

**Special Procedure for the Licensing (General) Sub-Committee – Applications for Sex Establishment licences**

One of the Council's Corporate Legal Advisors will be in attendance throughout the proceedings and he/she is there to advise Members. Sub-Committee Members may seek clarification on points of procedure at any time.

Please note that the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

**1. INTRODUCTION**

- ◆ Everyone to introduce themselves
- ◆ The Licensing Officer will introduce the report, including background information and any written objections received.
- ◆ Members' questions to the Licensing Officer

**2. OBJECTORS**

If Objectors (including Police) have attended indicating a wish to address the Sub-Committee the Sub-Committee will consider each request in light of its discretion to permit oral representations.

As a guide, such representations will only be permitted if appropriate in order to briefly summarise and expand upon the main points of objection as set out in written submissions. Mere recitation of previous written submissions will not be permitted, nor will the introduction of entirely new grounds of objection.

Questions of Objectors will not be permitted by any party (including Members).

**3. APPLICATION**

The applicant or their representative will outline the details of the application and call any witnesses in support.

Questions may be asked of the applicant or of any witnesses by:

Licensing Officer

Members of the Sub-Committee

The applicant may call supporting witnesses at their discretion during the presentation of their application. Questions may be asked by the Sub-Committee Members / Licensing Officer of such witnesses at any appropriate point in their presentation

If any written objections have been received the applicant or their representative will be invited to comment on them

**4. SUMMING UP**

The applicant or their representative will have a final opportunity to sum up their application.

**5. CONSIDERATION OF DECISION - CONFIDENTIAL SESSION**

Members of the Sub-Committee will retire to consider the decision. In doing so the Solicitor to the Sub-Committee and the Sub-Committee Administrator will retire with them, but will take no part in the discussion of the merits of the case or what the decision should be

Should the Solicitor to the Sub-Committee be required to clarify any points of law, these will be repeated in the public session.

**6. ANNOUNCEMENT OF DECISION**

Sub-Committee Members will return and the Chair of the Sub-Committee will deliver the decision in public session. The Licensing Officer will confirm this decision in writing to the Applicant within 7 days of the Sub-Committee decision, together with details of any relevant right of appeal.

*Note:* This procedure note is issued as a guide only – the order and conduct of business may be varied by the person presiding at any time in order to facilitate the determination of the matter, having regard to statutory restrictions and the rules of natural justice.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT  
1982, SECTION 2

APPLICATION FOR THE RENEWAL OF A LICENCE TO USE ANY  
PREMISES, VEHICLE, VESSEL OR STALL AS A SEX  
ESTABLISHMENT



1. Is the application being made:
  - (a) by an individual; or
  - (b) on behalf of a partnership; or
  - (c) a body corporate? **A BODY CORPORATE**

---

2. Give the full names of the applicant (i.e. the individual, partnership, body corporate or unincorporated body making application). If the applicant is an individual any former names must also be given.  
**DARKER ENTERPRISES LIMITED**

---

3. Give the applicant's permanent home address (if an individual) or registered or principal office (if a partnership, body corporate, or unincorporated body) and a telephone number at which the applicant may be contacted during normal office hours.  
**REGISTERED OFFICE  
UNIT C, 26 THAMES ROAD  
BARKING, ESSEX IG11 0JA  
Tel: 020 8591 8517**

---

4. Is the application in respect of a sex shop or a sex cinema?  
**SEX SHOP**

---

5. Is the application in respect of
  - (a) premises; or **PREMISES**
  - (b) a vehicle; or
  - (c) a vessel; or
  - (d) a stall?

---

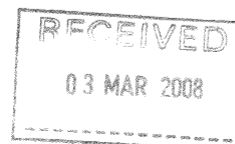
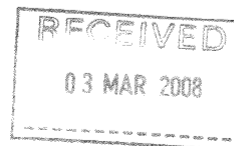
6. Where the Licence is sought in respect of a vehicle, vessel or stall state where it is to be used as a sex establishment.  
**N/A**

---

7. Where the Licence is sought in respect of premises give the full address of the premises, including the postcode.  
**PRIVATE SHOP, 131 ABOVE BAR STREET, SOUTHAMPTON SO14 7FQ**

---

8. Are the whole of the premises described in response to Question 7 above to be used as a sex establishment?  
**NO**



- 
9. If the answer to Question 8 above is "No" please state
- (a) which parts of the premises are to be used for the purposes of a sex establishment;  
GROUND FLOOR ONLY
  - (b) the uses to which the remainder of the premises are to be put;  
VACANT
  - (c) the names, addresses and dates of birth of those who are responsible for the management of the remainder of the premises.  
  
THE APPLICANT, DARKER ENTERPRISES LIMITED
- 
10. Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application?  
YES
- 
11. Were the premises, vehicle, vessel or stall in use as a sex establishment on 22nd December 1981?  
NOT KNOWN
- 
12. Under what names are or will the premises be known?  
PRIVATE SHOP
- 
13. If the applicant is an individual give the following information:
- |     |                 |     |
|-----|-----------------|-----|
| (a) | Date of birth;  | N/A |
| (b) | Place of birth; | N/A |
| (c) | Nationality.    | N/A |
-

14. If the applicant is a partnership, body corporate or an unincorporated body complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body. In the case of a partnership details of all the partners must be given.

Forename	Surname	Former name (if any)	Home Address	Capacity	Date of Birth	Place of Birth	Nationality
COLIN CHARLES	MASON	NONE	Please see envelope marked "PRIVATE & CONFIDENTIAL"	DIRECTOR	27.12.1954	SURREY UNITED KINGDOM	BRITISH
LIMETIME SERVICES LIMITED			UNIT L 26 THAMES ROAD BARKING ESSEX IG11 0JA	COMPANY SECRETARY	N/A	N/A	N/A

15. Complete the table below in respect of each of the individuals whose names are given in response to questions 2 and 14 above.

Names	Date of Birth	If place of birth is not within UK give date when UK residence commenced.	Address or permanent residence throughout six months immediately preceding the date of this application.
COLIN CHARLES MASON	27.2.1954	N/A	PLEASE SEE ENCLOSED ENVELOPE MARKED "PRIVATE & CONFIDENTIAL"

COLIN CHARLES MASON 27.2.1954

N/A

PLEASE SEE ENCLOSED ENVELOPE MARKED "PRIVATE & CONFIDENTIAL"

16. This question need only be answered where the applicant is a Company.
- (a) Is the applicant a wholly or partly owned subsidiary of another Company? YES
  - (b) What type of Company is the applicant (e.g. public or private limited by share or guarantee etc.?) PRIVATE LIMITED BY SHARES
  - (c) In which Country is the Company incorporated? UNITED KINGDOM
  - (d) What is the date of incorporation of the Company? 20 MAY 1986
  - (e) Supply a certified copy of the applicant Company's Memorandum and Articles. PROVIDED WITH PREVIOUS APPLICATION AND NOTHING HAS CHANGED
  - (f) If the applicant is a subsidiary of another Company give the following details and information:-
    - (i) A list of all other companies controlled by the holding company together with full details of any ultimate holding company.
    - (ii) A certified copy of the Memorandum and Articles of the parent company
    - (iii) The names and addresses of the Directors and Company Secretary of the parent company (use a separate sheet if necessary).
    - (i) THE ULTIMATE HOLDING COMPANY IS ROLDVALE TRADING LIMITED. OTHER COMPANY CONTROLLED BY ROLDVALE – ROLDVALE TRADING LIMITED
    - (ii) SUPPLIED WITH PREVIOUS RENEWAL APPLICATIONS AND NOTHING HAS CHANGED
    - (iii) DAVID SULLIVAN – DIRECTOR  
For private address please see enclosed envelope marked "PRIVATE & CONFIDENTIAL"

CONEGATE LIMITED – COMPANY SECRETARY  
RAMILLIES HOUSE  
2 RAMILLIES STREET  
LONDON W1V 7LN

17. If applicant is a company give a full list of names, addresses and holdings of shareholders holding 10% or more of the issued share capital and the number of remaining shareholders.

Name	Address	Date of Birth	Holdings
ROLDVALE TRADING LIMITED	RAMILLIES HOUSE 2 RAMILLIES STREET LONDON W1V 7LN	N/A	100%



18. Has the applicant a financial interest in the business which is the subject of this application? If 'yes' to what extent? **YES, OWNS THE BUSINESS**
- 
19. Is the whole of the business owned by the applicant?  
**YES**
- 
20. If the whole of the business is not owned by the applicant state the names and addresses of those who will share in the profits of the business. In each case state the percentage share to be taken by each individual.  
**N/A**
- 
21. Is the applicant concerned in any other way financially or otherwise with any other business?  
**YES**
- 
22. If the answer to Question 21 is 'yes' give full details of the other business and the nature and extent of the connection. **THE APPLICANT OWNS AND OPERATES OVER 100 LICENSED SEX SHOPS NATIONWIDE**
- 
23. Is the business required to purchase merchandise from a particular company, person or body? If 'yes' supply a copy of any agreement and state what is to be purchased and from whom.  
**NO**
- 
24. Supply scale plans of the premises clearly showing the interior layout and the use of each part (see note C).  
**SUPPLIED WITH PREVIOUS RENEWALS AND NOTHING HAS CHANGED**
- 
25. What means are to be taken to prevent the interior of the premises being visible to persons outside the premises?  
**WINDOWS ARE FITTED WITH VERTICAL HANGING BLINDS WHICH ARE KEPT CLOSED AT ALL TIMES SO THAT NO PART OF THE INTERIOR OF THE PREMISES OR ANY OF ITS CONTENTS ARE VISIBLE TO PASSERS-BY**
- 
26. Give details of the times during which it is proposed to open the premises:-
- (a) Days of the week **MONDAY to SATURDAY (inclusive)**
- (b) Hours of the day **9:30 a.m. to 8:00 p.m.**
-

27. In respect of each individual who is to be responsible for the management of the premises in the absence of the licence holder please supply the following details:-

Forename	Surname	Former Name (if Any)	Permanent Home Address	Date of Birth	Place of Birth	Date upon which Became resident in the UK (if place of birth Outside UK)	Nationality
COLIN Director	MASON	NONE	Please see enclosed envelope marked "PRIVATE & CONFIDENTIAL"	27.12.1954	SURREY	SINCE BIRTH	BRITISH
IAN COLIN Area Admin Supervisor	BOWN	NONE	Please see above comment	2.8.1956	MILTON MOWBRAY	SINCE BIRTH	BRITISH
KELVIN Area Admin Supervisor	FLYNN	NONE	Please see above comment	28.1.1948	RUMNEY, WALES	SINCE BIRTH	BRITISH
OLIVER TAYLOR Full-time Sales Assistant		NONE	Please see above comment	6.8.1980	WORCESTER	SINCE BIRTH	BRITISH
BARRIE RONALD Relief Sales Assistant	MORRIS	NONE	Please see above comment	21.6.1963	CAERPHILLY	SINCE BIRTH	BRITISH

**THERE IS A FULL-TIME SALES ASSISTANT AT THE PREMISES. THE SUPERVISORY AND RELIEF STAFF MEMBERS MAY BE AT THE TPREMISES ON AN AS NEEDED BASIS.**

28. In respect of each of the persons whose names are given in response to Question 2, 14, 16 and 27 give details of their occupations during the 5 years immediately prior to this application. These must include the names and addresses of all employers and the nature and dates of employment.

Forename	Surname	Former name (if any)	Employers Name and Address	Description of nature of work
DAVID	SULLIVAN	NONE	ROLDVALE TRADING LIMITED RAMILLIES HOUSE 2 RAMILLIES STREET LONDON W1V 7LN	DIRECTOR APR 1980-PRESENT
COLIN CHARLES	MASON	NONE	DARKER ENTERPRISES LIMITED UNIT C, 26 THAMES ROAD BARKING, ESSEX IG11 0JA	DIRECTOR 7.2005-PRESENT
IAN COLIN	BOWN	NONE	LIMETIME SERVICES LIMITED UNIT L, 26 THAMES ROAD BARKING, ESSEX IG11 0JA	REGIONAL CO-ORDINATOR 1979-PRESENT
KELVIN	FLYNN	NONE	LIMETIME SERVICES LIMITED ADDRESS AS ABOVE	AREA SALES CO-ORDINATOR 27.2.1995-PRESENT
OLIVER TAYLOR	NEILL	NONE	LIMETIME SERVICES LIMITED ADDRESS AS ABOVE  DARKER ENTERPRISES LIMITED ADDRESS AS ABOVE  SOUL CELLAR 78 WEST MARLANDS ROAD  ORDNANCE SURVEY SOUTHAMPTON	AREA ADMIN. CO-ORDINATOR 18.12.2000-PRESENT  SALES ASSISTANT 8.2007-PRESENT  PROMOTIONAL DESIGNER 1.2007-7.2007  CARTOGRAPHER 9.2004-2006  VARIOUS TEMPORARY ASSIGNMENTS AND PERIOD OF UNEMPLOYMENT 2002-2004

Continued over...

.....Continued

Forename	Surname	Former name (if any)	Employers Name and Address	Description of nature of work
BARRIE RONALD	MORRIS	NONE	LIMETIME SERVICES LIMITED UNIT L, 26 THAMES ROAD BARKING, ESSEX IG11 0JA	RELIEF SALES ASSISTANT 2004-PRESENT
			J. SAINSBURY – BRISTOL	WAREHOUSE MANAGER 2003- 2004
			EXCEL – BRISTOL	TEAM MANAGER – 2003
			SNOOKER CITY – BRISTOL	BAR MANAGER – 2001-2003

29. In respect of each of the persons or bodies whose names are given in response to Questions 2, 14, 16, 17 and 27 give details of their previous convictions and of any previous convictions of any of their spouses:-

Forenames	Surname	Former Name	Date of Conviction	Place of Conviction	Nature of Offence	Sentence
<p>THERE ARE NO CONVICTIONS TO DECLARE FOR ANY PERSON OR BODY NAMED IN THIS RENEWAL APPLICATION. MEMBERS OF STAFF ARE NOT REQUIRED TO PROVIDE DETAILS OF SPOUSES TO THIS COMPANY.</p>						

30. Have you any reason to believe that a prosecution may be pending against any of the persons or bodies whose names are given in response to Questions 2, 14, 16, 17 and 27? If 'Yes' give full details.

**NO**

31. Has any person or body named in this application been associated in any way with any other application for a licence for a sex establishment?

**YES**

32. Is there in force against the applicant or any of the persons or bodies named in answer to Questions 14, 19, 27 and 29 a disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982?

**NO**

If 'Yes' give full details.

33. Is there any further information which the applicant would wish the Council to take into account when considering this application?

**NOT AT THIS STAGE**

(This space may also be used to amplify any replies to other questions.)

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL 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 £20,000.00

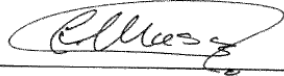
**DECLARATION**

WE, DARKER ENTERPRISES LIMITED

declare that the information given above is true and complete in every respect

Dated this 4<sup>TH</sup> day of MARCH 2008

Signature



Name of Signatory (BLOCK CAPITALS) COLIN CHARLES MASON

Designation of Signatory (BLOCK CAPITALS) **DIRECTOR**

For and on behalf of  
DARKER ENTERPRISES LIMITED  
(APPLICANT)

---

Applicants are strongly recommended to seek professional legal advice before making an application for a sex establishment licence. Please note that members of the Licensing Team are not able to give such advice to applicants in any circumstances.

**APPLICANTS ARE REFERRED TO THE ATTACHED NOTES**



27 MARCH 2008

The Licensing Team  
Southampton City Council

Dear Sir,

Local Government (Miscellaneous Provisions) Act 1982  
Section 2: application for Sex Shop licence at 131 Above Bar Street.  
May I draw attention to Schedule 3 para: 12, (3) (d) points i and ii

The location is inappropriate having regard to the  
impending redevelopment of Above Bar St. North.

The provision of 282 residential apartments and  
Arts related uses, together with commercial space, will change  
(point i) the character of the locality. It will generate the passage  
of women and children in close proximity to 131 Above Bar Street.

The location of the premises is already questionable, being  
situated by a bus-stop, near the Public Library, Matthews  
Building, Guildhall Square activities and the church in  
the nearby shopping area.

(point ii) The facilities for Nuffield Theatre, Hansard Gallery  
and Arts Asia provide for family activities flanked by  
well used open space. This would be devalued by a  
licensed sex shop as one of the anticipated commercial  
units.

A sex shop is inappropriate, having regard for  
the City's hopes for a Regional Arts complex and  
so many apartment dwellers.

This is the basis of my objection.

Yours faithfully,

[PLEASE WITHHOLD NAME & ADDRESS]



1 copy attached

LICENSING TEAM



ABOVE BAR SOUTHAMPTON  
SO14 7QF

I object to the renewal of a licence as this trading is not in keeping with the character of the Cultural Quarter.

This has never been a really suitable site for a sex shop and from this year on it will be even more out of character with the nearby premises and the new arts complex.

You may reveal my name to the applicant.

S. Barter

LORRAINE BARTER

**Regulations for Sex Establishments**

Southampton City Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 and of all other powers enabling them in that behalf make the following Regulations:

- 1 (a) In these Regulations the following expressions that is to say "Sex Establishment", "Sex Shop", "Sex Cinema", "Sex Article", and "Vessel" shall have the meanings respectively assigned to them by Schedule 3 of the Act.
- (b) In these Regulations the following expressions shall have the meanings hereby respectively assigned to them namely:-
- "the Act" - means the Local Government (Miscellaneous Provisions) Act, 1982.
- "the Council" - means Southampton City Council.
- "the licensed premises" - means any premises, vehicle, vessel or stall licensed under the Act.
- "licence holder" - means a person who is the holder of a sex establishment licence.
- "permitted hours" - means the hours during which the licensed premises are permitted under Regulations 2 and 3 hereof to be open to the public.
- "sex establishment licence" - means a licence granted pursuant to Schedule 3 of the Act.

**Conditions applicable to licences for Sex Establishments**

2. The licensed premises shall be closed throughout Good Friday, Christmas Day and every Sunday and public holiday and may be open only during the permitted hours prescribed in Regulation 3 hereof.
3. The permitted hours of opening, unless varied by special condition, shall be as follows: -
- |            |                        |
|------------|------------------------|
| Mondays    | 9:00 a.m. to 6:00 p.m. |
| Tuesdays   | 9:00 a.m. to 6:00 p.m. |
| Wednesdays | 9:00 a.m. to 6:00 p.m. |
| Thursdays  | 9:00 a.m. to 6:00 p.m. |
| Fridays    | 9:00 a.m. to 6:00 p.m. |
| Saturdays  | 9:00 a.m. to 6:00 p.m. |
4. The licensed premises shall not be used for any purpose other than the business of a sex establishment.

5. The licensed premises shall not be open for the purposes for which the sex establishment licence is granted on any occasion when the Council may signify in writing to the licence holder, occupier or other person having at the time the care and management of the premises, that the same should not be open.
6. No person who is or appears to be under the age of 18 or is known by the licence holder or any servant or agent of his present on the licensed premises to be under that age shall be admitted to or shall be permitted to remain on the licensed premises.
7. The licence holder:-
  - (a) shall display on the licensed premises in a conspicuous position his sex establishment licence;
  - (b) shall exhibit on those premises such notices in such form and in such position as may be prescribed;
  - (c) shall comply with any prescribed restriction with respect to the exhibiting of other written matter or of signs of any description on the licensed premises.
8. No facilities shall be provided in a sex shop for:-
  - (a) see any television broadcast or the replaying of any video tape or film or other like matter nor;
  - (b) hearing any sound broadcast tape or other like matter other than facilities for the reception of radio programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority.
9. No music, dancing or other entertainment whether of a like kind or not shall be provided or permitted, other than as permitted by Regulation 8 of these Regulations, and no refreshment of any kind shall be served on nor shall any facilities for the taking of such refreshment be provided upon the licensed premises.
10. The licence holder shall exhibit on the exterior of the licensed premises in a position visible to persons outside the premises a notice, in addition to his name, in not more than one place, in characters not exceeding three inches in height and consisting only of the words "licensed sex shop" or "licensed sex cinema" (as the case may be) and such indication, if any, as he thinks fit to give of the times at which the licensed premises are open. No other notices, unless pursuant to these Regulations, may be exhibited.
11. The licence holder shall exhibit in a conspicuous manner and in some conspicuous place inside the licensed premises and at the point of access to the licensed premises a notice stating that persons under the age of eighteen years are not admitted thereto.
12. The licence holder shall not display in any position visible to persons outside the premises any matter which does not comply with the Indecent Displays (Control) Act 1981.

13. The licence holder shall not permit any person other than persons employed by him, his servant or agent, statutory undertakers or, if applicable, his landlord to enter upon any part of the premises which are not available to the public in connection with the display, sale, hire, exchange, loan or demonstration of sex articles.
14. The licence holder shall not display any advertisement which is visible to persons outside the premises except as permitted by these Regulations or under the Act and no advertisements shall be displayed wherever visible which depict any article or thing intended for use in connection with or for the purpose of stimulating or encouraging acts of force or restraint which are or may be associated with sexual activity.
15. The licence holder shall ensure that the interior of the sex establishment shall not be visible to persons outside the premises.
16. The exterior of the licensed premises shall be of materials approved by the Council.
17. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council.
18. The holder of a sex cinema licence shall observe such regulations and conditions as may be approved by the Council from time to time for cinemas having a licence under the Cinemas Act 1985 as shall be applied by the Council by special condition to the sex establishment licence, giving such reference to the said cinema licence conditions as may be deemed appropriate and the regulations and conditions shall have the same force and effect as if the same were severally contained in these regulations.
19. The licence holder shall not knowingly 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.
20. If the Council notifies the licence holder, occupier or other person having at the time the care and management of the premises in writing by delivering notice at the licensed premises that any particular sex article, advertisement or matter shall not be displayed the same shall be withdrawn from view forthwith.
21. No film or video material shall be kept at the sex establishment except such film or video material that bears a reproduction of the Certificate of the British Board of Film Certification.
22. The licence holder shall comply with all fire and safety requirements of the Council and maintain and keep available for use all specified fire fighting equipment and extinguishers.
23. The external doors of the licensed premises shall be fitted with self closing mechanisms and such mechanisms shall be maintained in good order. No external door shall be fixed in the open position at any time during the permitted hours.

24. Applicants for the grant, renewal or transfer of a sex establishment licence or waiver thereof shall make their application on the form approved from time to time by the Council returnable to the office of the Head of Legal & Democratic Services together with the approved fee (where a sex establishment licence is required). A copy of the application in all cases shall be sent to the Chief Constable of Hampshire Constabulary, West Hill, Winchester, not later than 7 days after the date of the application to the Council.
25. Applicants for the grant, renewal or transfer of a sex establishment licence shall advertise notice of their application in the form approved by the Council and in accordance with the prescribed dimensions by publishing the advertisement in a local newspaper circulating in Southampton not later than 7 days after the date of the application. A copy of the advertisement as published and date of publication shall be lodged with the Council forthwith.
26. Applicants for the grant, renewal or transfer of a sex establishment licence shall display a notice in the form approved by the Council and furnish two completed copies to the Council forthwith so that a copy may be sent to the appropriate public library. The Notice shall be displayed at the premises to be licensed for 21 days beginning with the date of the application to the Council and in a place where the notice can be inspected and conveniently read by the public from outside the premises.
27. A police officer or an authorised officer of the Council may at any reasonable time enter and inspect any premises in respect of which a sex establishment licence is for the time being in force.
28. The licence holder or some responsible person, being 21 years of age or over, nominated by him in writing shall be in attendance at the premises at all such times as the premises are open to the public and any nomination shall be produced to any police officer or authorised officer of the Council and give the name and address of the person nominated.