

SCHEDULES

SCHEDULE 2

CONTROL OF SEX SHOPS

Revocation of licences

- 13 (1) The district or islands council may at any time revoke a licence under this Schedule—
- (a) if, at any time of revocation, it could not, under sub-paragraph (3) of paragraph 9 above, be granted;
 - (b) if, in their opinion, any of the grounds specified in sub-paragraph (5)(a) or (b) of that paragraph apply; or
 - (c) if a condition of the licence has been contravened.
- (2) A district or islands council may revoke a licence under sub-paragraph (1)(c) above in respect of a contravention of a condition of a licence notwithstanding that there has been no conviction in that respect.
- (3) In considering whether to revoke a licence the appropriate authority may make such reasonable inquiries as they think fit and, subject to sub-paragraph (4) below, include the results of their inquiries in the matters to which they have regard in such consideration.
- (4) Where a district or islands council intend to include any of the results of their inquiries under sub-paragraph (3) above in the matters to which they have regard for the purposes of this paragraph, they shall notify the holder of the licence of that intention.
- (5) A district or islands council, in considering whether or not to revoke a licence, may, but before deciding to revoke it shall, give—
- (a) the holder of the licence;
 - (b) any person who has made a complaint relevant to the matters to be considered at the hearing;
 - (c) the chief constable ; and
 - (d) the fire authority,
- an opportunity to be heard by them.
- (6) The district or islands council shall have complied with their duty under sub-paragraph (5) above if they have caused to be sent to the persons entitled under that sub-paragraph to an opportunity to be heard, not later than 21 days before the hearing, notice in writing that the council propose to hold a hearing, together with written notice of the general terms of the complaint and a note of the grounds upon which the revocation of the licence is to be considered and, where they decide to exercise their power under that sub-paragraph, they shall cause such notices and note to be sent to those persons not later than that time.

Status: This is the original version (as it was originally enacted).

- (7) Where a district or islands council decide to revoke a licence under this Schedule, the revocation shall not, subject to sub-paragraph (8) below, take effect until the expiry of the time within which the holder of the licence may appeal under paragraph 24 below against the revocation or, if such an appeal has been lodged, until it has been abandoned or determined in favour of the revocation.
- (8) If, in deciding to revoke a licence under this Schedule, a district or islands council determine that the circumstances of the case justify immediate revocation, they may, without prejudice to their other powers under this paragraph, order that the licence shall be revoked immediately.
- (9) A district or islands council shall, within 7 days of their decision under sub-paragraph (1) above, send written notice of their decision to the persons referred to in sub-paragraph (5)(a), (c) and (d) above in relation to the licence and to any person who, in pursuance of sub-paragraph (5)(b) above, was heard by the council before they reached that decision.
- (10) Where a licence under this Schedule is revoked, its holder shall be disqualified from holding or obtaining such a licence in the area of the district or islands council which revoked it for a period of 12 months beginning with the date of revocation unless the revocation has been reversed on appeal.