

SCHEDULES

SCHEDULE 2

LICENSING OF SEX ESTABLISHMENTS

Refusal of licences

12.—(1) Subject to paragraph 26, the council shall refuse an application for the grant, renewal or transfer of a licence under this Schedule where the applicant is—

- (a) a person under the age of 18; or
- (b) a person who is for the time being disqualified under paragraph 17(3); or
- (c) a person, other than a body corporate, who is not resident in [^{F1}an EEA state] or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) a body corporate which is not incorporated in [^{F2}an EEA state]; or
- (e) 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.

(2) Subject to paragraph 26, the council may refuse—

- (a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub-paragraph (3);
- (b) an application for the transfer of a licence on either or both of the grounds specified in heads (a) and (b) of that sub-paragraph.

(3) The grounds mentioned in sub-paragraph (2) are—

- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (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 as 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 council considers 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.

(4) Nil may be an appropriate number for the purposes of sub-paragraph (3)(c).

(5) In this paragraph “the relevant locality” means—

Status: Point in time view as at 13/09/2010.

Changes to legislation: There are currently no known outstanding effects for the The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, Paragraph 12. (See end of Document for details)

- (a) in relation to premises, the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

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| <p>F1 Words in Sch. 2 para. 12(1)(c) substituted (13.9.2010) by Local Government (Provision of Services) Regulations (Northern Ireland) 2010 (S.R. 2010/252), reg. 2(4)</p> <p>F2 Words in Sch. 2 para. 12(1)(d) substituted (13.9.2010) by Local Government (Provision of Services) Regulations (Northern Ireland) 2010 (S.R. 2010/252), reg. 2(4)</p> |
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