

REPORT OF THE DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES

**APPLICATION TO RENEW SEX ESTABLISHMENT LICENCE
147 RADFORD ROAD, NOTTINGHAM**

1 SUMMARY

- 1.1 This application is to renew a sex establishment licence that was granted under delegated powers on 7th June 2002.

2 RECOMMENDATIONS

- 2.1 IT IS RECOMMENDED that the Committee determine the application.

3 BACKGROUND

- 3.1 Mr Frank Turner held a sex establishment licence for the above premises from 17th December 1986 to 5th January 1989. An application to renew the licence which expired on 5th January 1989 was refused by the then Environment (Licensing) Sub Committee 'because the renewal of the licence would be inappropriate having regard to the character of the locality and the use to which premises in the vicinity are put'.
- 3.2 The premises were subsequently granted a sex establishment licence on 7th June 2001 for one year.
- 3.3 Frank Turner has applied for the renewal of the sex establishment licence in accordance with the Local Government (Miscellaneous Provisions) Act 1982 for the shop premises known as Delta Love Productions, 147 Radford Road, Nottingham.

4 CONSULTATION

- 4.1 Appropriate notice of application has been made in the Nottingham Evening Post and on the premises. Consultation with Ward Councillors, Police, Chief Fire Officer, Trading Standards, Development Control, Health and Safety Officers has taken place.
- 4.2 No objections have been received from Officers, including the Police. Ward Councillor Spear has objected on the grounds of the location of the premises. A copy of his objection is attached at Appendix 1. Mr Turner has submitted additional information for the attention of the Committee which is attached at Appendices 2 and 3, and a letter in support of Mr Turner's application from the Hyson Green Traders' Association is attached at Appendix 4.

5 LOCATION

- 5.1 These shop premises are in a busy mixed commercial and residential part of the City. The building is a 3 storey terraced property constructed at the turn of the 20th century. The style of such properties in this part of the City is that the ground floor is used as shop premises and is accessed directly from the street. The upper floors, accessed from the rear are used for self-contained residential use. The upper floors are often occupied separately to the shop and are usually let at an affordable rent to young couples, family groups or individuals as a first step onto the property ladder or as student lets. The area has a strong community identity.
- 5.2 Close by and on the opposite side of the road is a sheltered housing complex and behind this is a large residential development housing some 100 family units, both constructed around 10 years ago as part of the regeneration of the area. Other

nearby roads off Radford Road, lead to older terraced properties also housing family units or available as student lets. There are also a number of active community enterprises within some 200 yards of the premises on St Paul's Avenue and Gregory Boulevard, including church based groups and community organised groups and activities.

- 5.3 The premises are directly opposite the car park exit of a large Asda supermarket. This store serves the wider community and hence is busy at all times of the day and night being used not only by car drivers but regularly by the surrounding community on foot.
- 5.4 The nearest local school is some 300 yards away on Bentinck Road. The school is a primary school that serves the local community with many children being walked to school by parents some of whom pass the shop on their way.
- 5.5 Radford Road is subject to works as part of the establishment of the Tram transport system for the City. It is one of the main routes into and out of the City for the Tram system. There will be tram stops planned in this area to supplement the local bus services that also use this route for passenger services into the City. The bus stops close by the shop at present.
- 5.6 Other matters covering issues relevant to the location of the premises in the community from the Director of Social Services, Director of Development and Environmental Services and the Police will be reported at the Committee.
- 5.7 The shop window display normally shows various items of women's clothing, personal washing items, room deodorisers and other non sexual items. On entering the premises there is a small lobby area with a door to the left and right which provides entry to the retail area. A sign outside the door states 'persons over 18 only'.
- 5.8 During the term of the current licence, no complaints regarding the use of the premises have been received by the Licensing Section.
- 5.9 The location of the premises is shown on the attached maps

6 STANDARD CONDITIONS APPLICABLE TO SEX ESTABLISHMENTS

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.

7 LEGAL IMPLICATIONS

7.1 The Committee has a limited discretion as to whether to grant or 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 U.K for the 6 months prior to the application being made;
- a company not incorporated in the U.K;
- 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.

7.2 The Committee can only refuse 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; or
 - iii. to the layout, character or condition of the premises in respect of which the application is made.

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

8 EQUAL OPPORTUNITIES IMPLICATIONS

None

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List of background papers other than published works or those disclosing confidential or exempt information

- Application dated 8 May 2002
- Memo from Development Control Officer dated 13 May 2002
- Memo from Environmental Health Officer dated 17 May 2002
- Letter from Notts Police dated 9 May 2002
- Letter from Notts Fire service dated 29 May 2002

JANE TODD

DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES

Lawrence House, Talbot Street, Nottingham

Contact Officer: Janet Swain, Team Leader – Food & Licensing

Telephone Number: 0115 9156776

E-mail: general.licensing@nottinghamcity.gov.uk

APPENDIX 1.



Tel: 0115 915 5555
Fax: 0115 915 5041

THE COUNCIL HOUSE
NOTTINGHAM NG1 2DT

Ref S/JF

17 May 2002

Mr T Coulson
Service Manager (Food and Licensing)
Development and Environmental Services
Lawrence House
Talbot Street
NOTTINGHAM NG1 5NT



Dear Mr Coulson

RE APPLICATION TO RENEW SEX ESTABLISHMENT LICENCE – 'DELTA LOVE PRODUCTIONS', 147 RADFORD ROAD, HYSON GREEN, NOTTINGHAM

Thank you for your letter of 9 May 2002 advising me of the recent application to renew the sex establishment licence of the above.

Since this licence was granted in June of last year, I've had a number of complaints from residents of Radford Ward over the precise location over the above establishment. I would therefore like to request that the application be refused and wish to register my objections to the granting of this licence.

I would contend that the siting of such an establishment in this area is wholly inappropriate and if the committee were minded to renew Mr Turner's licence, it is more than likely there would be a negative impact on the City Council's attempt to regenerate this area.

As 'Delta Love Productions' is based in the core of the Hyson Green district shopping centre, its current operation as a licensed sex establishment mitigates our existing policy aims of creating a vibrant, safe and attractive shopping area in which investment is promoted, and children and families are encouraged to visit. 147 Radford Road abuts a diverse and mixed housing estate in the Bobbers Mill Road area, and is also directly opposite ASDA's main car park. Indeed the benefits of having free car parking within the ASDA site is seen as a unique selling point by the proprietor for his products.

The City Council has over the years invested large amounts of resources into the Hyson Green and Radford Road area. It has benefited from SRB and URBAN monies, as successful attempts have been made to diversify the shopping and traders' base and open up living accommodation above shops, at times converting these back into residential accommodation.

There ^{are} is a large amount of primary and nursery schools within the vicinity of this establishment, as is the showpiece government regeneration programme, New Deal for Communities, and a renewal of this licence would do little to promote the general safety and community and economic well being of the area which the Council has a duty to protect.

Furthermore the Licensing Committee may also wish to note that work is due to finish on the Hyson Green section of line one of the Nottingham express transit scheme and when complete, the tram will be seen as a major driver to attracting badly needed inward investment into and along the Radford Road area. Since there is to be a proposed tram stop near to 147 Radford Road, I would wish to object to the granting of this licence on the grounds that it would be inappropriate for a sex establishment to continue in existence, bearing in mind the character and locality of the area.

I would therefore ask that the licence for a sex establishment at 147 Radford Road be refused.

Yours sincerely



Councillor Phil Spear
Councillor for Radford Ward
Nottingham City Council

Dear Licensing Committee.

A little information about myself.

I am 59, years of age left school at 15, was a student at Nottingham College of Arts and Crafts, Waverley St. for 2. years.

At the age of 17 I started in the Cinema as a projectionist at 22 I was made assistant manager, then manager for the Alkeston Cinema Company working at the New Theatre Kings, and Scala Cinemas Alkeston -

I left the cinema trade approx. 26 years ago due to the Cinemas decline and eventual closures.

I opened my first Adult Shop on Wollaton St Nottingham this was rented.

I then purchased my own property 25 years ago these are the premises I have run ever since. Namely 147 Radford Road Hyson Green Nottingham, I also reside over the premises,

When local Government licencing came in I applied for a licence and held one in 1985, I did not renew the licence because the magazines I was selling, you could buy them from any top shelf in any Newsagents outlet so it was not an even playing field.

Just before Christmas 2,000 I purchased 10 R.18 Videos to sell in my shop. I was advised by Trading Standards I could not sell these without a licence, I did not want to break the law so I then applied for a licence to enable me to sell these, I was granted this licence I now apply to the committee for its renewal.

May I also say that I try to run my buissness in a true and proper manner and that I am always available for inspection by Trading Standards or any member or members of the licencing committee

I remain
Yours faithfully
Frank Jones

14/6/2002

Dear Licencing committee

A little more information for yourselves
re. the objection from ward councillor.

I have been situated for over 20 years. at 147, Radford
Road. first as Harlequin Bookshop then Soho Books
now DELTA LOVE PRODUCTIONS

Regarding the paintwork on the shop, and goods in
the window creams pills potions and lotions, I do
not think my window display to be out of order

but I await your comments,

I did not want to black out my windows personally
I think this would look drab. but if my windows
have to be blacked out then I will adhere to
this,

May I also add that we have at least 4 wheelchair
customers; and our customers come in out of choice.

When I held my first license in 1985. I told the
committee that people purchasing magazines or films is
an alternative, and that to view a film product
does promote safe sex thus reducing the Aids
problem, It also helps to keep people off the
streets i.e. keb crawlers, this has been proven
in Holland and most EC countries where adult shops
have been legal for many many years

Yours faithfully
Frank Jones

CC'20/b.



HYSON GREEN

147 RADFORD ROAD

SK5541SE

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Date
JUNE
2002

Initial
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Drawing
No
535

Severns House,
20, Middle Pavement,
Nottingham NG1 7DW
Tel. (0115) 915 6999
Fax. (0115) 915 8026





147 RADFORD ROAD

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