Public Document Pack



NOTTINGHAM CITY COUNCIL REGULATORY AND APPEALS COMMITTEE

Date: Monday, 28 July 2014

Time: 10.30 am

Place: LB31 - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Acting Corporate Director for Resources

Constitutional Services Officer: Mark Leavesley Direct Dial: 0115 876 4302

AGENDA Pages

- 1 APOLOGIES FOR ABSENCE
- 2 DECLARATIONS OF INTERESTS

If you need any advice on declaring an interest, please contact the Constitutional Services Officer above, if possible before the day of the meeting

3 MINUTES To Follow

Last meeting held on 22 July 2014 (for confirmation)

4 APPLICATION FOR RENEWAL OF A SEX SHOP LICENCE: DELTA 3 - 30 LOVE PRODUCTIONS, 147 RADFORD ROAD, NG7 5EH

Report of Corporate Director of Communities

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15
MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH
VISITOR BADGES



WARD AFFECTED: ARBORETUM

REGULATORY AND APPEALS COMMITTEE 28 July 2014

REPORT OF CORPORATE DIRECTOR OF COMMUNITIES

APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE DELTA LOVE PRODUCTIONS, 147 RADFORD ROAD, HYSON GREEN, NOTTINGHAM, NG7 5EH.

1.0 SUMMARY

1.1 This application is for a renewal of a sex establishment licence for premises at Delta Love Productions, 147 Radford Road. The application was received on 3 June 2014, a copy of the application is attached to the report.

2.0 RECOMMENDATIONS

IT IS RECOMMENDED that the Committee determine the renewal application.

3.0 BACKGROUND

- 3.1 These premises have been licensed as a sex shop since 1986. The current licence is due to expire on 27 July 2014 and 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 and the Health & Safety Officer. A copy of the application is attached at Appendix 2.
- 3.3 A jointly signed letter of objection has been received and is attached at Appendix 4. The content of the letter does not relate to any of the statutory grounds of refusal and the objectors were given the opportunity to clarify their grounds of objection but have failed to do so. In the circumstances, little or no weight can be attached to the objection. The matters referred to in the letter are not felt to constitute a breach of any licence condition.
- 3.4 Delta Love Productions, 147 Radford Road is situated in a row of shops. There are residential properties behind the shop, but not close to the premises. There are no schools in the vicinity. A map showing the location of the premises is attached at appendix 3.
- 3.5 No compliance issues or complaints have been reported to the Licensing Section relating to these premises.

4.0 FINANCIAL IMPLICATIONS

None

5.0 LEGAL AND POLICY IMPLICATIONS

5.1 Each application should be determined on its own merits. However applications may only be refused on certain defined mandatory or discretionary grounds. Objections should only be afforded weight in so far as they relate to the statutory grounds of refusal.

5.2 Mandatory grounds

The Council must refuse an application if:

- The applicant is under 18 years if age; or
- The applicant has been disqualified from holding a licence under Schedule 3 paragraph (17)(3) of the Act following revocation of a previous licence; or
- The person applying is not a resident of a European Economic Area State, or was not resident during the six month period preceding the date of the application; or
- Where a company is the applicant it is not incorporated in a European Economic Area State; or
- The applicant has been refused a licence for the same premises within the preceding 12 months unless the refusal has been reversed on appeal.

5.3 **Discretionary grounds**

The Council may refuse an application for the grant or renewal of a licence if:

- The applicant is unsuitable to hold the licence by reason of conviction of an offence or for any other reason: or
- The business would be managed or carried on for the benefit of a person other than the applicant who would be refused the licence if they made the application themselves: or
- The number of sex establishments, or sex establishments of a particular type, in the relevant locality at the time the application is made is equal to or exceeds the number the number which the Council considers appropriate for that locality: or
- The grant or renewal of the licence would be inappropriate, having regard to:
 - (i) the character of the relevant locality, or
 - (ii) the use to which any premises in the vicinity are put, or
 - (ii) to the layout, character or condition of the premises to which the application applies.
- 5.4 On 17 January 2011 this Committee adopted a policy on Sex Establishments, The following sections of the Council's Policy may be relevant:

Section 4.4 - Suitability of the Applicant

The applicant will be required to demonstrate that he/she is a suitable person to hold a licence. In determining suitability, the Council will normally take into account:

- previous knowledge and experience of the applicant;
- information relating to the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area;
- information about the applicant and their management of the premises received from objectors, Council Officers or the Police including any known criminal convictions or cautions the applicant, or officers of any corporate applicants may have;
- any other relevant information.

The above factors are not an exhaustive list of considerations but are merely indicative of the types of factors which may be considered in dealing with an application. Similar considerations may also apply to persons whom it is alleged would benefit from the grant of the application but would be unsuitable to hold the licence themselves. In such cases the Council will also have regard to any evidence to show that the business would in fact be carried on for their benefit.

Section 4.5 -Character of the Relevant Locality and use of other premises in the vicinity

The Council will not grant or renew a licence for a Sex Establishment if, in the Council's opinion, it would be inappropriate to do so with regard to the character of the Relevant Locality or if the appropriate number of Sex Establishments, (or of a particular type of Sex Establishment,) in that Locality would be exceeded. Whilst not intended to be an exclusive list, the Council will have particular regard to the following matters:-

- The proximity of residential premises, including any sheltered housing and accommodation for vulnerable people:
- The proximity of educational establishments;
- The proximity of places of worship;
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises;
- The proximity to shopping centres;
- The proximity to health facilities, community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs, etc;
- Any planned or proposed regeneration of the area.
- Any relevant planning considerations such as whether the premises are in a Conservation Area or areas designated as primarily residential or prime retail frontage;
- Any complaints or reports of nuisance, disturbance, crime and /or disorder caused by or associated with the premises
- The proximity of other Sex Establishments

Many of these issues will also be relevant when considering the uses to which other premises within the vicinity are put.

Section 4.6 - Layout, Character and Condition

The Council will not grant or renew a licence for a Sex Establishment if, in the Council's opinion it would be inappropriate having regard to the layout, character and condition of the proposed Sex Establishment. Whilst not intended to be an exclusive list, the Council will have particular regard to the following:-

- The type of activity to which the application relates;
- The days and hours of operation of the Activity;
- The layout and condition of the premises with particular concern for public safety, health and safety and the prevention of crime and disorder

Section 4.8 - Conditions

Any licence granted by the Council, shall be subject to the relevant standard conditions (unless the Council determines to the contrary,) and to any special conditions which the Council imposes.

5.5 If the application is granted the licence will be subject to the standard conditions which are attached at Appendix 4 unless the Committee agrees otherwise. In addition the Committee has the power to attach further conditions or restrictions as it feels appropriate and this includes the power to determine operating hours for the premises.

6.0 EQUALITY AND DIVERSITY IMPLICATIONS

None

7.0 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.

8.0 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.

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

Memo from Compliance Officer dated 9 June 2014

10.0 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009.

11.0 COPYRIGHT ACKNOWLEDGEMENT

- 11.1 Nottingham City Council has adopted a policy of making agendas and reports available for public inspection by electronic means. Where material from sources other than the City Council is reproduced either in whole or in part as part of a Committee report, copyright of such material is acknowledged.
- 11.2 Where the copyright holder of such material objects to the practice of its further publication for viewing by electronic means, they should contact the officer(s) named below in the first instance who will arrange for its removal.

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

Contact Officer: Melanie Bird

Telephone number: 0115 876 1757

email: melanie.bird@nottinghamcity.gov.uk

Legal Observations by: Ann Barrett Telephone number: 0115 876 4411

email: ann.barrett@nottinghamcity.gov.uk



Communities
Licensing
Derwent Building
Eastcroft Depot
London Road
Nottingham
NG2 3AH

Tel: 0115 87 61751 **Fax:** 0115 915 2118

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

LICENCE FOR SEX ESTABLISHMENT

NOTTINGHAM CITY COUNCIL hereby grant to **Robert Derek Gleedwood** of **147 Radford Road, Hyson Green, Nottingham NG7 5EH**

this licence to use the premises situate at **Delta Love Productions**, **147 Radford Road**, **Hyson Green**, **Nottingham NG7 5EH**

for the purpose of a Sex Shop

This licence shall continue in force from **28 July 2013 until 27 July 2014** or until sooner revoked and is granted subject to the conditions imposed by the City Council set out below.

Signed Dated: 23 July 2013

Licensing Manager

STANDARD CONDITIONS

- The Premises shall be maintained in accordance with the lay out plan attached to this Licence. Amendments to the layout of the premises and/or any structural or physical alteration must be approved by way of an application for variation of this licence unless otherwise agreed in writing by the Council
- 2 No-one shall be admitted to the premises who is, or appears to be, under the age of 18.
- 3 No person under the age of 18 shall be employed on the premises.
- 4. 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.





- 5. No change may be made from a Sex Shop to a Sex Cinema, or Sexual Entertainment Venue or vice versa.
- 6. A window display shall be maintained to the satisfaction of the Council in all windows of the Licensed Premises. Such display shall not include any Sex Articles or other indecent matter.
- 7. No Sex Articles shall be displayed within the premises as to be visible to passers by, whether the doors are open or closed.
- 8. For the purposes of these conditions:
 - The Council means Nottingham City Council;
 - Sex Article has the meaning assigned to it in Paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982:
 - Sex Cinema has the meaning assigned to it in Paragraph 3 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;
 - Sex Shop has the meaning assigned to it in Paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;
 - Sexual Entertainment Venue has the meaning assigned to it in Paragraph 2A of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.





Communities

Licensing **Derwent Building** Eastcroft Depot London Road Nottingham NG2 3AH Tel: 0115 8761751

Fax: 0115 8761769

NOTTINGHAM CITY COUNCIL

LOCA	AL GOVERNMENT	(MISCELLAI	NEOUS PR	OVISIONS) AC	Т 1982	
APPL LICEN	ICATION FOR GRA	NT, RENEWAL	., TRANSFE	R OR VARIATIO	N OF SEX ESTAB	LISHMENT
This a	application is for (pl	ease tick):-				
	New Licence	Renewal		☐ Transfer	☐ Va	riation
	Premises		Stall		☐ Vessel	
Applic	e completing this fo cants should compl I D and E.					Sections
Pleas	e attach additional	details to you	r application	if there is insuf	ficient room on th	is form.
(A)	Individual applic					
1.	Full nameR					
2.	Former names					
3.	No TT IN				1 HYSON	
4.	Address to which H 15 ON	communicatio	ons are to be	sent 147 T TINSK	RADFORD , AM, NST	SEH
	Daytime telephone	e number	0115	8459	831	
	POLICE PROUD TO SERVI		Nottingh City Cou	nam Incil NOTTIN	IGHAM CITY CO LICENSING 0 Jun 2016	DUN
			Page	e 11	San Andrewson Control of the Control	

5.	Daytime telephone number
6.	Date of birth
7.	Place of birth NOTTINGHAM
8.	How long have you been resident in the UK? 51 YEARS
9.	Have you ever been convicted of an offence or received a formal caution?
	If YES, please give details
10.	A
10.	Are you a member of or officer of any Companies involved in the sex industry?
	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.
	Have any of the above Companies ever been convicted of an offence or received a formal caution? 2
	If YES, give details





1 You do not need to disclose convictions which are spent under the terms of the rehabilitation of offenders Act 1974 2 You do not need to disclose convictions which are spent under the terms of the rehabilitation of offenders Act 1974

(B)	Application from Companies or partnerships				
1.	Name of Company or partnership. DELTALOVE				
	Name of conta	ct officer	KOBERT 1	PEREK PLEED	(DOOMS
2.	If a Company, is it incorporated in the UK? PARTNER SHIP				
			mberN/A		
			JUNE 200		
3.			r 0115 84		
4.	Registered or principal office address. 147 RADFORD ROAD				
	HYSON GREEN; NOTTINGHAM, NST JEH				
5.	Trading address if different from registered or principal address				
			• • • • • • • • • • • • • • • • • • • •		
6.	Details of all di necessary)	rectors, Cor	npany Secretary or pa	rtners (continue on sep	parate sheet if
Name		Date of Birth	Private Address	Details of convictions/cautions	Position in company
	ED WOOD	1			







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
	No	OTHER	PERSONS	
				+

8. Details of Manager of premises

Name	Date of Birth	Private Address	Details of convictions/cautions
ROBERT DEREK GLEEDWOOD	H/9/62	147 RADFORD ROAD HYSON GREEN NOTTM NGT SEH	NONE

9.	Is the applicant a wholly or partly owned subsidiary of another Company?
	(a) What type of Company is the applicant (e.g public or private limited by share o guarantee etc)
	PARTNERSHIP
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 V
11.	If "yes" give the names of the persons concerned, full details of the other business and the nature and extent of the connection. Continue on a separate sheet if necessary

Has the applicant company or any of the persons named in the answers given to





questions 6, 7 and 8 above ever been convicted of an offence or received a formal caution? ¹

If YE	S, give details (continue on a separate sheet if	necessary)
1 You d	o not need to disclose convictions which are spent under the term	ms of the rehabilitation of offenders Act 1974
(C)	Premises/Stall/Vessel to be licensed	
1.	Is the application in respect of (Please tick)	Sex Shop
		Sex Cinema
		Sexual Entertainment Venue
2.	Trading name of premises/stall/vessel. DELTA	LOVE
3.	Address of premises/stall/vessel 147 RAD HYSON GREEN, NOTT	
4.	What is the nature of the applicant's interest in	n the premises? Please tick
	Freehold	Other
	Leasehold	
	Does the applicant hold a licence to occupy th	ne premises/stall/vessel? YES/
5.	Give names and addresses of all freehold own ROBER T DEREK C DAUID ED WARD	





6.	If th	e applicant's interest in the premises is a leasehold one, please state
	(i)	Whether a head lease or an underlease
	(ii)	(a) The name and address of the landlord
		(b) The name and address of the superior landlord (where applicable) ROBERT DEREK GLEED WOOD
7.		names and addresses of any other person with an interest in the premises

8.	Give	e details of any other person with an interest in the goodwill of the business
		IVONE
9.	Are	the whole of the premises to be used under the licence? (Please tick)
	Yes	□ No □
	If "ne	o", please state
	(a)	which part of the premises is to be used for the purposes of the licence GROUD FLOOR SHOP ONLY
	(b)	the use to which the remainder of the premises are put
	(c)	PRIVATE OWNER'S FLAT the names of those who are responsible for the management of the remainder of the premises.
		THE OWNER ROBERT DEREK SLEED WOOD





10.	Are the premises which a adapted as to permit account are disabled?				
	Please tick Yes	No 🗆			
11.	If the answer is "no" pleas such access.	se state (on a	separate shee	t) the applicant's p	roposals for
12.	Are the premises, vehicle this application.	, vessel or sta	ll in use as a s	ex establishment a	at the date of
	Yes No D				
13.	If yes, give the name and business, and (where kno such.	address of the own), the date	e persons or bo upon which the	ody who now opera e premises were fi	ate the rst used as
Name		Address			Date
ROE	BERT DEREK	147 R	ADFORD	ROAD	
GL	BERT DEREK EED WOOD	NOTTIN	GREEN GHAM,	N97 SEH	JUNE 2006
(D) Na	ture of the application				
For N	ew Applications, Renewa	als and Trans	fers		
1	What hours do you intend	to operate?	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	10:30 AM — 10:30 AM — 10:30 AM — 10:30 AM — 10:30 AM — CLOSED	b. oc PM S. ec PM c. oc PM S. 30 PM
2	How many staff do you int	end to employ	and in what re	oles?	
ā	TO TAL ROBERT DAUTD OF DUD'S THE PREMISES	OF TO DEPEK EDWARI NASS P APPILIYI	GLEEDWG GLEED	CD AND WOOD FO	R SALES 6 Monitor S:
	POLICE PROUD TO SERVE	City C	igham council		

3	For sexual entertainment venues , please give full description of the nature of the entertainment which you intend to provide. You should include copies of any "house rules" or codes of practice which you intend to operate to and any conditions which you intend to apply to your staff, business, or customers (continue on a separate sheet if necessary)
	<u></u>
	······································
	,
_	
	ariations
4	Please give full details of the variation sought (continue on a separate sheet if necessary)
For tr	ansfers Please give details of existing licence holder
(E) Ge	eneral
1.	Outline the applicant's experience in running a sex establishment (as an individual or Company) OUER SEVEN YEARS EXPERIENCE
	RUNNING AND MANAGING DELTALOUE AS
	THE OWNER
	NOTTINGHAMSHIRE NOTTINGHAMSHIRE POLICE NOTTINGHAMSHIRE
Viv	PROUD TO SERVE City Council

2.	Has the applicant ever had a Sex Establishment Licence which has been revoked?
	If yes, give details surrounding revocation including date, revoking authority and reasons
3.	Have you ever been refused the grant or renewal of a Sex Establishment Licence
	If yes, give details surrounding refusal including date, refusing authority and reasons
l e	nclose:- (tick relevant boxes)
	The application fee for a new licence is £13,840 (payable in full on application and is non-refundable).
	The fee for the renewal of a licence is £11,100 (payable in full on application and is non-refundable)
	The fee for variation is £2,366 (payable in full on application and is non-refundable)
	The fee for transfer of a licence is £1,394 (payable in full on application and is 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, VARIATION 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 (tick relevant boxes)

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

I confirm that I have served a copy of my application on the Chief Constable, Nottinghamshire Police, City Division Licensing Team, Riverside, Rennie Hogg Road, Nottingham NG2 1RX

I confirm that I will advertise the application in accordance with the Act

Signature of applicant: K Gulduroo

Date of application: 03/June /2014

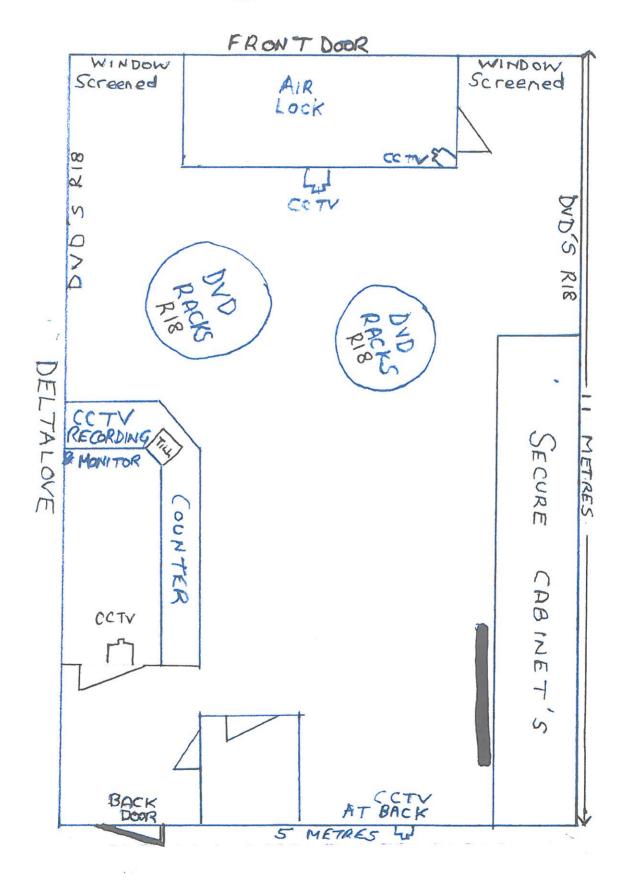
This application should be completed in full and returned to:-

The Licensing Officer
Communities
Licensing
Derwent Building
Eastcroft Depot
London Road
Nottingham
NG2 3AH

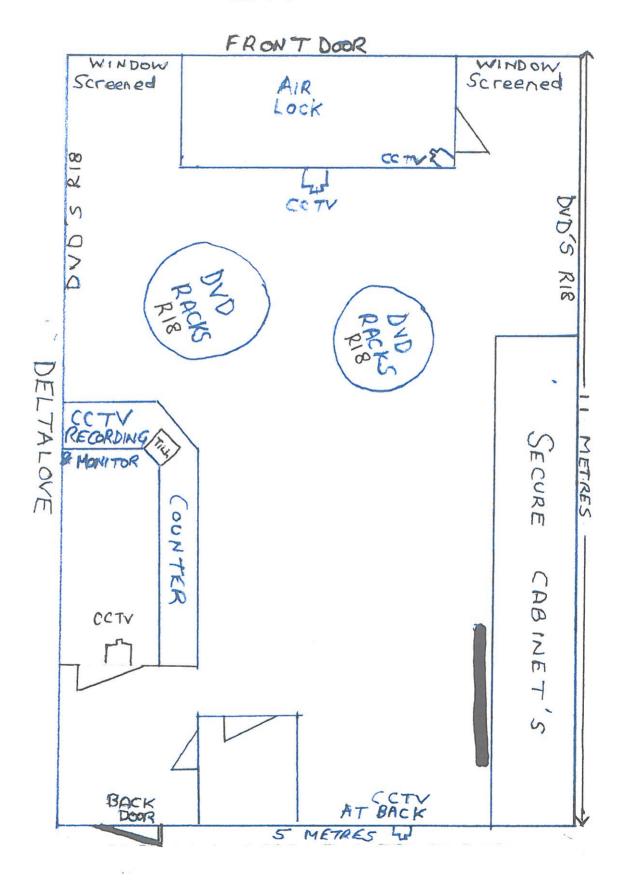




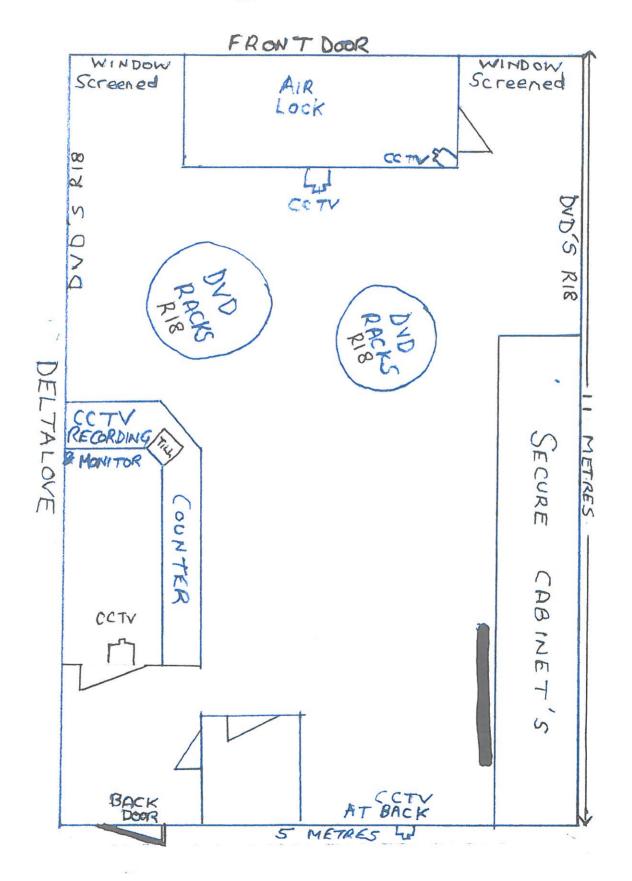
DELTALOVE - GROUND FLOOR SHOP ONLY PART TO BE LICENCED.



DELTALOVE - GROUND FLOOR SHOP ONLY PART TO BE LICENCED.



DELTALOVE - GROUND FLOOR SHOP ONLY PART TO BE LICENCED.



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 NOTICE OF APPLICATION FOR SEX ESTABLISHMENT LICENCE

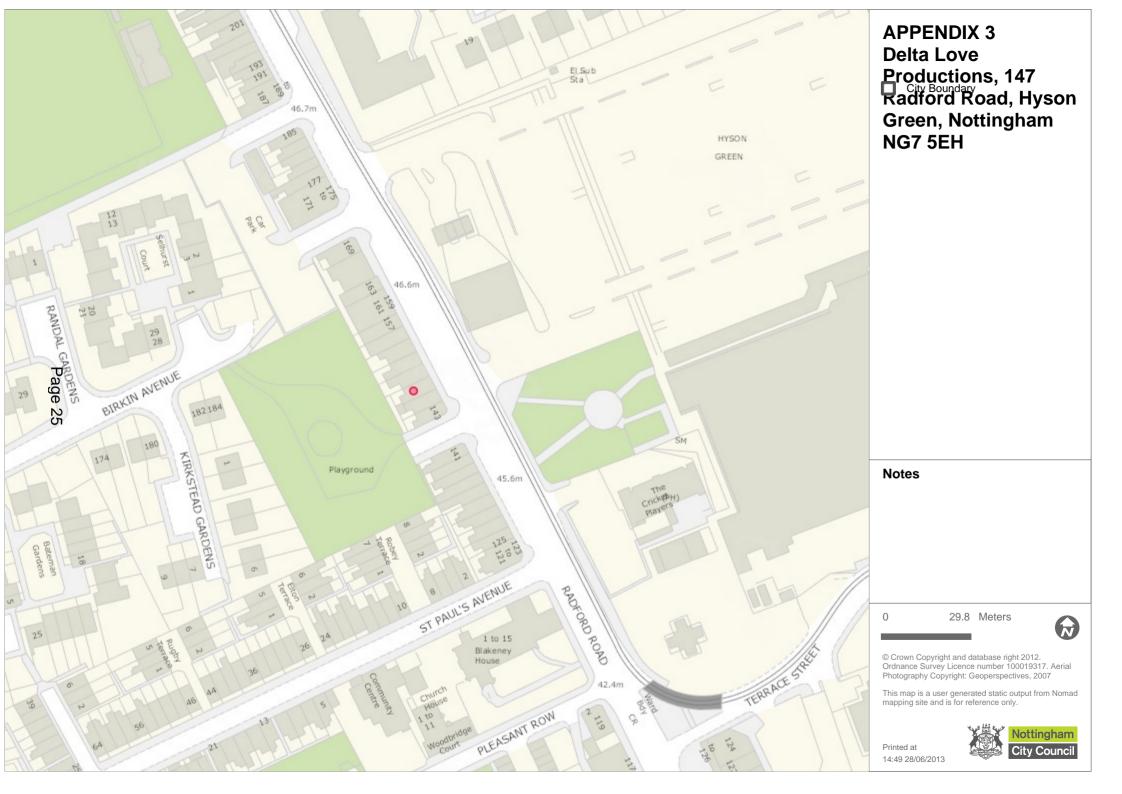
NOTICE IS HEREBY GIVEN that (1) ROBERT DEREK SLEEDWOOD
of (2) 147 RADFORD ROAD, HYSON GREEN, NOTTING HAM, NG 7 SEA
on 03/June/2014 applied to Nottingham City Council for the
(renewal) (variation) (tames)
of a licence to use the premises known as (3) DELTALOVE, 147 RADFORD ROAD, HYSONGREEN, NOTTINGHAM NG7 5EH as a sex shop
Any person may make objections to the application, in writing, to the Licensing Officer, Communities, Derwent Building, Eastcroft Depot, London Road, Street, Nottingham NG2 3AH within 28 days from 03/June 2014 (5)
Signed: R. Gledwood.
Guidana potas:

Guidance notes:

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

S:\Licensing\SEX ESTABLISHMENT\Application forms for SEV, guidance notes and policy\NOTICE for newspaper.DOC

	CEN	SING
paramet p	5 JUI	
	13 10	14 2017



This page is intentionally left blank

NOTTI

I write with regard to the sex shop called Delrabue', 147, Radford Rd.

entirely but in particular I would like to draw for attention to the two managins in the window which represent stimpily dad young white women This clearly

indicates that the purpose of the shop is to disectify and exploit famale sexuality and spen especially that of In the current dinate a dam is relation to the targeting of young OSian mer for the purposes of cape and sex slave trafficking, this is especially offersive and objection able. I request that these objects are removed

from the windows from
immediately and not
replaced.

