Fair Processing Statement – Any personal data held by Birmingham City Council in relation to your application for a Licence to use a premises, vehicle, vessel or stall as a Sex Establishment, will be held in full compliance with the legal obligations as set out in the Data Protection Act 1998. This is in accordance with the Council's Privacy Policy; a copy is available on the Council's website: www.birmingham.gov.uk/privacy. To protect the public fund we may also use the information you have provided on this form to prevent and detect fraud. We may share this information for the same purposes with other Council Departments and organisations for example, other councils and the police.

BIRMINGHAM CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART II (CONTROL OF SEX ESTABLISHMENTS)

Application for a Licence to use any Premises, Vehicle, Vessel or Stall as a Sex Establishment

Application details:

Is this licence for Grant ☐ Renewal ☐ Transfer ☐ 6 months ☐ 12 months ☐

Is the application being made by an individual on behalf of a partnership or body corporate?
Yes ☐ No ☐

Full Name of Applicant (ie the individual, body corporate or unincorporated body). If the applicant is an individual, please also give any former names ……..……..
…….

Permanent Residential Address of Applicant (if an individual) or registered or principal office (if a body corporate or unincorporated body) …….
……
……

If Applicant is an individual please give details:
Date of Birth …… Place of Birth ……..
Date Became Resident in the UK or E.U Member State ……
National Insurance Number or E.U Member State Equivalent. …….

Telephone Number (during normal office hours) ……..
Name and address to which correspondence to be sent (if different from above) ……..
……
……

Has the applicant a financial interest in the business which is the subject of this application?
Yes ☐ No ☐ If "yes" to what extent ……..……..…
……

Is the whole business owned by the applicant? Yes ☐ No ☐

Premises details:

Under what name is, or will the premises be known ……

If Application is in respect of a premises please give full address ……..

……

……

Are the whole of the premises described above to be used under the licence? Yes ☐ No ☐

If no, please state:

a) which part of the premises is to be used for the purposes of the licence

……

b) the use to which the remainder of the premises are to be put

……

c) the names of those responsible for the management of the remainder of the premises

……

If the applicant's interest in the premises is a leasehold one, please state:

a) whether a head-lease or a sub-lease Head-lease ☐ Sub-lease ☐

b) the name and address of the landlord and of the superior landlord where applicable

……

……

c) the length of the unexpired term ……

Is the application in respect of a sex shop or a sex cinema? Sex Shop ☐ Cinema ☐

Is the application in respect of premises or a vehicle, vessel or a stall?

Premises ☐ Vehicle ☐ Vessel ☐ Stall ☐

If application is in respect of a vehicle, vessel or stall, please state where it is to be used as a sex establishment ……

Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application? Yes ☐ No ☐

What means are to be taken to prevent the interior of the premises being visible to passers by?

……

……

Give details of the times during which it is proposed to open the premises:

i) Days of the week: ……

ii) Hours of the day: ……

If the applicant is a body corporate or an unincorporated body, complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body. In the case of a partnership, details of all the partners must be given.

Name (in full): Mr/Mrs/Miss/Other	**Date of Birth**	**Address of permanent residence throughout six months immediately preceding this application**	**Date became resident of United Kingdom or other E.U member state**

If the applicant is a company, what type of company is it (e.g., public or private, limited by share or guarantee, etc.)? …..…….……..

In which country is the company incorporated? ……

What is the date of incorporation of the company? ……..

Please give details of the person who is to be responsible for the management of the premises in the absence of the licence holder:

First Name …….……Surname ……..

Former Name (if any)…….……

National Insurance Number or E.U Member State Equivalent.……

Permanent Address: ……

……

Date of Birth: …….. Place of Birth: ……

Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment? Yes ☐ No ☐

If "yes" give full details: ……..……..…….

……..……

……

Does the applicant or any persons named in this form have any Convictions/Cautions? Yes ☐ No ☐

If so, please give details below:

Convictions:

Forenames	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence

Cautions:

Forenames	Surname	Former Name (if any)	Offence	Date of Caution	Where caution administered

(If necessary, please continue on a separate sheet)

Is there in force against the applicant or any of the persons whose names appear in this application form a disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act, 1982? Yes ☐ No ☐

If "yes" give full details: ……

……

Please disclose any Forfeiture Order made under the Obscene Publications Act 1959 made in respect of articles seized from premises where the applicant or any person named in this form was carrying on business.

……

……

……

Is there any further information which the applicant would wish the Council to take into account when considering this application?

……

……

……

……

……

……

DECLARATION: I declare that the details in this application are true to the best of my knowledge and belief and acknowledge that if there are any omissions or incorrect statements of a serious nature this may result in the application being refused. I further declare that I have read and agree to abide by the conditions of Licence for a Sex Shop made by Birmingham City Council in accordance with Section 2 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 should my application be granted.

APPLICANTS ARE INFORMED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE, MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE, ON SUMMARY CONVICTION, TO A FINE NOT EXCEEDING £20,000.

Signature ……

Name of Signatory ……

Designation of Signatory ……..

Your application should be determined within 60 days of receipt of all the information necessary for the Council to process and determine the application. In the case of an incomplete application form, the Licensing Section will contact you for additional information to enable the application to be processed. Please refer to the Council's requirements for Sex Shop Licences which are contained within this pack.

Tacit Consent will not apply as it is in the public interest that the authority must process your application before it can be granted. If you have not heard from the Council within a reasonable period of time, please contact us using the contact details below.

PLEASE NOTE: THE APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:

1. The appropriate licence fee.

   Grant 12 months - £7585.00 6 months - £4070.00
   - applications heard by the Licensing Committee and subsequently refused – 50% of the fee is refunded
   - applications withdrawn prior to Committee hearing – discretionary refund dependent on the level of work undertaken.

   Renewal 12 months - £4070.00 6 months - £2450.00
   - uncontested renewal applications withdrawn before a licence is issued – 90% of the fee is refunded
   - a contested renewal application that has been withdrawn or refused - discretionary refund dependent on the level of work undertaken.

   Transfer - £1215.00

   Where a premises needs to hold both a sex shop and a sex cinema licence a 25% discount applies.

2. Scale plans of the premises in respect of which the licence is sought showing all means of ingress and egress to and from the premises, parts used in common with any other building, details of how the premises lie in relation to the street and the front elevation of the building.

3. A copy of the notice of application which has been published in accordance with paragraph 10 (8) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act, 1982 (as per sample attached).

4. Evidence of due service of the Notice of Application upon the Chief Officer of Police as required by paragraph 10 (14) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act, 1982.

5. The completed Certified Copy Notice attached as evidence that Notice of Application has been displayed on or near the premises as required by paragraph 10 (10) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act, 1982.

THIS APPLICATION SHOULD BE COMPLETED AND RETURNED TO:

Licensing Section
Crystal Court
Aston Cross Business Village
50 Rocky Lane, Aston
Birmingham B6 5RQ
Email: licensing@birmingham.gov.uk

NOTE:

1. THE NOTICE OVERLEAF MUST BE PUBLISHED IN A LOCAL NEWSPAPER CIRCULATING WITHIN BIRMINGHAM, NO LATER THAN **7 DAYS** AFTER THE DATE OF YOUR APPLICATION.

2. THE NOTICE OVERLEAF, OR ONE IN A SIMILAR FORM, MUST BE DISPLAYED **CONTINUOUSLY**, ON THE PREMISES TO BE LICENSED, FOR A PERIOD **OF 21 DAYS** BEGINNING WITH THE DATE OF YOUR APPLICATION ON OR NEAR THE PREMISES AND IN A PLACE WHERE THE NOTICE MAY CONVENIENTLY BE READ AT ALL TIMES BY THE PUBLIC PASSING BY.

CERTIFICATE

(To be completed by all applicants)

I certify that a copy of the notice overleaf was displayed on the premises to be licensed, on or near the premises, in a place where the notice may conveniently be read by the public, for a period of ……..…days,

From (date) …… to (date) ……..

Signature of applicant ……...……...

Date …….

NOTE: THIS FORM MUST BE COMPLETED, SIGNED AND RETURNED TO THE LICENSING SECTION, AT THE ADDRESS OVERLEAF.

YOU SHOULD ALSO ATTACH A COPY OF THE NOTICE WHICH APPEARED IN A LOCAL NEWSPAPER, CIRCULATING WITHIN BIRMINGHAM, TO THIS FORM.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982 SECTION 2, SCHEDULE 3: CONTROL OF SEX ESTABLISHMENTS

Notice of Application for a Licence for a Sex Shop or Sex Cinema

NOTICE IS HEREBY GIVEN THAT I, ……

…… (full name)

APPLIED ON …… (date)

TO BIRMINGHAM CITY COUNCIL, IN RESPECT OF THE PREMISES KNOWN AS

……..

OF ……. (address)

UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982, FOR THE GRANT OR RENEWAL OR TRANSFER OF A LICENCE FOR:

i) a SEX SHOP or

ii) a SEX CINEMA

DURING THE INTENDED OPENING HOURS OF ……

……..

ANY **OBJECTIONS** TO THIS APPLICATION MUST BE MADE, IN WRITING, TO:

LICENSING SECTION
CRYSTAL COURT
ASTON CROSS BUSINESS VILLAGE
50 ROCKY LANE, ASTON
BIRMINGHAM
B6 5RQ

Email address licensing@birmingham.gov.uk

NO LATER THAN 28 DAYS AFTER THE DATE OF THE APPLICATION, STATING THE GROUNDS FOR OBJECTION.