

REPORT OF THE CORPORATE DIRECTOR OF CITY DEVELOPMENT

**APPLICATION TO RENEW SEX ESTABLISHMENT LICENCE
PRIVATE SHOP, 18 CARRINGTON STREET, NOTTINGHAM**

1.0 SUMMARY

This application is to renew for a further year a sex establishment licence which was originally issued on 28 October 2002.

2.0 RECOMMENDATIONS

IT IS RECOMMENDED that the Committee determine the application.

3.0 BACKGROUND

3.1 Darker Enterprises Limited were issued a licence on 28 October 2002 subject to the following special conditions:-

- The premises shall not be permitted to open outside the following times:-

Mondays to Saturdays	-	10 am to 6.30 pm
Sundays, Good Friday & Christmas Day	-	Closed

- There shall be at least two members of staff on duty at all times during which the premises are open.

3.2 The licence was renewed in November 2003.

3.3 The Committee recently determined a new application for a sex establishment licence in Upper Parliament Street from the same Company who stated that these premises in Carrington Street will close upon completion of the new premises.

4.0 PROPOSALS

4.1 Darker Enterprises Limited has applied to renew the sex establishment licence in accordance with the Local Government (Miscellaneous Provisions) Act 1982, the Managing Director of the Company is Raymond Glen Darker.

4.2 Appropriate notice of application has been made in the Nottingham Evening Post and exhibited on the premises.

4.3 Consultation with Ward Councillors, Police, Chief Fire Officer, Social Services Trading Standards, Development Control and Health and Safety Officers has taken place and no objections have been received

4.4 The premises are close to Broadmarsh shopping complex in a non-residential part of the City. The section of road on which the premises are sited is the main pedestrian route to and from the Meadows area of the City. This a large area of primarily residential housing and as such is used as the route taken by individuals and families to reach the City Centre, rather than use the local bus service that travels a more circuitous route.

- 4.5 The building within which the shop is situated is a 4-storey block of mixed commercial and ground floor retail businesses established at various dates over the last 10 – 20 years. The block the building is part of comprises properties constructed over the last 50 – 60 years in a terraced construction style. The occupancy of the business units tends to change from time-to-time and includes retail shops, a restaurant, a liquor licensed premises and consumer advice facilities.
- 4.6 Opposite the premises is an entrance to the Broadmarsh Bus Station used frequently throughout the day by the general public, as well as an entrance and exit to a subway serving Broadmarsh Shopping Centre, also used frequently throughout the day by the public. The section of Carrington Street that the premises are on is a busy main pedestrian route to and from the only main line railway station in the City, and the Magistrates' and Crown Court. This part of the road also has a taxi rank serving the Broadmarsh bus station and local area.
- 4.7 The premises have been operating for many years as an adult shop.
- 4.8 The entrance is such that the interior of the premises cannot be seen when the door is open.
- 4.9 The location of the premises is shown on the attached map and the applicant has been invited to attend. The standard conditions of licences are shown below:

4.10 **STANDARD CONDITIONS APPLICABLE TO SEX ESTABLISHMENTS**

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 article" 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.

5.0 **FINANCIAL IMPLICATIONS**

None

6.0 LEGAL IMPLICATIONS

6.1 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.

6.2 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;

6.3 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.

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

7.0 EQUAL OPPORTUNITIES IMPLICATIONS

None

8.0 List of background papers other than published works or those disclosing confidential or exempt information

- ◆ Application form - dated 2 November 2004
- ◆ Letters from Darker Enterprises - dated 2 & 9 November 2004
- ◆ Form D26 from the Chief Fire Officer – dated 19 November 2004
- ◆ Letter from Nottinghamshire Police – dated 5 November 2004
- ◆ Memo from planning applications & advice – dated 22 November 2004

9.0 COPYRIGHT ACKNOWLEDGMENT

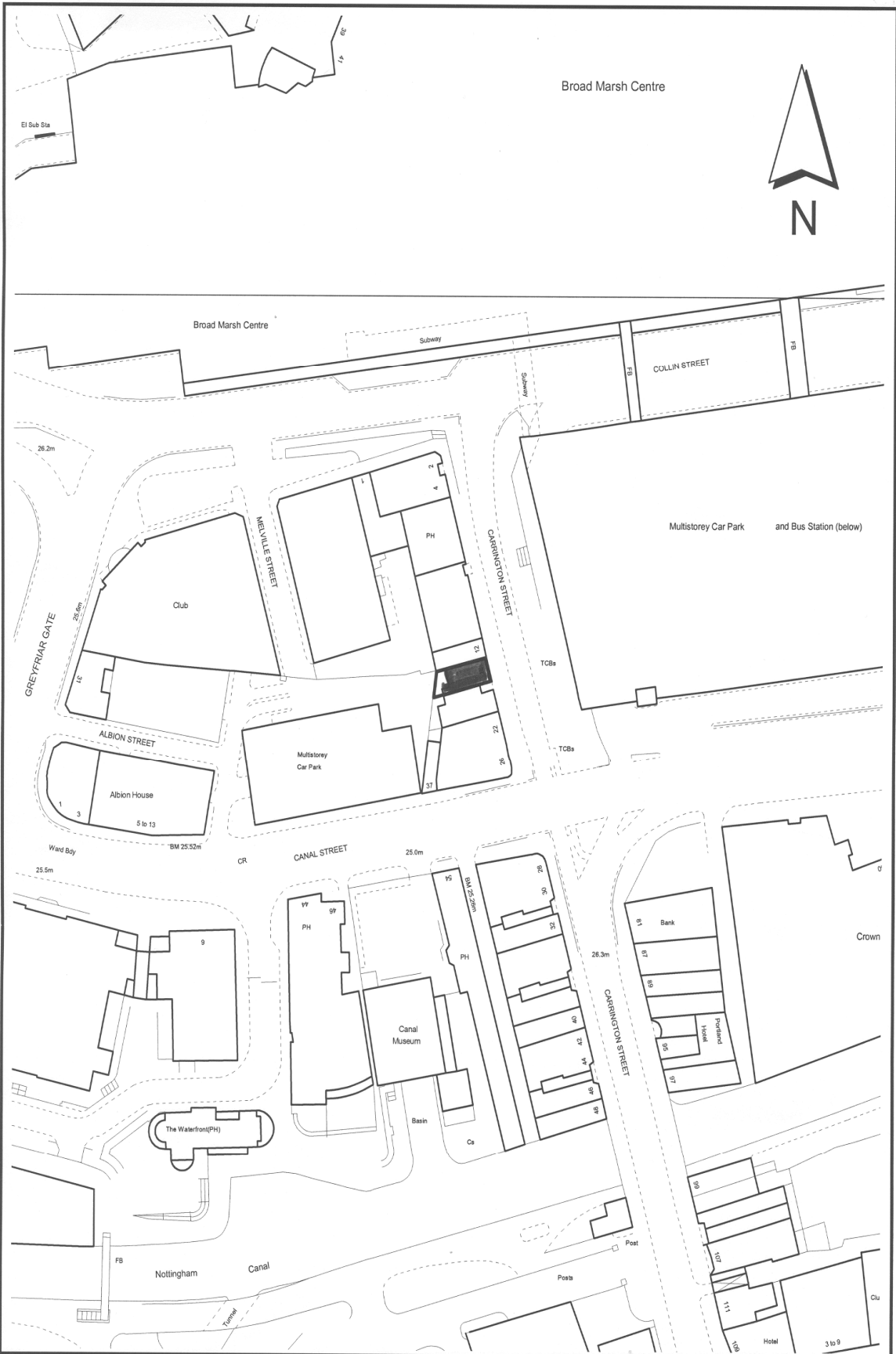
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18 CARRINGTON STREET

SK5739SW

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1:1250

Initial
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Date
JUNE
2002

Drawing
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