

REPORT OF CORPORATE DIRECTOR CITY DEVELOPMENT

APPLICATION FOR SEX ESTABLISHMENT LICENCE  
PRIVATE SHOP, 81/85 UPPER PARLIAMENT STREET, NOTTINGHAM

**1.0 SUMMARY**

1.1 This is an application for a new sex shop licence and the applicants have stated that they will close existing premises at 18 Carrington Street if this application is successful.

**2.0 RECOMMENDATIONS**

2.1 **IT IS RECOMMENDED THAT the Committee determine the application having regard to the Fire and Environmental Health Officers comments and;**

2.2 **to the standard conditions for sex establishment licences:-**

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 articles” 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.**

**3.0 BACKGROUND**

3.1 Darker Enterprises Limited holds a similar licence at 18 Carrington Street which was first issued in October 2002, and will be closed if this application is approved.

3.2 This property is currently a bed shop and whilst Darker Enterprises Limited do not currently occupy the premises, they hold an option to exercise a lease if a licence is granted.

**4.0 PROPOSALS**

4.1 Darker Enterprises Limited has applied for a sex establishment licence on the ground floor of the premises.

- 4.2 The Planning Applications & Advice Officer has no objection.
- 4.3 The Environmental Health Officer (health and safety) has no objection.
- 4.4 The Chief Fire Officer has no objection subject to full compliance with the Fire Precautions (Workplace) Regulation 1997 (as amended).
- 4.5 The premises are situated next door to West End Arcade in an area of retail shops.
- 4.6 There are no schools in the vicinity and it is not a residential area.
- 4.7 There is a bus stop immediately outside the premises, one outside the premises next door at number 77 with another further along Parliament Street outside number 95a.
- 4.8 Ward Councillors, the Police, trading standards, programmes & strategies and social services have been consulted and have raised no objections.
- 4.9 The applicant has been invited to attend and a map showing the location of the premises is attached.
- 4.10 It is proposed to employ staff currently employed at 18 Carrington Street.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 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.

- 5.2 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.

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

## 6.0 **EQUAL OPPORTUNITIES IMPLICATIONS**

None

## 7.0 **List of background papers other than published works or those disclosing confidential or exempt information**

- ∇ application form and covering letter dated 17 August 2004
- ∇ form D22 from the Chief Fire Officer dated 26 August 2004
- ∇ memorandum from health & safety dated 24 August 2004
- ∇ memorandum from planning applications and advice dated 2 September 2004

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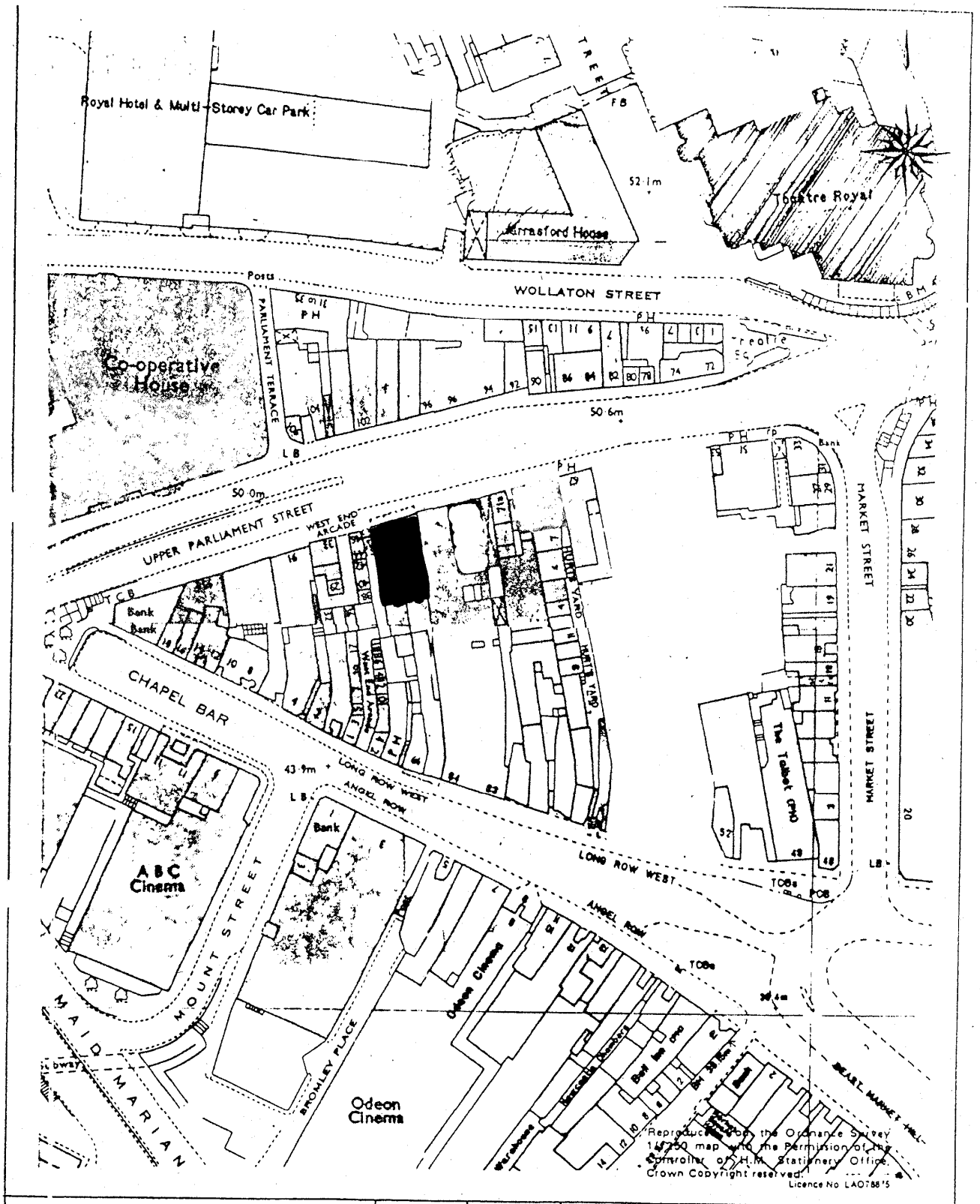
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***Barry Horne***  
**CORPORATE DIRECTOR**  
**CITY DEVELOPMENT**

Lawrence House, Talbot Street, Nottingham NG1 5NT

Contact Officer: Janet Swain  
Telephone number: 0115 9156776  
email: [janet.swain@nottinghamcity.gov.uk](mailto:janet.swain@nottinghamcity.gov.uk)

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	1:1250	NOV 93	
	Initial	Tracing No	<b>DESIGN &amp; PROPERTY SERVICES DEPARTMENT</b> Lawrence House, Clarendon Street, Nottingham. NG1 5NT Telephone (0602) 483500 Fax (0602) 475944
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