

Definitions and Legal Explanations:

Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 sets out the framework for the consideration of applications for sex shop licences.

The legislation requires that no person shall, in any area in which the sex establishment licensing provisions have been adopted, 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 appropriate authority.

A “**sex establishment**” is either a sex shop or a sex cinema. This report concerns an application for a licence to use premises as a sex shop.

A “**sex shop**” is defined by the legislation as follows: “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 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”.

A “**sex article**” is defined as: “anything made for use in connection with, or for the purpose of stimulating or encouraging—

- a) sexual activity; or
- b) acts of force or restraint which are associated with sexual activity; and
- c) to 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
- d) 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.”

Mandatory grounds for refusal:

1. The applicant is under 18 years of age.
2. The applicant has been disqualified from holding a sex establishment licence in the area following a previous revocation within the last 12 months.
3. The applicant (if an individual) is not resident in the UK or EEA, or was not so resident for at least 6 months immediately before the application.
4. The applicant (if a company) is not incorporated in the UK or EEA.
5. The applicant has been refused a licence for the same premises within the last 12 months, unless that refusal was overturned on appeal.