

SEX SHOPS - APPLICATION PROCEDURE

The licensing of Sex Shops, Sex Cinemas and Sex Encounter Establishments is governed by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. A Local Council as Licensing Authority may, from time to time, grant or renew a Licence for the use of any premises, vehicle, vessel or stall for such use on such terms and conditions, as it thinks fit. Licences are not issued for periods longer than twelve months. The fee is £8500.

An application may be made by an individual on behalf of her/himself or in relation to a company by completing the appropriate application form and providing the details requested. In addition, the applicant must, at her/his own expense, publish a notice in the prescribed form in a local newspaper not more than 7 days after the date of the application.

If the application is in respect of premises, a copy of this notice shall be placed on those premises in a position where it can be easily read by the public, such notice to be posted on the day of application and remain in position continuously for 21 days.

A copy of the application must also be sent, within 7 days of the date of application, to the Chief Officer of Police for the district within which the premises are situated.

A Certificate in the prescribed form must be provided to the Council confirming that the above procedure has been carried out.

Any objections received as a result of the above procedure within 28 days of the application date will be provided to the applicant although the identity of the objector may not be provided without prior consent. The applicant will then have the opportunity of providing information in support of the application for consideration by the Council's Environment Services Committee at its next available meeting at which time all objections will be considered. The applicant will be given the opportunity of appearing before and being heard by the Committee.

In the event that the application is refused, the Council may be required to provide the grounds for refusal within seven days of the decision. The applicant has the Right of Appeal to the Magistrates' Court within 21 days of the decision having been given.

No Licence may be granted to:

- A person below the age of 18 years.
- A person who has had a similar licence revoked within the 12 months prior to the date of application
- A person who has had a similar application refused within 12 months prior to the date of application unless such refusal was reversed on appeal.
- A person who has not been resident in the United Kingdom for the period of six months prior to the date of application
- A Body Corporate not incorporated within the United Kingdom.

Any enquiries in relation to the above should be referred to the Licensing Section, Torbay Council, Roebuck House, Abbey Road Torquay.

CHECKLIST

Day 1 - Complete Application Form and pass to Licensing Section of Council

Post Notice of Application on Premises if applicable.

Day 7 - Notice must have been served on the Police by this day.
Notice must appear in the Local Press by this day.

Day 22 - Notice on Premises cannot be removed until this day.

This information is provided for guidance only and should not be taken as a definitive or complete account of current law. Applicants may therefore need to obtain their own independent legal advice.

If you require an explanation or advice regarding this, or it in a different format or language, please contact the Licensing Team on 01803 208126 or at Licensing@torbay.gov.uk