

OXFORD CITY COUNCIL

SEX ESTABLISHMENTS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PART II, SCHEDULE 3

GUIDANCE FOR APPLICANTS

Completing and Submitting your Application:

1. Applications should be made on the appropriate forms provided by the Licensing Authority. Please take care when completing your application, as any incomplete applications will be returned to you, requiring you to resubmit the whole application again, and as such the period required by law for consultation will need to be restarted.
2. The completed and signed application form and additional documentation (the completed forms of Statutory Declaration, the application fee, a plan of the premises, and any other written submission you wish to make to the Council) should send it to the Licensing Authority, Oxford City Council, Town Hall, St Aldate's, Oxford OX1 1BX, or by email to: ***licensing@oxford.gov.uk***
3. A copy of the application form and additional documentation must also be sent to the Force Licensing Officer, Thames Valley Police, Headquarters (South), Kidlington, OX5 2NX, or by email to: ***licensing@thamesvalley.pnn.police.uk***

Application Fee:

4. Your application is not deemed complete until payment is received by the Licensing Authority. We can take payment by debit / credit card. Please refer to the Fees List for clarification of the relevant fee for your application.

Requirement to Advertise your Application in a local Newspaper by way of Public Notice:

5. Within seven days of making the application you must advertise the fact that you have made the application in a newspaper circulating locally. The Council has supplied a blank specimen advertisement. (Does not apply to applications to vary a licence).

Requirement to Advertise your Application on the Premises by way of Public Notice:

6. As part of the application procedure you are required to exhibit on, or near the building to be used, a notice to the public stating the fact of your application and their right to object. This notice has to be displayed for 21 days. The Council has supplied a blank specimen notice. (Does not apply to applications to vary a licence).

Requirement to supply the Licensing Authority with proof of Notices:

7. Proof of the advertisement in the newspaper and the notice on the building will be required from you and you must send a copy of them and a certificate relating to them to the Licensing Authority after the 21-day period has elapsed. The Council has supplied blank specimen certificates about the advertisement and the display of the notice.

Objections to your Application:

8. Whilst your application will be dealt with without delay, please note that it cannot be considered until after 21 days have elapsed from the date of the application to allow people time for objections to be received.
9. If there are no objections to your application it will be dealt with by the Council's Head of Community Services.
10. You will be informed in writing of the substance of any objection made about your application.
11. If objections are received a copy of your application will be sent to the Council's Licensing and Registration Sub-Committee, which at its next available meeting will consider any objections, or observations that have been made. You (and any legal representative) and any people who have lodged objections will be invited to attend the meeting and make representations to the Committee.

Sub-Committee Hearing:

12. You will be notified in writing of the date, time and location of where the meeting will be held. If you do not wish to be legally represented, you may bring another person to speak on your behalf.

Licence and Conditions:

13. All Sex Establishments licences granted are subject to the Council's Standard Conditions Applicable to Sex Establishments, and any additional conditions imposed by the Sub-Committee specific to your application should it so determine. All of the conditions will be attached to the licence.

Compliance and Enforcement:

14. As part of the Licensing Authority's remit, inspections of Sex Establishments are carried out by Licensing Officers to ensure compliance with the conditions of any licence granted. Licensing Officers carry with them a Warrant Card displaying their identity and authorisations.

Sexual Entertainment Venues – Council Resolution:

15. Before submitting an application for a Sex Entertainment Venue Licence, you should have regard to the following Council Resolution (adopted on 10th June 2010):

Applications made for a Sexual Entertainment Venue Licence will not generally be deemed to be appropriate if the premises is near or in locations or areas containing any of the following:

- (i) Historic buildings or tourist attractions
- (ii) Schools, play areas, nurseries, children's centres or similar premises
- (iii) Shopping complexes
- (iv) Residential areas
- (v) Places of Worship

The same criteria is also applicable to both Sex Shops and Sex Cinemas by way of the 1982 Act.

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Fees

You will find below the current level of fee applicable to your Sex Establishment application, which must accompany your application:

Type of Sex Establishment	Type of Application			
	New	Renewal	Variation	Transfer
Sex Shop	£2840.00	£2840.00	£506.00	£506.00
Sex Cinema	£28400.00	£2840.00	£506.00	£506.00
Sexual Entertainment Venue	£6664.00	£6664.00	£506.00	£506.00

OXFORD CITY COUNCIL

**Local Government (Miscellaneous Provisions) Act 1982
Part II, Schedule 3**

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

Applications may be made by individuals, corporate bodies or unincorporated bodies.

1. Application is hereby made and the necessary fee enclosed for a
New Licence ()* Sex Shop*
Renewal of Licence ()* Sex Cinema*
Variation of Licence ()* Sexual Entertainment Venue*
Transfer of Licence ()* *Delete as appropriate
*Tick as appropriate *Delete as appropriate

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

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

3. Full Name of Applicant.
- _____
- Date of Birth.
- _____
- Occupation (during preceding six months).
- _____

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

Telephone No.

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. Full names of all directors and other persons responsible for the management of the body, including if applicable the names of managers, company secretary and similar officers and the manager of the establishment.
(You will be required to complete a statutory declaration sheet for each person)

8. What hours and days do you require the licence to cover? _____

9. 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. _____

10. If only part of the building is to be licensed, give details. _____

11. Will any part of the premises be used for the exhibition of moving pictures? Yes / No

12 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?

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

15 Give full details of the type of business to be conducted at the establishment.

16 I declare I have checked the information given on this application and attached statutory declaration forms and to the best of my knowledge and belief it is correct.

17 I enclose payment of the appropriate application fee (see fees list)

Date: _____

Signature: _____

All applicants are required to send with this application (a) two plans 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 licence and (iii) any other person who will be responsible for the management of the licensed premises.

Return to:

Licensing Authority
Oxford City Council,
Town Hall
St Aldate's
Oxford
OX1 1BX

OXFORD CITY COUNCIL

Statutory declaration sheet for application for grant / renewal / variation / transfer of a Sex Establishment licence

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.

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.

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

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.

Sentence.	Rehabilitation Period.
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 (eg, 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.

OXFORD CITY COUNCIL

SITE ADVERTISEMENT

**Application for a Sex Establishment Licence made under the
Local Government (Miscellaneous Provisions) Act, 1982, Part
II, Schedule 3**

NOTICE IS HEREBY GIVEN THAT I / WE (FULL NAMES):

APPLIED ON (Date):

TO: Oxford City Council

in respect of the premises known as:

located at (address of premises):

for a licence to use the premises as a:

Sex Shop* / Sex Cinema * / Sexual Entertainment Venue*

***Delete as appropriate**

**ANY PERSON wishing to oppose the application should write
to the Head of Community Services, Oxford City
Council, ,Town Hall, St Aldate's, Oxford OX1 1BX, by no later
than:-***

**Letters in support should also be sent to the Head of
Community Services by that date.**

**Please note that any written representations received in
response to this consultation are likely to be required to be
made available for public inspection in accordance with the
Local Government (Access to Information) Act 1985.**

*** Insert 28 days after the date of application being made to Oxford
City Council.**

FORM OF CERTIFICATE FOR SITE NOTICE

Application for a Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3

To:

Executive Director of Communities and People
Oxford City Council
Town Hall
St Aldate's
Oxford
OX1 1BX

I CERTIFY that on the _____ Day of _____ 20

I displayed a site notice of which a true copy is attached and ensured that the notice continued to be displayed on or at the premises at:-

in a prominent position so that it could easily be read by passers-by, and ensured that the site notice remained in position for at least twenty one days.

Date: _____ Signed: _____

The applicant for a Sex Establishment Licence in respect of premises at

OXFORD CITY COUNCIL

NEWSPAPER ADVERTISEMENT

Application for a Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3

NOTICE IS HEREBY GIVEN THAT I / WE (FULL NAMES)

APPLIED ON (Date)

TO Oxford City Council

in respect of the premises known as

for a licence to use the premises as a Sex Establishment, namely a:

Sex Shop*

Sex Cinema*

Sexual Entertainment Venue*

* Delete as appropriate

ANY PERSON wishing to oppose the application should write to the Head of Community Services, Oxford City Council, Town Hall, St Aldate's, Oxford OX1 1BX, by no later than:-*

Letters in support should also be sent to the Executive Director of Communities and People by that date.

Please note that any written representations received in response to this consultation are likely to be required to be made available for public inspection in accordance with the Local Government (Access to Information) Act 1985.

* Insert 28 days after the date of application.

Note: This form is recommended for the text of a newspaper advertisement for the purpose of the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3.

FORM OF CERTIFICATE FOR NEWSPAPER ADVERTISEMENT

Application for a Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3

To:

Executive Director of Communities and People
Oxford City Council
Town Hall
St Aldate's
Oxford
OX1 1BX

I CERTIFY that a press notice of which a true copy is attached was on the

Day of 20 published for the first

time in the (state newspaper)

being a local newspaper circulating in the area which the premises the subject of my application are situated.

Date: _____

Signed: _____

The applicant for a Sex Establishment Licence in respect of premises at
