



DERRY CITY COUNCIL

PLEASE READ THE FOLLOWING IMPORTANT INFORMATION

A form of Public Notice to be advertised by the applicant(s) is shown below. This must be advertised in at least two newspapers circulating in the District within seven days of the date of application (*Derry Journal, Derry News, Belfast/North West Telegraph or Londonderry Sentinel*). Copies of each newspaper advertisement must be sent to the Council.

A form of Public Notice is to be displayed on or near the premises and in a place where it can conveniently be read by the public for twenty-one days beginning with the date of application. Where the application relates to a vehicle, vessel or stall, the Public Notices shall specify where it is to be used as a Sex Establishment.

The applicant(s) will be required to submit an AccessNI Basic Disclosure Certificate – if you have an Enhanced Disclosure, that may be submitted instead if it less than 12 months old. Information and application form is available at <http://www.accessni.gov.uk/>

(N.B. Any person who, in connection with this application, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.)

A licence shall not be granted to –

- (a) a person under the age of 18;
- (b) a person who has been disqualified from holding such a licence;
- (c) a person, other than a body corporate, who is not resident in the EEA, or was not so resident throughout the period of six months immediately preceding the date of the application; or
- (d) a body corporate which is not incorporated in the EEA.

No appeal, other than on questions of fact, exists against a refusal on any of these grounds.

An application may be refused if –

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) the business to which the application relates would be managed by, or carried on for the benefit of, a person, other than the applicant, who would be refused a licence if he made the application himself;
- (c) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number (which may be nil) which the authority consider is appropriate for that locality; or

- (d) it would be inappropriate to grant the application, having regard to -
- (i) the character of the relevant locality;
 - (ii) the use to which any premises in the vicinity are put; or
 - (iii) the layout, character or condition of the premises concerned.

An appeal lies to the county court against a refusal on ground (a) or (b), but no appeal lies against a refusal on ground (c) or (d).

Licences may be issued for not more than a year and may be subject to such terms, conditions and restrictions as may be specified. Provision is made in the Schedule for the renewal, transfer, revocation and cancellation of licences and for the variation of terms, conditions or restrictions. Licensed premises may be inspected at any reasonable time by a constable or an authorised officer of the Council.

The Council may waive the requirement for a licence in any case where they consider that to require a licence would be unreasonable or inappropriate.

The fees charged by Derry City Council are currently

1. For the grant of a licence: £3,000 with a refund of £500 on refusal (the £500 is retained to cover monitoring costs if the licence is granted);
2. For the renewal of a licence: £1000 fee with £500 refunded on refusal; and
3. For the transfer of a licence: £375 fee.

If you require any assistance in completing your application, the Licensing Office will be only to pleased to assist you, please telephone **028 7136 5151** ext. **6753**

This form should be completed and returned to the Licensing Officer, Derry City Council, 98 Strand Road, Derry, BT48 7NN.

Note: Derry City Council may be required to disclose information supplied to other statutory bodies.

