

CITY OF NOTTINGHAM

LICENSING COMMITTEE

MINUTES

meeting held on **28 JULY 2003** at the

Council House from 11.00 am to 4.25pm

Councillor Baxter
Councillor Cresswell
Councillor Grocock
Councillor Ibrahim
Councillor Packer
Councillor Smith
Councillor Wilson

indicates present at meeting

10 APPOINTMENT OF CHAIR

RESOLVED that Councillor Cresswell be appointed Chair for the municipal year 2003/04.

11 APPOINTMENT OF VICE-CHAIR

RESOLVED that Councillor Grocock be appointed Vice-Chair for the municipal year 2003/04.

12 MINUTES

RESOLVED that the minutes of the meeting held on 14 July 2003, copies of which had been circulated, be confirmed and signed by the Chair.

13 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 item 4 as it involved the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of schedule 12(A) to the Act.

14 APPEAL AGAINST REVOCATION OF DOOR SUPERVISOR REGISTRATION - MR F

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

The appellant, Mr F, accepted the Committee's invitation to attend the meeting and was accompanied by Mr K Godger, Licensee, Ye Olde Market, Newark. Mr T Coulson, Service Manager (Food and Licensing), Development and Environmental Services Department,

presented the report. The objections of the Chief Constable of Nottinghamshire Police were presented by Mr Seeley, Force Solicitor.

Mr Coulson, Mr F, Mr Godger and Mr Seeley made their submissions and, having been available for questioning, withdrew from the meeting during the committee's deliberations.

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

- (a) the City Council's policies, practices and guidelines in relation to the registration of door supervisors;
- (b) details of the appellant's caution as outlined in the report and his failure to disclose it;
- (c) submissions by the Director of Development and Environmental Services and Mr Seeley, on behalf of the Police, regarding the caution and Mr F's failure to declare it to the City Council;
- (d) submissions by the appellant and Mr Godger regarding the caution and failure to declare it, together with character references in support of the appellant.

RESOLVED that the appeal against the revocation of the Door Supervisor Registration in respect of Mr F be upheld on the basis that the Committee was satisfied that the incident giving rise to the issue of the Caution had been isolated.

15 APPEAL AGAINST REVOCATION OF DOOR SUPERVISOR REGISTRATION - MR A

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

The appellant, Mr A, did not accept the Committee's invitation to attend the meeting. Mr T Coulson, Service Manager (Food and Licensing), Development and Environmental Services Department reported that Mr A had failed to attend a previous meeting and had left a message shortly before this meeting that he would not be attending. In the circumstances the Committee decided that Mr A had had more than sufficient opportunity to attend to present his case and it was decided that his appeal would be dealt with in his absence. Mr Coulson then presented his report. The objections of the Chief Constable of Nottinghamshire Police were presented by Mr Seeley, Force Solicitor.

Mr Coulson and Mr Seeley made their submissions and, having been available for questioning, withdrew from the meeting during the committee's deliberations.

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

- (a) the City Council's policies, practices and guidelines in relation to the registration of door supervisors;
- (b) details of the appellant's conviction as outlined in the report and his failure to disclose it;

- (c) submissions by the Director of Development and Environmental Services and Mr Seeley, on behalf of the Police, regarding the conviction and sentence received and Mr A's failure to declare it to the City Council;

RESOLVED that, due to Mr A's conviction and failure to comply with the requirements of the Door Supervisor Registration Scheme in not notifying the Licensing Service of that conviction, as detailed in the report, the decision of the Director of Development and Environmental Services to revoke Mr A's door supervisor registration be confirmed and the appeal be dismissed.

The public were readmitted to the meeting at this point.

16 REVOLUTION - APPLICATION FOR PROVISIONAL ENTERTAINMENTS LICENCE

Further to minute 63 dated 17 March 2003, consideration was given to a report of the Director of Development and Environmental Services, copies of which had been circulated.

The Committee met to determine whether an application for a provisional Public Entertainments Licence should be granted in respect of the premises to be known as Revolution, Chapel Bar, Nottingham to provide music only on the ground floor and music and dancing on the first floor of the premises as follows:-

Mondays to Saturdays - 11.00 am to 1.00 am

Sundays - noon to 12.30 am

Sundays preceding bank holidays (excluding Easter) - noon to 1.00 am

The applicant, Mr J McDonald, accepted the Committee's invitation to attend the meeting. Mr T Coulson, Service Manager (Food and Licensing), Development and Environmental Services Department presented the report and requested that, if approved, grant of the Licence should be subject to final inspections by the Chief Fire Officer, the Environmental Health Division and building regulation approval. The objections of the Chief Constable, Nottinghamshire Police, to the application were presented by Inspector Payne, Local Area Commander, and by Mr Seeley, Force Solicitor.

Mr McDonald, Mr Coulson, Inspector Payne and Mr Seeley having made their submissions and been available for questioning, withdrew from the meeting during the committee's deliberations.

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's licensing policy;
- (b) duties imposed on the Council by section 17 of the Crime and Disorder Act 1998 and the Human Rights Act 1998;
- (c) provisions of the Disability Discrimination Act, 1995;
- (d) submissions by Mr McDonald regarding the application;

- (e) submissions by the Director of Development and Environmental Services regarding the application;
- (f) objections to the application by the Chief Constable, Nottingham Police.

RESOLVED that the application for a Provisional Public Entertainment Licence in respect of the premises known as Revolution, Unit 4 Chapel Quarter be refused. Having regard to the Council's duties under Section 17 of the Crime & Disorder Act 1998 and the objections of the Chief Constable, Nottinghamshire Police, the Committee was of the view that the grant of a licence for these premises would have an adverse impact on local crime and disorder. This was by reason of the statistical evidence presented on behalf of the Chief Constable and the additional demands on police resources which would flow from crime and disorder incidents connected with the grant of a licence for premises in this particular location.

17 147 RADFORD ROAD, NOTTINGHAM - APPLICATION TO RENEW SEX ESTABLISHMENT LICENCE

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 N Stanley, but was not represented. Mr T Coulson, Service Manager (Food and Licensing) Development and Environmental Services department, presented the report.

The Committee met to determine whether the sex establishment licence granted under delegated powers on 19 July 2002 to Mr F Turner, trading as Delta Love Productions, 147 Radford Road, should be renewed.

Mr Turner and Mr Coulson, having made their submissions and been available for questioning, withdrew from the meeting during the committee's deliberations.

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 regarding the application;
- (c) submissions by the Director of Development and Environmental Services regarding the application.

RESOLVED

- (1) the Committee were satisfied that the premises were being managed in accordance with licence requirements and that no complaints had been received about the premises. 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 subject to the conditions set out in the report;**

(2) that, in accordance with practice regarding Sex Establishment Licences, future applications for renewal of the licence be reserved to this Committee.

18 APPEAL AGAINST REFUSAL TO VARY PUBLIC ENTERTAINMENT LICENCE - ISIS, REDFIELD WAY

RESOLVED that a report of the Acting City Secretary, copies of which had been circulated, informing members of the result of an appeal heard on 26 June 2003 in respect of the above be noted.