

CITY OF NOTTINGHAM

LICENSING COMMITTEE

MINUTES

of meeting held on **19 JULY 2002** at the
Council House from 10.09 am to 11.25 am

Councillor Cresswell (Chair)
Councillor Grocock (Vice-Chair)
Councillor Casson
Councillor Greensmith
Councillor Jackson
Councillor Mittenshaw-Hodge

- indicates present at meeting

24 APOLOGY FOR ABSENCE

An apology for absence was received from Councillor Casson.

25 SEX ESTABLISHMENT LICENCE - MULTIPLEX MEDIA LTD 30-32 GOOSE GATE - APPEAL AGAINST DECISION OF NOTTINGHAM TO GRANT LICENCE

Further to minutes 45, 46 and 47 dated 5 November 2001 and 64 and 78 dated 4 February and 8 April 2002 respectively, consideration was given to a report of the Deputy Chief Executive and City Secretary, copies of which had been circulated.

The report included a resume of an appeal hearing held on 27 and 28 June 2002 in the Crown Court against a decision of Nottingham Magistrates' Court to grant, on appeal to it, a sex establishment licence to Multiplex Media Limited for 30-32 Goose Gate after this Committee had refused the application.

The Deputy Chief Executive and City Secretary was pleased to report that the City Council's appeal to the Crown Court against the Magistrates' decision had been allowed with costs.

RESOLVED

- (1) that the position be noted and the Deputy Chief Executive and City Secretary be thanked for her efforts in this matter;**

- (2) that, the advice of the Deputy Chief Executive and City Secretary that when determining future applications the Committee should adjourn proceedings for the submission of further information, should it have any doubts or reservations about the suitability of a sex establishment in the relevant locality based on the evidence before it at the time of the hearing, be noted.

**26 APPLICATION FOR RENEWAL OF SEX ESTABLISHMENT LICENCE
- DELTA LOVE PRODUCTS , 147 RADFORD ROAD**

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

The applicant, Mr F Turner accepted the Committee's invitation to attend the meeting and was accompanied by Mr B Fisher, Shop Manager of the premises, but was not represented. 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 and was accompanied by Ms L Stewart, Student Environmental Health Officer. Also present as observers were Ms S Bibby and Mr S Maxey, solicitors in the Deputy Chief Executive and City Secretary's department.

The Committee met to determine whether the sex establishment licence granted under delegated powers on 7 June 2001 to Mr F Turner, trading as Delta Love Productions, 147 Radford Road, should be renewed.

Mr Turner, Mr Fisher 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 Sex Establishment Licences and the City Council Standard Conditions to be attached to such licences;
- (b) submissions by Mr Turner and Mr Fisher regarding the application and including evidence in support of the application from nearby traders and additional written information in response the objection of Councillor Spear to the application;
- (c) submissions by the Director of Development and Environmental Services regarding the application, including
- (d) an objection to the application by Councillor Spear;
- (e) further information from Inspector I R Winton, Vice Squad, Nottinghamshire Police and the Director Social Services, Nottingham City Council, on the nature of a "vice" area in Nottingham and measures being taken to combat its effects.

RESOLVED

- (1) the Committee considered that the premises were constructed and managed in such a way that they did not immediately give the appearance of being a sex establishment and were not particularly conspicuous in the street scene. In addition, no complaints had been received about the premises other than those voiced in the letter of objection from Councillor Spear. Moreover, there was evidence from local traders that they actually supported the application. Whilst the premises were directly in front of a children's playground, the Committee accepted that, at present, the playground was being used by local vagrants, and was not being used purely for the children's recreational purposes. Under those circumstances, the Committee resolved that the application be granted and the Sex Establishment Licence issued to Mr F Turner, trading as Delta Love Productions, 147 Radford Road be renewed;**
- (2) that future applications for renewal of the licence be reserved to this Committee.**