

## **NOTTINGHAM CITY COUNCIL**

### **REGULATORY AND APPEALS COMMITTEE**

#### **MINUTES**

of meeting held on **29 NOVEMBER 2010** at the

Council House from 10.00 am to 11.32 am

- ✓ 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
  - ✓ Councillor Wildgust
- ✓ Indicates present at meeting

#### **Officers in attendance**

Ms J Bailey	- Trading Standards Manager	)	
Ms M Bird	- Assistant Licensing Officer	)	
Ms Z Mayes	- Assistant Licensing Officer	)	
Ms E Orrock	- Service Improvement Manager, Community Protection	)	Communities
Mr P Mitchell	- Head of Licensing, Permits and Regulation, Community Protection	)	
Mrs A Barrett	- Senior Solicitor	)	
Mr M J Parker	- Committee Administrator	)	Resources

#### **25 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Clarke-Smith, Ibrahim and Sutton.

#### **26 DECLARATIONS OF INTERESTS**

Councillors G Khan and Munir declared personal interests in agenda item 4 – Fees and Charges Relating to Community Protection Directorate (minute 28) insofar as they knew many individuals who would be affected by proposed increases fees associated with several elements of hackney carriage and private hire vehicles. The interests did not preclude them from speaking or voting.

## **27 MINUTES**

**RESOLVED** that the minutes of the last meeting held on 7 September 2010, copies of which were circulated, be confirmed and signed by the Chair.

## **28 FEES AND CHARGES RELATING TO COMMUNITY PROTECTION DIRECTORATE**

Consideration was given to a report of the Interim Corporate Director of Communities, copies of which had been circulated.

Ms Orrock attended the meeting to present the report and answer questions on its content. Ms Orrock explained the underlying rationale by which greater than inflation increases were being proposed for a number of Fees and Charges within the Community Protection Directorate which better reflected and recouped the City Council's costs associated with the services.

The Committee noted an objection to the level of increases proposed for driver and vehicle license fees for hackney carriages and private hire vehicles, submitted by Mr A Hussain on behalf of the Nottingham Hackney Licence Association in response to an informal exchange of information with the Taxi Licensing team.

Whilst concerns regarding the timing and levels of the proposed increases and the potential for those increases to be passed on to customers were understood it was stressed that a full costing exercise and benchmarking had been carried out and that the proposed increases were in line with the Council's medium term financial plan. It was further emphasised that the Council was not seeking to recoup the full costs of the licensing service and members were being asked to consider what officers believed were reasonable increases. This also reflected, in some measure, the current difficult economic climate. Ms Orrock stated that in addition to the proposed fees increases the licensing service would also be seeking to make efficiency savings.

### **RESOLVED**

- (1) that, subject to there being no outstanding objections the following fees and charges be approved for implementation with effect from 30 January 2011 in relation to hackney carriage and private hire vehicles:-

<u>Licence type</u>	<u>Fee as from</u> <u>30 January 2011</u> <u>£</u>
Hackney Carriage Vehicle (both new and renewal)	210.00
Private Hire Vehicle (both new and renewal)	210.00

- (2) that the Director of Community Protection be authorised to advertise the fees proposed above and invite representations on them in accordance with the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976;

- (3) that in the event of outstanding representations remaining following public advertisement, the Director of Community Protection be authorised to make all final decisions on the proposed fee increases and their implementation date after consulting the Chair, Vice-Chair and Opposition Spokespersons.
- (4) the following fees be approved for implementation with effect from 1 January 2011

<u>Licence Subject</u>	<u>Fee 1 January 2011</u> £
Private Hire/Hackney Carriage Drivers (New)	87.50
Private Hire/Hackney Carriage Drivers (Renewal)	87.50
Private Hire/Hackney Carriage Drivers Badge Replacement	10.00
Pet Shops	115.00
Skin Piercing Establishments	125.00
Skin Piercing Practitioner	65.00
Sex Establishment Licence (New)	13,840
Sex Establishment Licence (Renewal) Licence	11,100

with the whole licence fee for Sex Establishments being due at the time of application;

Councillors G Khan and Munir requested that their votes dissenting from the above resolutions be recorded.

## **29 APPLICATION FOR A SEX ESTABLISHMENT LICENCE** **- THE ADULT SHOP, 165 ALFRETON ROAD**

Consideration was given to a report of the Interim Corporate Director of Communities, copies of which had been circulated relating to the grant of a new sex establishment licence for premises at 165 Alfreton Road, Nottingham, NG7 3JR

The report was presented by Ms M Bird, Assistant Licensing Officer and Ms J Bailey, Trading Standards Manager was available to answer questions relating to the test purchase referred to in the report.

The applicant, Mr N Myers, accepted the Committee's invitation to attend the meeting.

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

- the report of the Interim Corporate Director of Communities and information given in response to questions by Ms Bird and Ms Bailey regarding the application and operation of the premises and a failed test purchase of a Restricted 18 DVD at the premises on 15 September 2010;

- the legislative requirements of the Local Government (Miscellaneous Provisions) Act 1982
- the application and submissions by Mr Myers namely that:-
  - The sex establishment had previously been run by his cousin
  - Mr Myers had provided funding for the business (including the sex establishment licence renewal fee) which had been misappropriated by his cousin
  - Mr Myers had been unaware that the previous licence had not been renewed
  - Once he became aware the new application was submitted
  - he had been unaware of the failed test purchase until the day of the meeting
  - he had previous experience of running sex establishments in Australia albeit some years previously
  - the shop was in a poor condition and he intended to refurbish it
  - he wished to run the business properly, was aware of the conditions on the previous licence, was willing to abide by them, and had been doing so whilst the business had been operating without a licence.

## **RESOLVED**

- (1) that a Sex Establishment Licence be granted to Mr N Myers in respect of the premises to be known as The Adult Shop, 165 Alfreton Road, Nottingham, NG7 3JR;**
- (2) that the Licence be subject to the following Standard and Special Conditions:-**

### **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 shall be no external lighting of the fascia board.
2. The phone number included on the fascia board shall be in letters and numbers not exceeding 3 inches in height.
3. The premises shall be permitted to open during the following times:-  

Monday to Saturday	9.30 am – 7.00 pm
Sunday	10.00 am – 4.00 pm
4. There shall be no displays or advertisements placed at either the front or rear of the premises.
5. The internal and external front doors shall be hinged to open in opposite directions so as to prevent views of the interior of the premises from outside.
6. A screen shall be placed inside the shop at the rear door so as to prevent views of the interior of the premises from outside.
7. A roller shutter shall be installed at the front of the premises and will be pulled down at all times that the premises are closed for business. The type of shutter installed shall be in accordance with any consent of the planning authority and, should no consent be required, or no type of shutter be specified by the planning authority in such consent, a roller shutter of solid construction shall be installed.
8. No illuminated or flashing signs shall be displayed at or on the premises;
9. All customers shall be asked for photographic proof of identity and age when entering the premises.”

**30 DATE OF NEXT MEETING**

**RESOLVED** that the Committee meet at 10.00 am on Monday, 17 January 2011.