

REPORT OF CORPORATE DIRECTOR OF COMMUNITIES

**APPLICATION FOR GRANT OF A SEX ESTABLISHMENT LICENCE
THE ADULT GIFT SHOP, 14a LONG ROW, NOTTINGHAM, NG1 2DH**

1.0 SUMMARY

- 1.1 This application is for the grant of a sex establishment licence.
- 1.2 An application dated 29 June 2010 for the grant of a sex establishment licence for 14a Long Row has been received. An objection was received on 19 July 2010 on the grounds referred to at 3.3 and is attached to this report.

2.0 RECOMMENDATIONS

- 2.1 IT IS RECOMMENDED that the Committee determine the application.**

3.0 BACKGROUND

- 3.1 This is an application for a new Sex Establishment Licence. The applicant currently holds a sex establishment licence for premises at The Adult Gift Shop, 30-32 Goose Gate, Hockley, Nottingham NG1 1FF but wishes to relocate to smaller premises at 14a Long Row. There has been no compliance issue raised with the shop that he currently operates. The applicant has indicated that he would surrender the old sex establishment licence at Goose Gate if the grant of the new licence is successful.
- 3.2 The new 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 MacLennan on the grounds that the grant of the licence 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 1.
- 3.4 Premises are situated in an alleyway off Long Row, opposite the Council House. There are no residential properties or schools in the vicinity. A map showing the location of the premises is attached at Appendix 2.

4.0 COMMENTS OF THE INTERIM CORPORATE DIRECTOR OF DEVELOPMENT

- 4.1 The premises are located in one of Nottingham's alleyways, (and within the Old Market Square Conservation Area). The Alleyways are cited in the Nottingham City Centre Urban Design Guide (2009) as a legacy of the City's medieval street pattern. The Alleyways are recognised as an important part of the Public Realm, and spaces which need commercial uses with Active Frontages to encourage a feeling of security and confidence for pedestrians visiting other premises nearby.

- 4.2 The premises gain access from Long Row, close to the Old Market Square, the most significant public space in Nottingham City Centre, which has been successfully regenerated to promote public activities and to support Nottingham's economy. Events are promoted in the Old Market Square and in Long Row, the pedestrianised street immediately adjacent, which aim to encourage families and visitors in general and to reinforce community safety and well-being by the range of markets and cultural events promoted there.
- 4.3 The blank windows are unlikely to achieve the necessary activity and community safety benefits. It is important that all pedestrians feel safe within these confined streets. The proposed Adult Shop would conflict with these planning and urban design objectives.

5.0 FINANCIAL IMPLICATIONS

None

6.0 LEGAL IMPLICATIONS

6.1 The Committee has discretion as to whether to grant a new 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 grant 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

7.1 **NONE**

8.0 STRATEGIC AIMS

- 8.1
- **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 DISORDER ACT IMPLICATIONS

- 9.1 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 29 June 2010
- Memo from Compliance Officer dated 2 July 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 ONE

FW: Adult Gift Shop, 14A Long Row [Scanned]

Angela Rawson

Sent: 19 July 2010 10:42

To: Lynn Berry

From: Ian MacLennan
Sent: 19 July 2010 10:17
To: Angela Rawson
Subject: Adult Gift Shop, 14A Long Row [Scanned]

Dear Angela Rawson,
APPLICATION FOR SEX ESTABLISHMENT LICENCE
THE ADULT GIFT SHOP - 14A LONG ROW, NOTTINGHAM

I wish to object to the above application as I consider the proposed location to be totally unsuitable for such use. Whilst the establishment would not be directly on the street it would be located very close to the Market Square which is now a family oriented area attracting large numbers of families with children. It would also be located within a primary retail area and could have a seriously adverse effect on the many businesses in the area and, indeed, confidence in the area.

I would ask that the members of the Regulatory Committee take these serious matters into account and refuse this application.

Ian MacLennan

Councillor
Bridge Ward

ADULT GIFT SHOP, 14A LONG ROW, NOTTINGHAM NG1 2DH

