

**REPORT OF THE DIRECTOR OF
DEVELOPMENT & ENVIRONMENTAL SERVICES**

**APPLICATION FOR NEW SEX ESTABLISHMENT LICENCE
18 CARRINGTON STREET, NOTTINGHAM**

1 SUMMARY

- 1.1 This application is for a new Sex Establishment Licence for premises that currently operate as an 'adult shop' selling products of a sexual nature but that do not require the benefit of a Sex Establishment Licence.

2 RECOMMENDATIONS

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

3 BACKGROUND

- 3.1 The shop is currently operated by Quietlynn Ltd. Darker Enterprises were refused a Sex Establishment Licence for these premises on 7th September 1994 by the then Environment (Licensing) Sub Committee. The grounds were that the grant would be inappropriate to the character of the relevant locality and the use to which other premises in the vicinity were put.

4 PROPOSALS

- 4.1 Darker Enterprises Limited of Unit C, 26 Thames Road, Barking, Essex has applied for a new sex establishment licence in accordance with the Local Government (Miscellaneous Provisions) Act 1982 for shop premises at The Private Shop, 18 Carrington Street, Nottingham. The Managing Director of the Company is Raymond Glen Darker.

- 4.2 Appropriate notice of application has been made in the Nottingham Evening Post and exhibited on the premises.

5 CONSULTATION

- 5.1 Consultation with Ward Councillors, Police, Chief Fire Officer, Trading Standards, Development Control, and Health and Safety Officers has taken place.

- 5.2 No objections have been received from Officers, but Ward Councillor Mir has objected on the grounds of location and a copy of his objection is attached at Appendix 1. A letter of objection from two residents of Bulwell has also been received and details of their objection is shown at Appendix 2. A letter in support of the application has been submitted by Bhatia Best Solicitors, 12 Carrington Street, which is shown at Appendix 3.

- 5.3 The applicant does not currently operate the premises but does have an option to take over the tenancy of the premises if a licence is granted.

6 LOCATION

- 6.1 The premises are close to Broadmarsh shopping complex in a non-residential part of the City. The section of road on which the premises are sited is the main pedestrian route to and from the Meadows area of the City. This a large area of primarily residential housing and as such is used as the route taken by individuals and families to reach the City Centre, rather than use the local bus service that travels a more circuitous route.

- 6.2 The building within which the shop is situated is a 4-storey block of mixed commercial and ground floor retail businesses established at various dates over the last 10 – 20 years. The block the building is part of comprises properties constructed over the last 50 – 60 years in a terraced construction style. The occupancy of the business units tends to change from time-to-time and includes retail shops, a restaurant, a liquor licensed premises and consumer advice facilities.
- 6.3 Opposite the premises is an entrance to the Broadmarsh Bus Station used frequently throughout the day by the general public, as well as an entrance and exit to a subway serving Broadmarsh Shopping Centre, also used frequently throughout the day by the public. The section of Carrington Street that the premises are on is a busy main pedestrian route to and from the only main line railway station in the City, and the Magistrates' and Crown Court. This part of the road also has a taxi rank serving the Broadmarsh bus station and local area.
- 6.4 The premises have been operating for many years and although articles of a sexual nature are sold, it is not to a significant degree in relation to the overall stock, and as such is not a Sex Establishment in terms of the legislation at present.
- 6.5 The window display shows various items of female clothing such as underwear, a rubber bodice and a nurses uniform as well as herbal consumables. The entrance is such that the interior of the premises cannot be seen when the door is open.
- 6.6 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.
- 6.7 The location of the premises is shown on the attached map and the applicant and Councillor Mir have been invited to attend. The standard conditions of licences are shown below:

7 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.

8 LEGAL IMPLICATIONS

8.1 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;

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.

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

9 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 30 April 2002
- Letters from applicant dated 30 April 2002, 13 June 2002 and 4 July 2002
- Memo from Environmental Health Officer dated 23 May 2002
- Letter from Notts Police dated 9 May 2002
- Letter from Notts Fire service dated 20 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

24th May, 2002

Mr. J O'Riley
Acting Service Manager
Food & Licensing
Development & Environmental Services
Lawrence house
Talbot Street
Nottingham
NG1 5N2

Application for Sex Establishment License – 18 Carrington Street

Dear Mr. O'Riley,

As City Councillor for Park Ward I would like to register my objection to the above application.

The premises are adjacent to the Broadmarsh Bus Station and taxi rank. In addition, travellers, including visitors to the City, using Nottingham Railway Station are likely to walk past the premises on the way into and out of the City Centre. With the large number of people using the various public transport options in this area, there will be a passage of young people and their carers and I am concerned about the well being of these children.

Thank you for the opportunity to register my concerns.

Yours sincerely

Councillor Zahoor Mir
City Councillor for Park Ward

APPENDIX 2.

GORDON and ELAINE JOHNSON

5 AVALON CLOSE

BULWELL

NOTTINGHAM NG6 9JW

Tel: 0115 2279321

E-mail: gordon.johnson@virgin.net

4th May 2002

Director of Environmental Svs
Lawrence House
Talbot Street
Nottingham NG1 5NT

Dear Sir or Madam

Re: Darker Enterprises of Barking Essex

Regarding the licence applied for by the above named to run a sex shop to operate on Carrington Street, Nottingham, we strongly object to this being granted.

It seems to us that once permission is granted to one operator, others jump on the band wagon. We do not want to attract the wrong kind of people who would frequent these shops. That is what would happen.

Being born, grown up and living happily in this fair city of Nottingham, we would request that you please refuse this licence. We do not want these disgusting shops in Nottingham.

Yours faithfully

G. and E. G. Johnson

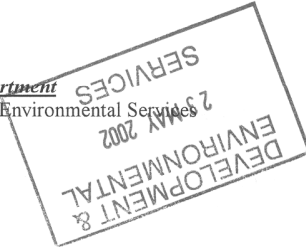


BHATIA BEST SOLICITORS

YOUR REF:
OUR REF: AB/SJH/Misc
DATE: 22 May 2002

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NG1 7FF
DX 702153 NOTTINGHAM 6
FAX: 0115 941 3169
E-MAIL: info@bhatiabest.co.uk
TELEPHONE: 0115 950 3231 (24HR)

F.A.O. The Licensing Department
Director of Development & Environmental Services
Nottingham City Council
Lawrence House
Talbot Street
Nottingham, NG1 5NT



Dear Sirs

Re: **The Private Shop, 18 Carrington Street, Nottingham**
Application for Sex Shop Licence

I am writing on behalf of Bhatia Best Solicitors in my capacity as Senior Partner to support the application by the above establishment for the grant of a Sex Shop Licence. Please note that this firm does not represent the establishment or its owners.

Bhatia Best Solicitors occupy the adjoining premises to the above establishment. We have been close neighbours for approximately 9 years and next door neighbours for 5 years. During the whole of that period neither the establishment nor its customers have caused any problems for either ourselves or our clients. Indeed, the Sex Shop is a well known local landmark which is useful when giving directions to clients unfamiliar with the location of our office.

The premises have clearly been operating as an unlicensed sex shop for many years. We were not aware that no licence existed. If we are to share a street with such an establishment it is preferable to share with one which holds a licence.

It is clear that these premises are already operating as a sex shop. The effect of granting a licence will simply be to allow it to sell a greater proportion of "sex shop" goods and to sell R18 rated videos. We assume that in the past the shop rarely (if ever) sold any of the non "sex-shop" goods which are displayed for sale. R18 rated videos are not illegal.

In conclusion, provided that there are no gross and obvious irregularities (unknown to ourselves) we would prefer a "Sex shop" to operate in a properly licensed and controlled manner. Its existence itself has caused us no offence.

Yours faithfully

A. Bhatia

Community
Legal Service



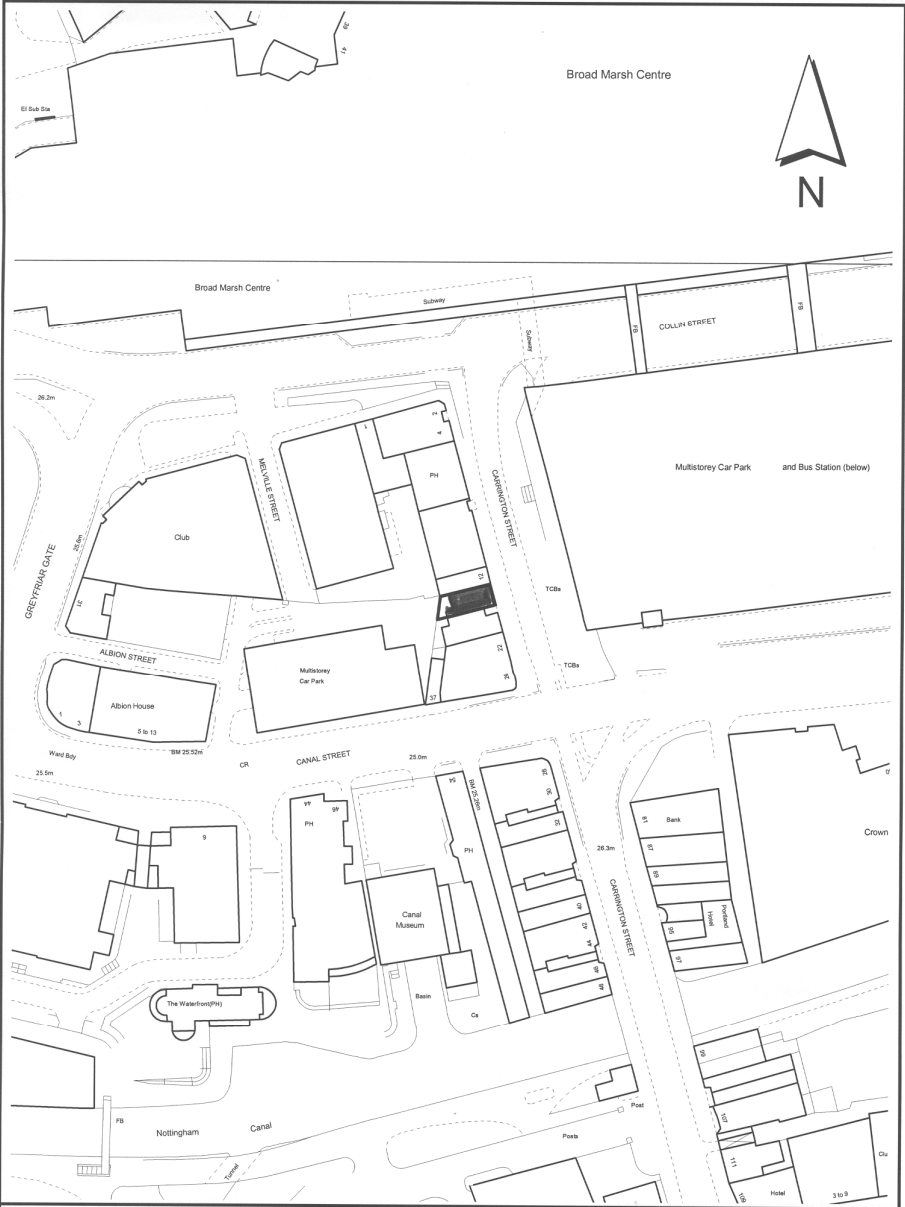
www.solicitors-nottingham.co.uk

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Partners: Ash Bhatia, M.J. Best, S.N. Bell, P. Samrai, R.J. Wakefield, P.N. Wesson, R.H. Posner.
A.J. Driver, J. Jarvis, J.C. Lea, R.D.H. Macmillan, Associate: DJ Hudson, Practice Supervisor: Jayne Sheehan.

This Firm is regulated by the Law Society

Criminal
Defence Service





18 CARRINGTON STREET

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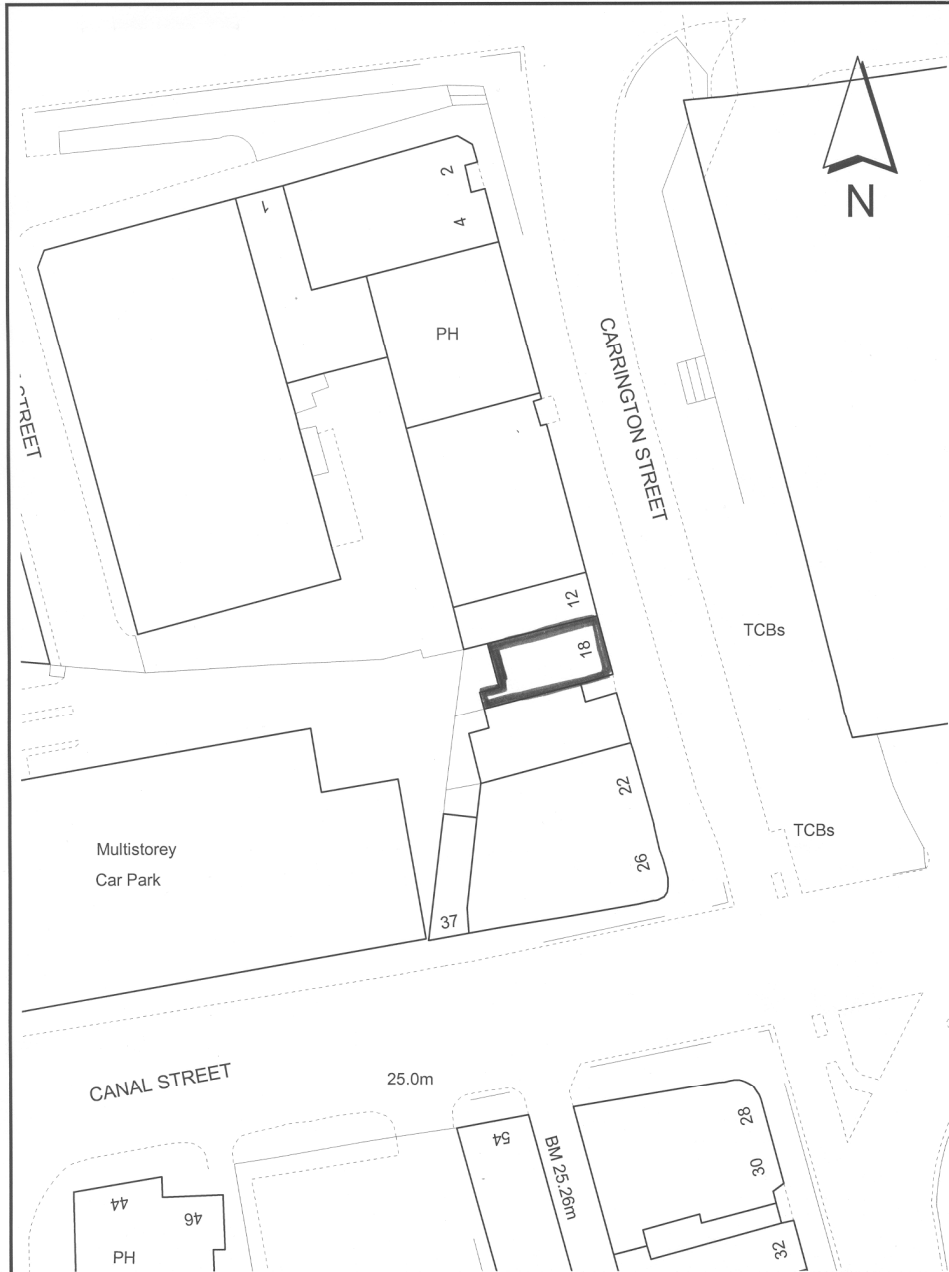
Date
JUNE
2002


Initial
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Drawing
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18 CARRINGTON STREET <small>This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller of the Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Nottingham City Council Licence No. LA07829</small>	Scale	Date	 Sevens House, 20, Middle Pavement, Nottingham NG1 7DW Tel. (0115) 915 6999 Fax. (0115) 915 8026
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