

REGULATORY AND APPEALS COMMITTEE

18 October 2016

REPORT OF DIRECTOR FOR COMMUNITY PROTECTION

APPLICATION FOR RENEWAL AND VARIATION OF A SEX ESTABLISHMENT LICENCE - FLIRTZ, 26A FRIARY CHAMBERS, FRIAR LANE, NG1 6DQ

1 SUMMARY

1.1 This application is for:

- (a) the renewal of a sexual entertainment venue licence for Flirtz, 26a Friary Chambers, Friar Lane, Nottingham, NG1 6DQ. The application was received on 25 August 2016, a copy of which is attached to the report:
- (b) a variation to amend the operating hours to:

Monday to Friday	-	21.00hrs to 04.00hrs the following day;
Saturday	-	12.00hrs to 04.00hrs the following day;
Sunday	-	12.00hrs to 04.00hrs the following day.

2 RECOMMENDATION

IT IS RECOMMENDED that the Committee determine the renewal and variation application.

3 BACKGROUND

- 3.1 These premises have operated as a lap dancing establishment since October 2005. The current operator took over the establishment in 2006 and the current licence is attached at Appendix 1.
- 3.2 The renewal and variation application has been advertised in accordance with the legislative requirements in the Nottingham 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 and Strategies and the Health and Safety Officer. A copy of the application is attached at Appendix 2. No objections have been received to the application.
- 3.3 Flirtz is situated off Maid Marian Way. There are no schools or Shopping complexes or known residential properties in the vicinity of the premises. The premises are a lap dancing establishment and have no form of window or display. The premises have a double solid wooden door and the interior is not visible from outside the premises. A map showing the location of the premises is attached at Appendix 3.
- 3.4 No compliance issues or complaints have been reported to the Licensing Section relating to these premises.

4 FINANCIAL IMPLICATIONS

None.

5 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 of 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 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
 - (iii) 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 contained within the Council's Policy and which currently appear on the applicants licence at Appendix 1, 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. The Committee will note that the current licence is already subject to various special conditions.

6 EQUALITY AND DIVERSITY IMPLICATIONS

None

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

- Memo from Compliance Officer with photo of poster countersigned.

10 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.
- Sex Establishment Nottingham City Policy & Procedures.

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