



### **Licensing Sub-Committee Thursday, 17th October, 2013**

You are invited to attend the next meeting of **Licensing Sub-Committee**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Thursday, 17th October, 2013  
at 6.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

A Hendry (Direct Line 01992 564246)  
Email: democraticservices@eppingforestdc.gov.uk

#### **Members:**

Councillors A Boyce (Chairman), K Angold-Stephens, Mrs R Gadsby and A Mitchell MBE

**PLEASE NOTE THE START TIME OF THE MEETING**

**THERE WILL BE A BRIEFING FOR THE SUB COMMITTEE AT 6.00pm. IN THE  
MEMBERS' ROOM**

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**  
(Assistant to the Chief Executive) To declare interests in any item on this agenda.
- 3. PROCEDURE FOR THE CONDUCT OF BUSINESS (Pages 3 - 8)**
- 4. APPLICATION FOR TRANSFER OF A SEX ESTABLISHMENT LICENCE - SHOP -  
105 EPPING NEW ROAD, BUCKHURST HILL, IG9 5TQ (Pages 9 - 28)**  
(Director of Corporate Support Services) To consider the attached report.
- 5. EXCLUSION OF PUBLIC AND PRESS**  
**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of

business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

# Agenda Item 3

## PART 3(2) - RESPONSIBILITY FOR COUNCIL FUNCTIONS

### LICENSING COMMITTEE – TERMS OF REFERENCE

(1) The full Committee shall comprise 11 Councillors appointed by the Council at its annual meeting, including a Chairman and Vice-Chairman.

... (2) For the functions set out in Annex 1, and the legislation listed in Annex 2, a Sub-Committee consisting of no more than any three Councillors drawn, in alphabetical order, from the members of the full Committee shall be formed. Any such Sub-Committee shall elect a Chairman on an ad-hoc basis.

(3) For the transaction of business at full Committee meetings, the quorum shall be a minimum of five Committee members save that no business shall be transacted unless either the Chairman or Vice-Chairman of the Committee is present.

(4) The Committee and Sub-Committees shall have full authority to hear and determine licensing applications.

(5) The Committee and Sub-Committees shall be further empowered to determine appeals made against the decisions of the Head of Environmental Services taken under delegated authority on licensing applications.

... (6) The Committee shall at all times carry out its duties solely within the policy from time to time determined by the Council and shall conduct its proceedings in accordance with the requirements set out in Annex 3 (Conduct of Business by Licensing Committee and Sub-Committees).

(7) The Licensing Committee shall take no part in the production or revision of the statement of licensing policy made under Section 5 of the Licensing Act 2003, however, they may determine policy under the legislation listed in Annex 3.

**PART 3(2) – RESPONSIBILITY  
FOR FUNCTIONS  
LICENSING COMMITTEE**

**Licensing Act 2003 – LIST OF FUNCTIONS AND DELEGATED AUTHORITY**

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
All policy matters except the formulation of the statement of licensing policy	All cases		

**PART 3(2) – RESPONSIBILITY  
FOR FUNCTIONS  
LICENSING COMMITTEE**

**LIST OF STATUTORY POWERS**

Those functions pertaining to licensing and registration and permits and consents contained in the following legislation and any regulations, orders, byelaws or other subsidiary legislation made under the above Acts:

Animal Boarding Establishments Act 1963  
Breeding & Sale of Dogs (Welfare) Act 1999  
Breeding of Dogs Act 1973  
Breeding of Dogs Act 1991  
Caravan Sites & Control of Development Act 1960  
Caravan Sites Act 1968  
Dangerous Wild Animals Act 1976  
Gambling Act 2005  
Guard Dogs Act 1975  
House to House Collections Act 1939  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Pet Animals Acts 1951 & Pet Animals Act 1951 (Amendment Act) 1983  
Riding Establishments Acts 1964 & 1970  
Scrap Metal Dealers Act 1964  
The Game Act 1831  
Town Police Clauses Act 1847  
Town Police Clauses Act 1889  
Zoo Licensing Act 1981

## **Part 3(2) – Responsibility for Functions**

### **PART A – CONDUCT OF BUSINESS BY LICENSING COMMITTEE AND SUB-COMMITTEES**

**All references to committee in this annex shall be taken to infer a reference to the associated sub-committees.**

#### **1. General Conduct**

- 1.1 All hearings of the Licensing Committee under the Licensing Act 2003, are to be held in accordance with the Personal Licences, Hearings, Premises Licences and Club Premises Certificates, and Licensing Register Regulations, made under the Licensing Act 2003.
- 1.2 The Council's Constitution shall regulate the conduct of and debate at meetings.
- 1.3 In the case of hearings under the Licensing Act 2003, the Committee shall only consider those matters relevant to the licensing objectives as set out in the Licensing Act 2003 and the statement of licensing policy adopted by the Council.

#### **2. Declarations of Interest**

- 2.1 Members of the Committee are subject to the Council's Code of Conduct and to advice from the Standard Board for England, details of which will be provided to those members.

#### **3. Participation in the Hearing**

- 3.1 Debate shall be restricted to members of the Licensing Committee. Where a local ward member, not being a member of the Committee, wishes to participate in the hearing, they may do so only with the permission of the Chairman and their participation shall be subject to the same rules as are applied to any other witnesses to the application.
- 3.2 In hearings other than those under the Licensing Act 2003, where a ward member is a member of the Committee, and wishes to object to the application, the member shall give 14 days' notice of their intention, and shall play no part in the decision-making process of the Committee. In hearings under the Licensing Act 2003, those named as responsible authorities and interested parties in the Act may only make representations within the time limits set out in the relevant statutory provisions.
- 3.3 All persons participating in the hearing shall be made aware of the limitations or scope of statements that will be acceptable and, in particular, that statements should be factual or a fair statement on a matter of public interest.

#### **4. Attendance of the Public**

- 4.1 The Council's Constitution and relevant statutory provisions relating to the admission or exclusion of the public shall apply to all meetings of the Licensing Committee.

## **5. Natural Justice**

5.1 There are two elements to natural justice:

### **(a) Fairness**

- (i) All persons affected by the decision or in the case of matters associated with the Licensing Act 2003, those named as responsible authorities and interested parties in the Act, will be allowed a hearing before a decision is made.
- (ii) Only objectors who can show clearly that they are affected by a decision shall be afforded the right to be heard or, in the case of hearings under the Licensing Act 2003, only those named in the Act as responsible authorities or interested parties.
- (iii) All information shall be made available, where possible in advance, to the applicant and the Committee.
- (iv) All members of the Committee shall be present throughout the hearing of a particular application. Where a member arrives late or leaves during a hearing of a particular application, that member shall play no part in the decision-making process. Where an application is adjourned it shall be continued by the same members only, and no others.
- (v) The Committee shall have discretion in respect of 'late' objections. Such objections shall be clearly marked on the agenda as such and the Committee shall decide on their acceptability. The applicant shall be advised of any late objections. In the case of representations made in relation to the Licensing Act 2003 applications, these shall only be accepted in accordance with the relevant statutory provisions.

### **(b) Prevention of Bias**

- (i) The rules on the declarations of interest shall be firmly applied.
- (ii) If the Committee moves into private session to consider its decision, it shall be accompanied only by its advising officers, none of whom shall have taken a substantive part in the hearing, and shall play no substantive part in the decision-making process.

## **6. General Procedures for Hearings**

6.1 The following procedural requirements shall be followed at all times:

- (a) There shall be no recommendation from officers on the agenda;
- (b) The Committee shall be supplied with copies of all relevant documentation and the process and order of procedure shall be as follows:
  - (i) The Chairman will open the meeting and introduce persons as appropriate asking applicants and representatives to identify themselves.
  - (ii) The Chairman will outline the procedure to be followed.

- (iii) The Lead Officer will outline the matter in hand.
- (iv) The applicant or representative will present his/her case, with or without witnesses, and be questioned by members or any objectors/persons making representations present.
- (v) Any objectors/persons making representations may then present their objections/representation, with or without witnesses, and be questioned by members or the applicant/s or their representative.
- (vi) The objectors/persons making representations may make a final statement (without introducing new issues).
- (vii) Finally, the applicant has the right to make a final statement (without introducing new issues).
- (viii) All evidence/disclosures are to be made in the presence of all persons, unless someone voluntarily excuses themselves from the proceedings.
- (ix) Committee members shall restrict themselves to questions and not discussion or comment.
- (x) The applicant, objectors/persons making representations shall be allowed to ask officers questions of a technical/factual nature at any time during the proceedings.
- (xi) An adjournment should be granted where to do otherwise would deny a fair hearing.
- (xii) The Committee may resolve to decide upon the application in private session, however, if it becomes necessary to recall anyone for additional information, everyone shall be invited to return to the Hearing.
- (xiii) The decision shall be given in the presence of all parties that wish to be present and confirmed in writing as soon as possible thereafter. If legal advice is given to members this advice will be repeated in summary form.



## **Report to the Licensing Sub Committee**

**Report reference:**

**Date of meeting:** 17<sup>th</sup> October 2013



**Epping Forest  
District Council**

**Subject:** Local Government (Miscellaneous Provisions) Act 1982 –  
Application for Transfer of a Sex Establishment Licence – Shop

**Responsible Officer:** Nuala Clark (01992 564340)

**Democratic Services Officer:** Adrian Hendry (01992 564246)

### **Decision Required:**

**To determine an application for a transfer of a Sex shop licence.**

### **Report:**

#### **Application for Grant of Sex Establishment Licence**

1. The District Council has received an application from Mr David Bales of 105 Epping New Road Limited for the grant of a Transfer of a Sex Shop Licence in respect of the premises at 105 Epping New Road Buckhurst Hill Essex IG9 5TQ.
2. The consultation period began on the 23<sup>rd</sup> August 2013 and ended on 12<sup>th</sup> September 2013.

A copy of the application is attached together with a copy of the public notice.

3. The authority did receive responses from Essex Police and Children's Safeguarding Service, who stated that they also had no representations to make, 2 other objections were received from local residents, all are attached to this report.

#### **Consultation**

3. The 1982 Act requires the applicant for the grant of a Sex Establishment to:-

- (a) give public notice of the application by publishing an advertisement in a local newspaper and by displaying a notice on or near the premises for a period of 21 days; and
- (b) send a copy of the application to the Chief Officer of Police.

4. In considering an application for the grant of a licence the Sub-committee must have regards to any observations submitted by the police and any validly submitted objections.

5. Any objections to the application must be in writing and received by the Council not later than 28 days after the date of application.

## Grounds for Refusal

6. The Act sets out the grounds upon which an application for the grant of a licence **must** be refused and upon which a grant application **may** be refused.

7. A licence **must** not be granted:

- (a) to a person under 18; or
- (b) to a person who has been disqualified from holding a licence; or
- (c) to a person not a resident of the United Kingdom or was not so resident throughout the period of six months immediately preceding the application ; or
- (d) to a Company not incorporated in the United Kingdom; or
- (e) to a person who has been refused a licence within the last 12 months a person who has, 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..

8. An application for the grant of a licence **may** be refused on the following grounds:

- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason; or
- (b) that if the licence were to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) 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.

9. The Act specifically provides that for the purposes of (c) above **nil** may be an appropriate number.

## **Relevant Locality**

10. In relation to grounds (c) and (d) above, the Act defines the “relevant locality” as the locality where the premises are situated.

The Authority’s policy provides that there is a general presumption against the granting of licences for premises which are:

- Adjacent to, or in the vicinity of places of worship; or
- Adjacent to, or in the vicinity of schools, nurseries or other educational establishments; or
- Adjacent to, or in the vicinity of public buildings or community facilities; or
- Adjacent to, or in the vicinity of family residential areas; or
- Adjacent to, or in the vicinity of a family leisure or shopping areas; or
- Adjacent to, or in the vicinity of public buildings or community facilities; or
- In an area earmarked for regeneration of a particular kind;

and access routes to and from the same.

## **Comments on the Application**

11. Insofar as officers are aware, none of the mandatory grounds for refusal set out in paragraph 7 above are applicable in respect of this application.

## **Conditions**

12. The Act provides that the licence shall remain in force for one year or such shorter period as the authority may decide unless previously cancelled or revoked.

13. The Council can impose terms and conditions and/or impose restrictions on the licence.

## **Appeals**

14. If the application is refused based upon the discretionary grounds 12 (3) (a) and (b) of The Act (set out in paragraph 8 (a) and (b) of this report) the applicant may appeal within 21 days to the Magistrates Court.

15. The Act provides for no appeal against refusals under grounds 12 (3) (c) and (d) of the Act (set out in paragraph 8 (c) and (d) of the report) although decisions under these grounds have been challenged in the Courts by way of judicial review on the ground that the decision was not properly taken or that there was some procedural irregularity or breach of the rules of natural justice.

16. If members decide to refuse the application they shall, if required to do so by the applicant, give her a statement in writing of the reasons for the decision within 7 days of the

request to do so.

**Resource Implications:**

None

**Legal and Governance Implications:**

None

**Safer, Cleaner and Greener Implications:**

None

**Consultation Undertaken:**

Statutory consultation undertaken. The results have been set out above.

**Background Papers:**

- **Local Government (Miscellaneous Provisions) Act 1982**
- **Epping Forest's Sexual Entertainment Venue and Sex Establishment Licensing Policy**
- **(Home Office Guidance - Sexual Entertainments Venues)**

**Attached Documents**

- **Current Sex Shop Licence**
- **Application for transfer existing licence for a sex shop establishment**
- **Copy of Newspaper advert**
- **Letters from Essex Police and the Children's Safeguarding Service confirming no objection to the application.**
- **Letter of objection from Mr & Mrs Levene local residents.**
- **Letter of objection from Mr F Solarz local resident**
- **Plan of the surrounding area**



**Epping Forest  
District Council**

## **Local Government (Miscellaneous Provisions) Act 1982**

### **Sex Establishment Licence**

**Epping Forest District Council**, hereby grant a licence under Schedule 3 of the above Act to Midnight Lady LTD T/AS 50 Ways of 4 Chase Gardens, Southampton, SO32 2ES to use 105 Epping New Road, Buckhurst Hill Essex IG9 5TQ for the purposes of a sex establishment comprising a **sex shop** as defined in that schedule.

This licence is granted subject to the conditions set out below.

This licence shall continue in force from the 6<sup>th</sup> November 2012 until the 5<sup>th</sup> November 2013 unless revoked.

**Date: 7<sup>th</sup> November 2012**

**Corporate Support Services**

## **Conditions**

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY THE POLICE AND CRIME ACT 2009**

#### **PART 1**

##### **Standard Conditions for all Sex Establishments**

###### **Management of the Premises**

1. The Licensee or some responsible person nominated by him over the age of 18 and approved in writing by the Council for the purpose of managing the sex establishment ("the manager") shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public.
2. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
3. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
4. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Council must be immediately notified in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.
5. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed.
6. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the Premises.
7. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating his name and that he is an employee. This shall not apply to any Performers.

###### **Display of Licence**

8. A copy of the Sex Establishment Licence and the Conditions of the Licence made by the authority must be kept exhibited in the public area of the premises.

### **Age Policy**

9. No person under 18 years of age to enter the premises.
10. All customers appearing to be under the age of 25 to be required to provide photographic proof of their age before being allowed access to the shop.
11. No person under 18 years of age is to be employed in the business of the establishment.
12. At all entrances there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age.
13. The Licensee of the premises shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.
14. No change from a sex cinema to a sex shop or a sex shop to a sex cinema shall be made without the written consent of the Council.

### **Breach of Licensing Conditions**

15. Any breach of legislation or failure to comply with the conditions attached to the Licence may result in prosecution or in the revocation of the Licence.

### **General**

16. The Council may substitute, delete, vary or amend these conditions at any time.

## PART 2

### STANDARD CONDITIONS FOR SEX SHOPS

#### Opening of the Premises

1. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours unless the Council agrees otherwise:

**Tuesday – Saturday 10am – 6 pm**  
**Sunday - Closed**

2. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Christmas Day or Good Friday.

#### External Appearance

3. The holder of the sex establishment licence may display in the window items of lingerie, clothing and shoes only.
4. No external loudspeakers may be installed.
5. The windows, doors and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises invisible to passers-by.

#### State, Condition and Layout of the Premises

6. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to for their automatic closure and such devices shall be maintained in good working order.
7. The layout of the Premises shall be as shown on the diagram submitted by Mr Bowerbank and only items of lingerie, clothes and shoes may be displayed in the part of the Premises labelled "FIRST AREA" on the diagram and a screen or suitable curtain will be fitted between the arrears labelled "FIRST AREA" and "SECOND AREA" on the diagram.
8. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
9. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
10. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
11. No locks or fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.



### **Safety and Security**

12. The Licensee shall ensure a suitable closed-circuit television system is installed and maintained to the satisfaction of the Council and police compliant with the codes of practices issued under the Data Protection Act 1998.

### **Goods Available in Sex Establishments**

13. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a Sex Establishment shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
14. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).

### **Additional condition:**

The name of the Premises may only be changed with the written consent of the Senior Licensing Officer.



# Epping Forest District Council

Epping Forest District Council  
Application for ~~grant~~/renewal/transfer  
of licence for a sex establishment

If application is made on behalf of an individual please state:

Full name: .....

Permanent address: .....

Age: ..... Date of Birth: ..... Place of Birth: .....

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

Full name of body: ..... 105 EPPING NEW ROAD LTD .....

Address of registered or principal office: ..... 46-54 HIGH STREET .....

..... INGATESTONE, ESSEX, CM4 9DW .....

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

Name: DAVID BALES  
Age: [REDACTED] Date of Birth: [REDACTED] Place of Birth: LONDON  
Address: [REDACTED] HIGH ST, INGATESTONE, ESSEX, [REDACTED]

Name: .....  
Age: ..... Date of Birth: ..... Place of Birth: .....  
Address: .....

Name: .....  
Age: ..... Date of Birth: ..... Place of Birth: .....  
Address: .....

Name: .....  
Age: ..... Date of Birth: ..... Place of Birth: .....  
Address: .....

Name: .....  
Age: ..... Date of Birth: ..... Place of Birth: .....  
Address: .....

Have you any conviction record against you? Or if a body corporate or unincorporated body that body or any of its directors or other persons responsible for its management? If so please state -

NO

(If renewal, since you last applied for a licence)  
Date of Conviction    Offence    Sentence (including suspended sentence)

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

**Sentence:**

**Becomes spent after:**

Imprisonment of between 6 months and 2½ years:

10 years

Imprisonment of up to 6 months:

7 years

Borstal training:

7 years

A fine or other sentence not otherwise covered in this table:

5 years

Absolute discharge:

6 months

Probation order, conditional discharge or bind over:

1 year (or until order expires, whichever is the longer)

Detention Centre Order:

3 years

Remand home, attendance centre or approved school order:

The period of the order and a further year after the order expires

Hospital order under the Mental Health Act:

The period of the order and a further 2 years after it expires

Cashiering, discharge with ignominy or dismissal with

10 years

Disgrace from the Armed Forces:

Dismissal from Armed Forces:

7 years

Detention:

5 years

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

Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application?  YES  NO

If the application is made on behalf of a body corporate is that body incorporated in the United Kingdom?  YES  NO

Full address of premises desired to be used as a sex establishment  
105 EPPING NEW ROAD, BUCKHURST HILL, ESSEX, IG9 5TE

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

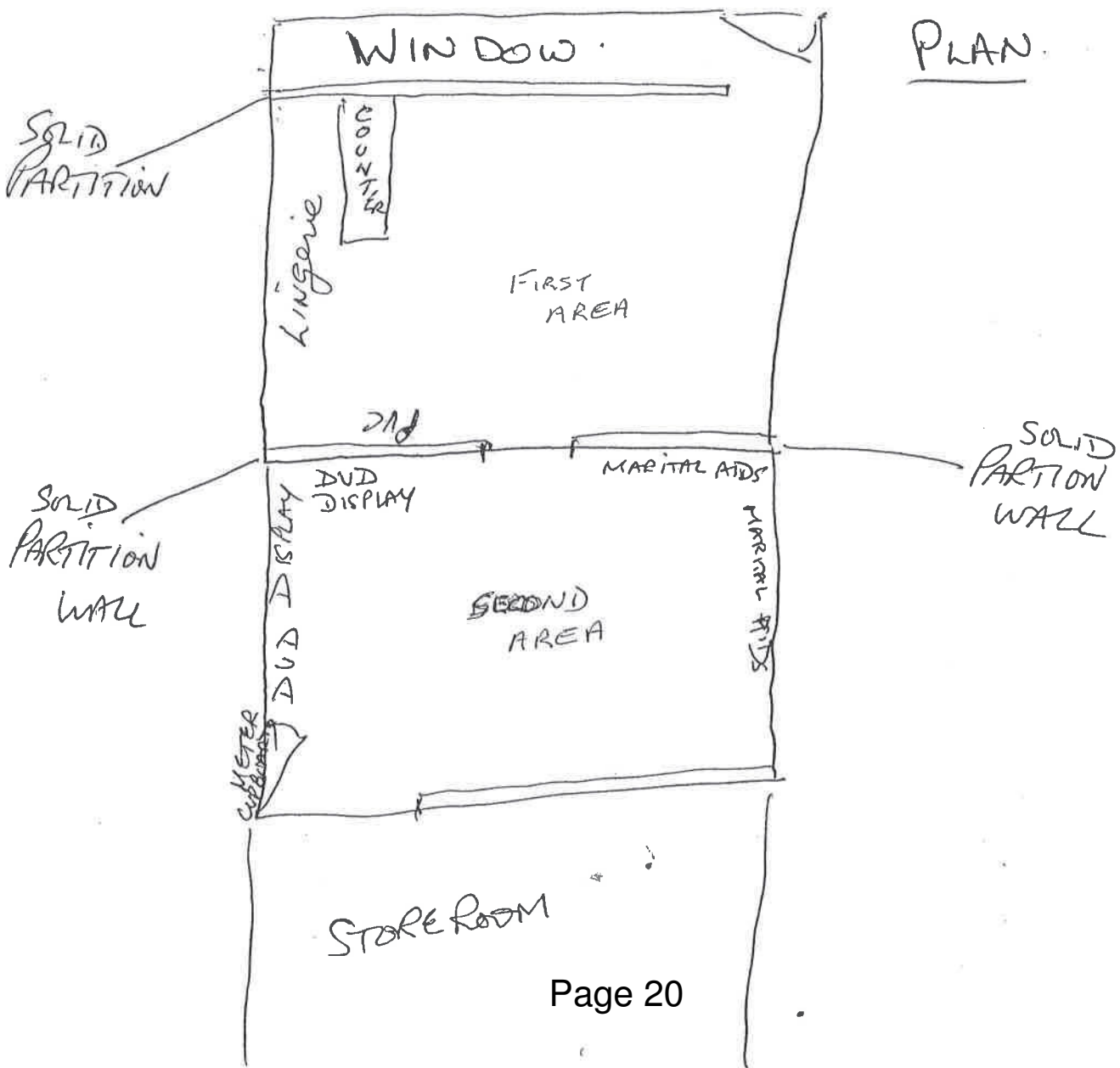
During which hours do you wish to trade? 10 AM TO 6 PM TUESDAY TO SATURDAY

Are the premises to be used as a sex shop?  YES  NO  
Are the premises to be used as a sex cinema?  YES  NO  
Are the premises to be used as a sex encounter establishment?  YES  NO

Are you (or, if a corporate or unincorporated body, that body) disqualified from holding a licence for a sex establishment?  YES  NO  
Have you ever been refused a licence for a sex establishment?  YES  NO  
If yes please give details

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

Date 19 AUG 2013 Signature 



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# **Epping Forest District Council**

## **Licensing of sex establishments**

### **Public Notice**

Name of Premises: 50 Ways, 105 Epping New Road,  
Buckhurst Hill, Essex IG9 5TQ.

From: 105 Epping New Road Ltd

Notice is hereby given that the council has received an application under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for a licence to use the premises referred to above as a sexshop. (Transfer of Ownership).

Any person wishing to make representations about the application should make them in writing to the Licensing Department, Epping Forest District Council, Corporate Services, High Street, Epping. CM16 4BZ within 21 days of this notice.

Date of which the application was made on the authority  
23rd August 2013.

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Corporate Support

Licensing Department, Epping Police Station  
230 High Street, Epping, CM16 4AP  
Telephone 01279 625 405 Facsimile: 01279 625 440  
Website: [www.essex.police.uk](http://www.essex.police.uk) Email: [Peter.Jones@essex.police.uk](mailto:Peter.Jones@essex.police.uk)

Civic Offices High Street  
Epping Essex CM16 4BZ  
Telephone: 01992 564000  
Facsimile: 01992 578018  
DX: 40409 Epping

Director of Corporate Support  
Services Colleen O'Boyle  
Solicitor to the Council

Enquiries to:

Mrs Kim Tuckey  
Licensing Department  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
CM16 4BZ

28 August 2013

Dear Kim,

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
– SEX ESTABLISHMENTS TRANSFER –**

**ESTABLISHMENT: 105 Epping New Road**

Further to the above application for the renewal of a Sex Establishments Licence received on 23 August 2013. I can now confirm that all my checks have been carried out and can confirm that Essex Police will not be making any representations or objections to this application.

I trust the aforementioned will assist and look forward to receiving a copy of the Licence in due course.

Yours sincerely,

Mr Peter Jones ABII  
Epping & Brentwood Licensing Officer  
West LPA



Licensing Applications  
Children's Safeguarding Service  
Schools Children's and Families Service  
A Block 202, County Hall  
Chelmsford CM1 1YS  
Tel: 01245 436744  
Email: LicenceApplications@essex.gov.uk

Nuala Clark  
Licensing Compliance Officer  
Epping Forest District Council

Our ref: 08-2013/28  
Date: 05 September 2013

Dear Nuala,

**RE: Licensing Act 2003: Transfer of Sex Shop Licence at 105 Epping  
New Road Buckhurst Hill**

The licensing transfer application received on 23<sup>rd</sup> August 2013 has been assessed and we can confirm we have no objections to this licence application.

Yours sincerely

**Paula Stacey**  
**Service Manager Safeguards,**  
**Children's Safeguarding Service**

We strongly oppose



### Register of Licence applications received.

Date application received: 23<sup>rd</sup> August 2013

Applicant name: 105 Epping New Road Ltd

Address of Premises: 50 Ways 105 Epping New Road Ltd, Buckhurst Hill, IG9 5TQ

Brief details of the nature of the application;

The application is for the Transfer of the current Sex Shop Licence following the transfer of ownership of the premises.

The Trading hours remain the same:

10am to 6pm Tuesday to Saturday.

Any representations regarding the above application should be made within 21 days of the day above, to;

Epping Forest District Council  
Licensing Unit Civic Offices,  
High Street  
Epping  
Essex  
CM164BZ

Mr & Mrs R. Levene  
[REDACTED] 1651 COURT  
[REDACTED] EPPING NEW RD  
BUCKHURST HILL [REDACTED]  
9/9/2013

We are not happy with the premises above carrying on under new ownership. Its in a family residential area its adjacent to a place of worship its very close to a church where children go to a nursery. also close to a tennis club.  
Facing a close to family residential areas.



11 0 SEP 2013

[REDACTED] Icen Court  
[REDACTED], Epping New Road  
Buckhurst Hill  
Essex [REDACTED]

Colleen O'Boyle  
Epping Forest District Council  
Civic Offices  
High Street  
Epping  
Essex CM16 4BZ

05:09:2013

Your ref: 105 Epping New Road

Dear Ms O'Boyle

I write on behalf of a number of residents of Icen Court, 66 Epping New Road IG9 5TJ. The complex is directly opposite the premises (105 Epping New Road). Many flats overlook these premises. We would like to object to the granting of a new licence. We would like to make the following points under the heading "Relevant Locality" section (i) of the act.

1. The premises are adjacent to a Lubavitch Chabad centre; which we understand is a place of worship for orthodox Jews. Adults and children on their way to worship will be exposed to the shop and its window displays.
2. A large number of pupils on their way to St John's School will have to pass the shop. As will worshippers on their way to prayers at St John's Church.
3. The premises are almost opposite Buckhurst Hill Bowls and Lawn Tennis Club. Many young people will pass the shop on their way to their tennis lessons.
4. This is a residential area and a sex shop in the vicinity seems very inappropriate.

Yours sincerely

[REDACTED]  
Frank Solarz

Director Icen Court Residents Association

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Epping Forest District Council

Civic Offices  
High Street  
Epping CM16 4BZ

Centre X: 540616.497  
Centre Y: 194175.703  
Width : 225.000  
Angle : .000

Scale : 1:1250

Date : 2 Oct 2013

Time : 01:35:19 PM

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