

REPORT OF CORPORATE DIRECTOR OF COMMUNITIES

APPLICATION FOR GRANT OF A SEX ESTABLISHMENT LICENCE  
THE ADULT SHOP, 165 ALFRETON ROAD, NOTTINGHAM, NG7 3JR

**1.0 SUMMARY**

1.1 This application is for the grant of a new sex establishment licence for 165 Alfreton Road and is attached as Appendix 1.

**2.0 RECOMMENDATIONS**

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

**3.0 BACKGROUND**

3.1 The Premises at 165 Alfreton Road were licensed as a Sex Shop from 20 March 2006 until 4 April 2010. Following a failure to renew the licence, and despite several attempts at contact by the Compliance Officer, it was discovered that the premises had changed ownership. The new owner was advised that the premises should not operate as a sex shop until a licence had been granted by Nottingham City Council.

3.2 On 15 September 2010, at 16.45 hours, a Trading Standards Officer visited the premises at 165 Alfreton Road and purchased a Restricted 18 (R18) DVD entitled 'Maximum Grind Young Whores Beginners Luck No 2' for which he paid £20 in cash. Such DVDs can only be sold from licensed sex shops and the operator was therefore deemed to be trading illegally. Contact was subsequently made by the Compliance Officers and an application for the grant of a Sex Shop Licence as appended was received from the operation 12 October 2010.

3.3 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.

3.4 The Premises are situated on Alfreton Road. There are no schools in the vicinity. There is a car park to the rear of the property which is accessed off Clifford Street. On the opposite side of Clifford Street are residential properties. A plan of the premises is attached at Appendix 2 and a location map at Appendix 3.

**4.0 FINANCIAL IMPLICATIONS**

None

**5.0 LEGAL IMPLICATIONS**

5.1 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.

5.2 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.

## **6.0 . EQUALITY AND DIVERSITY IMPLICATIONS**

6.1 NONE

## **7.0 STRATEGIC AIMS**

- 7.1
- **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.

## **8.0 CRIME DISORDER ACT IMPLICATIONS**

8.1 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.

## **9.0 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

- Application form dated 12 October 2010
- Memo from Compliance Officer dated 14 October 2010

## **10.0 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

Local Government (Miscellaneous Provisions) Act 1982

## **11.0 COPYRIGHT ACKNOWLEDGEMENT**

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**ANDREW ERRINGTON,  
DIRECTOR COMMUNITY PROTECTION  
CENTRAL POLICE STATION, NORTH CHURCH STREET, NOTTINGHAM  
NG1 4BH**

Contact Officer: Melanie Bird

Telephone number: 0115 9156254

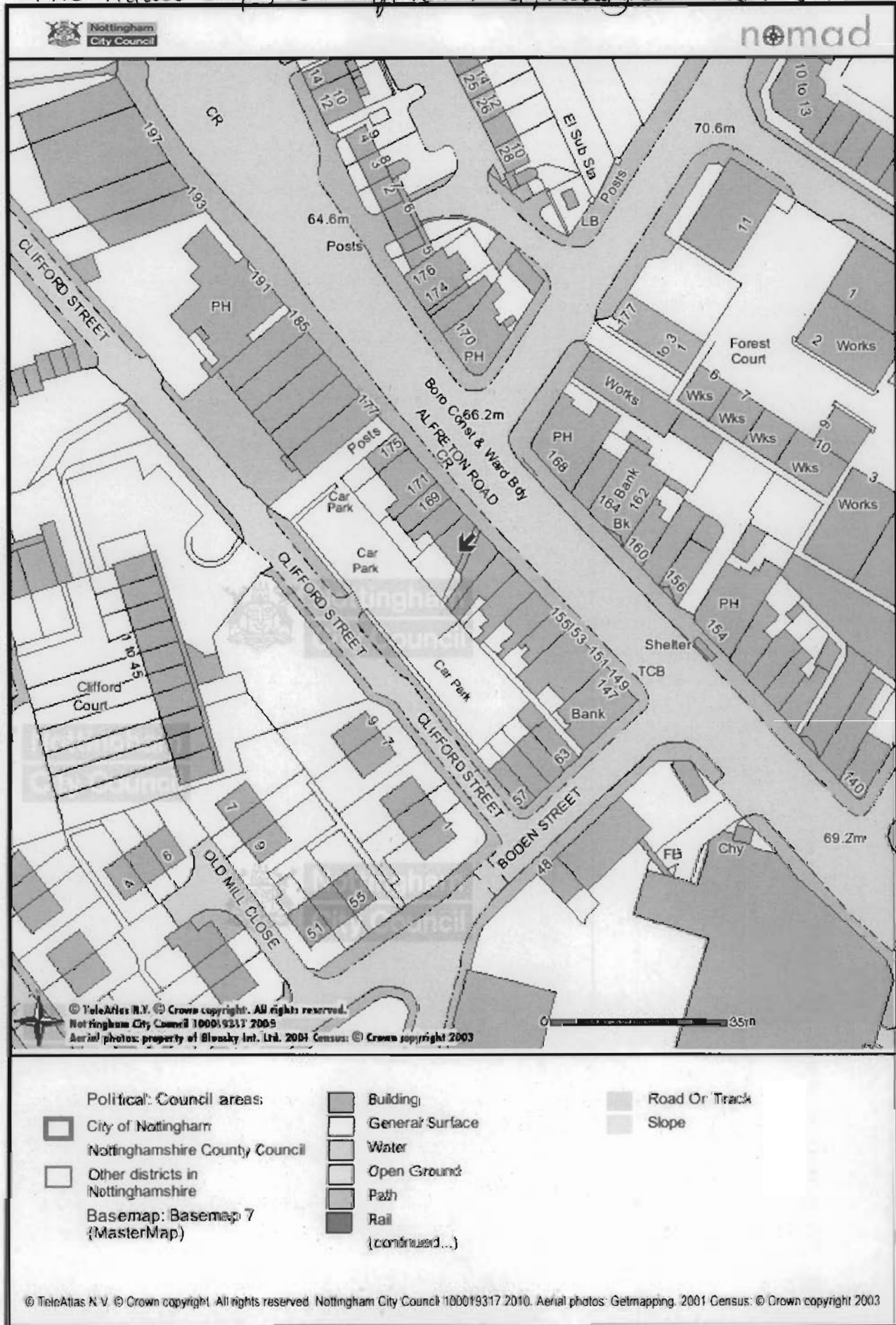
email: [Melanie.bird@nottinghamcity.gov.uk](mailto:Melanie.bird@nottinghamcity.gov.uk)

Legal Observations by: Ann Barrett

Telephone number: 0115 8764411

email: [ann.barrett@nottinghamcity.gov.uk](mailto:ann.barrett@nottinghamcity.gov.uk)

# The Adult Shop, 165 Alfreton Road, Nottingham NG7 3TR



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

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Community & Culture - Licensing

Time received \_\_\_\_\_

12 OCT 2010

£ \_\_\_\_\_

### Communities

Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT  
Tel: 0115 915 6773  
Fax: 0115 915 6145

## NOTTINGHAM CITY COUNCIL LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

### APPLICATION FOR GRANT, RENEWAL OR TRANSFER OF SEX ESTABLISHMENT LICENCE

This application is for (please tick):-

- New Licence                       Renewal                       Transfer
- Premises                               Stall                               Vessel

Before completing this form, please read the accompanying notes.

Applicants should complete either section A or B, and all applicants must complete Sections C and D.

Please attach additional details to your application if there is insufficient room on this form.

#### (A) Individual applicants

1. Full name..... NICHOLAS MYERS
2. Former names..... -
3. Home Address..... 17 BOSTOCK LANE  
SANDIACRE NOTTINGHAM  
NG10-6NL
4. Address to which communications are to be sent..... 165 ALFRETON ROAD  
NOTTINGHAM.  
~~NG10-6NL~~ NG7 3TR
5. Daytime telephone number..... 07800 777777
6. Date of birth..... 10/11/61
7. Place of birth..... DERBY

8. How long have you been resident in the UK? ..... 49 YEARS

9. Have you ever been convicted of an offence or received a formal caution. ~~YES~~/NO

If YES, please give details..... N/A

10. Are you a member of or officer of any Companies involved in the sex industry? ~~YES~~/NO **NO**

If YES, please give full name, registered office and Company registration number for all companies in which you are involved and indicate whether you are an officer of the Company (Director, Secretary, Manager etc) and/or if you are a shareholder. Please also indicate if you are the controlling shareholder.

..... N/A

Have any of the above Companies ever been convicted of an offence or received a formal caution? ~~YES~~/NO **NO**

If YES, give details..... N/A

**(B) Application from Companies or partnerships**

1. Name of Company or partnership..... ADULT SHOP

Name of contact officer..... NICHOLAS MYERS

2. If a Company, is it incorporated in the UK? ~~YES~~/NO **NO**

If yes, give registration number..... N/A ..... Date when incorporated.....

3. Daytime telephone number..... 07800 777777

4. Registered or principal office address..... 165 ALFRETON ROAD

..... NOTTINGHAM NG7-3JR

5. Trading address if different from registered or principal address..... AS ABOVE

..... SOLE TRADER

6. Details of all directors, Company Secretary or partners (continue on separate sheet if necessary)

Name	Date of Birth	Private Address	Details of convictions/cautions	Position in company
NICHOLAS MYERS	10/11/61	17 BOSTOCK LANE SANDIACRE NOTTINGHAM NG10-6NL	N/A	OWNER (PRIVATE)

7. Details of other persons with controlling interests in the Company (continue on separate sheet if necessary)

Name	Date of Birth	Private Address	Details of convictions/cautions	Position in company
N/A				

8. Details of Manager of premises

Name	Date of Birth	Private Address	Details of convictions/cautions
NICHOLAS MYERS	10/11/61	17 BOSTOCK LANE SANDIACRE NOTTINGHAM NG10-6NL	N/A

9 Is the applicant a wholly or partly owned subsidiary of another Company?

N/A NONE

(a) What type of Company is the applicant (e.g public or private limited by share or guarantee etc)

PUBLIC SOLE TRADER

10. Is the applicant or any person named in the answers given to questions 6.7 and 8 above concerned in any way financially or otherwise with any other business connected with the sex industry? (Please tick)

Yes  No

11. If "yes" give the names of the persons concerned, full details of the other business and the nature and extent of the connection.

N/A

(C) Premises/Stall/Vessel to be licensed

1. Is the application in respect of (Please tick) Sex Shop  Sex Cinema

2. Trading name of premises/stall/vessel ADULT SHOP 165 ALFRETON ROAD NOTTINGHAM

3. Address of premises/stall/vessel 165 ALFRETON ROAD NOTTINGHAM NG7-3JR.

4. What is the nature of the applicant's interest in the premises? Please tick

Freehold  Other

Leasehold

Does the applicant hold a licence to occupy the premises/stall/vessel? YES/NO NO

5. Give names and addresses of all freehold owners N/A GEORGIA PROPERTIES

2003 LTD PO. Box 9882 Nottingham NG16 90Y

AARON 07584472368

6. If the applicant's interest in the premises is a leasehold one, please state

(i) Whether a head lease or an underlease HEAD LEASE

(ii) (a) The name and address of the landlord

(b) The name and address of the superior landlord (where applicable)

N/A



7. Give names and addresses of any other person with an interest in the premises

N/A (NONE)

8. Give details of any other person with an interest in the goodwill of the business

N/A NONE

9. Are the whole of the premises to be used under the licence? (Please tick)

Yes  No

If "no", please state

GROUND FLOOR ONLY

(a) which part of the premises is to be used for the purposes of the licence

GROUND FLOOR ONLY (SHOP AREA)

(b) the use to which the remainder of the premises are put

NOT IN USE

(c) the names of those who are responsible for the management of the remainder of the premises

NICHOLAS MYERS

10. Are the premises which are to be used for the purposes of the licence constructed or adapted as to permit access to and from the premises for members of the public who are disabled?

Please tick Yes  No

11. If the answer is "no" please state (on a separate sheet) the applicant's proposals for such access.

12. Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application.

Yes  No

13. If yes, give the name and address of the persons or body who now operate the business, and (where known), the date upon which the premises were first used as such.

Name	Address	Date
NICHOLAS MYERS	17 BOSTOCK LANE SANDIACRE NOTTINGHAM NG10-6NL	20/08/10

**(D) General**

1. Outline experience in running a sex establishment (as an individual or Company)

INDIVIDUAL - WORKED - MANAGED - 2 SEX SHOPS  
 .....  
 .....

2. Have you ever had a Sex Establishment Licence which has been revoked? **YES/NO** NO

If yes, give details surrounding revocation including date, revoking authority and reasons

N/A  
 .....  
 .....

4. Have you ever been refused the grant or renewal of a Sex Establishment Licence **YES/NO** NO

If yes, give details surrounding refusal including date, refusing authority and reasons

N/A  
 .....  
 .....

5. For transfer only - give details of existing licence holder..... N/A

**I enclose:-**

- ◆ The application fee for a new licence or renewal of a licence is £2,366 which is not returnable in the event of an unsuccessful application. A further £4312 is payable if an application is granted. The fee for the transfer of a licence is £1,394 (payable in full on application and non-refundable)
- ◆ 3 copies of plans of the premises

Please note that the level of fees are due review in April of each year. Prior to sending your application please contact us to obtain the current fee if you intend to apply after 1 April.

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

**DECLARATION**

I declare that the information given above is true and complete in every respect.

Signature of applicant:  .....

Date of application: 12<sup>th</sup> 3<sup>rd</sup> OCTOBER 2010. .....

**This application should be completed in full and returned to:-**

THE LICENSING OFFICER, COMMUNITIES, LAWRENCE HOUSE, TALBOT STREET,  
NOTTINGHAM NG1 5NT

S:\Licensing\SEX ESTABLISHMENT\APPLICATION FORM.DOC

**APPENDIX 2**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (as amended)**

**NOTICE OF APPLICATION FOR SEX ESTABLISHMENT LICENCE**

NOTICE IS HEREBY GIVEN that <sup>(1)</sup> NICHOLAS MYERS  
of <sup>(2)</sup> 165 ALFRETON RD NOTTINGHAM NG7 3JR  
on 12<sup>th</sup> Oct. 2010 applied to Nottingham City Council for the  
(grant) (~~renewal~~) (variation) (transfer)  
of a licence to use the premises known as <sup>(3)</sup>  
THE ADULT SHOP  
165 ALFRETON RD NOTTINGHAM NG7 3JR  
as a sex shop/~~sex cinema~~/sexual entertainment venue. <sup>(4)</sup>

Any person may make objections to the application, in writing, to the Director of Communities, Lawrence House, Talbot Street, Nottingham NG5 5NT within 28 days from

12<sup>th</sup> Oct 2010. <sup>(5)</sup>

Signed:  .....

Guidance notes:

- (1) The full name of the applicant.
- (2) The full address of an individual applicant or the registered or principal office of a company or other organisation.
- (3) The full address of the premises to be licensed.
- (4) Delete as necessary.
- (5) The date of the application.