

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**PART II: SCHEDULE 3:**

**APPLICATION FOR A SEX ESTABLISHMENT LICENCE**

**TYPE OF APPLICATION (please tick below which application is applicable):**

New Licence

Renewal of Licence

Variation of Licence

Transfer of Licence

**TYPE OF PREMISES (please tick below which premises is applicable):**

Sex Shop

Sex Cinema

Sexual Entertainment Venue

**APPLICANT DETAILS (REGISTERED BUSINESS ADDRESS):**

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Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Contact Tel. No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

**PREMISES DETAILS:**

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Name of Premises: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Business Tel. No.: \_\_\_\_\_

Business Email Address: \_\_\_\_\_



**STATUTORY DECLARATIONS:**

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To be completed by the applicant, for:

- (i) the applicant,
  - (ii) directors of any company applying for a licence, and
  - (iii) any other person who will be responsible for the management of the licensed premises.
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**Full Name:** \_\_\_\_\_

**Position held:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_

**Place of Birth:** \_\_\_\_\_

**Current Residential Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CRIMINAL CONVICTIONS:**

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**All** criminal convictions, pending prosecutions, offences and cautions may be considered when determining your application. You **must** disclose all spent and unspent convictions as well as any overseas convictions, irrespective of how old the matters are.

If you have **NO** previous criminal convictions, pending prosecutions, offences and cautions please write '**NONE**' on this line: \_\_\_\_\_

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**DATE OF OFFENCE:** \_\_\_\_\_

**NATURE OF OFFENCE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NAME AND PLACE OF COURT:** \_\_\_\_\_

**SENTENCE OR ORDER:** \_\_\_\_\_

**REASON FOR OFFENCE:** \_\_\_\_\_

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***PLEASE CONTINUE ON A SEPARATE SHEET IF NEEDED***

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## Convictions to be declared in respect of Applications for a Sex Establishment Licence

If you have been convicted of any of the following offences and they are "unspent" they must be declared on the application form:

- **Sexual offences.**
- **Offences involving obscenity.**
- **An offence involving the use, possession or supply of any drug.**
- **An attempt, incitement or conspiracy to commit any of the above offences.**

The Rehabilitation of Offenders Act 1974 provides that after a certain period of time, convictions for offences are to be regarded as "spent".

Set out below are some examples of when convictions become "spent". Please note it is from the date of **conviction** that the time commences. The periods of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.

Further guidance on this may be obtained from the Home Office publication "A Guide to the Rehabilitation of Offenders Act 1974", available for reference at the Licensing Authority or from a solicitor.

<b>Sentence</b>	<b>Rehabilitation Period.</b>
1. 2½ years (30 months) imprisonment and over whether sentence suspended or not.	Never spent.
2. Imprisonment or detention in a young offender institution (previously known as youth custody) between six months and 30 months whether sentence was suspended or not.	Ten years.
3. Imprisonment or detention in a young offender institution (previously known as youth custody) of six months or less whether sentence was suspended or not.	Seven years.
4. A fine, compensation or community service order.	Five years.
5. Conditional discharge, bound over or probation order. Also includes fit person, supervision and care orders.	One year or period of probation sentence, whichever is longer.
6. Absolute discharge.	Six months.
7. Disqualification, disability or prohibition.	Period of sentence unless a longer period as above (i.e. disqualification and a fine) 5 Years
8. Remand Home/Approved School/Attendance Centre Orders.	One year after Order expires.
9. Hospital Order under Mental Health Acts.	5 years, or two and a half years after the order expires (whichever is the longer).

**Offences under HM Services** - please enquire at the Licensing Authority for periods of rehabilitation.

### **All applicants are required to send with this application:**

- a) two plans showing the area to be licensed, and
- b) statutory declarations in the form shown within this document in respect of: (i) the applicant, (ii) directors of any company applying for a licence, and (iii) any other person who will be responsible for the management of the licensed premises.



## **General Data Protection Regulation 2016 (GDPR) / Data Protection Act 2018 (DPA) - Privacy Notice.**

Under the GDPR and DPA, Ashfield District Council, Urban Road, Kirkby in Ashfield, Nottingham. NG17 8DA is a Data Controller for the information it holds about you. The Council will hold the information above provided by you for assessing your application. The lawful basis under which the Council uses personal data for this purpose is Public Task.

The information provided by you includes the following special categories of personal data:

- **Physical or Mental Health**
- **Genetic / Biometric data**
- **Criminal History (including motoring offences)**

Information in these categories is used by the Council on the basis that such use is necessary for reasons of substantial public interest, and in accordance with the provisions of the Data Protection Act 2018.

Your data will be held for a period of 6 years. Subject to some legal exceptions, you have the right to request a copy of the personal information the Council holds about you; to have any inaccuracies corrected; to have your personal data erased; to place a restriction on our processing of your data; to object to processing; and to request your data to be ported (data portability). The information provided by you may also be used for other functions carried out by the Council in accordance with GDPR and DPA. For more information about how the Council may use your data and to learn more about your rights please see the Council's Privacy Statement: [www.ashfield.gov.uk/privacy](http://www.ashfield.gov.uk/privacy)

If you have any concerns or questions about how your personal data is processed, please contact the Council's Data Protection Officer at the address at the bottom of this form or by email to [dpo@ashfield.gov.uk](mailto:dpo@ashfield.gov.uk). If you are dissatisfied with the Council's response you can complain to the Information Commissioner's Office in writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone 0303 123 1113 (local rate) or 01625 545 745.

### **Declaration**

I, the undersigned, hereby declare that the information contained in this application is true and accurate to the best of my knowledge.

I understand that if I knowingly or recklessly make a false statement or omit any material particularly in giving information as part of this application I shall be committing an offence and will be liable for prosecution.

I confirm I have read the General Data Protection Regulation 2016 (GDPR) / Data Protection Act 2018 (DPA) - Privacy Notice above.

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_