



**Report of the Principal Officer
(Licensing) to the meeting of the
General Licensing Regulatory Board
to be held on the 18 January 2012**

Application to Renew the Sex Shop License 3 Doncaster Road, Barnsley

The Applicant	Darker Enterprises Ltd Unit 11B Trade City Ashton Road, Harold Hill, Essex RM3 8UJ
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1.0 Purpose of the Report

1.1 To place before Members an application from Darker Enterprises Ltd for the renewal of their licence to use the premises at 3 Doncaster Road, Barnsley as a Sex Shop from the 29 November 2011.

2.0 Recommendation

2.1 That the licence in respect of 3 Doncaster Road be approved in accordance with previous licenses issued.

3.0 Background

3.1 The premise has been in operation at 3 Doncaster Road for a continuous period in excess of twenty years and the existing licence expired on 29 November 2011.

3.2 To allow the premise to continue trading until the renewal application can be determined by the General Licensing Board, the Council extended the current licence until 19 January 2012, as set out in Appendix 1.

3.3 There have not been any significant changes to the neighbourhood within the vicinity of the premises since the last application was made to renew the sex shop licence.

3.4 Since the last licence was approved approximately twelve months ago, there have been no complaints made to the Licensing Section regarding this premises.

3.5 A copy of the application form along with a list of Company Directors are attached as Appendix 2.

4.0 Consultation

4.1 In accordance with the statutory requirements, notice of the renewal application has been published in a local newspaper on 11 November 2011, as set out in Appendix 3 and no objections/comments have been received by the Licensing Section.

4.2 South Yorkshire Police have raised no objections to the application.

5.0 Compatibility with European Convention on Human Rights

5.1 Approving the application, as recommended, will not involve interference with Convention rights. Should any other decision be contemplated, there may be a potential interference with the rights of the applicant under Article 1 of Protocol 1 (Protection of Property) and, in that event, further advice will be given at the meeting.

6.0 Crime and Disorder Implications

6.1 There are no implications for crime and disorder in the community arising from the proposals of this report.

7.0 Financial Implications

7.1 Nil.

8.0 Background Papers

8.1 A copy of the Local Government (Miscellaneous Provisions) Act 1982 is available to view at the Civic Hall, Eldon Street, Barnsley during normal office hours.

Officer Contact: Mrs. Kate Liddall **Tel:** 01226 774258 **Date:** 03.01.12

APPENDIX 1

Report of the decision of the Assistant Director Planning and Regulatory Services after consultation with the Chairman of the General Licensing Regulatory Board

Subject Matter

Sex Shop Premises, 3 Doncaster Road, Barnsley

To seek approval for the extension of the licence held by Darker Enterprises Limited for their use of the premises at 3 Doncaster Road, Barnsley as a sex shop until Thursday 19th January, 2012.

Reasons for Urgency

The current licence expires on the 29th November, 2011 and the next meeting of the General Licensing Regulatory Board at which a renewal application can be considered is the 16th January, 2012. There is insufficient time in which to organise a special meeting of the General Licensing Regulatory Board prior to the expiration of the licence.

Decision taken

That the extension to 19th January, 2012 of the Sex Shop Licence for 3 Doncaster Road, Barnsley be approved in accordance with the previous licences that have been issued.

Date of decision – 24th November, 2011

Chairman of the General Licensing Regulatory Board

[Signature]

Vice-Chairman of the General Licensing Regulatory Board

(in the absence of the Chairman)

Chief Officer

Stephen Moxley

Scrutiny Chair

(for Key Decisions only)

Chairman of Cabinet

Stephen Houghton

Vice-Chairman of Cabinet

Chief Executive	Assistant Chief Executive (Human Resources)	Borough Secretary	Exec Director Finance
<i>99</i>		<i>ACM</i> <i>28/11/11</i>	

Darker Enterprises Limited

Licensing Administration
Unit 118, Trade City, Ashton Road
Harold Hill, Essex RM3 8JJ
Tel: 020 8114 1007 - Fax: 020 8114 1006
Email: licensing@thamesrod.co.uk

Lic

SPECIAL DELIVERY

Licensing Section
Barnsley Metropolitan Borough Council
Regulatory Services
PO Box 602
Barnsley
S70 9FB



8th November 2011
(Date of application)

Dear Sir/Madam,

**Re: Re: Local Government (Miscellaneous Provisions) Act 1982:
Renewal of Licence: Private Shop - 3 Doncaster Road, Barnsley S70 1TH**

Please find enclosed our application for the renewal of the licence under Schedule 3 of the above Act, in respect of the above premises together with our cheque in the sum of £3,300.00 being the fee currently applicable. Please see the attached letter regarding your request for an additional fee, we will consider options in the light of your reply.

With regard to items required on the application form, the applicable items have been provided with previous applications and nothing has changed.

We understand that certain Councils distribute copies of the application to the public and we have, therefore, enclosed the private address in a separate envelope marked 'Private & Confidential' in order to protect the family home. 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 Chief Superintendent, South Yorkshire Police. 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 addressed 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

C C Mason
Director

Encls.

£3,300.00
024892
Darker Enterprises Ltd





SEX ESTABLISHMENT LICENCE

Application for GRANT / RENEWAL / VARIATION / TRANSFER

**Local Government (Miscellaneous Provisions) Act 1982
Section 2 and Schedule 3**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

Please tick as appropriate:

- a) Application for the grant of a licence
- b) Application for the renewal of a licence
- c) Application for the variation of a licence
- d) Application for the transfer of a licence

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

We Darker Enterprises Limited

apply for the Renewal/Variation of a Sex Establishment Licence for the premises described in Part 1 below (the premises) in accordance with schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

Part 1 - Premises Details (Please read guidance note 2)

Postal address (including trading name, post code and telephone number of premises)
Private Shop 3 Doncaster Road, Barnsley, S70 1TH



Part 2 - Applicant Details

Please state whether you are applying for a licence as :- (tick as appropriate)

- a) an individual or individuals * please complete section (A & C)
- b) a person other than an individual *
 - i. as a limited company please complete all sections
 - ii. as a partnership please complete all sections
 - iii. as an unincorporated association or please complete all sections
 - iv. other (for example a statutory corporation) please complete all sections

(A) Individual Applicant Details (Please read guidance note 3)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title <input type="text"/>
Surname	N/A		First names	N/A
Date of birth	N/A			
Current postal address including post code	N/A			
Telephone number (if any)	N/A			
E-mail address (optional)	N/A			

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title <input type="text"/>
Surname	N/A		First names	N/A
Date of birth	N/A			
Current postal address including post code	N/A			
Telephone number (if any)	N/A			
E-mail address (optional)	N/A			

(Continue on separate page if necessary)



(B) Other Applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number.

Name	Darker Enterprises Limited
Address including post code	Unit 11B, Trade City, Ashton Road, Harold Hill, Essex, RM3 8UJ
Registered number	2021360
Description of applicant (e.g. partnership, company, etc.)	Body Corporate
Telephone number (if any)	0208 114 1007
E-mail address (optional)	licensing@thamesroad.co.uk

(C) Description of Trading Activity

The premises will trade as: (tick as appropriate)

a sex cinema (A) a sex shop (B) a sex encounter establishment (C)

The premises will trade on the following days and between the following times:

		Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
A	From							
	To							
B	From	10.00am	10.00am	10.00am	10.00am	10.00am	10.00am	10.00am
	To	6.00pm	6.00pm	6.00pm	6.00pm	8.00pm	6.00pm	4.00pm
C	From	Also	Public	Holidays	10.00am	-	4.00pm	
	To							



Please provide brief details of the intended operation of the premises:

The intended operation of the premises is as a sex shop establishment. Items for sale in our sex shop will be books, dvd's, magazines, videos, marital aids, health products and ancillary items.

(D) Licensing History

Has any person or the corporate or unincorporated body referred to in this application: -

Been disqualified from holding a licence for a sex establishment?	No
Been refused the grant / renewal / transfer of a licence for a sex establishment?	Yes
Been the holder of a sex establishment licence when that licence has been revoked?	No
If 'Yes' to any of the above please provide details:	
Please see attachment 1	

Part 3 - Declaration

We Darker Enterprises Limited
(Insert name/s of applicant/s)

- Enclose the fee (Please make payable to Barnsley Metropolitan Borough Council)
- Enclose evidence of identity containing a photograph in respect of each individual applicant / partner / director, as applicable

Please tick each applicable box

Already provided and nothing has changed.

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	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)(e)	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)(d)(Dii)	
G	23.10.2002	Milton Keynes Borough Council	12(3)(c)(d)	Leave for Judicial Review sought on 17th 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



- Enclose either a criminal conviction certificate or criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service
- Understand that if the above requirements have not been complied with my application will be rejected
- Understand that the information given may be used in conjunction with other authorities for the prevention and detection of fraud, and will be held on computer, subject to the Data Protection Act 1998.
- Confirm that the information supplied in this application is true to the best of my / our knowledge and belief.

As overleaf

✓
✓
✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(C) Signatures: *(Please read guidance note 4)*

Signature of applicant/s or applicant/s' solicitor or other duly authorised agent. If signing on behalf of the applicant please state in what capacity.

Signature/s:	
Date	8 th November 2011
Capacity	Managing Director

(D) Contact Details *(Please read guidance note 5)*

Contact name	Colin Mason
Contact postal address including post code	Unit 11B Trade City, Ashton Road, Harold Hill, Essex, RM3 8UJ
Telephone number (if any)	0208 114 1007
E-mail address (optional)	licensing@thamesroad.co.uk



Notes for Guidance

- 1) Insert the name/s of individual applicant/s or partners or the trading name under which the business operates.
- 2) Include the postal address, including name by which the premises that is to be used as a sex establishment is to be known.
- 3) The full name, date of birth and home address of each individual applicant/partner/director must be supplied together with photographic evidence of identity, e.g. a certified copy of passport or driving licence, and either a criminal conviction certificate (issued under section 112 Police Act 1997), a criminal record certificate (issued under section 113A Police Act 1997) or the results of a subject access search under the Data Protection Act 1998 (b) of the Police National Computer by the National Identification Service.
- 4) The application form must be signed. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so. Where there is more than one applicant, all applicants or their respective agents must sign the application form.
- 5) This is the address that we shall use to correspond with you about this application.
- 6) A plan of the premises must be submitted with the application, drawn to a scale of 1:100 showing all external and internal doors and windows and the position of counters, display stands, booths, video / tv / film screens, exhibition areas, dance / performance / stage areas fixed seating and tables, bars / counters from which refreshments are available.
- 7) Copies of the application together with a plan of the premises must be submitted to both :-
 - a) Barnsley Metropolitan Borough Council
Regulatory Services
PO Box 602
Barnsley
S70 9FB
 - b) Chief Officer of Police,
South Yorkshire Police,
Barnsley Police Station,
Churchfields,
Barnsley,
S70 2DL
- 8) A notice containing details of the application must be advertised on the premises to which the application relates for a continuous period of not less than 21 days from the day following the day on which it was given to the licensing authority, in a position from which it can be conveniently read by members of the public.
- 9) A notice containing details of the application must be published in a newspaper circulating in the local vicinity of the premises within 7 days of the application being given to the licensing authority.
- 10) Fees can be obtained via the council's website or by contacting the Licensing Section, Barnsley Metropolitan Borough Council.

PRIVATE & CONFIDENTIAL

PRIVATE SHOP, 3 Doncaster Road, Barnsley, S70 1TH

David Sullivan – Director, Roldvale Trading Limited
Birch Hall
Coppice Row
Theydon Bois
Essex
CM16 7DR

Colin Mason – Director, Darker Enterprises Limited
33 Avenue Gardens
Horley
Surrey
RH6 9BS

Frank Geoffrey Fields (Regional Co-ordinator)
The Old Barns
Lightwood Road
Middle Handley
Sheffield
S21 5RN

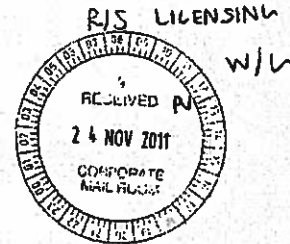
Andrew Stenton (Area Admin Supervisor)
159 Middleton Park Road
Leeds
LS10 4LZ

Philip Leighton (Area Admin Supervisor)
8 Colpitt Close, Norton
Stockton on Tees
TS20 1TR

Jason Bailey (Full time sales assistant)
4 Manor Court
Genn Lane
Worsbrough
Barnsley
S70 6TF

Darker Enterprises Limited

Licensing Administration
Unit 11B, Trade City, Ashton Road
Harold Hill, Essex RM3 8JJ
Tel: 020 8114 1007 - Fax: 020 8114 1006
Email: licensing@thamesroad.co.uk



Licensing Section
Barnsley Metropolitan Borough Council
Regulatory Services
PO Box 602
Barnsley
S70 9FB

22nd November 2011

Dear Sir/Madam,

**Re: Local Government (Miscellaneous Provisions) Act 1982
Renewal of Licence: Private Shop, 3 Doncaster Road, Barnsley**

With reference to our application dated 8th November 2011, please find enclosed a photostat copy of the public advertisement which appeared in the Barnsley Chronicle on Friday 11th November 2011 at page 13.

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

C C Mason
Director

Encl



PUBLIC NOTICES

Chronicle Recruitment

Business and Management Department



Team Leader - Work Based Learning 7 hours per week £23,946 - £28,166

After co-ordinating, assess and review the learning activities associated with learners in the workplace, whilst leading and supervising a team of assessors.

Candidates must have a Level 3 NVQ qualification (or equivalent qualification) within a specific occupational discipline, a Level 3 teaching qualification (e.g. PTLS/CTLS) and/or a training qualification (or equivalent qualification) e.g. assessor awards 23/03/03 (or equivalent), along with 5 years' relevant industrial experience.

Work Based Assessor 37 hours per week £21,276 - £23,256

To work with a variety of learners on NVQ and Apprenticeship programmes such as business administration, customer service, IT and management. Duties will include interviewing and recruiting learners; managing a cohort of learners and organising assessment/visit visits. In addition the post holder will be required to develop appropriate learning materials to deliver dedicated functional skill classes to groups of work based learners.

Applicants must have an NVQ Level 3 in a business related subject, a teaching qualification (or will progress to meet towards one in the first year) and have a minimum of 2 year's relevant work experience.

Essential Skills Department

Student Support Worker - Skills for Life Variable Hours £8.30 per hour

The Essential Skills Department is looking to appoint a Student Support Worker to provide support for adult students in Literacy and Numeracy workshops. The successful candidate will need to demonstrate an understanding of the issues faced by adults returning to education after a break and develop sympathetic strategies to support them.

Applicants must have a minimum Level 2 qualification (or equivalent), a GCSE pass in Good or Grade C or above including Mathematics and English (or equivalent qualification), and at least 1 year's relevant work experience. A background in Maths and English would also be desirable.

Key benefits for all the above posts includes generous annual leave entitlement (including bank & public holidays), access to the Local Government Pension Scheme and a commitment to support job related training and development.

Closing Dates Friday 23rd November 2011 at 12.00pm. For further details on the posts, please visit our website at www.barnsley.ac.uk or contact the 24 hour recruitment line on: 01226 216 621.

Various other posts are available in the Essential Skills Department. For further details on these posts, please visit our website at www.barnsley.ac.uk



Public & Legal Notices

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To advertise telephone 01226 734666

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