

CITY OF NOTTINGHAM

LICENSING COMMITTEE

MINUTES

of meeting held on **8 AND 11 APRIL 2002** at the

Council House from 1.07 pm to 6.40 pm and 10.52 am to 1.06 pm respectively

Councillor Cresswell	(Chair)
Councillor Grocock	(Vice-Chair)
Councillor Casson	
Councillor McNamara	
Councillor Wilson	

(indicates present)

76 DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

No declarations of interests were made.

77 EXCLUSION OF PUBLIC

RESOLVED that, pursuant to Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting during consideration of the following item because it involved the likely disclosure of exempt information as defined in paragraph 12 of part 1 of Schedule 12(A) to the Act.

78 SEX ESTABLISHMENT LICENCE - MULTIPLEX MEDIA LIMITED, 30-32 GOOSE GATE, NOTTINGHAM - APPEAL AGAINST REFUSAL OF LICENCE

The Chair of the meeting was of the opinion that this item, although not included on the agenda, should be considered as a matter of urgency in accordance with section 100(B)(4)(b) of the Local Government Act 1972, because of a need to consider whether further legal proceedings should be instituted prior to the expiration of a court deadline for appeal on 9 April 2002.

Further to minutes 64 and 45 dated 5 November 2001 and 4 February 2002, respectively, consideration was given to a report of the Deputy Chief Executive and City Secretary, copies of which had been circulated.

RESOLVED

- (1) that the City Council's right of appeal to the Crown Court in respect of this matter be exercised and the Deputy Chief Executive and City Secretary be authorised to conduct necessary litigation;

- (2) that the ability of the City Council to take into account the costs of prosecuting or defending appeals on decisions taken when formulating fees and charges to applicants be noted but not acted upon at this time.

The public were re-admitted to the meeting.

79 INCREASE IN SEX ESTABLISHMENT LICENCE FEES

Further to minutes 52(3) and 74, dated 30 November 2001 and 6 March 2002 respectively, consideration was given to a report of the Director of Development and Environmental Services, copies of which had been circulated.

The Director was represented by Mr J O'Reilly, Team Leader (Food and Licensing), Development and Environmental Services department, who presented the report and was available for questioning.

RESOLVED

- (1) that the additional background information on the administrative time and costs associated with the processing of applications for sex establishment licences, be noted;
- (2) that the fees for sex establishment licence applications be increased with immediate effect as follows:-

	£	
On application (non-refundable)	2,000	(from £1,500)
On grant of Licence	2,000	(from £1,600)
Total:	£4,000	

80 STREET TRADING - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - PROHIBITED STREETS LACE MARKET AND ICE CENTRE AREA

Further to minute 51 and 71, dated 30 November 2001 and 6 March 2002 respectively, consideration was given to a report of the Director of Design and Property Services, copies of which had been circulated, together with a map indicating those streets which were currently prohibited streets or licensed streets, those streets which would become prohibited streets with effect from 22 April 2002, together with those streets proposed to be prohibited streets in the future, copies of which were placed around the table.

The Director was represented by Mr M Turner, Team Leader (Retail Markets), who presented the report and was available for questioning. Mr Turner requested that Pennyfoot Street, between Lower Parliament Street and Manvers Street, be included as a proposed prohibited street.

RESOLVED

- (1) that, pursuant to paragraph 2 of schedule 4 of the Local Government (Miscellaneous Provisions) Act the following areas, together with all adjoining car parks and other

areas to which the public have access to without payment, be designated as prohibited streets for the purposes of street trading:-

Carter Gate, Chardlace Walk, City Link, Cliff Road, Dean Street, Fisher Gate, Garners Hill, Harnett Close, London Road (between its junction with Lower Parliament Street and Queen's Road and between its junction with Canal Street and Plumtre Square), Long Stairs, Malin Hill, Maltmill Lane, Pemberton Street, Pennyfoot Street, Pinder Street, Plough Lane, Popham Court, Popham Street, Poplar Street, Short Stairs, Shortwood Close, Sussex Street, Trent Street, and Trivett Square;

- (2) that the Deputy Chief Executive and City Secretary be authorised to advertise the City Council's intention to pass the above resolution in accordance with paragraph 2 of schedule 4 of the Local Government (Miscellaneous provisions) Act 1982;
- (3) that the Director of Design and Property Services consider, at the earliest opportunity, the proposed future status High Pavement and, subject to a further report to the Committee, be given delegated authority, after consulting the Chair, Vice-Chair and opposition spokesperson to progress matters accordingly.

81 ADVERTISING ON HACKNEY CARRIAGES - POLICY REVIEW

Consideration was given to a report of the Director of Development and Environmental Services, copies of which had been circulated.

The Director was represented by Mr J Mortell, Team Leader (Taxi Licensing), Development and Environmental Services department, who presented the report and was available for questioning.

RESOLVED that, having considered the requests and representations by advertising companies and the Nottingham Licensed Taxi Owner and Drivers Association that the current policy with regard to the amount of advertising allowed on hackney carriages licensed by the City Council be varied, the existing policy be not varied at this time and the policy previously approved by the Environment (Licensing) Sub-Committee at minute 8(1), dated 5 July 1995 be endorsed.

82 ENTERTAINMENTS LICENCE - TIGER TIGER, UNIT B3, CHAPEL QUARTER

Further to minute 72, dated 6 March 2002, consideration was given to a report of the Director of Development and Environmental Services, copies of which had been circulated.

The applicant, Mr N Tamblyn, Chief Executive Officer of Chorion plc, accepted the Committee's invitation to attend the meeting and was accompanied by Ms A Anderson, Development Director, Chorion plc, Mr A Abel, Design and Build Partnership, Architects and was represented by Mr C Baylis, Solicitor of Messrs Berwin Leighton Paisner, Solicitors, London, who presented the case on his behalf.

Mr M Knight, Chairman, Pub and Club Watch attended as an objector to the application and was represented by Mr J Pearce of Messrs Young and Pearce, Solicitors, who also represented the objections of the Noble Organisation, operating as Ocean Night Club, to

the application. Mr Pearce was accompanied by Mrs Parker of Messrs Young and Pearce, Solicitors, taking an independent note of proceedings. Ms A Pearson, Messrs Nelsons, Solicitors attended as an observer.

The objections of the Chief Constable, Nottinghamshire Police were presented by Inspector Jenkinson, Local Area Commander (City Centre) and Mr I Seeley, Force Solicitor.

The Director of Development and Environmental Services was represented by Mr T Coulson, Service Manager (Food and Licensing), Development and Environmental Services department, who presented the report.

The Committee met to determine whether a Provisional Entertainments Licence to provide music and dancing in the whole of the premises should be granted in respect of the premises known as Tiger, Tiger, Unit B3, Chapel Quarter at the following times:-

Mondays to Saturdays:	11.00 am to 2.00 am the following day
Sundays:	noon to 12.30 am the following day
Sundays preceding Bank Holidays (excluding Easter Day):	noon to 2.00 am the following day

Mr Baylis, on behalf of the applicant submitted that, although the Fire Officer had determined the maximum occupancy level of the premises at 1702 persons, if granted, the applicant intended occupancy levels not to exceed a total of 1650.

In presenting the report, Mr Coulson reported the observations of the Director regarding the proposed dance floor area, requesting that, if approved, grant of the Licence should be subject to final inspections by the Environmental Health Division and Chief Fire Officer. Mr Coulson also reported the withdrawal of an objection the application by Messrs Gosschalks, Solicitors.

RESOLVED that the applicants having presented their application and been available for questioning the hearing of the application be adjourned at 6.10 pm, to enable the remaining business to be concluded at a reasonable hour and the meeting be reconvened at 10.30 am on Friday, 11 April 2002 to determine the application in respect of Tiger, Tiger.

83 EXCLUSION OF PUBLIC

RESOLVED that the public be excluded from the meeting during consideration of the following item because it involved the likely disclosure of exempt information as defined in paragraph 7 of part 1 of Schedule 12(A) to the Act.

84 DOOR SUPERVISOR REGISTRATION SCHEME - APPEAL AGAINST REFUSAL TO REGISTER - MR B

Consideration was given to a report of the Director of Development and Environmental Services, copies of which had been circulated.

The appellant, Mr B, did not accept the Committee's invitation to attend the meeting and was not represented. The Director was represented by Mr T Coulson, Service Manager

(Food and Licensing), Development and Environmental Services department, who presented the report. The objections of the Chief Constable, Nottinghamshire Police were presented by Mr I Seeley, Force Solicitor.

The Committee decided that Mr B had received sufficient notice of the hearing either to enable him to attend in person, to arrange for a third party to represent him, or to have made written submissions, and that the hearing should proceed in his absence.

Mr Coulson and Mr Seeley made their submissions and, having been available for questioning, withdrew.

In reaching its decision, the Committee had regard to the following:-

- (a) the legislative framework and City Council's policies, practices and guidelines in relation to the registration of door supervisors;
- (b) the report of the Director of Environmental Services on the individual circumstances relating to the application by Mr B for registration;
- (c) submissions by Mr Seeley to the Committee, regarding the results of enquiries concerning the appellant made at the request of the City Council
- (d) that absence of submissions by Mr B to the Committee regarding his appeal against the Director's decision to refuse registration or of a special mitigating circumstances concerning his case.

RESOLVED that, by reason of Mr B's failure to disclose the details of previous convictions on his application form as detailed in the report, the refusal of the Director of Development and Environmental Services to grant registration as a door supervisor to the appellant be confirmed and the appeal be dismissed.

The meeting adjourned at 6.40 pm and reconvened on Friday, 11 April 2002.

85 ENTERTAINMENTS LICENCE - TIGER TIGER, UNIT B3, CHAPEL QUARTER RESUMED

The parties to the hearing, save for Mr Knight (an objector to the application), reconvened at 10.52 am on Friday, 11 April 2002.

Mr Baylis, Mr Tamblyn, Mr Pearce, Mr Seeley, Inspector Jenkinson and Mr Coulson having made their submissions and been available for questioning, all parties withdrew.

In reaching its decision, the Committee had regard to the following:-

- (a) the legislative framework for the granting of Public Entertainments Licences and the City Council Standard Conditions to be attached to such licences;
- (b) duties imposed on the Council by section 17 of the Crime and Disorder Act 1998 and the Human Rights Act 1998;

- (c) submissions by Mr Tamblyn and Mr Baylis regarding the application and, in particular, revised plans of the premises submitted at the resumption of the hearing on 11 April 2002;
- (d) submissions by the Director of Development and Environmental Services regarding the application;
- (e) objections to the applications by Mr Peace, Mr Knight, Mr Seeley and Inspector Jenkinson

RESOLVED that the applicant for a provisional Public Entertainments Licence in respect of the premises known as Tiger, Tiger, Unit B3, Chapel Quarter be refused because the Committee was not satisfied that, on the present layout of the premises, as detailed in the amended plans submitted for its consideration on 11 April 2002, and, in particular, with reference to Job No. 2348, Amended Drawing 01, the applicants could not comply with Standard Condition 31 of the Authority's Standard Terms and Conditions attached to Public Entertainment Licences, in that the proposed internal layout of Level 2 required patrons to negotiate bars and dance floor areas, where, (on the applicants own admission), patrons could be standing with drinks, in order to access toilets and cloakroom facilities and on Level 3, that the toilet facilities were not sufficiently accessible to patrons without them having to negotiate the dance floors and bar areas of the premises.