

REGULATORY AND APPEALS COMMITTEE

16 JUNE 2008

REPORT OF CORPORATE DIRECTOR OF COMMUNITY & CULTURE

APPLICATION TO RENEW A SEX ESTABLISHMENT LICENCE

165 ALFRETON ROAD, NOTTINGHAM

1.0 SUMMARY

- 1.1 This application is for a renewal of a sex establishment licence.
- 1.2 The application was received on 26 March 2008 and objections have been received on the grounds referred to at 3.3 and are attached to this report.

2.0 RECOMMENDATIONS

IT IS RECOMMENDED that the Committee determine the application having regard to objections received.

3.0 BACKGROUND

- 3.1 The premises were first licensed as a sex shop in 2006. The current licence was due to expire on 3 April 2008, however, as an application for renewal was made prior to expiry the licence remains in force until the application is determined. The current licence is attached at Appendix 1.
- 3.2 The renewal application has been advertised in accordance with the legislative requirements. The appropriate notice of application has been made in the Nottingham Evening Post and exhibited on the premises. There has also been consultation with Ward Councillors (including those of the immediately adjacent wards,) Police, The Chief Fire Officer, Social Services, Trading Standards, Planning, Programmes & Strategies and the Health & Safety Officer.
- 3.3 Two objections have been received within the prescribed timescale:
- An objection from Councillor Bull on the grounds that Alfreton Road is a deprived area and the sex establishment would have a detrimental impact. It would also impact on regeneration funding and grants, does not portray the right image for young people in the area, and Alfreton Road is a gateway into the City where positive shop fronts are needed. The full objection is attached at Appendix 2.
 - An objection from New Deal Communities (NDC) on similar grounds to Councillor Bull and that the renewal of the sex establishment would be detrimental to both the area as a whole and to the localised block of

shops. NDC has received negative comments from local businesses and residents regarding the application premises. NDC has and continues to contribute to a major regeneration initiative in the area which is a key gateway into the City. It is believed that the application premises are a barrier to inward investment and the subsequent creation of employment opportunities in the locality. The premises undermine the ability to market new family accommodation and make the residential offer much less attractive in light of the prominent location of the establishment. The objection is attached at Appendix 3.

- 3.4 165 Alfreton Road is a retail establishment situated in an area of mixed retail and residential use with shops on either side of Alfreton Road. The A-Z clearly shows four schools within a ¼ mile radius of the premises.
- 3.5 Within the area some of the adjacent shops have self contained flats situated on the first and second floor of the property. To the rear of the property there are also approximately 50 maisonettes on Clifford Street.
- 3.6 The applicant and objectors have been invited to attend and a map showing the location of the premises is attached.

4.0 FINANCIAL IMPLICATIONS

None

5.0 LEGAL IMPLICATIONS

- 5.1 The Committee has discretion as to whether to renew a sex establishment licence.

The Local Government (Miscellaneous Provisions) Act 1982 lays down specific provisions as to the grounds upon which a refusal can be made.

The Act specifically prohibits the granting of a licence to:-

- any person under the age of 18;
- a person who has had a sex establishment licence revoked within the last 12 months;
- a person who has not lived in the UK for the 6 months prior to the application being made;
- a company not incorporated in the UK;
- a person who has been refused a licence in the last 12 months, (either on initial grant or renewal), in respect of the application premises.

- 5.2 The Committee can only refuse to renew a licence on the following grounds:-

- that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- that 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;
- that 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;
- that 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;
 - iii. to the layout character or condition of the premises in respect of which the application is made.

Particular regard should therefore be had to the above matters when considering the application.

6.0 EQUALITY AND DIVERSITY IMPLICATIONS

None

7.0 STRATEGIC AIMS

- **Creating a more attractive place to live, work and visit.**
- **Making Nottingham a safer city** – Working with communities and partners to reduce crime and fear of crime and promoting community safety.

8.0 CRIME AND DISORDER ACT IMPLICATIONS

Close partnership working between the City Council, applicants, the local community and enforcement agencies is key to the successful delivery of the licensing regime. A key aim of the City Council is to reduce the risk of crime and disorder occurring in local neighbourhoods and the community in general.

9.0 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- Application form dated 26 March 2008.
- Memo from Health & Safety dated 11 April 2008
- Emails from objectors dated 9, 10 & 16 April 2008

10.0 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Local Government (Miscellaneous Provisions) Act 1982

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

LICENCE FOR SEX ESTABLISHMENT

NOTTINGHAM CITY COUNCIL hereby grant to **Jonathan Matthew Foster**

of 60 Farm Street, Derby DE22 3UJ

this licence to use the premises situate at **165 Alfreton Road, Nottingham NG7 3JR**

for the purpose of a **Sex Shop**

This licence shall continue in force from **2 July 2007** until **3 April 2008**

or until sooner revoked and is granted subject to the conditions imposed by the City Council set out overleaf.

Dated: 2 July 2007

Signed
Licensing Officer

SPECIAL CONDITIONS

1. There shall be no external lighting of the fascia board.
2. The phone number included on the fascia board shall be in letters and numbers not exceeding 3 inches in height.
3. The premises shall be permitted to open during the following times:-

Monday to Saturday	9.30 am – 7.00 pm
Sunday	10.00 am – 4.00 pm

Continued.....

4. There shall be no displays or advertisements placed at either the front or rear of the premises.
5. The internal and external front doors shall be hinged to open in opposite directions so as to prevent views of the interior of the premises from outside.
6. A screen shall be placed inside the shop at the rear door so as to prevent views of the interior of the premises from outside.
7. A roller shutter shall be installed at the front of the premises and will be pulled down at all times that the premises are closed for business. The type of shutter installed shall be in accordance with any consent of the planning authority and, should no consent be required, or no type of shutter be specified by the planning authority in such consent, a roller shutter of solid construction shall be installed.
8. No illuminated or flashing signs shall be displayed at or on the premises;
9. All customers shall be asked for photographic proof of identity and age when entering the premises.

STANDARD CONDITIONS

1. No-one shall be admitted to the premises who is, or appears to be, under the age of 18.
2. The licensee or some responsible person nominated by him in writing for the purpose shall be in charge of and present on the premises while they are open to the public.
3. No change from a sex shop to a sex cinema or vice versa may be made without prior consent in writing of the City Council.
4. There shall be maintained to the satisfaction of the City Council in all windows of the licensed premises a window display which shall not include any sex articles or other indecent matter.
5. No sex articles shall be so displayed within the premises as to be visible to passers by, whether the doors are open or closed.
6. For the purposes of Conditions 4 and 5 "sex article" has the meaning assigned to it in paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
7. No person under the age of 18 shall be employed on the premises.

-----Original Message-----

From: Maria Ireland [mailto:maria.ireland@nottinghamcity.gov.uk]

Sent: 09 April 2008 15:19

To: janet swain (CD)

Cc: katrina bull

Subject: Application for Renewal of a Sex Establishment Licence, 165 Alfreton Road, Nottingham [Scanned]

Importance: High

Janet

Further to your letter dated 1st April regarding the above. I have an objection on the grounds of:

- It is a deprived area and does not need the detrimental impact that this will bring
- I want to improve the area and this would impact on millions of pounds of regeneration funding and grants
- Alfreton Road is a gateway into the City: we need more positive stories and shop fronts than this

Councillor Katrina Bull

Maria Ireland

PA to Councillor Jane Urquhart, Executive Portfolio Holder for Children & Young People's Services and

Councillor Katrina Bull, Executive Portfolio Holder for Environment and Climate Change

Diary Secretary to Councillor Graham Chapman

Members' Services

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Tel: (0115) 91 55040

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email: maria.ireland@nottinghamcity.gov.uk

jane.urquhart@nottinghamcity.gov.uk

katrina.bull@nottinghamcity.gov.uk

Please note response time to Councillors is 5 working days. In the event you are unable to resolve this enquiry within 5 working days, please let me know what actions are proposed within that timescale. A reminder will be sent to the relevant chief officer if the response is not received within the corporate deadline. Thank you.

-----Original Message-----

From: Maria Ireland [mailto:maria.ireland@nottinghamcity.gov.uk]

Sent: 16 April 2008 16:07

To: zoey mayes

Cc: katrina bull

Subject: Objection to Renewal of Sex Establishment Licence, 165 Alfreton Road, Nottingham [Scanned]

Importance: High

Zoey

Thank you for your letter regarding the above. However, you have asked me to specify the regeneration work and I have provided further information below:

- £1.3 million spent on Alfreton Road last year, a further £1.2m to be spent in 08/09
- More young people projects with NDC being formed and this does not portray the right image for those young people

Councillor Katrina Bull

Maria Ireland

PA to Councillor Jane Urquhart, Executive Portfolio Holder for Children & Young People's Services and

Councillor Katrina Bull, Executive Portfolio Holder for Environment and Climate Change

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----- Forwarded message from ndcnorthingham.org.uk> -----

Date: Thu, 10 Apr 2008 16:33:16 +0100

Subject: Application for Renewal of a Sex Establishment Licence, 165
Alfreton Road, Nottingham [Scanned]

To: janet.swain@nottinghamcity.gov.uk

Janet

I am writing on behalf of NDC to express our concerns over the renewal as detailed above.

I would like to echo the concerns expressed by Cllr. Bull whilst adding further evidence as to why as an organisation NDC feels that this renewal would be detrimental to both the area as a whole & to the localised block of shops.

* NDC continues to receive negative comments from local businesses & residents over this business, the strength of feeling we believe being heightened recently following our actions in shutting down a local business that whilst legitimate may have been open to abuse and consequently promoting aspects of the sex industry

* Within the block containing this establishment NDC has invested £1.33m in refurbishing 6 establishments which have been received positively by the local residents & have evidenced the start of a major regeneration initiative in this acknowledged area of deprivation & a key gateway into the city.

* The adjacent unit is vacant & we are able to confirm that 2 potential tenants who would have brought varied benefits (both economic & social) to the area have declined that site, even though the accommodation was suitable for their business/community needs purely on the basis that they did not want to be located next to a sex establishment.

* In 2008/9 NDC intends to invest an additional £1.2m in refurbishing the remainder of the block.

* We consider it unlikely that in its present guise an investment would be made into 165 AR to bring it up to the same standard of the adjacent units & therefore in 12 months time the site will be an additional eyesore to the locality. In its existing format 165 AR I believe acts as a barrier to inward investment into the area & the subsequent creation of employment opportunities.

* In 2008/9 NDC will continue to invest heavily in the community, investment in local housing will encourage mixed tenure/mixed & affordable housing which we believe will see the renewal of this licence as detrimental to the area in terms of the provision of affordable housing & will make the marketing of such accommodation more difficult & potentially detrimental.

* In 2007/8 the site 169 AR (next door but one) was developed to include an innovative youth project on the upper floors in which significant interest has been shown both locally & from Central Government, in respect of the latter the project has been identified as having suitable standing to justify a ministerial visit. With entry to this project being from the Clifford Street car park which is where the majority of customers from the

sex establishment enter the business, we feel that the needs of this key project supported by the local police and the continued presence of the sex establishment are not really compatible.

It is for the reasons stated above that NDC formally objects to the renewal of the license for the sex establishment.

I would be more than happy to discuss any aspects of the above with you in greater detail

Housing & Asset Development Manager
Neighbourhood Development Company
147/149 Alfreton Road
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