

## **NOTTINGHAM CITY COUNCIL**

### **REGULATORY AND APPEALS COMMITTEE**

#### **MINUTES**

of meeting held on **7 SEPTEMBER 2010** at the

Council House from 10.00 am to 2.10 pm

- ✓ Councillor Cresswell (Chair)
  - ✓ Councillor Grocock (Vice-Chair)
  - Councillor Clarke-Smith
  - ✓ Councillor Davie
  - ✓ Councillor Ibrahim
  - ✓ Councillor James
  - ✓ Councillor G Khan
  - ✓ Councillor Liversidge
  - ✓ Councillor Munir
  - ✓ Councillor Packer
  - ✓ Councillor Smith
  - ✓ Councillor Sutton (for minutes 20 to 23)
  - Councillor Wildgust
- ✓ Indicates present at meeting

#### **Officers in attendance**

Mr P Davies-Bright	- Executive Support Officer	)	Chief Executive's Group
Ms Z Mayes	- Assistant Licensing Officer	)	Communities
Mrs A Rawson	- Team Leader - Licensing	)	
Ms H Brindley	- Team Leader, Planning Services	)	Development
Mrs A Barrett	- Senior Solicitor	)	Resources
Mr M J Parker	- Committee Administrator	)	
	-	-	

#### **20 APOLOGY FOR ABSENCE**

An apology for absence was received from Councillor Wildgust.

#### **21 DECLARATIONS OF INTERESTS**

No declarations of interests were made.

#### **22 MINUTES**

**RESOLVED** that, subject to recording apologies for absence for Councillors Ibrahim and Sutton, the minutes of the last meeting held on 4 August 2010, copies of which were circulated, be confirmed and signed by the Chair.

**23 APPLICATION FOR A SEX ESTABLISHMENT LICENCE  
- THE ADULT GIFT SHOP, 14A LONG ROW**

Consideration was given to a report of the Corporate Director of Communities, copies of which had been circulated. Consideration was also given to a letter of objection to the application received from Councillor I MacLennan, acting in his capacity as a Ward Councillor.

The report, presented by Ms Z Mayes, Assistant Licensing Officer, related to the grant of a new sex establishment licence for premises at 14a Long Row, Nottingham, NG1 2DH. It was noted that if the licence was granted, the applicant intended to surrender his existing sex shop licence for premises at 30-32 Goose Gate, Hockley, Nottingham, NG1 1FF.

The applicant, Mr C Bloom, accepted the Committee's invitation to attend the meeting. Mr Bloom was accompanied by Ms M Hawkes, (the General Manger of the existing premises at 30-32 Goose Gate,) but was not represented.

Councillor MacLennan, an objector to the application, accepted the Committee's invitation to attend the meeting. Ms H Brindley, Team Leader Planning Services also attended to answer any questions that might arise in relation to the written observations of the Interim Corporate Director of Development on the character of the locality around 14a Long Row

In reaching its decision, the Committee had regard to:-

- the application and submissions by Mr Bloom and Ms Hawkes;
- the objection and submissions by Councillor I MacLennan;
- the report of the Corporate Director of Communities regarding the application and operation of the current premises at 30-32 Goose Gate, Hockley, Nottingham, NG1 1FF;
- the legislative requirements of the Local Government (Miscellaneous Provisions) Act 1982 and advice from the Solicitor advising the Committee regarding the granting of sex establishment licences.

**RESOLVED**

- (1) that subject to and upon the surrender of the existing Sex Establishment Licence for premises at 30-32 Goose Gate, Hockley, Nottingham, NG1 1FF, a Sex Establishment Licence be granted to Mr C Bloom in respect of the premises to be known as The Adult Gift Shop, 14a Long Row, Nottingham, NG1 2DH;**
- (2) that the Licence be subject to the Authority's Standard Conditions attached for sex shop licences and the following Special Conditions:-**
  - “(1) The premises shall only open to the public between the hours of 09.00 – 18.30 Monday to Saturday.**
  - (2) Other than permitted by special Condition 3 below there shall be no external advertising of the premises by A boards or other means.**
  - (3) Signage on the premises shall be by means of fascia signage only.**

- (4) External closed-circuit television camera equipment shall be installed so as to give a clear view of the premises entrance and alleyway to Long Row during the hours of opening. The images from such cameras shall be in colour and of evidential quality and shall be retained on the premises for a period of 31 days. Such images shall be made available for inspection on demand by Police Officers and Authorised officers of the Council.”**

**24 PRIVATE SHOP, 81-85 UPPER PARLIAMENT STREET – APPLICATION FOR RENEWAL OF THE SEX ESTABLISHMENT LICENCE**

Further to minutes 7 and 18 dated 18 June and 4 August 2010 respectively, consideration was given to a report of the Corporate Director of Communities, copies of which had been circulated.

The following persons attended the hearing for the Applicant:-

Mr C Sullivan	-	Consultant Darker Enterprises Limited
Mr C Mason	-	Managing Director
Ms J Singleton	-	Licensing Administrator
Mr T Cooper	-	Property Manager, Conegate Ltd (Parent Company)

Mr P May, Executive Director, NEMS Healthcare Limited, an objector, was also in attendance.

Councillor J Collins, who had also objected to the application did not accept the Committee’s invitation to attend and was not represented.

The report was presented by Ms Z Mayes, Assistant Licensing Officer, in relation to the renewal of the sex establishment licence for premises at 81-85 Upper Parliament Street, Nottingham, NG1 6LD.

As a preliminary matter, the Committee was asked to rule whether it would consider Mr May’s objection to the application which had been received out of time. The Committee received submissions from Mr Sullivan on this issue.

The Committee noted that NEMS Healthcare Ltd (of which Mr May was Executive Director) occupied premises next door to the application premises. Its officers and employees would therefore have been in a position to see the Statutory Notices in relation to the application which Ms Mayes had confirmed had been properly displayed on the premises in accordance with the relevant Act. The Company therefore had access to the deadline for submission of objections.

The Committee determined that in view of this, and as the objection was received some 3 months late and raised no new grounds of objection or information that was not covered by Councillor Collins objection, there were no extenuating circumstances under which it should exercise its discretion to consider the late objection. The Committee having given its decision, Mr May withdrew and took no further part in the hearing.

Submissions were received from Mr Sullivan in relation to the Application and Councillor Collins’ objection. Mrs Brindley answered questions raised by Mr Sullivan in relation to the observations of the Interim Corporate Director of Development contained within the report. In reaching its decision, the Committee had regard to:-

- the application and further submissions by Mr Sullivan on:-
  - The operation of the business in Nottingham
  - Issues regarding the character of the locality and other uses to which premises in the vicinity were put;
  - Evidence showing that the presence of such establishments in Cardiff, Newcastle-on-Tyne, Northampton, Swansea and Worcester had not deterred investment and business in the surrounding localities;

together with petitions submitted by Mr Sullivan in support of the application from nearby local traders (26 signatures) and members of the public (657 signatures);

- the objection by Councillor J Collins;
- the report of the Corporate Director of Communities regarding the application and operation of the premises;
- comments by Ms Brindley on the character of the area including 81-85 Upper Parliament Street;
- the legislative requirements of the Local Government (Miscellaneous Provisions) Act 1982 and advice from the Solicitor advising the Committee regarding the granting of sex establishment licences.

**RESOLVED that the sex establishment licence in respect of Darker Enterprises Ltd premises Private Shop, 81-85 Upper Parliament Street, be renewed subject to the existing conditions.**