

NOTICE OF MEETING

MEETING	LICENSING COMMITTEE
DATE:	THURSDAY 2 DECEMBER 2010
TIME:	7.00 pm
VENUE:	BOURGES/VIERSEN ROOMS - TOWN HALL
CONTACT:	Gemma George, Senior Governance Officer Telephone: 01733 452268 e-mail address: gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>24 November 2010</i>

AGENDA

PAGE NO

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Application for Sex Establishment Licence Renewal - Private Shop, 75 Oundle Road, Peterborough, PE1 1HU** **1 - 18**



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by means of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event that the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.

Committee Members:

Councillors: Allen (Chairman), Thacker (Vice-Chairman), Dobbs, Peach, Nawaz, Todd, Winslade, Swift, Saltmarsh and Khan

Substitutes: Councillors Stokes, Harrington and Hussain

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk

LICENSING COMMITTEE	AGENDA ITEM No. 3
2 DECEMBER 2010	PUBLIC REPORT

Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer	Tel. 454437 Tel. 453491
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APPLICATION:	APPLICATION FOR SEX ESTABLISHMENT LICENCE RENEWAL
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APPLICANT:	Darker Enterprises
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LOCATION:	Private Shop, 75 Oundle Road, Peterborough, PE1 1HU
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1. PURPOSE AND REASON FOR REPORT

- 1.1 Members are asked to consider and determine an application made by Darker Enterprises for the renewal of a sex establishment licence, taking into account the representation received against the application.

2. BACKGROUND

- 2.1 The Council passed a resolution in 1983 to apply Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to its area and has laid down criteria for consideration before such a licence would be issued for a premises.
- 2.2 On 16 June 1983 the Environmental Health Services Committee determined that applications would be considered by the Licensing Committee and that the following criteria be considered in the determination of an application for a licence for a sex establishment:-
- (a) Sex Establishments should not occupy frontages in Upper Bridge Street, Cathedral Square, Church Street, Long Causeway, Westgate from its junction with Lincoln Road eastwards and Queensgate (including the Westgate Arcade), being streets within the centre of the city.
 - (b) Sex establishments should not be in the vicinity of schools, youth clubs, libraries, playgroups or similar places regularly visited by children.
 - (c) That in considering applications for sex establishment licences, due regard should be given to the character of the relevant location.
 - (d) Sex Establishments should not be in residential areas, including local shopping areas.
- 2.3 A sex shop is defined as any premises used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

3. DETAILS OF THE APPLICATION

- 3.1 An application for the renewal of a Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act 1982 was received on 25th October 2010 from Darker Enterprises Limited in respect of the premises at 75 Oundle Road, Peterborough, PE1 1HU. A copy of this application is attached at **Appendix A – Page 5**.

3.2 Darker Enterprises have held a sex establishment licence at this premises since 18th September 2001. The current licence has the following conditions attached;

- The window display should not contain any items of a sexual nature and should be similar to that at the Leicester Shop as illustrated in the applicant's evidence (i.e. vertical window blinds obscuring views in the shop)
- Promotional posters only, that depict the names of promoters of films, can be displayed in the shop window
- Police checks to be carried out on employees within seven days of their employment
- The interior of the shop should not be visible from the street when the entrance door is opened
- The premises should not be used as a sex cinema
- Videos will only be previewed prior to purchase in accordance with the following conditions:-
 - No sound from the video will be audible in the shop
 - A maximum of 5 minutes only will be shown
 - Videos will only be previewed upon the customers request
 - No more than 2 persons may preview the video at any one time
 - The television screen will be so situated in the shop to prevent other customers watching the preview of the video

3.3 The persons responsible for the management of the establishment are given as Colin Charles Mason, Keith Lickley, Michael John Scrimshaw, Stephen Leinster, David Brunt, Barry Maltby, Leigh Emma Fisher, Randolph Ellery and Limetime Services Limited.

3.4 The application requests trading hours of;

- Monday to Saturday between 9.30am and 8pm; and
- Sunday between 10am and 4pm

The applicant has also applied to open on 27th and 28th December 2010 and 3rd January 2010. This additional application is to take into account the Bank Holidays on 26th and 27th December 2010.

3.4 An advertisement was placed in the Peterborough Evening Telegraph on 29th October 2010 by the applicant containing details of the application, and that representations should be made to the Council within 21 days. A similar notice was displayed on the premise for a period of 21 days.

3.5 One representation against the application was received. This representation was from a local resident and concerned the close proximity of the premises to the proposed Anglia Ruskin University campus and that the premises would not be conducive to the positive image of the locale. A copy of the residents censored representation can be found at **Appendix B – Page 15.**

3.6 A plan is attached at **Appendix C – Page 17** indicating the position of the premises.

4. CONSULTATION

4.1 Cambridgeshire Constabulary were consulted with and made no representations against the granting of the renewal licence.

5. IMPLICATIONS

5.1 The procedures specified in paragraph 10(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 have been followed in relation to the making of the application.

- 5.2 The applicant has been informed of the substance of the objections.
- 5.3 A licence may be granted subject to such conditions:-
- (a) The hours of opening and closing;
 - (b) Displays or advertisements on or in such establishments;
 - (c) The visibility of the interior of sex establishments to passers-by;
 - (d) Any change of a sex cinema to a sex shop or a sex shop to a sex cinema.
- 5.4 The Council can only refuse the application on the grounds specified in paragraph 12 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. Those which may apply to this application are:-
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) 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;
 - (d) 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; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

NB: Nil may be the appropriate number for the purposes of sub-paragraph (c) above. "The relevant locality" means – in relation to the premises, the locality where they are situated.

- 5.5 Where an authority refuses to grant a licence they shall, if required by the applicant, give a statement in writing of the reasons for their decision within 7 days of the request.

6. **BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

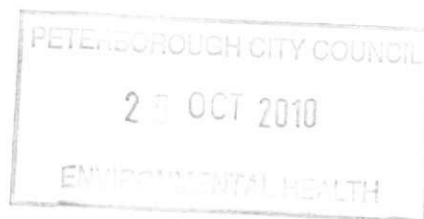
Local Government (Miscellaneous Provisions) Act 1982
Human Rights Act 1998

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Darker Enterprises Limited

Licensing Administration
 Unit C, 26 Thames Road, Barking, Essex IG11 0JA
 Tel: 020 8591 8517 - Fax: 020 8507 8587
 E-mail: licensing@thamesroad.co.uk

0600 234

**SPECIAL DELIVERY**

Licensing Development Officer
 Trading Standards & Licensing Section
 Peterborough City Council
 Bridge House
 Town Bridge
 Peterborough
 PE1 1HU

26th October 2010
 (Date of application)

Dear Sir/Madam,

Re: Local Government (Miscellaneous Provisions) Act 1982
Application for renewal of Licence: Private Shop, 75 Oundle Road, Peterborough

Please find enclosed our application for the renewal of the licence for the above premises under Schedule 3 of the above Act, in respect of the above premises, together with our cheque in the sum of £2,080 being the fee currently applicable.

As the 25th & 26th December fall on Saturday and Sunday this year, can we request that we open on Bank holidays 27th and 28th December 2010 and Bank holiday 3rd January 2011.

We understand that certain Councils distribute copies of the application to the public and we have, therefore, enclosed the private addresses in a separate envelope marked 'Private & Confidential' in order to protect the family homes. We would be grateful if you would observe the confidentiality of this information and not release same to members of the public.

We confirm that a copy of the application has been sent to the Cambridgeshire Constabulary. We also confirm that the public notice will be published in a local paper and a copy of the notice will be displayed at the premises for 21 days from the date of application.

Will you please note that any Licence issued should be in the name of DARKER ENTERPRISES LIMITED, the applicant, and all communication relating to the above premises should be directed to this office.

If you have any queries or require additional information, please do not hesitate to contact us.

Yours faithfully
 For and on behalf of
 DARKER ENTERPRISES LIMITED

A handwritten signature in black ink, appearing to read "C C Mason".

C C Mason
 Director

Encl

Application for Renewal of Licence for a Sex Establishment

If application is made on behalf of a body corporate please state:

1. Full Name ...DARKER ENTERPRISES LIMITED.....
Permanent Residential AddressN/A.....
.....
Contact Telephone Number(s): 0208 591 8517.....
Age N/A.. Date of Birth N/A..... Place of Birth N/A.....
Address of Registered or Principle Office.....UNIT C, 26 THAMES ROAD.....
BARKING, ESSEX, IG11 0JA.....

2. Give full names and private addresses of all directors or other persons responsible for management of the establishment:

Name COLIN CHARLES MASON - DIRECTOR
Age 55.....Date of Birth ...27/12/1954.....Place of BirthSURREY.....
Address For private addresses please see envelope marked "PRIVATE & CONFIDENTIAL"
.....

Name KEITH LICKLEY – REGIONAL CO-ORDINATOR
Age 52..... Date of Birth ... 26/07/1958..... Place of BirthBIRMINGHAM
Address For private addresses please see envelope marked "PRIVATE & CONFIDENTIAL"
.....

Name MICHAEL JOHN SCRIMSHAW – SALES ADMIN SUPERVISOR
Age 47..... Date of Birth ... 12/04/1963..... Place of BirthNOTTINGHAM
Address Please see above comment
.....

Name STEPHEN LEINSTER – SALES ADMIN SUPERVISOR
Age 39..... Date of Birth ... 02/03/1971.....Place of BirthNORTHERN IRELAND
...
Address Please see above comment
.....

Continued on attachment 1

Attachment 1

PRIVATE SHOP, 75 OUNDLE ROAD, PETERBOROUGH

2. Give full names and private addresses of all directors or other persons responsible for management of the establishment:
continued

Name DAVID BRUNT – AREA ADMIN SUPERVISOR
Age 56..... Date of Birth ... 30/05/1954..... Place of Birth STOKE ON TRENT
Address Please see previous comment

Name BARRY MALTBY – AREA ADMIN SUPERVISOR
Age 41..... Date of Birth ... 08/02/1969..... Place of Birth NOTTINGHAM
Address Please see previous comment

Name LIMETIME SERVICES LIMITED – COMPANY SECRETARY
Age N/A.....Date of Birth....N/A.....Place of BirthN/A.....
Address UNIT L, 26 THAMES ROAD, BARKING, ESSEX IG11 0JA

Name LEIGH EMMA FISHER – FULL-TIME SALES ASSISTANT
Age 35..... Date of Birth ... 04/08/75..... Place of Birth BUSHEY, HERTS
Address Please see previous comment

Name RANDOLPH ELLERY – PART-TIME SALES ASSISTANT
Age 58..... Date of Birth ... 13/03/1952..... Place of Birth : READING
Address Please see previous comment

THE FULL-TIME AND PART-TIME SALES ASSISTANTS MANAGE THE PREMISES ON A DAILY BASIS. THE ADDITIONAL STAFF MEMBERS MAY BE AT THE PREMISES AS AND WHEN REQUIRED

3. Have you any convictions recorded against you? Or if a body corporate or unincorporated body that body or any of its directors or other persons responsible for its management? If so please state

THERE ARE NO CONVICTIONS TO DECLARE FOR ANY PERSON OR BODY NAMED IN THIS RENEWAL APPLICATION.

(if renewal, since you last applied for a licence)

(a) All convictions must be disclosed

(b) Spent convictions, as defined below, should not be included

Sentence:

Becomes Spent after:

Imprisonment of between 6 months to 2½ years:	10 Years
Imprisonment of up to 6 months:	7 Years
Borstal Training:	7 Years
A fine or other sentence not otherwise covered in the table:	5 years
Absolute Discharge:	6 months
Probation order, conditions discharge or bind over:	1 year (or until order expires, whichever is the longer)
Detention Centre Order:	3 Years
Remand home, attendance centre or approved school over:	The period of the order and a further year after the order expires
Hospital Order under the Mental Health Act:	The period of the order and a further 2 years after it expires
Cashiering, discharge with ignominy or dismissal with disgrace from the Armed Forces:	10 years
Dismissal from Armed Forces:	7 years
Detention:	5 Years

- NOTE: (i) A sentence of more than 2½ years' imprisonment can never become spent.
(ii) If you were under 17 years of age on the date of conviction, please halve the period shown in the right-hand column.

4. Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application? N/A Yes/No

5. If the application is made on behalf of a body corporate is that body incorporated in the United Kingdom? Yes

6. Full name and address of premises desired to be used as a sex establishment
PRIVATE SHOP, 75 OUNDLE ROAD, PETERBOROUGH, CAMBS, PE2 9PW

.....
If this application related to a vehicle/vessel/stall give description and state where it is to be used as a sex establishment N/A

7. During which hours do you wish to trade
9:30 A.M. TO 8:00 P.M.

SUNDAY 10:00 a.m. to 4:00 p.m.

8. On which days do you wish to trade?
MONDAY to SUNDAY (inclusive)

9. Are the premises to be used as a sex shop? Yes
 Are the premises to be used as a sex cinema No
 Are the premises to be used as sex encounter establishment? No
10. Are you (or, if a corporate or unincorporated body, that body) disqualified from holding a licence for a sex establishment? No
 Have you ever been refused a licence for a sex establishment Yes
 If yes please give details
Please see attachment 2.....

11 I declare that I have checked the information given on this application form and to the best of my knowledge and belief it is correct.



Date 26th OCTOBER 2010
 (Date of application)

Signature
 COLIN CHARLES MASON - DIRECTOR
 For and on behalf of DARKER ENTERPRISES LIMITED
 (APPLICANT)

Peterborough City Council is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the council will be processed in compliance with the eight principles of the Act. Further information relating to your rights under the Data Protection Act can be sent to you on request.

Payment can be made at Bridge House by cheque/credit card/debit card/postal order only. Cash payments may be made at the Cash Office in Peterborough City Council Offices, Bayard Place, Broadway, Peterborough.

FOR OFFICE USE ONLY
 code E0910 30080 00000 90150

Sex Est. App 07/08

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)(ii)	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)(ii)	
R	25.2.92	Croydon Borough Council Norbury Shop	12(3)(d) (i)(ii)	
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 th 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)	

G	24.11.04	Milton Keynes Council	12(3) (c)(d)	
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)	

Updated: 29/10/07

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To Whom it may concern,

Re: The Private shop, 75 Oundle Road licensing

I would like to lodge an objection to the re licensing of the private shop at 75 Oundle Road on the following grounds.

Firstly the City council has recently granted a change of use application for the Guild house on Oundle Road, only 50 metres away from the Private shop, to become part of the Anglia Ruskin University campus. This change will impact in a very positive way all the businesses and local residents in the surrounding area by bringing in people in to the area and money to the businesses. The big increase in young people and professionals travelling to and from the university campus is a massive opportunity for the Woodston area to become a more affluent and desirable area in the city. The area has already started changing with the modernisation of the Baptist church, the new cafés and shops already appearing shows businesses already investing in the area and I believe the Private shop is not the sort of business that is conducive to the area changing for the positive. The type of clientele who shop there, the appearance of the shop and its crumbling side face all bring down the character of the area and may stop the area fulfilling its potential as a more desirable location to live and work.

Secondly the Private shop has many customers who use the local residents parking which due to the large numbers of residents with cars is an issue for those trying to park.

I would hope that my views [REDACTED] are taken and that the city council also consider that of those local residents who haven't taken the time to put their opinions to paper. I would also ask that my requests be kept private as I don't wish to create an issue with the owners of the premises.

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Title 75 Oundle Road - Private Shop

Department Operations

Scale 1:1250

Name MB

Date 22/11/2010

PCC GIS

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PETERBOROUGH



CITY COUNCIL

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