

SCHEDULES

SCHEDULE 2

LICENSING OF SEX ESTABLISHMENTS

Applications for licences

10.—(1) An application for the grant, renewal or transfer of a licence under this Schedule shall be made in writing to the council and the applicant shall supply the council with two copies of the application.

(2) An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state—

- (a) the full name of the applicant;
- (b) his permanent address; and
- (c) his age.

(3) An application made by a body corporate or an unincorporated body shall state—

- (a) the full name of the body;
- (b) the address of its registered or principal office; and
- (c) the full names and private addresses of the directors or other persons responsible for its management.

(4) An application relating to premises shall state the full address of the premises.

(5) An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.

(6) Every application shall contain such particulars as the council may reasonably require in addition to any particulars required under sub-paragraphs (2) to (5).

(7) An applicant for the grant, renewal or transfer of a licence under this Schedule shall give public notice of the application by publishing an advertisement in such newspapers circulating in the district of the council as the council may require.

(8) The applicant shall supply a copy of every advertisement published under sub-paragraph (7) to the council.

(9) The publication shall not be later than 7 days after the date of the application.

(10) Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.

(11) Every notice under this paragraph which relates to premises shall identify the premises.

(12) Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.

(13) Subject to sub-paragraphs (11) and (12), a notice under this paragraph shall be in such form as the council may prescribe.

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

[^{F1}(14) The council shall, as soon as an application for the grant, renewal or transfer of a licence under this Schedule is made to it, whether by means of a relevant electronic facility or in any other case, send a copy of the application to the appropriate district commander.

(14A) In sub-paragraph (14) “relevant electronic facility” means—

- (a) the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009, or
- (b) any facility established and maintained by the council for the purpose of receiving applications under this Schedule electronically.]

(15) Any person wishing to make any representation in relation to an application for the grant, renewal or transfer of a licence under this Schedule shall give notice to the council, stating in general terms the nature of the representation not later than 28 days after the date of the application.

(16) Where the council receives notice of any representation under sub-paragraph (15), the council shall, before considering the application, give notice of the general terms of the representation to the applicant.

(17) The council shall not without the consent of the person making the representation reveal his name or address to the applicant.

(18) In considering any application for the grant, renewal or transfer of a licence the council shall have regard to any observations submitted to it by the appropriate [^{F2}district commander] and to any representation of which notice has been sent to it under sub-paragraph (15).

(19) The council shall give an opportunity of appearing before and of being heard by the council—

- (a) before refusing to grant a licence, to the applicant;
- (b) before refusing to renew a licence, to the holder; and
- (c) before refusing to transfer a licence, to the holder and the person to whom he desires that it shall be transferred.

[^{F3}(20) Where the council refuses to grant, renew or transfer a licence, it shall give the applicant or the holder of the licence a statement in writing of the reasons for its decision.]

F1 Sch. 2 para. 10(14)(14A) substituted (13.9.2010) for Sch. 2 para. 10(14) by [Local Government \(Provision of Services\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/252\)](#), **reg. 2(3)(a)**

F2 Words in Sch. 2 para. 10(18) substituted (13.9.2010) by [Local Government \(Provision of Services\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/252\)](#), **reg. 2(3)(b)**

F3 Sch. 2 para. 10(20) substituted (13.9.2010) by [Local Government \(Provision of Services\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/252\)](#), **reg. 2(3)(c)**

11.—(1) Where, before the date of expiry of a licence, an application has been made for its renewal, it shall be deemed to remain in force notwithstanding that the date has passed until the withdrawal of the application or its determination by the council.

(2) Where, before the date of expiry of a licence, an application has been made for its transfer, it shall be deemed to remain in force with any necessary modifications until the withdrawal of the application or its determination, notwithstanding that the date has passed or that the person to whom the licence is to be transferred if the application is granted is carrying on the business of the sex establishment.

Changes to legislation:

There are currently no known outstanding effects for the The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, Applications for licences.