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**REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**REPORT TO THE LICENSING AND REGULATORY PANEL**

**DATE: 2 FEBRUARY 2010**

**SUBJECT: APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE  
PRIVATE SHOP, 1<sup>ST</sup> FLOOR, 209 NORTH STREET, LEEDS 7.**

**Electoral Wards Affected:**

City & Hunslet

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Council Function

Delegated Executive Function available for Call In

Delegated Executive Function not available for Call In Details set out in the report

**EXECUTIVE SUMMARY**

This report informs Members of an application for the renewal of a Sex Establishment Licence for the Private Shop, 1<sup>st</sup> Floor, 209 North Street, Leeds 7. The Licensing and Regulatory Panel is under a duty to determine this application due to the receipt of an objection to the renewal of this licence.

**1.0 PURPOSE OF REPORT**

1.1 This report informs Members of an application for the renewal of a Sex Establishment Licence under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the Act"), for Premises known as the Private Shop, 1<sup>st</sup> Floor, 209 North Street, Leeds 7.

**2.0 HISTORY OF PREMISES**

2.1 The premises have held a Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act 1982 since August 2001, and the licence has been renewed each year since without objection.

2.2 A copy of the current licence and standard conditions is attached at **Appendix A.**

### 3.0 THE APPLICATION

- 3.1 The applicants are Darker Enterprises Limited, Unit C, 26 Thames Road, Barking, Essex, IG11 0JA. A copy of the application which includes details of the director of the company and staff working at the premises is attached at **Appendix B**.
- 3.2 The premises are located at 209 North Street, Leeds 7. The location of the premises can be seen on the map provided, members attention is drawn to **Appendix C**.
- 3.3 The application was submitted to the Licensing Authority on the 14 December 2009 and a notice advertising the application was displayed on the premises between the 15 December 2009 and the 5 January 2010.
- 3.4 The application was advertised in the Yorkshire Evening Post on the 18 December 2009.

### 4.0 MAIN ISSUES

- 4.1 Renewal of the Licence may be refused on the grounds set out in the Act which are listed in Para 12:

12 (1) A licence under this schedule shall not be granted –

- (a) to a person under the age of 18; or
- (b) to a person who is for the time being disqualified under paragraph 17 (3) below; or
- (c) to a person, other than a body corporate, who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in the United Kingdom; or
- (e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal

(2) Subject to paragraph 27 below the appropriate authority may refuse –

- (a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub paragraph (3) below
- (b) an application for the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of that sub paragraph

(3) The grounds mentioned in sub paragraph (2) above 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 with the authority consider is appropriate for that locality;
- (d) 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 ; or

(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

(4) Nil may be an appropriate number for the purposes of sub paragraph (3)(c)

(5) In this paragraph "the relevant locality" means-

- (a) in relation to the premises, the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

4.2 An objection has been received to the renewal of this licence. A copy of the letter of objection is attached at **Appendix D**. The objector has exercised their right to make the objection anonymously.

## **5.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

5.1 There are no implications for Council policy and governance in respect of determining this application.

5.2 Should Members be minded to refuse this application then the applicant does have the right of appeal to the Magistrates unless:

- (a) the refusal is under para 12(1) of the schedule
- (b) refusal is under para 12(3) (c) or (d)

5.3 Where there is no appeal to the Magistrates, challenge will be by way of Judicial Review.

5.4 Members should also note that the objector could Judicially Review the Council if the application is granted.

## **6.0 RECOMMENDATIONS**

6.1 Members are requested to consider this application and determine it having regard to the Act, the application, the relevant information provided and evidence Members hear at the meeting.

6.2 In determining the application Members may;

- (a) Grant the renewal application: or
- (b) Reject the renewal application.



LICENCE No. SE510P/00003/09

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SEX ESTABLISHMENT (RETAIL OUTLET) LICENCE

The LEEDS CITY COUNCIL being the Licensing Authority under Part 2, Schedule 3 of the above mentioned Act HEREBY GRANT LICENCE to:

Of

Darker Enterprises Ltd  
Unit C  
1st Floor  
25 Thames Road  
Barking  
Essex  
IG11 0JA

To use the Premises situated at and known as:  
Private Shop  
First Floor  
209 North Street  
Leeds  
LS7 2AA

For the purpose of the sale of articles as described in Schedule 3, Section 2, para 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Within the PREMISES

This Licence is granted subject to the standard terms, conditions and restrictions contained in the regulations made by the Authority relating to such licences and to the additional conditions set out in the Schedule attached.

A fee of £3771.87 has been paid for this Licence.

This Licence shall continue in force from the 1st January 2009 until the 31<sup>st</sup> December 2009 unless previously revoked.

The information contained within this Licence MAY be subject to disclosure under the terms of the Data Protection Act 1998.

Issued on: 16<sup>th</sup> January 2009

Leeds City Council  
Licensing Office  
Civic Hall  
Leeds  
LS1 1UR

*T N Jackson*  
25  
T N Jackson  
Assistant Chief Executive  
(Corporate Governance)

**LEEDS CITY COUNCIL**

**“SEX ESTABLISHMENT” LICENCE CONDITIONS  
ATTACHED TO PREMISES KNOWN AS:**

**DARKER ENTERPRISES LTD**  
**FIRST FLOOR**  
**209 NORTH STREET**  
**LEEDS**  
**LS7 2AA**

**General Conditions**

**1.** In this licence the following words and/or expressions shall have the meaning hereby respectively assigned to them.

- “The Licensed Premises” - means any premises, vehicle, vessel or stall licensed under Schedule III of the Act.
- “Licence Holder” - means the person or body who is the holder of a sex establishment licence granted by Leeds City Council.
- “Advertisement” - means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.

Leeds City Council reserve the power to alter, modify or dispense with these conditions or any of them as they may think fit.

**2.** The hours of business shall be as follows:

Monday to Saturday	09:30hrs to 20:00hrs
Sunday	10:00hrs to 16:00hrs

**3.** Such Licensed premises shall be closed in compliance with any condition attached to planning permission in respect of the premises and to comply with the general rule relating to



Sunday trading and trading on public holidays. In the event of there being a conflict between the general law and any condition relating to opening times specified on the licence the general law shall prevail.

4. The frontage of the Licensed premises shall be of such a nature that the inside of the Licensed premises are not visible.
5. The contents of the Licensed premises should not be visible when the door or doors of the Licensed premises is/are open.
6. The sign or advertisement relating to the Licensed premises is to be approved by an authorised officer of Leeds City Council's Licensing Section.
7. There shall be no illuminated sign fixed to the premises.
8. There shall be no signs placed outside of the Licensed premises.
9. Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or any other person responsible for the management of the body is to be notified in writing to Leeds City Council within 14 days and such written details as Leeds City Council may require in respect of any new director, secretary or manager to be finished within 14 days of request in writing from Leeds City Council.
10. There shall be no protruding signs affixed to the Licensed premises.
11. There shall be no window display of Licensed articles.
12. (i) The Licence holder or some responsible person nominated by him in writing shall be in charge or on the Licensed premises at all such times as the Licensed premises are open for the serving of customers, any such nomination shall be produced on demand to an authorised Officer of Leeds City Council or to a Police Constable.  
  
(ii) The Licence holder shall not employ any person under the age of 18 to work at the premises in any capacity;  
  
(iii) The holder of the Licence shall keep a record of all employees who are asked to work on the premises which shall include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).  
  
(iv) The holder must pass to Leeds City Council an authorised and certified copy of the full personal record or a record of an individual when requested by the Leeds City Council or a Police Officer within 72 hours of the request;  
  
(v) The Licence holder shall ensure that any person nominated by him under condition (v):  
  
(i) has been served with a copy of these conditions and is fully conversant with them;  
(ii) is in possession of a written nomination referred to in condition (vii) at all times when he is in charge of and is present at the premises.
13. There shall be no personal solicitation outside or in the immediate vicinity of the Licensed premises.

14. The Licence holder shall not allow the Licensed premises to be the habitual resort of a reputed prostitute or the habitual resort or meeting place of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, but this condition does not prohibit the Licence holder from allowing any such person or persons to remain in the premises for the purpose of obtaining any article for such time as is necessary for the purpose. Further, the Licence holder shall not allow the immediate vicinity of the premises to be the habitual resort of reputed prostitutes or the habitual resort or meeting place of reputed prostitutes.

15. Persons under 18 years of age shall be prohibited from the Licensed premises.

16. The Chief Constable of West Yorkshire Police, any Police Officer, the Chief Fire Officer, any authorised Officer in uniform at the West Yorkshire Fire Service, or any person authorised by the Licensing Authority shall have access to all parts of the Licensed premises at all reasonable times.

17. The Licensed premises shall at all times be maintained in a clean and safe condition and shall be open during the continuance of the Licence to an inspection by the Licensing Authority of their authorised agents.

18. There shall be no access between the interior of the Licensed premises and any other premises other than means of communication to the staff quarter and any store room.

19. The Licence is granted to the current premises to trade as a "sex shop or Sex Cinema" and there shall be no change unless the appropriate consent has been obtained from Leeds City Council.

20. Alterations or additions whether internal or external and whether permanent or temporary to the structure, lighting or layout of the Licensed premises shall not be made except with the prior approval of Leeds City Council.

## Part A Sex Shop

1. The premises hereby licensed shall be used only for the purposes of a sex shop as defined by Schedule 3 paragraph 4(1) of the Local Government (Miscellaneous Provisions) Act 1982 and shall not be used either wholly or in part for any other purpose or purposes whatsoever during the period in respect of which this licence is granted.

2. No film or video shall be sold or supplied unless it has been passed by the British Board of Film Classification or such other authority, performing a similar scrutinising function, as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video so certified.

3. No moving picture shall be provided on display at the Licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview, being no longer than 3 minutes in length, of films upon request.

4. All items sold, supplied for hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12, Video Recordings Act 1984, (as amended).



14 DEC 2009

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**APPLICATION FOR RENEWAL OF LICENCE FOR SEX ESTABLISHMENT**

To: The proper officer of the LEEDS CITY COUNCIL

1) Full Name(s) and Permanent Address(es) of Applicant(s):

DARKER ENTERPRISES LIMITED  
UNIT C, 26 THAMES ROAD  
BARKING, ESSEX IG11 0JA

2) Telephone Numbers:

- a) Home: N/A  
b) Business: 020 8507 6920 (HEAD OFFICE)

3) Date(s) of Birth: N/A

4) Address of registered or principal office:

UNIT C, 26 THAMES ROAD  
BARKING, ESSEX IG11 0JA

5) Full names and private address of the Directors of other persons responsible for the management of the business:

COLIN CHARLES MASON (DIRECTOR)

Staff that may work at the licensed premises are listed in **attachment 1**

For private address please see envelope enclosed marked "PRIVATE & CONFIDENTIAL"

6) HEREBY MAKE RENEWAL APPLICATION for a licence for the use of the premises situated at and known as:

PRIVATE SHOP, FIRST FLOOR, 209 NORTH STREET, LEEDS LS7 2AA

As a sex establishment, as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982



7) Is the applicant licensed under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as a Sex Establishment with any other authority/authorities?:

YES / ~~NO~~ (delete as appropriate)

If the answer is 'yes' please list the authority/authorities with whom licensed:

PLEASE SEE ATTACHMENT 2

I/We hereby declare that a public notice advertising this application has today been displayed upon the proposed premises where it may be conveniently read by the public and shall remain thereon for a period of 21 days. Upon the expiration of the notification period the declaration form together with the notice displayed shall be returned to the Licensing office.

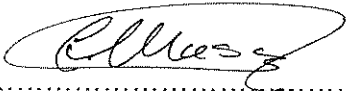
I/We also declare that within seven days of the date of this application a public notice advertising this application shall be publicised in the legal notices column of the local press.

A copy of the relevant press edition shall be forwarded to the Licensing Office.

**NOTE:**

The information contained within this application MAY be subject to disclosure under the terms of the Data Protection Act 1998.

Signature(s) of Applicant(s): .....

  
COLIN CHARLES MASON (DIRECTOR)

For and on behalf of DARKER ENTERPRISES LIMITED (APPLICANT)

Dated this 15<sup>TH</sup> day of DECEMBER 2006.

Please return this completed application form together with the renewal fee of £~~14,141.51~~<sup>3,271.67</sup> to:

Entertainment Licensing Department  
Civic Hall  
LEEDS  
LS1 1UR

Please make cheques/postal orders payable to the 'Leeds City Council'.

**The applicant is personally responsible for serving notice of this application on the West Yorkshire Police.**

Notification of such application should be addressed to Licensing Officer, West Yorkshire Police, Brotherton House, Westgate, Leeds LS1 2RS.

For further assistance or information please do not hesitate to contact the Licensing Office on one of the following telephone numbers:

(0113) 2474095 / 2474720 / 2474096 / 2243889

**Attachment 1**

**209 North Street, Leeds**

Frank Geoffrey Fields (Regional Co-ordinator)

Paul Raymond Darker (Area admin supervisor)

Andrew Stenton (Area admin supervisor)

Ian Chilton (Full-time Sales assistant)

Mandy Jones (Part time sales assistant)

**For private addresses please see enclosed envelope marked "PRIVATE & CONFIDENTIAL"**

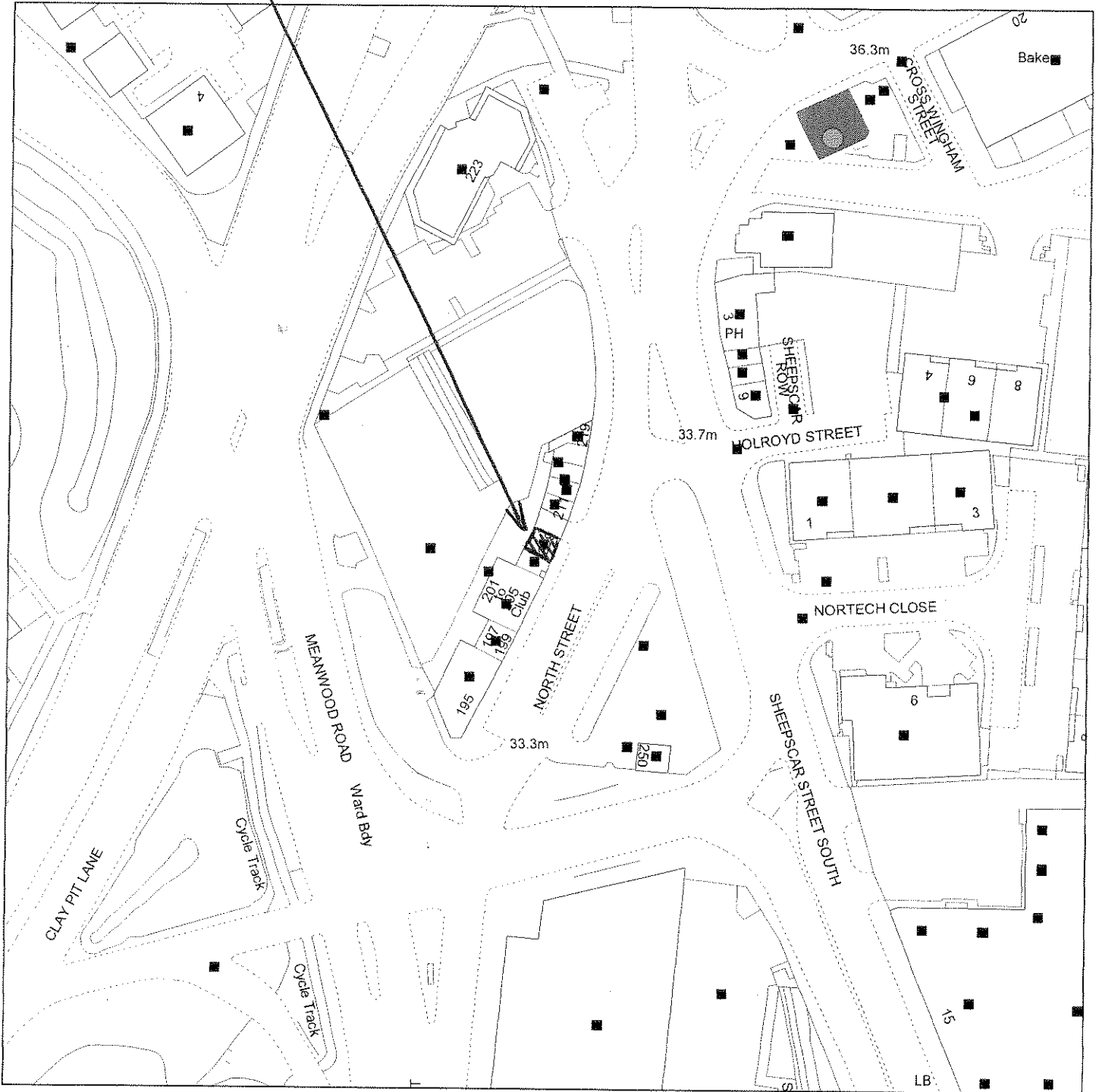
**THERE IS ONE FULL TIME AND ONE PART TIME SALES ASSISTANT COVERING THE PREMISES. THE ADDITIONAL STAFF MEMBERS MAY BE AT THE PREMISES ON AN AS NEEDED BASIS.**



GIS by ESRI (UK)

# Private Shop

209 North Street Leeds 7



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	14 January 2010
<b>SLA Number</b>	Not Set