

CITY OF NOTTINGHAM

LICENSING COMMITTEE

MINUTES

of meeting held on **6 OCTOBER 2003** at the

Council House from 10.00 am to 11.40 am

Councillor Cresswell	(Chair)
Councillor Grocock	(Vice-Chair)
Councillor Baxter	
Councillor Clarke-Smith	(substitute for Councillor Baxter)
Councillor Ibrahim	
Councillor Packer	
Councillor Smith	
Councillor Wilson	

indicates present at meeting

30 CHAIR

In the absence of Councillor Cresswell, the Chair was taken by Councillor Grocock, the Vice-Chair.

31 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Baxter, Cresswell and Wilson (on other Council business).

32 MINUTES

RESOLVED that the minutes of the meeting held on 15 September 2003, copies of which had been circulated, be confirmed and signed by the Chair.

33 REQUEST TO REDUCE THE LICENCE FEE TO ENABLE AN APPLICATION FOR A 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 P Ennis, accepted the Committee's invitation to attend the meeting and informed members that, although the report was in relation to premises at 49 Ilkeston Road, these premises were now closed and the licence would be for premises at 34/36 West End Arcade. Mr T Coulson, Service Manager (Food and Licensing), Development and Environmental Services Department, presented the report and confirmed that, since it had been written, Mr. Ennis had provided information to validate his application for the

requirement for him to hold a sex establishment licence for 34/36 West End Arcade to be waived. Members were therefore also asked to consider this application.

Mr Ennis 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:-

- (1) submissions by Mr Ennis regarding the applications to the effect that:-
 - (a) whilst he felt that UK law was not in accordance with European law, and imposed unjustified and disproportionate restrictions on his trade, the waiver of the sex establishment licence would enable him to trade in R18 classified material and to trade lawfully in the UK;
 - (b) the fees currently charged by the City Council for Sex Establishment licences were onerous and that there was no consistent fee structure throughout the country;
- (2) submissions and comments of the Director of Development and Environmental Services regarding the application and contained in the report;
- (3) Legal advice received during the decision making process.

RESOLVED

- (1) that the Council was bound by UK law and under a duty to apply it;**
- (2) that it was neither unreasonable nor inappropriate to require Mr Ennis to have a Sex Establishment Licence for his premises at 34/36 West End Arcade and, therefore, the request by Mr Ennis to waive the requirement for a Sex Establishment Licence in connection with his premises at 34/36 West End Arcade be refused, bearing in mind:-**
 - (a) that there were other establishments licensed within the City under this regime and to grant a waiver in this instance would not be fair to those other traders and may deprive the public and other businesses of protection which the legislation gave;**
 - (b) that the Committee was advised that, were a waiver to be granted, this would still not permit the lawful sale of R18 classified material under the Video Recordings Act 1984;**
- (3) that the request by Mr Ennis for the reduction in the application fee for a Sex Establishment Licence, in connection with his premises at 34/36 West End Arcade, and generally, be refused. The Committee had reconsidered the matter, taking into account the information contained in the report and its appendices, and were satisfied that the fee was both fair and reasonable. Nothing the Committee had heard from Mr Ennis would lead them to depart from that fee.**

34 REQUEST TO ALLOW THE FITTING OF A 'FLIP' SEAT IN THE FRONT OF HACKNEY CARRIAGES

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

Mr J Mortell, Team Leader (Taxi Licensing), Development and Environmental Services Department, presented the report.

RESOLVED

- (1) that the hackney carriage specification be amended to permit the fitting of a 'flip' seat to the front passenger compartment of a hackney carriage by the manufacturer or their agent;**
- (2) that, with immediate effect, the standard conditions for hackney carriage vehicle licenses be amended to include the following condition:-**

“Where the vehicle is fitted with a 'flip' seat in the front of the vehicle, that seat shall only be used by the family or friends of the driver when the hackney carriage is not available for hire and the use of such a seat by fare paying passengers is forbidden”.