

Public Document Pack



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28 August 2013

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **REGULATORY COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 5 September 2013 at 10.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough on (01304) 872304 or by e-mail at rebeccabrough@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive

Regulatory Committee Membership:

Councillor B W Butcher (Chairman)
Councillor P S Le Chevalier (Vice-Chairman)
Councillor S C Manion
Councillor J M Smith
Councillor R J Thompson

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointment of Substitute Members.

3 **DECLARATIONS OF INTEREST**

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

Where a Member has a new or registered Disclosable Pecuniary Interest (DPI) in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Where a Member is declaring an Other Significant Interest (OSI) they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the later case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

4 **MINUTES**

To confirm the attached Minutes of the meeting of the Committee held on 5 August and 20 August 2013 (to follow).

5 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - LICENCE VARIATION - SEX SHOP, 64 LONDON ROAD, DOVER CT17 0SP** (Pages 4 - 36)

To consider the attached report of the Licensing Team Leader.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.

- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Team Leader - Democratic Support, telephone: (01304) 872304 or email: rebeccabrough@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Subject:	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – LICENCE VARIATION – SEX SHOP, 64 LONDON ROAD, DOVER CT17 0SP
Meeting and Date:	Regulatory Committee – 5 September 2013
Report of:	Sue Herivel, Licensing Team Leader
Classification:	Unrestricted

Purpose of the report:	To determine the application to vary the licence
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Recommendation:	That the Committee determine the application to vary the licence
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1. **Summary**

The premise is situated at 64 London Road, Dover CT17 0S and has operated as a sex shop as defined by the Local Government (Miscellaneous Provisions) Act 1982 since 2001. It is now called the Private Shop and the current licence holders are Darker Enterprises Ltd, a nationwide retailer.

2. **Introduction and Background**

2.1 A licence was originally applied for in 2001 and the application and resulting objections to it were duly considered by Committee on 7th March 2001.

2.2 A major objection was the effect on children due to the proximity of a number of schools whose pupils would have to pass by the shop. The licence was granted but with conditions to reflect the concerns of residents. A copy of the licence and its conditions is attached at **Appendix 1**.

2.3 Conditions 21-25 of the licence relate to "External Appearance" and state:

CONDITION 21

Display, advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any other matter or thing (whether illuminated or not) shall not be exhibited so as to be visible from the outside of the premises except:

Any notice of a size and in the form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a licence granted by the Council.

Such display, advertisement, word, letter, model, sign, placard, board notice, device, representation, drawing, writing or any matter or thing as shall have been approved by the Council.

CONDITION 22

A notice showing the hours of opening shall be displayed or exhibited on the door of the premises in a form and manner to be approved by the Council.

CONDITION 23

A notice showing that persons under 18 years of age shall be excluded from the premises shall be exhibited on the door of the premises in a form and manner to be approved by the Council.

CONDITION 24

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obstruction, screening or other arrangements to the satisfaction of and approved by the Council.

CONDITION 25

The windows of the licensed premises fronting the pavement shall not be as obscured other than with the consent of the Council, but shall have suspended behind them, in a position and attitude approved by the Council, such opaque blinds or screens or other arrangements as approved by the Council.

These conditions shall not be construed as lessening any obligations of the Licensee under Licence condition No 21.

Any such special precautions as may be necessary shall be taken to maintain the screening of the shop windows during any cleaning operations.

- 2.4 As a result of a compliance visit on 8th May 2013 following renewal of the licence, the Licensing Enforcement Officer, Mrs Pordage observed that the window of the shop was in breach of Condition 21 in that mannequins advertising underwear were visible from the street and other items including contraceptives and handcuffs were displayed in the window This display had not been approved by the council. Photographs taken by the Licensing Enforcement Officer are attached at **Appendix 2**.
- 2.5 Mrs Pordage discussed this breach with the shop managers, the display was removed and the variation application was submitted. The Applicants have attached photographs of the proposed display with the application. This application is attached at **Appendix 3**.
- 2.6 The application was copied to the Chief of Police, Kent Constabulary and advertised in accordance with the legislation by means of a public notice in the local paper and a sign at the shop for 21 days to allow for representations.
- 2.7 No representations have been received from Kent Police or local residents.
3. **Identification of Options**
 - 3.1 Option 1: To refuse the variation application.
 - 3.2 Option 2: To make the variation as requested and to remove the conditions restricting the advertising of goods in the window.
 - 3.3 Option 3: To make such variations as the committee thinks fit.

4. Evaluation of Options

- 4.1 The regulation of sex shops is a statutory function under the provisions of Section 8 of the Local Government Miscellaneous Provisions Act 1982. Section 13(3) of this Act allows the Licensing Authority to attach conditions relating to:
- (a) the hours of opening
 - (b) the displays and advertisements on or in the establishment
 - (c) the visibility of the interior of sex establishment to passers by and
 - (d) any change of a sex shop to a sex cinema and vice versa.
- 4.2 Option 1: Committee may want to consider whether the concerns which led to the imposition of the conditions originally still remain compelling
- 4.3 Option 2: The Committee may want to recognise that many high street clothes shops now have window displays with mannequins in underwear. Some of the other items on display are often seen in high street shops. No objections have been received to this application and members may consider that the variation would have no adverse impact on the surrounding location and passers by
- 4.4 Option 3: The Committee has a wide discretion in considering the application. If granted, it would be open to Committee to impose detailed conditions in order to control what type of articles are displayed in the windows at all times in order to minimise the risk of causing offence to passers by. By way of example, Committee may feel it appropriate to restrict the window displays to items of clothing and to expressly prohibit the display of sex articles, pornographic videos and DVD's condoms and other material of an overtly sexual nature.
- 4.5 Committee may wish to consider whether it would be appropriate to seek to impose a condition which would allow the Council to require the removal from a window display of any articles which it did not consider to be appropriate. The task of exercising the controls under this condition could be delegated to the Licensing Team Leader.

5. Appendices

Appendix 1 – Licence for The Private Shop

Appendix 2 – Photographs of the shop window taken by Mrs Pordage

Appendix 3 – Application to vary the licence and photographs of the proposed display.

Appendix 4 – Map of locality

6. Background Papers

Local Government (Miscellaneous Provisions) Act 1982 Part II Schedule 3

Contact Officer: Susan Herivel, Licensing Team Leader

LN/000000122

**LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982
Part II Schedule 3, Section 2**

THE DOVER DISTRICT COUNCIL

Being the Licensing Authority under Section 2 of the above Act

HEREBY GRANT LICENCE TO

**DARKER ENTERPRISES LTD
UNIT 11B TRADE CITY
ASHTON ROAD
HAROLD HILL
ESSEX
RM3 8UJ**

To use the premises situated at

PRIVATE SHOP, 64 LONDON ROAD, DOVER

For the purpose of a sex establishment comprising a sex shop as defined in Schedule 3 of the above Act.

A fee of £2,225.00 has been paid for this Licence.

**THIS LICENCE shall continue in force from the date hereof until
28th February 2014 unless previously revoked.**

GRANTED on

**Licensing Team Leader
Authorised Officer**

DEFINITIONS

Save where the context otherwise requires, the following expressions shall have the following meanings:-

- (i) "Sex Establishment", "Sex Cinema" "Sex Shop" and "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
- (ii) "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building, which is the subject of a Licence for a sex establishment granted under the said Third Schedule.
- (iii) "Approval of the Council" or "consent of the Council" means the approval or consent of the Council in writing.
- (iv) "Approved" means approved by the Council in writing.
- (v) "The Council" means the Dover District Council.
- (vi) "Film" shall have the meaning ascribed to it in the Films Acts 1960 – 1980.

GENERAL

CONDITION 1

Grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any other enactment by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

TIMES OF OPENING

CONDITION 2

The premises may remain open between the hours of 10:00 and 18:00 hours Monday to Saturday except

On Fridays when the premises may open between 10:00 and 20:00 hours,

On Sundays from 10.00 to 16.00 hours.

During the two week period immediately prior to Christmas when the premises may remain open between 10:00 to 20:00 hours Monday to Saturday and 10:00 to 16:00 on Sunday.

CONDITION 3

Except with the previous consent of the Council a sex establishment shall not be open on Christmas Day, Boxing Day and Good Friday.

CONDUCT AND MANAGEMENT OF SEX ESTABLISHMENTS

CONDITION 4

Where the Licensee is the body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager, are to be furnished within 14 days of a request in writing from the Council.

CONDITION 5

The Licensee or some other responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and of whom details (including photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the premises during the whole time they are open to the public.

CONDITION 6

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

CONDITION 7

Registers shall be kept on the premises showing the name and address of any person who is responsible for managing the sex establishment in the temporary absence of the person nominated pursuant to Licence condition 5.

CONDITION 8

The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.

CONDITION 9

The Licensee shall maintain good order in the premises.

CONDITION 10

No person under the age of 18 shall be permitted to the premises or employed in the business of a sex establishment.

CONDITION 11

The Licensees shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

CONDITION 12

The Licensee shall ensure that no part of the premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.

CONDITION 13

Neither the Licensee nor any employee or any person shall seek to obtain custom for the sex establishment by means of a personal solicitation outside or in the vicinity of the premises.

CONDITION 14

The Licences shall ensure that during the hours the sex establishment is open for business every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

CONDITION 15

The Licensee shall comply with all statutory provisions and any regulations made thereunder.

PREMISES

CONDITION 16

The change of use of any portion of the premises from that approved by the Council, shall not be made until the consent of the Council has been obtained thereto.

CONDITION 17

No change from a sex cinema to a sex shop or from a sex shop to a sex cinema shall be effected without the consent of the Council.

GOODS AVAILABLE IN SEX ESTABLISHMENTS

CONDITION 18

All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop, shall be clearly marked to be showed to the persons who are inside the sex shop the respective prices being charged.

CONDITION 19

The printed matter offered for sale, hire, exchange or loan, shall be available for inspection prior to purchase, and a notice to this effect is to be prominently displayed within the sex establishment.

CONDITION 20

No film or video shall be shown or screened in the premises except in accordance with the following conditions:-

- a) the screen shall be placed in such a position so as not to be visible to the public outside the premises.
- b) the screen shall be placed in such a position to the satisfaction of the Chief Environmental Services Officer.
- c) only videos of clips of other videos for advertising purposes shall be shown and no individual clip shall be shown for longer than three minutes.
- d) no film/movie will be shown in its entirety.
- e) films will not be shown at the customers request.

EXTERNAL APPEARANCE

CONDITION 21

Display, advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any other matter or thing (whether illuminated or not) shall not be exhibited so as to be visible from the outside of the premises except:-

- (i) Any notice of a size and in the form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a licence granted by the Council.
- (ii) Such display, advertisement, word, letter, model, sign, placard, board notice, device, representation, drawing, writing or any matter or thing as shall have been approved by the Council.

CONDITION 22

A notice showing the hours of opening shall be displayed or exhibited on the door of the premises in a form and manner to be approved by the Council.

CONDITION 23

A notice showing that persons under 18 years of age shall be excluded from the premises shall be exhibited on the door of the premises in a form and manner to be approved by the Council.

CONDITION 24

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obstruction, screening or other arrangements to the satisfaction of and approved by the Council.

CONDITION 25

- (i) The windows of the licensed premises fronting the pavement shall not be as obscured other than with the consent of the Council, but shall have suspended behind them, in a position and attitude approved by the Council, such opaque blinds or screens or other arrangements as approved by the Council.
- (ii) These conditions shall not be construed as lessening any obligations of the Licensee under Licence condition No 21.
- (iii) Any such special precautions as may be necessary shall be taken to maintain the screening of the shop windows during any cleaning operations.

STATE, CONDITION AND LAYOUT OF THE PREMISES

CONDITION 26

The premises shall be maintained in good repair and condition throughout, including the front fascia of the shop and entrance to the satisfaction of the Council.

CONDITION 27

Lighting to a level approved by the Council shall be maintained in the sex establishment during the hours when the sex establishment is open to the public.

CONDITION 28

The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-

- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".

- (ii) Doors and openings which lead to parts of the premises to which the public are not permitted to have access, shall have notices placed over them marked "private – no access to the public".
- (iii) Save in the case of emergency, no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.

CONDITION 29

The external door/doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

CONDITION 30

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

CONDITION 31

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

CONDITION 32

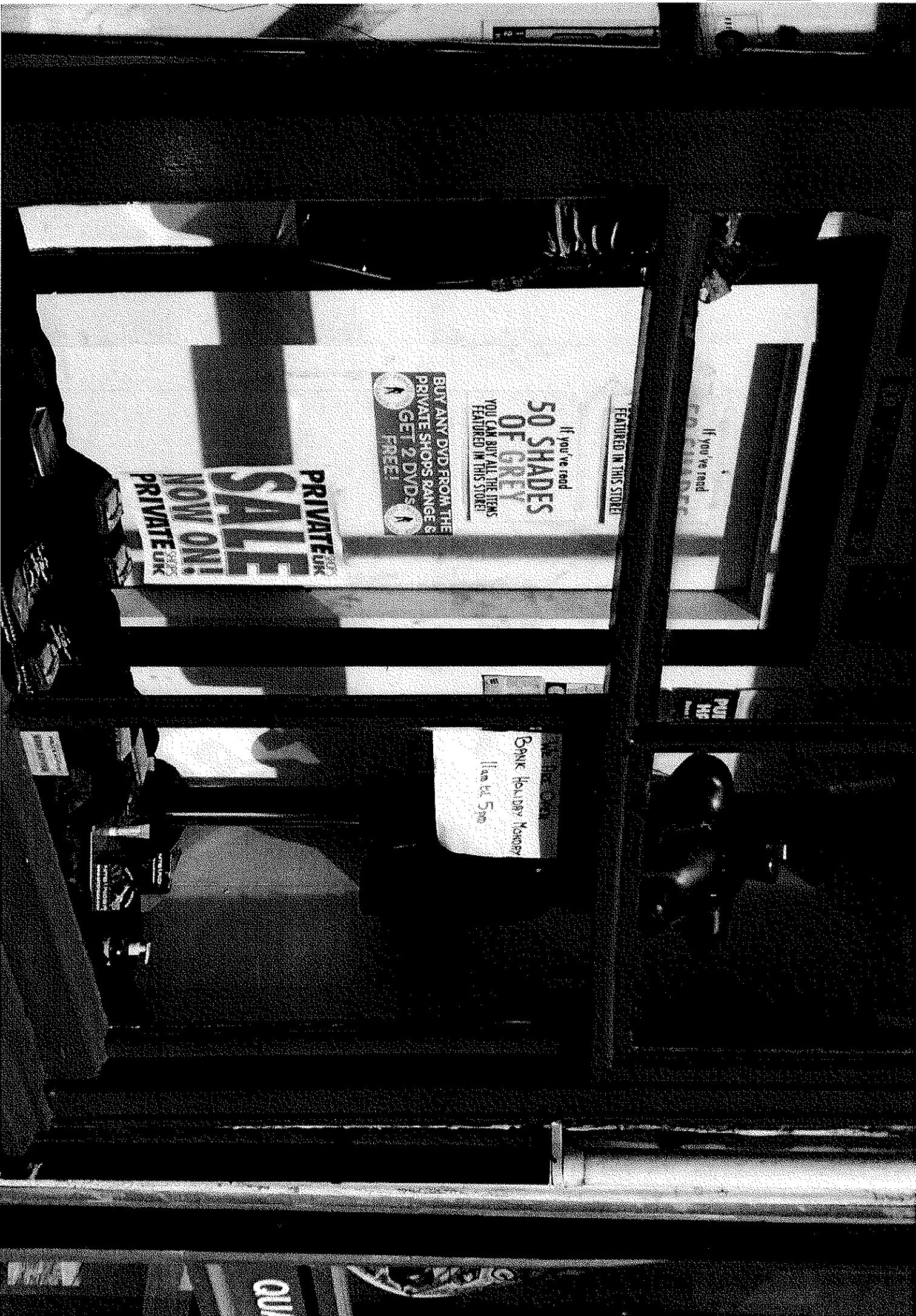
The Licensees shall take all reasonable precautions for the safety of the public and employees.

CONDITION 33

The Licensee shall comply with any fire prevention and safety measures that may be required of him by the Council.

CONDITION 34

The premises shall be provided with fire fighting equipment suitable to the fire risks of the premises and such fire fighting equipment shall be maintained in a proper working order and shall be available for instant use.



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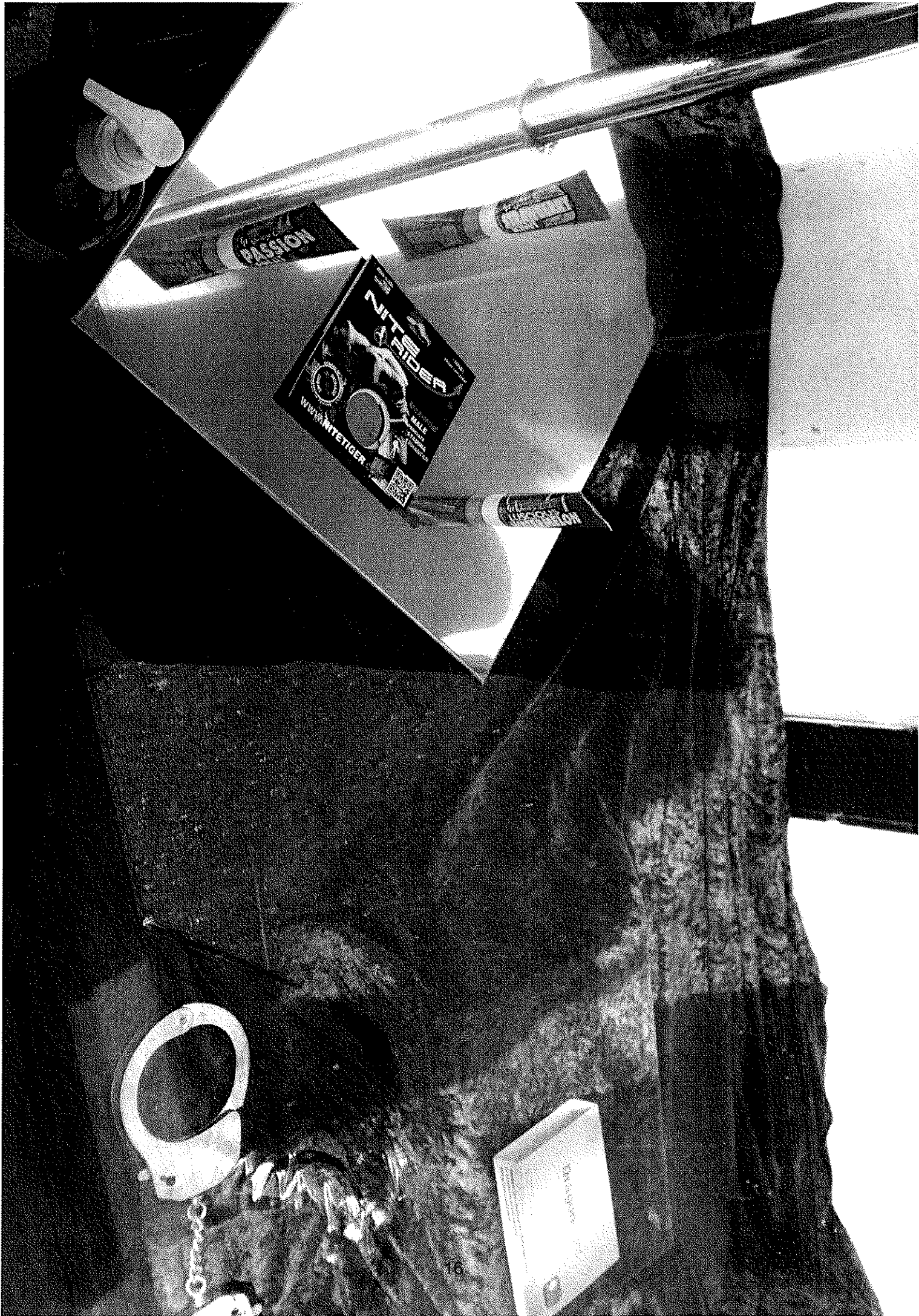
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S

SPECIAL DELIVERY

Licensing Manager
Licensing Section
Dover District Council
White Cliffs Business Park
Dover
Kent
CT16 3PJ



6th August 2013
(Date of application)

Dear Sir/Madam,

Re: Local Government (Miscellaneous Provisions) Act 1982
Licence Variation: Private Shop, 64 London Road, Dover, CT17 0SP

Please find enclosed herewith our application for the variation of the licence under Schedule 3 of the above Act in respect of the above premises.

We understand that certain Councils distribute copies of such applications to the public and we have, therefore, enclosed the private addresses in a separate envelope marked 'Private and 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 this application will be sent to Chief Officer of Police, Dover Police Station and that the Notice will be published in a local paper and a copy of the notice will be displayed at the premises for a period of 21 days from the date of application.

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.

RECORDED DELIVERY

Chief Officer of Police
Dover Police Station
Ladywell
Dover
CT16 1DJ

6th August 2013
(Date of application)

Dear Sir/Madam,

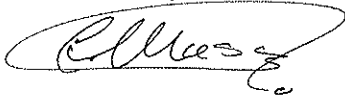
Re: Local Government (Miscellaneous Provisions) Act 1982
Licence Variation: Private Shop, 64 London Road, Dover, CT17 0SP

Please find enclosed a copy of our application for the variation of the licence for the above premises.

We would be obliged if, in accordance with High Court Judgements, you would let us have a copy of any observations you may make to the Local Authority in respect of this application, in order that we may be adequately prepared for any hearing that may arise.

Should you require any further information please do not hesitate to let us know.

Yours faithfully
For and on behalf of
Darker Enterprises Limited



C C Mason
Director

Encl.



The Licensing Team
Dover District Council
White Cliffs Business Park
Dover
CT16 3PJ

Contact Details:
Tel: 01304 872295
Fax: 01304 872217
Email: licensing@dover.gov.uk
Web: www.dover.gov.uk/licensing

APPLICATION FOR THE VARIATION OF A LICENCE FOR A SEXUAL ENTERTAINMENT VENUE

Data Protection

Dover District Council is the Data Controller. Your personal information will be held and used in accordance with the requirements of the Data Protection Act 1998.

We will use the information you have provided in connection with the administration of Licensing.

We may lawfully disclose information to other public sector agencies to:

- prevent or detect fraud and any other crime;
- support national fraud initiatives;
- protect public funds;
- progress your request for service.

We may also use basic information about you, e.g. name and address, in other areas of service provision at Dover District Council if this:

- helps you to access our services more easily;
- promotes the more efficient and cost-effective delivery of services;
- helps us to recover monies that you owe us.

We will not use your personal information in a way that may cause you unwarranted detriment.

If you require this document in an alternative format, please contact us.

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant questions). You may wish to keep a copy of the completed form for your records.

**APPLICATION FOR THE VARIATION OF A LICENCE FOR A SEXUAL
ENTERTAINMENT VENUE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1982, SCHEDULE 3. (As amended)**

EITHER:

Part 1 – If application is made on behalf of an individual please state:			
Title: Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other (please specify)	N/A		
Surname:	N/A		
Other name(s):			
Home address:	N/A		
Postcode:	N/A		
Place of birth:	N/A		
Date of birth:	N/A	Age:	N/A
Telephone:	Daytime:	N/A	
	Mobile:	N/A	
	Evening:	N/A	
Email address:	N/A		
<i>[please give as many contact details as possible in case we need to contact you]</i>			

OR:

Part 1 – If application is made on behalf of a corporate or incorporated body please state:	
Full name of body:	Darker Enterprises Limited
Full address of registered or principal office:	Unit 11B, Trade City, Ashton Road, Harold Hill, Essex
Postcode:	RM3 8UJ
Telephone:	0208 114 1007
Email address:	licensing@thamesroad.co.uk

Part 2 – Give full names and private address of all directors or other persons responsible for management of the establishment			
Title: Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other (please specify)			
Surname:	Mason		
Other name(s):	Colin		
Position in company (manager/company secretary etc.):	Director/Regional co-ordinator		
Home address:	Please see envelope marked "Private & confidential"		
Postcode:			
Place of birth:	Surrey		
Date of birth:	27/12/1954	Age:	58
Telephone:	Daytime:	0208 114 1007	
	Mobile:		
Email address:	licensing@thamesroad.co.uk		

Title: Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other (please specify)			
Surname:		Brown	
Other name(s):		David Michael	
Position in company (manager/company secretary etc.):		Director	
Home address:		Please see envelope marked "Private & confidential"	
Postcode:			
Place of birth:		Edmonton	
Date of birth:		09/02/1955	Age: 58
Telephone:		Daytime: 0208 114 1007	
		Mobile:	
Email address:		licensing@thamesroad.co.uk	
Title: Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other (please specify)			
Surname:		Glanville	
Other name(s):			
Position in company (manager/company secretary etc.):		Area Admin Supervisor	
Home address:		Please see envelope marked "Private & confidential"	
Postcode:			
Place of birth:		Wales	
Date of birth:		02/04/1969	Age: 44
Telephone:		Daytime: 0208 114 1007	
		Mobile:	
Email address:		licensing@thamesroad.co.uk	
Title: Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other (please specify)			
Surname:		Grace	
Other name(s):		Harrison Robert	
Position in company (manager/company secretary etc.):		Full time Sales Assistant	
Home address:		Please see envelope marked "Private & confidential"	
Postcode:			
Place of birth:		Barrow in Furness	
Date of birth:		06/06/1987	Age: 26
Telephone:		Daytime: 0208 114 1007	
		Mobile:	
Email address:		licensing@thamesroad.co.uk	

Title:	Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Dr <input type="checkbox"/>	Other (please specify)	
Surname:	Thomas						
Other name(s):	Byron						
Position in company (manager/company secretary etc.):	Relief Sales Assistant						
Home address:	Please see envelope marked "Private & confidential"						
Postcode:							
Place of birth:	London						
Date of birth:	27/02/1984			Age:	29		
Telephone:	Daytime:	0208 114 1007					
	Mobile:						
Email address:	licensing@thamesroad.co.uk						

Title:	Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Dr <input type="checkbox"/>	Other (please specify)	
Surname:							
Other name(s):							
Position in company (manager/company secretary etc.):							
Home address:							
Postcode:							
Place of birth:							
Date of birth:				Age:			
Telephone:	Daytime:						
	Mobile:						
Email address:							

Part 3 – Convictions

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?

NO

If YES, please state:

- a) All convictions must be disclosed
- b) Spent convictions, as defined below, should not be included

Date of conviction(s)	Offence	Sentence (including suspended sentence)
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[continue on a separate sheet if necessary]

Part 3 - Convictions To Be Declared In Respect Of Applications Sex Establishment Licence

If you have been convicted of any of the following offences and they are "unspent" they must be declared on the application form:-

- Sexual offences.
- Offences involving obscenity.
- An offence involving the use, possession or supply of any drug.
- An attempt, incitement or conspiracy to commit any of the above offences.

The Rehabilitation of Offenders Act 1974 provides that after a certain period of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note it is from the date of **conviction** that the time commences. The periods of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.

Further guidance on this may be obtained from the Home Office publication "A Guide to the Rehabilitation of Offenders Act 1974", available for reference at the Licensing Authority or from a solicitor.

Sentence.**Rehabilitation Period.**

- | | |
|--|---|
| 1. 2½ years (30 months) imprisonment and over whether sentence suspended or not. | Never spent. |
| 2. Imprisonment or detention in a young offender institution (previously known as youth custody) between six months and 30 months whether sentence was suspended or not. | Ten years. |
| 3. Imprisonment or detention in a young offender institution (previously known as youth custody) of six months or less whether sentence was suspended or not. | Seven years. |
| 4. A fine, compensation or community service order. | Five years. |
| 5. Conditional discharge, bound over or probation order. Also includes fit person, supervision and care orders. | One year or period of probation sentence, whichever is longer. |
| 6. Absolute discharge. | Six months. |
| 7. Disqualification, disability or prohibition. | Period of sentence unless a longer period as above (e.g. disqualification and a fine 5 Years) |
| 8. Remand Home/Approved School/Attendance Centre Orders. | One year after Order expires. |
| 9. Hospital Order under Mental Health Acts. | 5 years, or two and a half years after the order expires (whichever is the longer). |

Offences under HM Services - please enquire at the Licensing Authority for periods of rehabilitation.

Part 4 – Questions	
1. Have you been a resident in the United Kingdom throughout a period of six months immediately preceding the date of this application?	N/A
2. If the application is made on behalf of a body corporate, is that body incorporated in the United Kingdom?	YES

Part 5 – Particulars

3. Full address of premises desired Private Shop, 64 London Road, Dover
to be used as a sex
establishment:
Postcode: CT17 0SP
4. If this application relates to a vehicle/vessel/stall give description and state where it is to
be used as a sex establishment:
N/A
5. State hours and days that you wish to trade:
10.00am to 6.00pm Monday to Saturday (Friday to 8.00pm
10.00am to 4.00pm Sunday
10.00am – 8.00pm Monday to Thursday and Saturday the two weeks preceding
Christmas each year.
6. Are the premises to be used as a sex shop? Yes
7. Are the premises to be used as a sex cinema? No
8. Are the premises to be used as a sex encounter establishment? No
9. Are you (or, if a corporate or unincorporated body, that body) disqualified No
from holding a licence for a sex establishment?
10. Have you ever been refused a licence for a sex establishment? **Please** Yes
see Attachment 1
11. If you are seeking to vary the licence, what does the variation consist Yes
of? We wish to have a window display. Pictures are enclosed of how
the shop window looks now, and a proposed picture of how it may look if
approval is given.
12. Details of crime prevention strategy

***Council seeks to ensure that all holders of sex establishment
licence(s) develop crime prevention strategies. Please attach with this
application your current (or proposed) strategy. You are advised to
consult with the Crime Reduction Unit at ***** Police Station.

Part 6 – Additional documentary requirements, Declaration and Checklist (please tick)

13. We confirm that, to the best of our knowledge, the information contained in this
application is true.
14. The prescribed fee is enclosed (cheques should be made payable to Dover District
Council). No fee required for variation.
Card payments may be made by telephoning : 01304 872295
Cash payments may be made at *****
In the event of an application being refused, any refund of the prescribed fee, will
be less any costs incurred by the Council
15. I/WE have enclosed a site plan of the premises, scale 1:500
16. I/WE have enclosed a scale plan (scale 1:100) of the premises, vehicle, vessel or
stall in respect of which the licence is sought, showing (inter alia) all means of
ingress and egress, any parts used in common with any other business, and details

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)	
	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)(f)			
G	9.10.07	Bournemouth Borough Council	Sec 12(3)(c)			
G	30.01.13	Blackpool Council	12 (3) (d) (f)	We will remain at our existing premises in Blackpool		

Updated: 06.02.2013

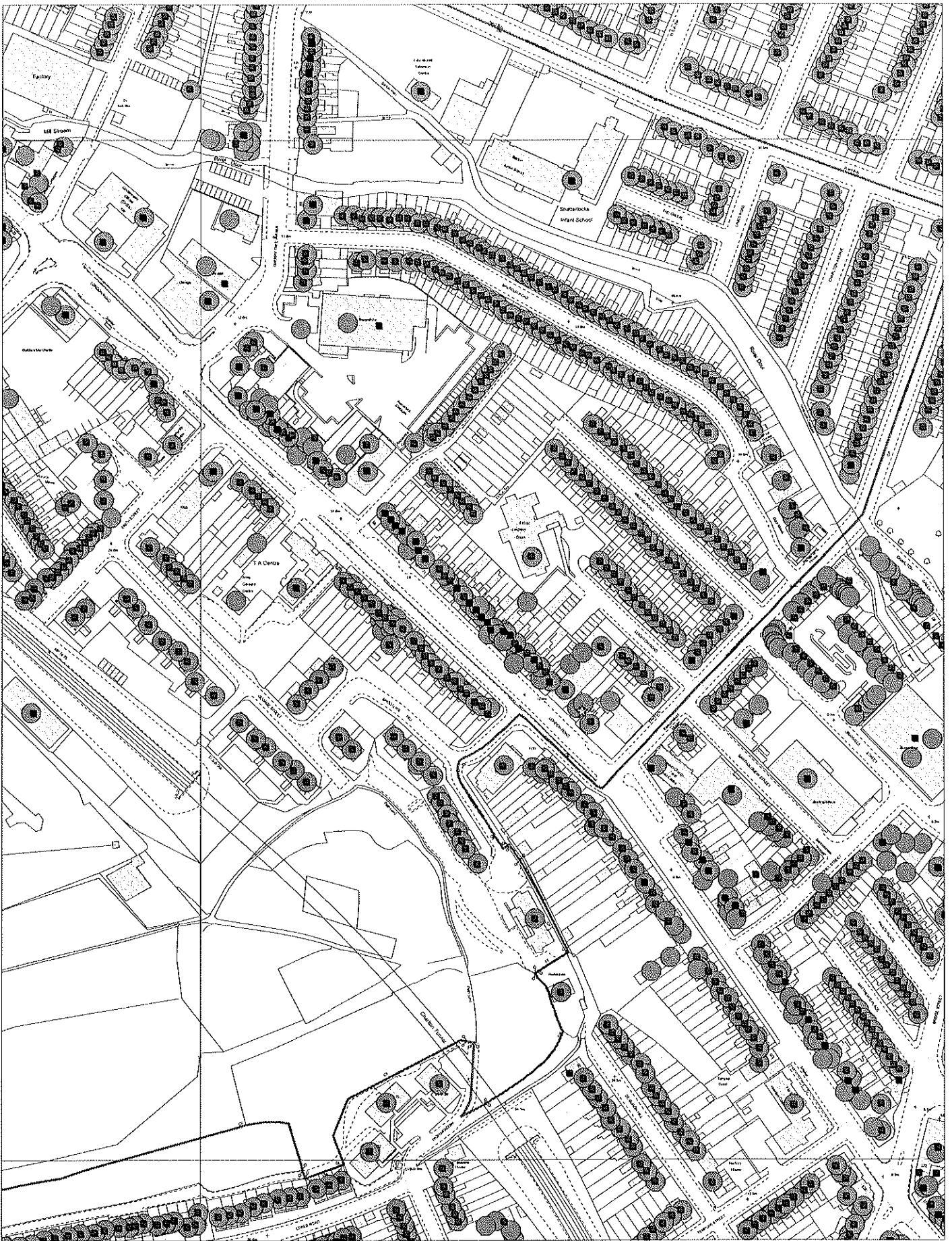


Dover



To save this picture, right-click it and choose Save Image". Macintosh users can click and drag the image to their desktop."

Existing shop window.



Scale 1:1250

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