

REPORT OF CORPORATE DIRECTOR OF COMMUNITIES

**APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE
PRIVATE SHOP, 81- 85 UPPER PARLIAMENT STREET, NOTTINGHAM**

1.0 SUMMARY

- 1.1 This application is for a renewal of a sex establishment licence.
- 1.2 An application dated 23 March 2010 for the renewal of the sex establishment licence for 81-85 Upper Parliament Street has been received. An objection was received on 20th April on the grounds referred to at 3.3 and is attached to this report.

2.0 RECOMMENDATIONS

IT IS RECOMMENDED that the Committee determine the application.

3.0 BACKGROUND

- 3.1 These premises have been licensed as a sex shop since 2004. The current licence was due to expire on 4 April 2010, however, as an application for renewal was made prior to expiry the licence remains in force until the application for renewal is determined. The current licence is attached at Appendix 1.
- 3.2 The renewal application has been advertised in accordance with the legislative requirements in the Nottingham Evening Post and exhibited on the premises. There has also been consultation with Ward Councillors (including those of the immediately adjacent wards,) Police, The Chief Fire Officer, Social Services, Trading Standards, Planning, Programmes & Strategies and the Health & Safety Officer. Where comments have been received they are specified below.
- 3.3 One objection has been received from Councillor Collins on the grounds that the grant of the licences would be inappropriate having regard to the character of the locality, or, the use to which any premises in the vicinity are put. The objection is attached at Appendix 2.
- 3.4 Private Shop, 81-85 Upper Parliament Street is situated next door to West End Arcade in an area of retail shops. There are no schools in the vicinity and it is not a residential area. There is a bus stop immediately outside the premises, one outside the premises next door at number 77 with another further along Upper Parliament Street outside 95a. A map showing the location of the premises is attached.

3.5 No compliance issues or complaints have been reported to the Licensing Section relating to these premises.

4.0 COMMENTS OF THE INTERIM CORPORATE DIRECTOR OF DEVELOPMENT

4.1 The premises are located in a prominent position on the south side of Parliament Street adjacent to a number of well used bus stops. Parliament Street is a key public transport route.

4.2 The City Council has sought to promote the regeneration of this part of the city through improvements that have been carried out as part of its Turning Point initiative. This has resulted in the provision of better public realm on Parliament Street including wider pavements and landscaping. In addition the Planning authority has negotiated a major successful redevelopment and renovation scheme for the former Co-operative department store on the north side of Parliament Street. This investment by the public and the private sectors will be put at risk if this sex shop continues to operate. Confidence in an area and the perception of it as a quality place are fundamental to attracting continued investment and a use like this sends the wrong signal to investors about the future of this part of the city centre.

4.3 The current fragility of the economy makes it even more important that we attract appropriate retail and other uses that add vitality to the street scene. This establishment does not have the normal window display and presents a blank frontage. This is particularly significant given the size of the unit which was a furniture store previously. This is having a negative impact on the street and is adding to its perceived transitory nature which will counter the positive actions already undertaken referred to in 4.2.

4.4 The Nottingham City Centre Urban Design Guide approved in 2009 sets out a considered and strategic approach to the development, design, management and character of buildings and streets in the city centre. In this document this section of Parliament Street is identified as a High Street with Primary Active Frontages. This highlights the importance of buildings in this area having active ground floor shop windows so that activity within the building is visible from the street. The existing establishment conflicts with this objective.

5.0 FINANCIAL IMPLICATIONS

None

6.0 LEGAL IMPLICATIONS

6.1 The Committee has discretion as to whether to renew a sex establishment licence. However, 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 UK for the 6 months prior to the application being made;
- a company not incorporated in the UK;
- 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.

6.2 The Committee can only refuse to renew 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;
 - 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 EQUALITY AND DIVERSITY IMPLICATIONS

None

8.0 STRATEGIC AIMS

- **Creating a more attractive place to live, work and visit.**
- **Making Nottingham a safer city** – Working with communities and partners to reduce crime and fear of crime and promoting community safety.

9.0 CRIME AND DISORDER ACT IMPLICATIONS

Close partnership working between the City Council, applicants, the local community and enforcement agencies is key to the successful delivery of the licensing regime. A key aim of the City Council is to reduce the risk of crime and disorder occurring in local neighbourhoods and the community in general.

10.0 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- Application form dated 23 March 2010
- Memo from Compliance Officer dated 31 March 2010

11.0 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Local Government (Miscellaneous Provisions) Act 1982

12.0 COPYRIGHT ACKNOWLEDGEMENT

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APPENDIX 1

Community & Culture
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NG1 5NT
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Fax: 0115 915 6145

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

LICENCE FOR SEX ESTABLISHMENT

NOTTINGHAM CITY COUNCIL hereby grant to **Darker Enterprises Limited**

Of Unit C 26 Thames Road, Barking, Essex IG11 0JA

this licence to use the premises situate at **Private Shop, 81- 85 Upper
Parliament Street, Nottingham NG1 6LD**

for the purpose of a **sex shop**

This licence shall continue in force from **5 April 2009** until **4 April 2010**

or until sooner revoked and is granted subject to the conditions imposed by the
City Council set out below.

Dated : 15 June 2009

Signed

Licensing Officer

STANDARD CONDITIONS

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.

SPECIAL CONDITIONS

1. There must be CCTV coverage of the shop entrance while the premises are open to the public

Private Shop, 81-85 Upper Parliament Street, Nottingham



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|--|---|--|
| <ul style="list-style-type: none"> Political: Council areas City of Nottingham Nottinghamshire County Council Other districts in Nottinghamshire Basemap: Basemap 7 (MasterMap) | <ul style="list-style-type: none"> Building General Surface Water Open Ground Path Rail (continued...) | <ul style="list-style-type: none"> Road Or Track Slope |
|--|---|--|

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My Ref: JC/TP/Ach
Your Ref:
Contact: Councillor Jon Collins
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Caraline Ryan,
 Head of Public Protection,
 Public Protection Section,
 Lawrence House,
 Talbot Street,
 Nottingham. NG1 5NT

16th April 2010

Dear Caraline,

**Objection to Renewal of Sex Shop Licence for the Private Shop,
 Upper Parliament Street, Nottingham**

I object to the renewal of the licence for the above-mentioned sex shops on the grounds contained in Schedule 3, paragraph 12(3)(d) of the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA 82).

Schedule 3 LGMPA 82 provides that the appropriate authority may refuse an application for renewal of a licence on grounds specified in paragraph 12(3).

The ground of my objection is paragraph 12(3) (d) which provides;

"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

Specifically, the Private Shop is sited on a main arterial route/gateway to the city centre, creating a poor impression for visitors and having a detrimental impact on the surrounding area. Since the Private Shop was granted a renewal of its licence last year, there has been an increasing number of vacant and derelict properties in the vicinity as a result of the recession, including the fire-damaged Liberty's pub, and several other vacant establishments. The number of vacant units in the locality, including the nearby West End Arcade, makes it a prime site for regeneration, particularly given its position in relation to the city centre, but the Private Shop acts as an obstacle to potential regeneration, as developers/businesses may be put off locating in the area due to its presence.

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Nottingham
 A city we're all proud of



INVESTOR IN PEOPLE

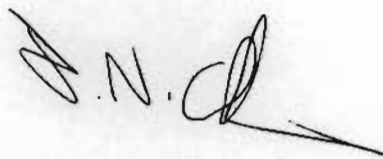


Nottingham

Since last year, a walk-in Health Centre has opened next door to the Private Shop. This is a service accessed by vulnerable people, including children and young people, making the current position of the Private Shop inappropriate. The Private Shop is also sited adjacent to a bus stop, which means that citizens are forced into close proximity to the sex shop in order to access the city centre and other amenities.

I strongly object to the renewal of a licence for the Private Shop, given its location on a main route into Nottingham and the nature of surrounding businesses and services, particularly the health centre and a number of restaurants which face the premises.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J.N.C.', with a long horizontal stroke extending to the right.

Councillor Jon Collins
Leader of Nottingham City Council
Direct line ☎: 0115 915 5142