

Nice'n'Naughty

Bangor | Bolton | Brighton | Bristol | Chester | Leeds | Liverpool | Newcastle | Southport | Warrington | Wigan

Nick Carter
Regulatory Services Manager
Licensing Team (Temple Street)
PO Box 3176
Bristol
BS3 9FS



16th December 2016

Dear Mr Carter,

RE: SEX ESTABLISHMENT POLICY REVIEW 2016/2017

Thank you for your letter of the 11th November 2016 requesting comments on the sex establishment policy review 2016/2017

I would like to refer to the many letters I have sent to Bristol Council questioning the policy and charges associated with the sex establishment licensing (please find enclosed)

Many of these letters have gone unanswered and to date I do not feel that the fees charged are justified.

I have requested meetings to discuss this further in person all of which have been ignored.

I wish to be able to make full representation to any committee that will be reviewing the Sex Establishment policy 2016/2017

I request that this review include the fees associated with the licensing reviews for sex shops.

Bristol Council is one of the highest in the UK and has not justified the fees although we have continually requested this.

Other councils that Nice 'n' Naughty deal with charge the following:

Liverpool	£190.96
Warrington	£457.00
Wigan	£610.00
Southport	£600.00

I look forward to hearing from you in due course.

Yours sincerely

Trish Murray

Trish Murray
Operations Manager
T: 0844 88 44 784
E: operations@nicennaughty.co.uk



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE
T: 0844 88 44 784

enquiries@nicennaughty.co.uk | www.nicennaughty.co.uk

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13th September 2016

Dear Sirs,

RE: LICENCE RENEWAL – NICE 'N' NAUGHTY, 45 COLSTON STREET, BRISTOL, BS1 5AX

With reference to the above, we have written to you on the following dates with no response:

5th July 2016
16th June 2016
16th May 2016

The letter from the 16th May 2016 enclosed our Licence renewal application without the fee as we advised that we were awaiting a response from Jonathan Martin regarding fees.

We have had no response from Mr. Martin or any of the licensing team regarding the fees or our licence renewal.

I would be grateful therefore if a member of the licensing team would acknowledge receipt of this letter and advise on the situation of the fees at this time.

Yours sincerely

Emma Humphreys
Nice N Naughty
Senior Executive Administrator
T: 0844 88 44 784
E: accounts2@nicennaughty.co.uk



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5th July 2016

Dear Sirs,

RE: LICENCE RENEWAL – NICE 'N' NAUGHTY, 45 COLSTON STREET, BRISTOL, BS1 5AX

With reference to the above, we sent our licence renewal paperwork to you on the 16th May 2016 and subsequently sent copies of the public notice published in the Western Daily Press on the 18th May 2016 and the Window notice following the 21 day period.

No fee was sent with the renewal as we had written to Jonathan Martin under the Freedom Of Information act asking for information regarding how the fees were set to which he responded on the 13th June 2016.

We sent a further letter which I have attached regarding the fees for 2016/2017 as Mr Martin advised that the last time the fees were set was 2013/2014.

There was no response received from this letter so I would be grateful if you could please arrange for this to be responded too as I am conscious that we have not made payment for the licence or received the licence renewal documents.

Yours sincerely

Emma Humphreys
Nice N Naughty
Senior Executive Administrator
T: 0844 88 44 784
E: accounts2@nicennaughty.co.uk



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Bristol
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16th May 2016

Dear Sirs,

RE: LICENCE RENEWAL – NICE 'N' NAUGHTY, 45 COLSTON STREET, BRISTOL, BS1 5AX

With reference to the above, please find enclosed the completed paperwork for the renewal of our licence at Nice N Naughty Leisurewear Ltd, 45 Colston Street, Bristol, BS1 5AX.

Further to our letter to Jonathan Martin regarding fees and our FOI request, once we have had a response to these, the fee for the licence will be sent separately.

A copy of the completed documentation has also been sent to Chief Constable, Avon & Somerset Constabulary, New Bridewell (6th Floor), Bristol, BS1 2QH.

If you have any queries regarding the application, please do not hesitate to contact me

Yours sincerely

Emma Humphreys
Nice N Naughty
Senior Executive Administrator
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E: accounts2@nicennaughty.co.uk



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Jonathan Martin
Trading Standards & Licensing Manager
Trading Standards Section
Brunel House
St Georges Road
Bristol
BS1 5UY

RECORDED DELIVERY

12th May 2016

Dear Jonathan,

RE: Nice 'n' Naughty, 45 Colston Street, Bristol, BS1 5AX

Please find enclosed a copy of my letter to you dated the 10th November 2015, which was signed for on the 13th November 2015 (copy of the proof of delivery is also enclosed) to which I have had no response.

We have also received no final response to our Freedom of Information request that was sent to Bristol City Council on the 2nd February 2016.

You did respond to the FOI with a query on the 4th March 2016 which was received by us on the 10th March 2016.

We responded to you on the 11th March 2016 providing the further details you had requested, again copies of this correspondence is enclosed, but we have received no further details from you regarding this request.

As we are about to start the 2016/2017 licence renewal process I would be grateful if you could provide the information requested by return.

I look forward to hearing from you in due course.

Yours Sincerely

Trish Murray
Operation Manager
Nice n Naughty Ltd
07890758627



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE
T: 0844 88 44 784

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Jonathan Martin
Regulatory Compliance Unit Manager
Bristol City Council
Licensing Services
Princes House
Princess Street
Bedminster
Bristol
BS3 4AG

RECORDED DELIVERY

10th November 2015

Dear Jonathan,

RE: Nice 'n' Naughty, 45 Colston Street, Bristol, BS1 5AX

Thank you for your time on the telephone today and the chance to discuss my issues with the current renewal fee for a Sex Establishment Licence in Bristol.

As I am sure you are aware, I have been campaigning for a fair and reasonable licensing renewal fee for all the Nice 'n' Naughty shops across the UK and Bristol in particular due to its high fees when we took the store from Clonezone in 2009. This was prior to the Hemming vs. Westminster Council court case.

Although we have seen a significant drop in the fees since 2009, we find it difficult to understand how Bristol fees are so much higher than other local councils we deal with, when the process is identical across the country. Having looked at other Councils near to Bristol City, Bath is £1,680, Newport £378, Cardiff is £804 and although these are higher than some of our other stores, they are a lot less than Bristol City Council.

Below are six examples of councils that Nice 'n' Naughty have applied for licenses with that have applied significant reductions to their licence fees.

Chester reduced fees from £3,800 to £900
Warrington reduced fees over a period of 3 years from £3,800 to £451
Liverpool city council reduced fees from £1,600 to £192
Wigan Borough Council reduced fees over 3 years from £3,600 to £571
Manchester Council reduced fees from £5,412 to £398
Leeds Council reduced fees from £8,000 to £700

The reductions were a result of the Councils actual costing of the renewal process for a sex establishment many of which supplied a breakdown of the cost and how they arrived at the new fees. We understand every council sets fees independently but I am sure you can appreciate the £5,000 we pay Bristol Council seems excessive when looking at other councils.



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I would be grateful if you could send me the cost breakdown for Bristol City Council sex shop renewal process and would like the opportunity to meet to discuss when I visit Bristol in December.

We have worked very closely with other councils to help reduce costs of the renewal process and would like to think this is possible with yourselves over the coming months.

Thank you again for your time on the phone today and look forward to hearing from you.

Yours Sincerely

Trish Murray
Operation Manager
Nice n Naughty Ltd
07890758627



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Sarah Flower
Licensing Services
Princes House
Princess Street
Bedminster
Bristol
BS3 4AG

WITHOUT PREJUDICE

18th February 2015

Dear Sarah,

RE: Nice 'n' Naughty, 45 Colston Street, Bristol, Avon, BS1 5AX

Further to our telephone conversation today, Nice 'N' Naughty has been kept aware of Westminster Council being granted leave to appeal to the Supreme Court from Philip Kolvin and Tim Hemming. Whilst we understand the basis of this decision, we are advised that it is unlikely the Supreme Court will arrive at a different verdict and as a result several councils we work with are offering a full and final settlement to prevent larger sums being claimed at a later date.

Since 2009, we have paid £33,767.00, based on an approximate renewal fee of £500.00 going forward based on other local Councils we have finalised this issue with, we calculate a refund request of £27,119.00, our workings out are detailed below. This figure does not include any element of interest to date.

The figures for 2009/2010 have been worked out as a pro rata figure for January to June 2010 due to the EU Directive coming into place in December 2009 and what we believe to be a fair transfer fee.

Transfer Fee	£150.00
2009/2010	£250.00
2011/2010	£500.00
2012/2011	£500.00
2013/2012	£500.00
2013/2014	£500.00
2014/2015	£500.00
	<u>£2,900.00</u>



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If we are unable to resolve the issue now it is likely the future figure would be significantly higher, including interest charges as specified by the courts going back to 2009. In addition the legal team have estimated additional costs of up to £10,000.00 per sex shop which will be charged to the relevant Council as I mentioned on the phone I would like to avoid involving Lawyers if at all possible.

As with other Councils I have agreed full and final settlements with we will sign a confidentiality agreement and will not make any future claims against the Council irrelevant of the ruling outcome and additional interest that will accrue.

Having spent 6 years working with Bristol City Council arguing the fees I am sure you appreciate that the fact it was only ever addressed was when the Westminster case came to Court is frustration for me personally as I feel I was ignored for many years by the licensing team.

If in the very unlikely event the Supreme Court go against the ruling of the Court of Appeal Nice n Naughty would reimburse the £27,119.00 and this can be written into any confidentiality agreement or contract you wish for us to sign.

I appreciate the time and effort from yourself in trying to resolve this issue and would appreciate a further chance to meet and finalise the matter as I know that you have much more pressing issues to deal with and I would like to finalise this matter as I am sure you would, rather than us to proceed with an information access request to submit to our legal team as this will only add to costs and more importantly time taken up in gathering the information, I would like to think having worked closely with the Council to get to this stage we can agree to finalise the matter without legal involvement.

The Lawyers dealing with this have now requested a list of councils that we currently deal with that a final settlement has not been agreed so that they can prepare the legal papers, I would therefore appreciate a response by return so I can take the necessary action.

I can be contacted on 07890 758 627 to discuss further or arrange a meeting at your convenience

Yours Sincerely

Trish Murray
Nice n Naughty Ltd



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Jonathan Martin
Regulatory Compliance Unit Manager
Bristol City Council
Licensing Services
Princes House
Princess Street
Bedminster
Bristol
BS3 4AG

RECORDED DELIVERY

13th January 2015

Dear Mr Martin,

RE: Nice 'n' Naughty, 45 Colston Street, Bristol, BS1 5AX
Your Ref: JPM/Licensing/Sex Shop

Further to our letter of the 17th March 2014 and your response letter of the 31st March 2014, copies of which I enclose, we have received no further correspondence regarding the issues raised.

Our original letter to you regarding the fees for Sex Shop Licence renewals was sent back in April 2013, since this time all the Councils that Nice 'n' Naughty deal with have reduced their fees and in most cases refunded the overpayment paid by Nice 'n' Naughty.

Councils' such as Manchester City Council have reduced their fees to £348, Warrington Borough Council have reduced their fee to £457.00 and Wigan Council have reduced their fees to £591. Liverpool City Council has also confirmed by phone that they will be reducing their fees to less than £300.

In your last letter, you advised that the fee setting process was being dealt with during the months of April and May with a view to being implemented from July. However, your website shows that the fee still appears to be set at £5,000.00 and we have had no correspondence to detail any further changes from you.

I will be visiting our Bristol store on the 20th and 21st January, if you would like to arrange a meeting.

I look forward to hearing from you in due course but should you need to discuss this further please do not hesitate to contact me on the number below.

Yours sincerely

Trish Murray
Nice 'n' Naughty Ltd
07890 758627



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T: 0844 88 44 784

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Jonathan Martin
Regulatory Compliance Unit Manager
Bristol City Council
Licensing Services
Princes House
Princess Street
Bedminster
Bristol
BS3 4AG

17th March 2014

Dear Mr Martin,

RE: Nice 'n' Naughty, 45 Colston Street, Bristol, BS1 5AX
Your Ref: JPM/Licensing/Sex Shop

Thank you for your letter of 8th January regarding the proposed license fee for the current year. As you are aware Nice 'n' Naughty have been paying £5,050 in previous years and are looking to see a substantial reduction in the light of the Westminster ruling.

Your letter states that you will revert back to us at the earliest opportunity but more than two months have elapsed since that communication. You will appreciate that we operate in a difficult market due to increased internet competition, and an even more difficult economy. It is vital that all costs are controlled and monitored in order that detailed financial planning can be effective but in the absence of clarification of such a key cost to the business, financial prudence is proving difficult.

I would be grateful if you would please clarify both the proposed level of fee and the justification behind it within the next twenty eight days. To be clear we are expecting a material reduction in license fees since virtually every other Council with whom we interact, have reduced fees to less than £1,000, by way of example Manchester Council is £348.

I look forward to hearing from you in due course but should you need to discuss this further please do not hesitate to contact me on the number below.

Yours sincerely

Trish Murray
Nice 'n' Naughty Ltd
07890 758627

Jonathon Martin
Licensing Services
Princes House
Princess Street
Bedminster
Bristol
BS3 4AG

6th January 2014

Dear Mr Martin,

RE: NICE N NAUGHTY, 45 COLSTON STREET, BRISTOL

Further to the letter sent to you dated 22nd November 2013, to which I haven't received a reply, I am currently working with all my local councils regarding the licensing renewal fees.

As you indicated in your letter dated 6th November 2013, Bristol City Council believe the fees charged are justified and not inflated to cover any cost other than those directly associated with the administration and enforcement of the licensed sex shop I request a breakdown of how the fee of £5,000.00 is calculated.

Many of the councils I am working with have carried out a detailed analysis of direct costs and the licensing renewal fees have been reduced to less than £600 in several cases.

It is Nice 'n' Naughty's intention to work directly with the councils to reach a satisfactory resolution on the issue where possible. However, as you are aware Darker Enterprises have two stores in Bristol and I am unable to accept any offer without liaising with them.

Please provide details of the costings, to enable us to determine the next course of action in this matter.

Yours Sincerely

Patricia Murray