

CHESTERFIELD BOROUGH COUNCIL

**Local Government (Miscellaneous Provisions) Act 1982, Section 2 and
Schedule 3**

**Application for grant / renewal / transfer / variation of a
Licence for a Sexual Establishment Licence**

Applications may be made by individuals, corporate bodies or unincorporated bodies. Before completing the form, please read the guidance notes at the back of the form. Please complete the form in BLACK INK in legibly writing.

1. Application is hereby made and the necessary fee enclosed for a

New Licence ()*

Transfer of Licence ()*

*Tick as appropriate

Renewal of Licence ()*

Variation of Licence ()*

2. Name and address of premises to which this application relates.

If application relates to a vehicle / vessel / stall - give description and state where it is to be used as a sex establishment.

3. Are the premises to be used as a sex shop?
Are the premises to be used as a sex cinema?
Are the premises to be used as a sexual entertainment venue?

Yes/No

Yes/No

Yes/No

3. Full Name/Address of Applicant.

Date of Birth.

Age

Place of Birth

Occupation (during preceding six months).

4. Address for Correspondence (If different from permanent address)

Telephone no.

Email address (optional)

If application is made on behalf of a corporate or unincorporated body.

5. Name of applicant body:

State whether a corporate or unincorporated body.

6. Address of registered or principal office.

7. Give full names and private addresses of all directors and other persons responsible for the management of the establishment, (including if applicable the names of managers, company secretary and similar officers and the manager of the establishment.)

8. Have you any convictions recorded against you? Or if a body corporate or unincorporated body that body or any of its directors or other persons responsible for its management? If so, please state/include on the Statutory Declaration form attached – (if renewal, since you last applied for a license)

- complete on statutory
DECLARATION FORM
FOR EACH PERSON

9. Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application? (PLEASE ANSWER YES/NO FOR EACH PERSON)

Yes/No

10. If the application is made on behalf of a body corporate, is that body incorporated in the United Kingdom?

Yes/No

9. What hours and days do you require the license to cover?

- Are the premises to be used as a sexual entertainment venue? Yes/No
- 11 Are you (or if a corporate or unincorporated body, that body) disqualified from holding a license for a sex establishment? Yes/No
- 12 Have you ever been refused a license for a sex establishment? Yes/No
- 13 If you are seeking to vary the license, what does the variation consist of?
- 14 If the premises are not open between 9.00 am and 4.00 pm, state name, address and telephone number of person responsible for keys to the premises.

- 15 If only part of the building is to be licensed, give details.

- 16 Will any part of the premises be used for the exhibition of moving pictures? Yes/No
- 17 Does the applicant presently use the premises or the vehicle, vessel or stall as a sex establishment? Yes/No
- If not, what is the present use?

- If yes, give details of any person, other than the applicant(s) who has run the premises, vehicle, vessel or stall as a sex establishment since that date?

- 18 If the premises or the vehicle, vessel or stall are presently used as a sex establishment, when did the use commence?

Declaration
I/We

- a) Enclose evidence of identity containing a photograph in respect of each individual applicant/partner/director as applicable – YES/NO
- b) Understand that if the above requirements have not been complied with my application will be rejected – YES/NO
- c) Understand that the information given may be used in conjunction with other authorities for the prevention and detection of fraud and will be held on computer, subject to the Data Protection Act 1998. – YES/NO
- d) Confirm that the information supplied in this application is true to the best of my knowledge and belief – YES/NO

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

I enclose a cheque for £ _____ being the appropriate application fee. (Cheques to be made payable to Chesterfield Borough Council)

Date: _____ Signature: _____

All applicants are required to send with this application (a) a plan showing the area to be licensed, (b) statutory declarations in the form shown in the attached document in respect of (i) the applicant, (ii) directors of any company applying for a license and (iii) any other person who will be responsible for the management of the licensed premises.

CHESTERFIELD BOROUGH COUNCIL

**Statutory declaration sheet for Application for grant / renewal / transfer /
variation of a Sexual Establishment License**

To be completed by the applicant for;

(i) the applicant, (ii) directors of any company applying for a license and (iii) any other person who will be responsible for the management of the licensed premises.

Full name.

Position held.

Date of birth.

Place of birth.

Permanent address.

Address (es) at which person has been resident during the five years preceding the date of this application.

All convictions must be disclosed, details of any relevant previous convictions and/or cautions

Please give details of any "unspent" convictions or cautions (see overleaf)

Date of conviction	Court of conviction	Nature of offence	Sentence

Please photocopy extra sheet for each declaration

Convictions to Be Declared In Respect Of Applications Sex Establishment Licence

All convictions must be disclosed.

Spent convictions, as defined below, should not be included

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.

Sentence.	Rehabilitation Period.
1. 2½ years (30 months) imprisonment and over whether sentence suspended or not.	Never spent.
2. Imprisonment of between 6 months and 30 months	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. Borstal Training.	Seven years
5. 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. Detention Centre Order	Three years
7. Disqualification, disability or prohibition.	Period of sentence unless a longer period as above (e.g., disqualification and a fine 5 Years)
8 Detention	Five years
9. Remand Home/Approved School/Attendance Centre Orders.	One year after Order expires.
10. Dismissal from Armed Forces	Seven years
11. Cashiering, discharge with ignominy or dismissal with disgrace from the Armed Forces	Ten years
11. Hospital Order under Mental Health Acts.	5 years, or two and a half years after the Order expires (whichever is the longer).

If you were under 17 years of age on the date of conviction, please halve the period shown in the right hand column.

Notes for Guidance

1. Insert the name(s) of individual applicant(s) or partners of the trading name under which the business operates.
2. Include the postal address, including name by which premises, that is to be used as a sex establishment, is to be known.
3. The full name, date of birth and home address of each individual applicant/partner/director must be supplied together with photographic evidence of identity, e.g. a certified copy of passport or driving licence plus a signed statutory declaration. (grant only or for any new person employed)
4. The application form must be signed. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so. Where there is more than one applicant, all applicants or their respective agents must sign the application form.
5. A plan of the premises must be submitted with the application, drawn to scale of 1:100 showing all external and internal doors and windows and the position of counters, display stands, booths, video/tv/film screens, exhibition areas, dance/performance/stage areas, fixed seating and tables, bars/counters from which refreshments are available.
6. The original application, plan and fee of the application should be forwarded to the **Licensing, Environment Services, Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield, S40 1LP**

A copy of the application, together with a plan of the premises must be submitted to;

Licensing Unit, Derbyshire Constabulary, Chesterfield Police Station, Beetwell Street, Chesterfield, Derbyshire, S40 1QP.

7. A notice containing details of the application must be advertised on the premises to which the application relates for a continuous period of not less than 21 days from the day following the day on which it was given to the licensing authority, in a position from which it can be conveniently read by members of the public.
8. A notice containing details of the application must be published in a newspaper circulating in the local vicinity of the premises within 7 days of the application being given to the licensing authority. A complete copy of the newspaper which includes the notice must be given to the Licensing Authority.
9. Fees can be obtained via the Council's website or by contacting the **Licensing, Environment Services, Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield, S40 1LP.**