

CITY OF NOTTINGHAM

LICENSING COMMITTEE

MINUTES

of meeting held on 21 OCTOBER 2002 at the

Council House from 11.07 am to 12.43 pm and 1.19 pm to 4.01 pm

Councillor Cresswell (Chair)
Councillor Grocock (Vice-Chair)
Councillor Bull (substitute for Councillor Jackson)
Councillor Casson
Councillor Clark (substitute for Councillor Greensmith)
Councillor Greensmith
Councillor Jackson
Councillor Mittenshaw-Hodge

- indicates present at meeting

36 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Greensmith and Jackson.

37 MINUTES

RESOLVED that, subject to Councillor Grocock's absence from the previous meeting being due to other City Council business, the minutes of the meeting held 16 September 2002, copies of which had been circulated, be confirmed and signed by the Chair.

38 APPLICATION TO VARY EXISTING PROVISIONAL ENTERTAINMENTS LICENCE - COCO LOUNGE, 3 GEORGE STREET, NOTTINGHAM

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

The Committee met to determine whether the internal layout and terms of the existing provisional Public Entertainments Licence for the premises known as CoCo Lounge (formerly "Premises"), 3 George Street, Nottingham should be varied so as to permit music only on the ground floor and music and dancing in the basement as follows:-

Mondays to Saturdays:	10.30 am to 12.00 midnight
Sundays	noon to 12.00 midnight

The applicant, Mr W Gale and Mr S Swain co-owner of the premises, accepted the Committee's invitation to attend the meeting and were represented by Mr D Lucas,

Solicitor, Messrs Nelsons Solicitors, Nottingham, who presented the case on their behalf. Mrs J Swain Team Leader (General Licensing), Development and Environmental Services Department, presented the report.

Mrs J Amoah, Pollution Control Officer, Development and Environmental Services Department, attended the meeting to present the objections of the Acting Director of Development and Environmental Services to the application on the grounds of potential noise nuisance to nearby residents.

Ms Amoah advised the Committee that she had had insufficient time since receipt on Thursday 17 October 2002, to assess properly a proposed revised treatment to the glazed roof of the premises, submitted by the applicants to address concerns of the Pollution Control Division regarding potential noise nuisance and other outstanding planning condition(s) matters.

Mr Lucas, Mr Gale, Mr Swain, Mrs Swain and Ms Amoah having made their submissions and been available for questioning, all parties withdrew.

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

- (a) the legislative framework and City Council's conditions for the granting of public entertainment 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 Lucas, Mr Gale and Mr Swain regarding the application;
- (d) submissions by the Acting Director of Development and Environmental Services regarding the application;
- (e) observations of the Chief Constable, Nottinghamshire Constabulary, the Chief Fire Officer and the Environmental Health and Building Control Divisions of the Development and Environmental Services department;
- (f) objections to the application by the Pollution Control Division of the Development and Environmental Services department.

RESOLVED

- (1) that the amended plans for the premises known as CoCo Lounge (formerly "Premises"), 3 George Street, Nottingham be approved;**
- (2) that the application to vary the provisional Public Entertainments Licence in respect of the premises known as CoCo Lounge (formerly "Premises"), 3 George Street, Nottingham to provide music only to the ground floor and music and dancing to the basement between the undermentioned times, be approved for a period of six months from 21 October 2002:-**

**Mondays to Saturdays:
Sundays**

**10.30 am to 12.00 midnight
noon to 12.00 midnight**

(3) that grant of the variation be subject to continuation of the existing special conditions attached to the licence except where varied below and to the addition of a further condition 7:-

(a) existing special condition 5 being amended to read:-

"5. Subject to the requirements of the Director of Development and Environmental Services being met."

(b) additional special condition 7 to read:-

"7. All seating must be removed from the basement dance floor while dancing is in progress."

(4) that the Director of Development and Environmental Services be authorised to determine an application for a permanent Public Entertainments License for the premises, provided that the license shall have no effect until such time as outstanding noise limitation works to the premises have been completed to the satisfaction of statutory consultees.

39 APPLICATION FOR PROVISIONAL ENTERTAINMENTS LICENCE - MOJO, 43 BROAD STREET

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

The Committee met to determine whether the proposed internal layout of the premises were satisfactory and whether an application for a provisional Public Entertainments Licence should be granted in respect of the premises to known as Mojo, 43 Broad Street, Nottingham to provide music and dancing on the ground floor of the premises as follows:-

Mondays to Saturdays:	10.30 am to 12.00 midnight
Sundays	12.00 noon to 12.00 midnight

The applicant, Mr P Clarke accepted the Committee's invitation to attend the meeting and was accompanied by his wife, Mrs C Clarke. The applicant was represented by Mr D Lucas, Solicitor, Messrs Nelsons Solicitors, Nottingham, who presented the case on his behalf. Mrs J Swain Team Leader (General Licensing), Development and Environmental Services Department, presented the report.

Mr Sajid Zia, representing the owner of adjacent premises at 45 Broad Street, attended the meeting as an objector and was represented by Mr M Perry, Company Director, Charter Consultancy, Ilkeston, who presented the objections on his behalf. Ms H Chan, a student representing 18 tenants of residential accommodation situated above the ground floor commercial premises at 45 Broad Street, also attended as an objector.

Mrs Swain confirmed that the concerns of the Pollution Control Division of the Development and Environmental Services department regarding the application on the grounds of possible noise breakout from the premises and potential noise nuisance to residents at the adjacent property had been withdrawn following the submission of satisfactory noise limitation measures for the premises.

Mr Lucas, Mr & Mrs Clarke, Mr Perry, Mr Zia, Ms Chan and Mrs Swainhaving made their submissions and been available for questioning, all parties withdrew.

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

- (a) the legislative framework and City Council's conditions for the granting of public entertainment 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 Lucas and Mr & Mrs Clarke regarding the application; including undertakings to provide access to and toilet facilities on the premises for patrons with disabilities, and to employ such City Council registered door supervisors as may be required;
- (d) submissions by the Acting Director of Development and Environmental Services regarding the application;
- (e) observations of the Chief Constable, Nottinghamshire Constabulary, the Chief Fire Officer and the Environmental Health and Building Control Divisions of the Development and Environmental Services department;
- (f) objections to the application by Mr Perry on behalf of Mr Zia;
- (g) objections to the application by Ms Chan on behalf of fellow tenants of 45 Broad Street, including the results of a questionnaire completed by the tenants.

RESOLVED

- (1) **that the application by Mr P Clarke for a provisional Public Entertainments Licence to provided music and dancing on the ground floor of the premises to be known as Mojo, 43 Broad Street, Nottingham, be granted as follows:-**

Mondays to Saturdays:	10.30 am to 12.00 midnight
Sundays	12.00 noon to 12.00 midnight

- (2) **that grant of the licence be subject to satisfactory final inspections by statutory consultees and to the Standard Conditions attached to Public Entertainments Licences;**

- (3) **that grant of the licence be subject to the following additional special conditions:-**

"1. A closed-circuit television system must be installed and maintained to the satisfaction of the Police. All video tapes must be retained for a minimum period of 31 days and made available for inspection by the Police or an Authorised Officer of Nottingham City Council.

2. A Nottingham City Council registered door supervisor shall be employed from 8.00 pm to close of business on Thursday to Saturday evenings.

3. **The applicant shall ensure access to the premises and install, to the satisfaction of statutory consultees, a toilet for the use of patrons with disabilities.**
 4. **Commercial waste shall be retained within the premises and shall be brought out of the premises only at those times when commercial waste collections are in progress."**
- (4) **that the Acting Director of Development and Environmental Services be authorised to approve plans of the interior layout of the premises, suitably amended to show the location of a toilet for people with disabilities;**
- (5) **that whilst the Committee extended every sympathy to Ms Chan and fellow residents of the adjacent property, regarding allegations of racial abuse and harassment, these could not, on the evidence provided, be solely attributed to the proposed use at 43 Broad Street.**

40 LICENSING COMPARISON EXERCISE VISIT TO BLACKPOOL BOROUGH COUNCIL

RESOLVED that the report of the Acting Director of Development and Environmental Services, copies of which had been circulated, regarding the positive outcomes of a recent visit by my members and officers to Blackpool to compare licensing procedures in the two locations, be noted.

41 HACKNEY CARRIAGES - PROPOSED VARIATION OF FARES

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 the need to approve implementation of any proposed increase prior to the next ordinary meeting of the Committee.

Further to minute 26 of the meeting of the Environment (Licensing) Sub-Committee held on 20 September 1999, consideration was given to a report of the Acting Director of Development and Environmental Services, copies of which had been circulated. The report was presented by Mr J Mortell, Team Leader (Taxi Licensing), Development and Environmental Services department. Also present and invited to speak by the Committee were Mr M Hussain and Mr B Latif, Secretary, Nottingham Licensed Taxi Owners and Drivers Association, which had originally sought the variation in the fares tariff.

RESOLVED

- (1) **that, subject to the inviting and consideration of any responses following the public consultation, the Tariff of Fares to be charged by Hackney Carriages licensed by the City of Nottingham be varied as follows, with effect from 18 November 2002:-**

£

Tariff 1 - Day (06.00-22.00)

- Any distance upto, but not including 190 metres	1.40
- Each subsequent 188 metres (or part thereof) upto but not including 1506 metres	0.20
- Each subsequent 244 metres (or part thereof)	0.20
- Waiting time (each 60 seconds)	0.20
- Waiting time (maximum charge per hour)	12.00

Tariff 2 - Night (22.00-06.00)

- Any distance upto, but not including 188 metres	1.60
- Each subsequent 188 metres (or part thereof) upto but not including 1504 metres	0.20
- Each subsequent 228 metres (or part thereof)	0.20
- Waiting time (each 60 seconds)	0.20
- Waiting time (maximum charge per hour)	12.00

Tariff 3 - Christmas & New Year 1
(20.00, 24 December to 06.00, 27 December)
(06.00, 1 January to 06.00 2 January)

- Tariff 1 - Day plus 50%

Tariff 4 - Christmas & New Year 2
(20.00, 31 December to 06.00, 1 January)

- Tariff 1 - Day plus 100%

Other

- Soiling Charge (maximum) 35.00

- (2) that, following consultation with the Assistant City Secretary (Legal and Committee Services), the Acting Director of Development and Environmental Services be authorised to advertise the proposed changes to the tariff arrangements;
- (3) that the Assistant Director (Environmental and Public Protection), after consulting the Chair, Vice-Chair and opposition spokesperson, be authorised to consider responses following the public consultation and whether to confirm the proposed amended tariffs.