



**NOTTINGHAM CITY COUNCIL**  
**REGULATORY AND APPEALS COMMITTEE**

**Date:** Thursday, 15 May 2014

**Time:** 10.30 am

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham,  
NG2 3NG

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

**Deputy Chief Executive, Corporate Director and Chief Finance Officer**

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

**AGENDA**

**Pages**

- |          |  |        |
|----------|--|--------|
| <b>1</b> | <b>APPOINTMENT OF VICE-CHAIR</b>   |        |
| <b>2</b> | <b>APOLOGIES FOR ABSENCE</b>   |        |
| <b>3</b> | <b>DECLARATIONS OF INTERESTS</b><br>If you need advice on declaring an interest, please contact the<br>Constitutional Services Officer above, if possible before the day of the<br>meeting |        |
| <b>4</b> | <b>MINUTES</b><br>Last meeting held on 7 April 2014 (for confirmation)   | 3 - 6  |
| <b>5</b> | <b>APPLICATION FOR RENEWAL OF SEX ESTABLISHMENT<br/>LICENCE: PRIVATE SHOP, 81-85 UPPER PARLIAMENT STREET</b><br>Report of Corporate Director of Communities                                | 7 - 28 |

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

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**NOTTINGHAM CITY COUNCIL**

**REGULATORY AND APPEALS COMMITTEE**

**MINUTES of the meeting held at Loxley House, Station Street, on 7 April 2014  
from 10.30am to 11.20am**

- ✓ Councillor Brian Grocock (Chair)
- ✓ Councillor David Smith (Vice Chair)
- Councillor Liaqat Ali
- Councillor Azad Choudhry
- ✓ Councillor Mohammed Ibrahim
- ✓ Councillor Glyn Jenkins
- ✓ Councillor Gul Nawaz Khan
- Councillor Carole McCulloch
- Councillor Jackie Morris
- ✓ Councillor Mohammed Saghir
- Councillor Tim Spencer
- ✓ Councillor Roger Steel
- ✓ Councillor Michael Wildgust
  
- ✓ Councillor Bill Ottewell (substitute for Councillor Morris)
  
- ✓ indicates present at meeting

**Colleagues, partners and others in attendance:**

- Neil Ehrhart - Markets and Events Manager )
- Ghazala Mumtaz - Senior Licensing Officer ) Communities
- Angela Rawson - Licensing Manager )
  
- Ann Barrett - Solicitor to the Committee ) Corporate Services
- Mark Leavesley - Constitutional Services Officer )
  
- Kevin Rowland - a2z Licensing (for minutes 23 to 26 inclusive only)
  
- Councillor Rosemary Healy (Observer)

**23 APOLOGIES FOR ABSENCE**

- Councillor Ali - annual leave
- Councillor Morris - personal

**24 DECLARATIONS OF INTERESTS**

None.

**25 MINUTES**

The Committee confirmed the minutes of the meeting held on 13 January 2014 as a correct record and they were signed by the Chair.

## **26 CCTV TAXI SCHEME (CITY SAFE)**

Ms Ghazala Mumtaz, Senior Licensing Officer, presented a report of the Director of Community Protection regarding the proposal to introduce a voluntary CCTV scheme for hackney carriages licensed by Nottingham City Council.

Mr Kevin Rowland, a2z Licensing, representing DG Taxis, had previously sent a letter to members of the Committee, stating that the scheme should be extended to private hire taxis and not just reserved for hackney carriages and was present to ask if he could address the Committee on this issue. Following a vote, the request was turned down. The vote was 8:1 against and Councillor Steel requested that his vote in favour of allowing Mr Rowland to speak was recorded.

Ms Mumtaz stated the following:

- (a) as a result of a report published in July 2013 by the Crime and Drugs Partnership, the Police and Crime Commissioner agreed to fully fund a voluntary scheme up to a total of £95,070;
- (b) the scheme will run on a voluntary basis for one year and involves up to a maximum of 100 participants, on a first come, first served basis, each making a £100 contribution to buy and install the CCTV system in their vehicle;
- (c) the Council will procure and install the systems but the vehicle owners will own the CCTV and be responsible for its upkeep, maintenance and repair;
- (d) the system will record continual images only (no sound), from when the engine is switched until 30 minutes after it is switched off;
- (e) participants in the scheme will be required to adhere to a Code of Conduct which, amongst other things, requires all participants in the scheme to register independently as a 'data controller' with the Information Commissioners Office and to adhere to the Information Commissioner's Code of Practice on the use of CCTV.

During discussion of the item, Councillor Steele suggested an amendment to the recommendations to extend the scheme to private hire vehicles. When put to the vote, the amendment was not supported as the majority of members agreed the scheme put forward was a starting point and was a pilot scheme on terms agreed with the Police and Crime Commissioner, fully funded by him on those terms.

### **RESOLVED to**

- (1) approve the introduction of a one-year pilot scheme for the voluntary use of CCTV in hackney carriages (City Safe CCTV Taxi Scheme);**
- (2) delegate authorisation to sign the individual agreements for the purchase and fitting of CCTV systems in hackney carriages to the Head of Licensing, Permits and Regulations;**
- (3) request the Director of Community Protection to submit an update report to this Committee in 6 months time.**

**27 STREET TRADING - DESIGNATION OF STREETS NEAR SCHOOLS**

Neil Ehrhart, Markets and Events Service Manager, presented a report of the Director of Sports, Culture and Parks. The report asked the Committee to consider representations made following the advertisement of its resolution of 13 January 2014 indicating the Council's intention to designate streets surrounding the Ellis Guilford School, Bulwell Academy and The Trinity School in Nottingham for the purposes of street trading. Mr Ehrhart stated the following:

- (a) the Council advertised its intention and served all appropriate notices in accordance with paragraph 2 of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982;
- (b) no representations were received during the consultation period;
- (c) to comply with legislation, further advertisement of the designation has to take place after the resolution has been passed, therefore it is proposed that the resolution should not take effect until 2 June 2014

**RESOLVED to**

- (1) designate Hucknall Lane (from Carey Road to Sandhurst Road), Ludford Road, Squires Avenue, Beechdale Road (from Creamery Close to Highwood Avenue), Kingsbury Drive, Glencairn Drive, Harvey Road, Bar Lane, Fearnleigh Drive, Broadhurst Avenue and Pennant Road as consent streets for the purposes of street trading with effect from 2 June 2014, pursuant to paragraph 2 of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; all previous resolutions of the City Council relating to their designation will be rescinded with effect from the same date;**
- (2) authorise the Director for Sports, Culture and Parks to advertise the resolution in (1) above in accordance with paragraph 2 of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.**

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**WARDS AFFECTED: ARBORETUM AND BRIDGE**

**REGULATORY AND APPEALS COMMITTEE  
15 May 2014**

**REPORT OF CORPORATE DIRECTOR OF COMMUNITIES  
APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE  
PRIVATE SHOP, 81- 85 UPPER PARLIAMENT STREET, NOTTINGHAM**

**1.0 SUMMARY**

- 1.1 This application is for a renewal of a sex establishment licence for premises at Private Shop, 81-85 Upper Parliament Street for a further period of one year. The application was received on 18 March 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 2004. The current licence was due to expire on 4 April 2014, however, as an application for renewal was made prior to expiry the licence remains in force until the application for renewal is determined. The current licence is attached at Appendix 1 and hard copies of the plans for the premises referred to therein will be provided at the Committee meeting.
- 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, Programmes & Strategies and the Health & Safety Officer. A copy of the application is attached at Appendix 2. No objections have been received to the application.
- 3.3 Private Shop, 81-85 Upper Parliament Street is situated next door to West End Arcade in an area of retail shops. There are no schools in the vicinity and it is not a residential area. There is an enclosed lobby entrance to the shop and the interior of the shop cannot be seen into when the doors are open or closed. 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.

#### **4.0 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.

##### **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 an EEA 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 an EEA 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 which are attached at Appendix 4 unless the Committee determines otherwise. The Committee may consider it appropriate to continue the imposition of the special condition currently on the licence. 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: 1 April 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**

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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 876 1757  
email: [melanie.bird@nottinghamcity.gov.uk](mailto:melanie.bird@nottinghamcity.gov.uk)  
Legal Observations by: Ann Barrett  
Telephone number: 0115 876 4411  
email: [ann.barrett@nottinghamcity.gov.uk](mailto:ann.barrett@nottinghamcity.gov.uk)

## APPENDIX ONE

**Communities**  
Licensing  
Derwent Building  
Eastcroft Depot  
London Road  
Nottingham  
NG2 3AH  
**Tel:** 0115 876 1751  
**Fax:** 0115 876 1769

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

#### LICENCE FOR SEX ESTABLISHMENT

NOTTINGHAM CITY COUNCIL hereby grant to **Darker Enterprises Limited**

Of Unit 11B, Trade City, Ashton Road, Harold Hill, Romford, Essex, RM3 8UJ

this licence to use the premises situate at **Private Shop, 81- 85 Upper Parliament Street, Nottingham NG1 6LD**

for the purpose of a **sex shop**

This licence shall continue in force from **5 April 2013** until **4 April 2014**

or until sooner revoked and is granted subject to the conditions imposed by the City Council set out below.

Dated : 11 July 2013

Signed

Licensing Manager

#### STANDARD CONDITIONS

- 1. 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.

#### **SPECIAL CONDITIONS**

1. There must be CCTV coverage of the shop entrance while the premises are open to the public

**Communities**

Derwent Buildings  
Eastcroft Depot  
London Road  
Nottingham  
NG2 3AH  
Tel: 0115 915 2180  
Fax: 0115 915 2118

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

**APPLICATION FOR RENEWAL OF SEX ESTABLISHMENT LICENCE**

This application is for (please tick):-

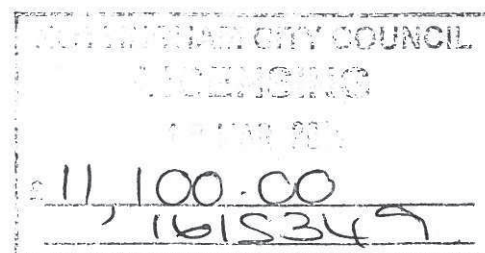
- New Licence       Renewal       Transfer       Variation
- Premises       Stall       Vessel

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 and E.

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

**(A) Individual applicants**

1. Full name.....N/A .....
2. Former names.....N/A .....
3. Home Address.....N/A .....
- .....
- .....
4. Address to which communications are to be sent.....
- .....N/A .....
- .....





5. Daytime telephone number..... N/A .....
6. Date of birth..... N/A .....
7. Place of birth..... N/A .....
8. How long have you been resident in the UK?..... N/A .....
9. Have you ever been convicted of an offence or received a formal caution?<sup>1</sup>  
**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                      N/A**

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? <sup>2</sup>                      **YES/NO**

If YES, give details

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

.....

.....

<sup>1</sup> You do not need to disclose convictions which are spent under the terms of the rehabilitation of offenders Act 1974

<sup>2</sup> 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...Darker Enterprises Limited .....  
Name of contact officer...Colin Charles Mason.....
2. If a Company, is it incorporated in the UK? **YES**  
If yes, give registration number 2021360 Date when incorporated 20<sup>th</sup> May 1986  
.....
3. Daytime telephone number...0208 114 1007.....
4. Registered or principal office address  
.....  
Unit 11B, Trade City, Ashton Road, Harold Hill, Essex, RM3 8UJ.....
5. Trading address if different from registered or principal address  
.....N/A .....
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
Colin Charles Mason	27.12.1954	Please see envelope marked Private & Confidential	None	Director
David Michael Brown	09.02.1955	Please see envelope marked Private & Confidential	None	Director
Limetime Services Limited	N/A	Unit 11B, Trade City, Ashton Road, Harold Hill, Essex, RM3 8UJ	None	Company Secretary



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
Roldvale Trading Limited	N/A	Ramillies House, 2 Ramillies Street, London, W1V	No convictions	100% shareholder

8. Details of Manager of premises

Name	Date of Birth	Private Address	Details of convictions/cautions
		Please see attachment 1	

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

.....Yes.....

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

.....Private Limited by shares .....

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. Continue on a separate sheet if necessary

Darker Enterprises Limited owns and operates approximately 86 licensed sex shops nationwide

## Attachment 1

### PRIVATE SHOP, 81/85 UPPER PARLIAMENT STREET, NOTTINGHAM

#### 8. Details of Managers of premises

Keith Lickley (Regional Co-ordinator) No convictions	D.o.B. 26.07.1958
Stephen Leinster (Area Supervisor) No convictions	D.o.B. 02.03.1971
Barry Maltby (area Supervisor) No convictions	D.o.B 08.02.1969
Patrick Cicierski (Full-time Sales Assistant) No convictions	D.o.B. 07.02.1968
Andrew William Meakin (Full-time Sales Asst.) No convictions	D.o.B. 01.09.1964
Kevin Jackson (Relief Sales Asst) No convictions	D.o.B 22.08.1958
Leigh Emma Turner nee Fisher (Relief Sales Asst) No convictions	D.o.B 04/08/1975
Laura Williams (Part time Sales Asst) No convictions	D.o.B 01.10.1985
Amy-Jayne Kettle (Part time Sales Asst) No convictions	D.o.B 17.04.1993

**For private addresses please see envelope marked "Private & Confidential"**

The Supervisory staff members may be at the premises on an as needed basis.

12. 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? <sup>3</sup> **NO**

If YES, give details (continue on a separate sheet if necessary)

There are no convictions to declare for any person or body named in this application.

.....  
 .....  
 .....

**(C) Premises to be licensed**

1. Is the application in respect of (**Please tick**) Sex Shop    
 Sex Cinema    
 Sexual Entertainment Venue

2. Trading name of premises Private Shop.....

3. Address of premises/stall/vessel.....81-85 Parliament Street, Nottingham, NG1 6LD.

.....

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? **YES**

5. Give names and addresses of all freehold owners

Kathleen Cawkwell & Peter Harvey Payne, c/o Martyn Stubbs & Ass. Limited, Cheshunt House, Muston Lane, Easthorpe Bottesford, Nottingham, NG13 0DY.....

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

(i) Whether a head lease or an underlease Headlease .....

(ii) (a) The name and address of the landlord As overleaf for Freehold owners....

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

.....As overleaf for freeholders .....

<sup>3</sup> You do not need to disclose convictions which are spent under the terms of the rehabilitation of offenders Act 1974



7. Give names and addresses of any other person with an interest in the premises  
 .....None .....

8. Give details of any other person with an interest in the goodwill of the business  
 Darker Enterprises Limited is a wholly owned subsidiary of Roldvale Trading Limited and the ultimate beneficiary is Mr David Sullivan.....

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

Yes  No

If "no", please state

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

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

(c) the names of those who are responsible for the management of the remainder of the premises  
 The Applicant, Darker Enterprises Limited  
 .....

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
Darker Enterprises Limited	Unit 11B Trade City, Ashton Road, Harold Hill, Essex, RM3 8UJ	29 <sup>th</sup> March 2005

**(D) Nature of the application**

**For New Applications, Renewals and Transfers**

1 What hours do you intend to operate? Monday 10.00am- 6.30pm.....  
Tuesday 10.00am- 6.30pm.....  
Wednesday 10.00am- 6.30pm .....  
Thursday 10.00am- 6.30pm .....  
Friday 10.00am- 6.30pm .....  
Saturday 10.00am- 6.30pm.....  
Sunday 10.30am-4.30pm.....

2 How many staff do you intend to employ and in what roles?  
.....  
Two full time staff, one part timer  
.....  
.....

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

**For variations**

4 Please give full details of the variation sought (continue on a separate sheet if necessary)  
..... N/A.....  
.....  
.....  
.....

**For transfers**

5 Please give details of existing licence holder .....  
..... N/A .....

**(E)General**

1. Outline the applicant’s experience in running a sex establishment (as an individual or Company)  
  
Darker Enterprises Limited has run licensed sex shops for over 20 years.....  
.....  
.....



2. Has the applicant ever had a Sex Establishment Licence which has been revoked?  
**NO**  
If yes, give details surrounding revocation including date, revoking authority and reasons

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

2. Have you ever been refused the grant or renewal of a Sex Establishment Licence  
**YES**

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

Please see attachment 2 .....

**I enclose:- (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, HQ(CJ) Liquor Licensing, Mansfield Police Station, Great Central Road, Mansfield, Nottinghamshire, NG18 2HQ
- I confirm that I will advertise the application in accordance with the Act

Signature of applicant:  .....Colin Charles Mason .....

Date of application: 18<sup>th</sup> March 2014.....

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

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

**DARKER ENTERPRISES LIMITED - PREVIOUS APPLICATIONS REFUSED**

Renewal / Grant	Date of Refusal	Authority	Grounds for Refusal	Subsequent outcome
R	13.7.89	Dacorum Borough Council	Para: 12(3)(d) (i) (ii)	Original decision quashed by High Court. Council ordered to review decision. Licence subsequently renewed.
G	20.7.89	Bradford Metropolitan Council	12(3)(d) (i) (ii)	Fresh application granted on 2 April, 2002
R	30.11.89	Shrewsbury & Atcham Borough Council	12(3)(d) (i)(iii)	Fresh application granted on 28.3.2001
R	03.05.90	Chesterfield Borough Council	12(3)(d) (i)	Original decision quashed by High Court. Council ordered to review decision. Licence subsequently renewed.
G	25.7.90	Cambridge City Council	12(3)(d) (ii)	Fresh application made 26.1.01 and Subsequently granted
R	26.2.91	Croydon Borough Council Croydon Shop	12(3)(d) (i)(iii)	
R	25.2.92	Croydon Borough Council Norbury Shop	12(3)(d) (i)(iii)	
R	26.4.93	City of Newcastle Upon Tyne	12(3)(a)	Appeal against decision made to Magistrates Court. Original decision quashed on appeal. Licence subsequently renewed.

G	5.7.94	Nottingham City Council	Para. 12(3)(c)	Fresh application made 30.4.02 and subsequently granted.
G	2.2.95	Peterborough City Council	12(3)(c)	Fresh application made 29.5.01 and subsequently granted
G	7.10.96	Leeds City Council	12(3)(c)(d)	Fresh application made 15.5.01 and subsequently granted
R	18.12.96	Wandsworth Borough Council	12(3)(d)(i)	Judicial Review of decision sought and granted. Council reheard application 7.8.97 and refused. Second Judicial Review sought and refused. Matter came before Court of Appeal. Appeal refused.
G	28.4.98	Stoke on Trent Borough Council	12(3)(c)(d)	Fresh application made 20.11.01 and subsequently granted
G	16.11.98	Preston Borough Council	12(3)(c)(d)	Fresh application made 31.12.01 and subsequently granted
G	16.12.01	Westminster City Council	12(3)(c)(d)	
G	5.3.02	Newham Borough Council	12(3)(d)	
G	30.4.02	Croydon Borough Council	12(3)(c)(d)	
G	8.7.02	Sunderland City Council	12(3)(di)(Dii)	
G	23.10.2002	Milton Keynes Borough Council	12(3)(c)(d)	Leave for Judicial Review sought on 17 <sup>th</sup> December, 2002. Leave refused.
G	10.2.2003	Aylesbury Vale District Council	12(3)(c)(d)	

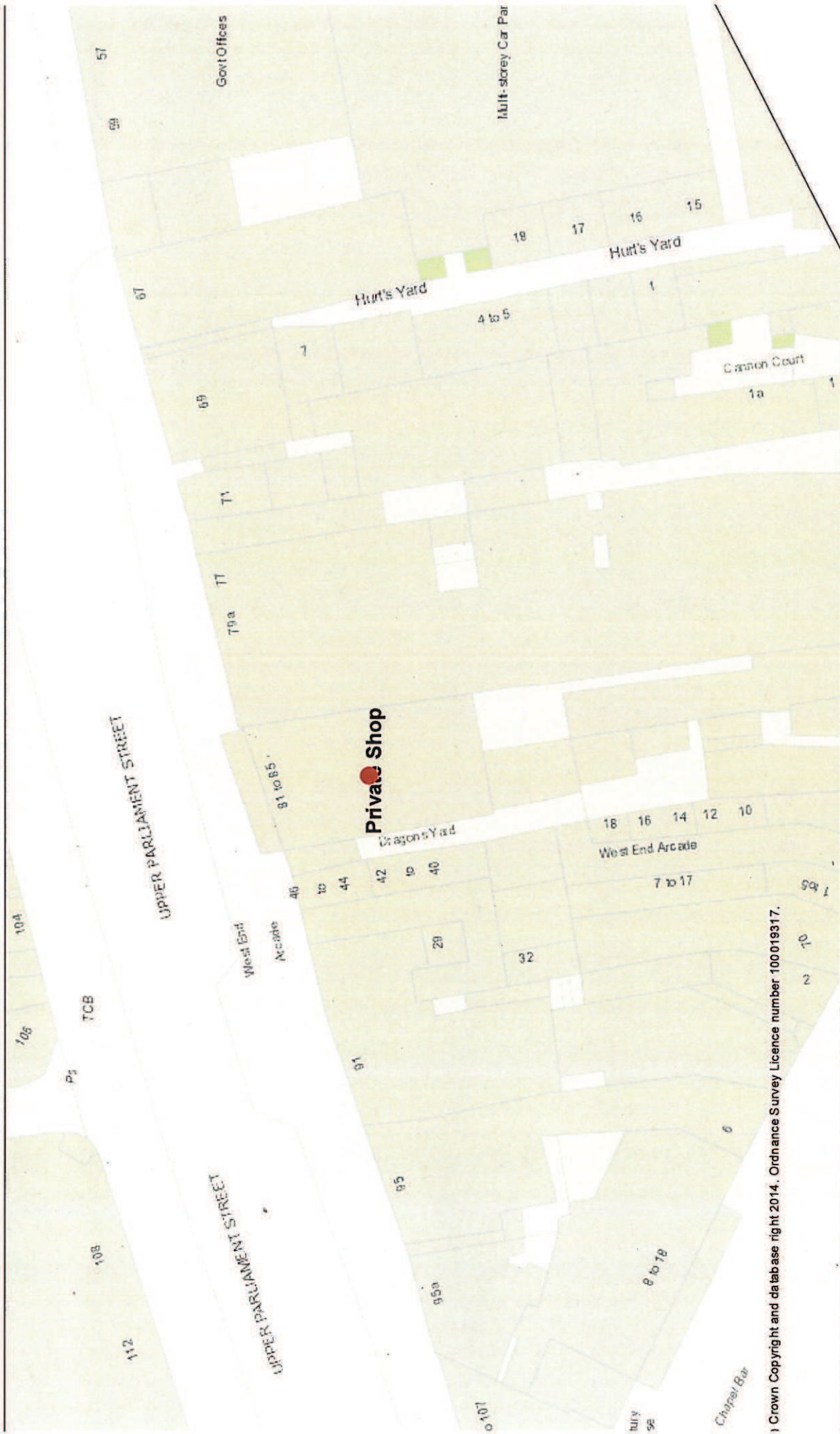


G	10.4.03	Ashford Borough Council	12(3)(c) (d)	Subject of appeal to Ashford on 28.7.03 Appeal Upheld by Council Licence subsequently granted
G	10.7.03	Pembrokeshire County Council	12(3) (c) (d)	
G	22.9.03	Glasgow City Council	Civic Gov. Scotland Act	
G	25.9.03	Ipswich Borough Council	12(3)(c) (d)	
G	8.10.03	London Borough of Barnet	12(3)(c) (d)	
G	13.1.04	Gloucester City Council	12(3)(c) (d)	
R	11.3.04	Preston City Council	12(3) (c) (d)	Application for Judicial Review will be made. Subsequently granted licence for different premises. Judicial review withdrawn
G	17.3.04	Birmingham City Council	12(3) (c) (d)	
G	13.7.04	East Staffs. Borough Council	12(3) (c) (d)	
	24.11.04	Milton Keynes Council	12(3) (c) (d)	

G						
G	16.02.05	Birmingham City Council	12(3) (c)(d)			
G	10.3.05	London Borough of Camden	12(3)(c) (d)			
G	24.3.05	London Borough of Barnet	12(3) (c)(d)			
G	12.9.05	Aylesbury Vale District Council	12(3) (c) (d)			
R	16.1.06	Watford Borough Council	Para 3(c) Sch. 3			
R	9.5.06	South Somerset District Council	Para 12(3)(d)			
R	13.11.06	Halton Borough Council	Para 12(3)(d) Sch 3			
G	15.03.07	Merthyr Tydfil County Borough Council	Sch 3 Para 12 Sec.3(d)(i)			
G	9.10.07	Bournemouth Borough Council	Sec 12(3)(c)			
G	30.01.13	Blackpool Council	12 (3) (d) (i)			We will remain at our existing premises in Blackpool

Updated: 06.02.2013

Private Shop, 81-85 Upper Parliament Street, Nottingham NG1 6LD



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City Boundary	Description
	No map description



**STANDARD CONDITIONS**

**SEX SHOPS & SEX CINEMAS**

1. 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.