

REPORT OF CORPORATE DIRECTOR OF COMMUNITIES, ENVIRONMENT & RESIDENT SERVICES

**APPLICATION FOR A RENEWAL & VARIATION OF A SEX ESTABLISHMENT LICENCE
FLIRTZ, 26A FRIARY CHAMBERS, FRIAR LANE, NOTTINGHAM, NG1 6DQ**

1.0 **SUMMARY**

1.1 This application is to renew and vary an existing sex establishment licence for a sexual entertainment venue.

1.2 An application dated 31 July 2024 was submitted for the renewal and variation of an existing sex establishment licence for Flirtz, 26A Friary Chambers, Friar Lane, Nottingham NG1 6DQ, which is a sexual entertainment venue. An objection against the application was received 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 renewal and Variation application.**

3.0 **BACKGROUND**

3.1 The premises are situated within Friary Chambers (an alleyway) off Friar Lane and the applicant has held the licence since 2007 and there are no compliance issues recorded. A sex establishment licence remains in force for one year and in accordance with the provisions of The Local Government (Miscellaneous Provisions) Act 1982 ('the Act') the applicant is required to renew the licence should they wish to continue operating a sex establishment. This is an application to renew and vary the existing licence which was granted 1 September 2023. The application for the renewal was made prior to the expiry of the licence and is deemed to remain in force until the application is determined by the committee.

3.2 The Act, paragraph 18 of Schedule 3 permits a licence holder to apply at any time during the period of the licence to apply to vary the terms, conditions or restrictions of the licence and as part of their renewal application seek to vary the licence as follows:

- To extend the timings for the sexual entertainment venue from 21.00 hrs - 04.00 hrs to 21.00 hrs - 06.00 hrs Monday to Friday and from 12.00 hrs - 04.00 hrs to 12.00 hrs - 06.00 hrs.
- To amend condition 2 of the special conditions imposed on the licence from '*Unless agreed otherwise by the police, there will be a minimum of three Security Industry Authority door supervisors present at the premises during the hours of operation when live dancing is taking place, one of whom must be on the front entrance*' to the following condition to be consistent with the door staff condition contained in the premises licence '*The designated premises supervisor or manager will risk assess the need for Security Industry Authority registered door supervisors at the premises and/or employ such door supervisors at such time and in such numbers as deemed*

necessary following a risk assessment and/or at any other times upon agreement with Nottinghamshire Police’.

- To amend condition 2.1 of the standard conditions from ‘No person under the age of 21 shall be allowed on the premises’ to ‘No person under the age of 18 years shall be allowed on the premises’.
- To amend condition 3.4 under the standard conditions from ‘Full nudity is not permitted. G-strings must be worn at all times and clothing shall not be transparent to ‘Full nudity is only permitted in the areas edged blue to the first floor as shown on the attached plan. In all other public areas within the premises the performers and employees must at all times wear at least a G-string’.

3.3 One objection has been received from Nottinghamshire Police. The Police do not support the amendment to condition 2 or the relaxation of the age entry condition and state that should this variation be granted; the committee should consider amending the conditions as follows:

- *“Standard Condition 2.2 (Challenge 21) and amend this to Challenge 25. This will result in a higher proportion of people seeking entry having their age verified. This will help prevent any persons under the age of 18 years from gaining entry to the premises. This also reinforces the need to keep Special Condition 2 (door supervisors) unchanged, to facilitate the increase in age verification at the point of entry and to ensure that only customers over the age of 20 years gain access to the first floor.”*
- an additional condition which states: ‘Persons aged between 18 and 20 years are only permitted on the ground floor of the premises’.

Although Nottingham City Council’s Policy & Procedures for Sex Establishments, Schedule 3, does that provide for the police to make an objection to a variation application, the council’s policy states that the procedure for variation applications is the same as a new/renewal application (paragraph 3.4).

4.0 **COMMENTS OF THE INTERIM CORPORATE DIRECTOR**

Not applicable

5.0 **FINANCIAL IMPLICATIONS**

None

6.0 **LEGAL IMPLICATIONS**

6.1 Each application will be determined on its merits, however, applications may only be refused on certain defined mandatory or discretionary grounds. The Act sets out 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 With the exception of uncontested renewal and transfer applications, all applications relating to Sex Establishments will be heard by a meeting of the Council's Regulatory & Appeals Committee. As this application is a dual application for a renewal and variation and has been contested it is to be heard in accordance with the above.

6.3 The Committee may refuse to grant or renew 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; 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
- 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; or
- 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.

6.4 The Council has a wide discretion with regard to Variation applications and may refuse the application if it thinks fit. The Act provides that an authority may, (a) make the variation as specified in the application; (b) may make such variations as it seems fit; or (c) may refuse the application.

Particular regard should therefore be had to the above matters when considering the application.

6.5 Nottingham City Council's Policies & Procedure document for Sex Establishments dated August 2016, outlines the standard conditions imposed on any licence granted a sex establishment licence.

As the variation application seeks to reduce the age of a persons permitted access to the premises for shows of full nudity, should the committee determine to grant the variation in accordance with the application, then the Council may undertake a review of the existing policy.

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 – redacted
- Plan
- Flirtz Policies 2024
- Email from Compliance Officer
- Comments from Nottinghamshire Police against the Renewal application

11.0 **PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

Local Government (Miscellaneous Provisions) Act 1982
Nottingham City Council's Policy & Procedures for Sex Establishments dated August 2016.

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