involve the police. Mr Robinson said that the police would be called if necessary but that the policy was to be led by the victim as to their wishes. He stated that the 'girls' safety was his number one concern. There was further discussion about the area, Valley Garden's phase 3 and sexual assaults in the locality notably around Pavillion Gardens.

The panel has carefully considered this application on its merits and in light of the concerns raised by the objectors. On balance the panel has decided to grant

this application for renewal of the licence. In terms of the policy objections, the panel does not consider that Kenneth McGrath is benefitting from the business and notes that the debenture will be removed but believes a condition as to his complete exclusion from, and involvement with, the premises, is appropriate and this was accepted on behalf of the applicant.

Regarding the location of the club and the character of the area, the panel has considered this and used its local knowledge. Overall, the panel considers that the locality in which the club is situated is a part of a commercial and night-time economy area with retail outlets. It does not think it can be characterised primarily as a family leisure or residential area. Although there has been some regeneration it does not consider that the locality has changed significantly so as to make granting this renewal inappropriate on these grounds.

The panel accepts that while there can be no expectation of renewal, the club has been operating for several years and this is a relevant factor to take into account, as well as the objections. Furthermore, there are no specific substantiated concerns of crime and disorder in relation to this club and while it is of concern that there may be a rise in sexual assaults in the area there is no direct correlation with this club, and it is a relevant factor that the police have not objected to this renewal application.

Regarding the sex equality-based concerns, the PSED and the violence against women and girls' arguments, the panel takes these very seriously. We have had regard to the Equalities Impact Assessment (EIA) completed for this application and in particular section 6.5 as to gender identity and sex which is where the impact is considered most relevant. There are tensions and risks around the licensing of SEVs and these are well documented in the EIA and submissions from the objectors, but there can also be strong protective measures put in place to mitigate these concerns and potential impacts. There is an argument that if not licensed, such activities may be driven into unregulated spaces likely to expose women to more risks. The licence will be subject to the standard conditions which are extensive. It is also a private members club which arguably gives more control over the licensable activity. The licence holder's representative is receptive to further conditions and policies. The panel considers that there must be zero tolerance to any physical contact between dancers and customers, and their welfare must be paramount, and any incidents documented and reported appropriately and anonymously if necessary. Further measures are appropriate to reinforce this. The panel therefore imposes the following condition:

a) The Club will have an incident log to be maintained by the premises showing a detailed note of any incidents that occur in the premises. The log will be inspected and signed off by the DPS (or appropriate manager) at least once a month.

b) The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the licensing authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence, or any inappropriate behaviour towards the

dancers. The log will include what action was taken and what was the involvement of the police.

c) To further protect the safety of the dancers, there will be a procedure in place for dancers to anonymously report any concerns to management, such procedure to be documented and available for inspection by the licensing authority or the police. This may be by way of a secure box in their changing room that must be reviewed monthly by the management and passed onto the police and/or licensing authority if appropriate.

The following condition will also apply to the licence: *'Kenneth McGrath will have no input in the management, running or operation of the Pussy Cat Club, the company or any licensed activities and must not enter the Club premises at any time'.*

The panel request that the signage for the club is reviewed to ensure minimal visibility.

It further advises monitoring of the social media within its control to remove any inappropriate content. Finally, as an advisory, the reference to 'girls' in relation to the performers, which was picked up by the objectors, is, the panel agree not appropriate and should be replaced by 'women'.

These licences are granted on a yearly basis and so subject to regular review and it is expected that the licensing team will monitor any feedback from staff, performers, customers, the police, regulatory council officers, and city residents.

The minutes of the panel will be available on the Council's website under the rubric 'Council and Democracy'.

Appeal Rights

(Paragraph 27, Schedule 3, Local Government (Miscellaneous Provisions) Act 1982

The holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held may appeal to the Magistrates' Court within 21 days of the date on which the person in question is notified of the imposition of the term, condition or restriction by which he is aggrieved, as the case may be. A fee is payable upon lodging an appeal.