

Sex Shop Licensing Policy

Background

The Local Government (Miscellaneous Provisions) Act 1982 deals with the licensing of sex establishments and the grounds on which an authority may refuse a licence are as follows:-

- a) The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or 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 a licence if he made the application himself.
- c) That the number of sex establishments in the relevant locality at the time of the application is made is equal to or exceeds the number which the Authority consider appropriate for that locality.
- d) That the grant or renewal of the licence would be inappropriate having regard to:
 - i) The character of the relevant locality
 - 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

Guidance Notes

- i) The locality cannot be the whole of the district.
- ii) A predetermined locality cannot, when considering licence applications in particular cases, constitute the relevant locality.
- iii) "... it may be said that it is sound administrative practice to let applicants know in advance what is likely to be the attitude of the authority and with that I am in complete agreement" (per Donaldson MR in *R v Birmingham City Council ex p Quietlynn Ltd* (1986) 85 LGR)
- iv) "... there is nothing wrong in principle with the local authority reaching policy decisions and announcing these for the benefit of aspiring applicants but it must be made clear that each application will be determined on its own merits notwithstanding such a pre-determined and, therefore, necessarily tentative policy" (per Purchas LJ (1986) 95 LGR).

Policy Statement

The Wyre Forest District Council will treat each case on its own merits but is unlikely to approve applications for a sex establishment in areas that are predominantly residential or close to 'sensitive premises' such as schools, places of religious worship etc., or where they consider such an application is inappropriate to the character of the relevant locality or the use or layout, character or condition of the premises, vessel or vehicle are deemed inappropriate.

Policy Statement

Once a sex establishment is established in a relevant locality the Council will consider the appropriateness of further establishments within the locality and will be minded to refuse further applications if it considers them inappropriate.

At the time of granting any application the Council will indicate the likelihood of approving any further applications within the relevant locality. this information will be made available to potential applicants within the relevant locality prior to any application being submitted.

Policy Statement

At present the Wyre Forest District Council have indicated that the relevant locality in the vicinity of Blackwell Street, Kidderminster has a number of sex establishments equal to that which the authority considers appropriate for this relevant locality.