

## SEX ESTABLISHMENTS LICENCE

### DEFINITION OF LICENCE

No person shall use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted by the Local Authority.

### LEGISLATION/GUIDANCE

Licences are granted in accordance with the Local Government (Miscellaneous Provisions) Act 1982.



This does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.



In the Act a **'sex shop'** is defined as any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating-

- Sex articles, or
- Other things intended for the use in connection with, or for the purpose of stimulating or encouraging-
- Sexual activity, or
- Acts of force or restraint which are associated with sexual activity.

In the Act a **'sex article'** means-

- Anything made in connection with, or for the purpose of stimulating or encouraging-
- Sexual activity, or
- Acts of force or restraint which are associated with sexual activity and
- Any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article, and
- To any recording vision or sound, which
- Is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity, or
- Is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

In the Act a **'sex cinema'** is defined as any premises, vehicle, vessel, or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced which-

- Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage-

- Sexual Activity, or
- Acts of force or restraint which are associated with sexual activity, or
- Are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,
- But does not include a dwelling-house to which the public is not admitted.



## PROCEDURE

### Stage 1

To apply for a Sex Establishment Licence applicants must provide the following to the Local Authority:

- A correctly completed application form
- The appropriate fee – see Environmental Health homepage



### Stage 2

The applicant is required to give notice of the application by publishing an advertisement in one of the local newspapers circulating in this area.

The advertisement must be published within **seven** days from the date of the application to the Local Authority.



### Stage 3

#### APPLICATIONS IN RESPECT OF A PREMISES

Applicants are required to display a notice on or near the premises for **twenty-one** days starting from the date the application is made to the Local Authority.

The notice must be placed where the public can conveniently read it.



#### **Stage 4**

Applicants are required to send a copy of the application to the Chief Officer of the Police within **seven** days of making the application to the Local Authority.



#### **Stage 5**

Objections to the application must be made in writing to the Licensing Team at the Council within twenty-eight days of the date that the application was received.



#### **Stage 6**

If objections to the application are received the Council will notify the applicant in writing of the general terms of the objection before considering the application.

The Council will not reveal the name and address of the person making the objection to the applicant without their consent.



#### **Stage 7**

If there are any objections to the application it will be referred to the relevant Council Committee to consider.



#### **Stage 8**

If the application is successful a Sex Establishment Licence will be granted. The licence will remain in force for one year or for a shorter period specified on licence as the Local Authority may think fit.

There may be conditions attached to the licence which the licence holder must abide by, failure to do so may lead to an offence being committed.

The licence holder will receive written notification from the Local Authority prior to the expiry of the licence.



## **FURTHER INFORMATION**

- If you have any further queries regarding this matter please contact The Licensing Team, Environmental Health, North Devon Council, Civic Centre, Barnstaple, Devon, EX31 1EA, or telephone 01271 388870 or email: [ehdirect@northdevon.gov.uk](mailto:ehdirect@northdevon.gov.uk)
- We welcome your comments on how we can improve the way we deliver our services. If you have any comments, compliments or feel you need to complain about our service delivery, please write to Mr Jeremy Mann, the Environmental Health Manager at North Devon Council, Civic Centre, Barnstaple, Devon, EX31 1EA.
- Please note that the Council has a set procedure for dealing with complaints. You will be advised of the outcome of the investigation, together with what action the Council proposes to take.