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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982 : SECTION 41**

**LICENSING OF OUTDOOR MUSIC EVENTS/FESTIVALS**

# COMMUNITY BASED FREE EVENTS

# APPLICATION FOR A TEMPORARY PUBLIC ENTERTAINMENT LICENCE – PART A

**Note:** Please refer to the attached notes for guidance when completing this form, Each of these questions must be answered. It is a criminal offence to make any statement which you know to be false or recklessly to make any statement which is materially false.

|  |  |
| --- | --- |
| 1. Event and Location
 |  |
| 1. Full Name of applicant/ proposed licence holder

(individual, partnership, company, voluntary organisation etc) |  |
| 1. Applicant’s private address
 |  |
| 1. Email Address
 |  |
| 1. Phone No.
 |  |
| 1. Applicant’s Date of Birth
 |  |
| 1. Applicant’s Place of Birth
 |  |
| 1. Name, private address, phone number and **date of birth** of employee or agent to carry on day to day management of activity
 |  |
| 1. Full Name of Company/ Partnership/Voluntary Organisation if applicable
 |  |
| 1. Names and **dates of birth** of Directors/ Partners or other persons responsible for management (continue on a separate sheet)
 |  |
| 1. Telephone No.
 |  |
| 1. Is applicant to carry out day-to-day management of the activity?
 |  |
| 1. If not, give full name, address and date of birth of the person/ any employee or agent so engaged
 |  |
| 1. Specify **days of the week** and the **hours** during which it is proposed the premises will be open for the purposes of the above public entertainment.
 | Date/sHours |
| 1. Type of Licence – delete as appropriate
 | Grant of a Temporary Public Entertainment Licence - 1 – 7 days**OR**8 days to 6 weeks |
| 1. Maximum number of persons proposed to be admitted to premises at any one time **(NB this figure must include children)**
 |  |
| 1. Audience Profile
 |  |
| 1. Have you previously held or do you currently hold a PE Licence?
 | YES / NO |
| 1. If YES when was the licence granted?
 |  |
| 1. Which Authority granted the licence?
 |  |
| 1. When does/ did it expire?
 |  |
| 1. Have you ever applied for and been refused a PE licence?
 | YES / NO |
| 1. If YES which Authority refused you a licence?
 |  |
| 1. When where you refused?
 |  |

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <https://www.dumgal.gov.uk/fairprocessing>

CRIMINAL CONVICTIONS

1. Please complete the following sheet with details of any criminal convictions recorded against you. If you have none, write 'NONE' – your application will not be processed unless this sheet is completed.

The Council requires all applicants for most types of licence to disclose any criminal convictions recorded against them.

Guidance notes on the Rehabilitation of Offenders Act 1974 are given overleaf. You need not disclose any convictions which are 'spent' in terms of this Act, but must list below all other convictions against you. This includes convictions for motoring offences and for other offences (e.g. breach of the peace, vandalism). You must also give details of any conditional offers of fixed penalties which you have paid (e.g. endorseable speeding tickets).

Failure to disclose these matters is a criminal offence. If you have no such convictions, please write 'NONE'. Your application will not be processed unless this sheet is completed and signed.

If you are unsure of your convictions, a certified copy may be applied for from Police Scotland, Police Station, Loreburn Street, Dumfries (£10 fee applies).

|  |  |  |  |
| --- | --- | --- | --- |
| **DATE** | **COURT** | **OFFENCE** | **SENTENCE** |
|  |  |  |  |
|  |  |  |  |

I acknowledge and authorise the Chief Constable to make available to the Licensing Authority, details of my previous convictions for inclusion in any report on my application, and understand that this report will be issued to Members of the Licensing Authority, the media and will be available to members of public on request.

I declare that the above particulars are accurate.

Signed ...................................................

## EXPLANATORY NOTES ON THE

**REHABILITATION OF OFFENDERS ACT 1974**

This Act provides that after a certain lapse of time convictions for criminal offences are to be regarded as "spent".

An applicant for a licence need not disclose spent convictions and the Council will not normally take them into account when deciding upon an application.

Sentences of imprisonment exceeding 30 months duration can never be treated as spent and must be disclosed however long ago they were imposed. The periods of time which must elapse in most other cases before a single conviction becomes spent are set out below:-

|  |  |  |
| --- | --- | --- |
|  | SENTENCE | **REHABILITATION PERIOD** |
| 1 | Over six months imprisonment but under 30 months | 10 years |
| 2 | Under six months imprisonment | 7 years |
| 3 | A Fine or Community Service | 5 years |
| 4 | Conditional discharge, bound over, probation | 1 year orperiod of discharge, bound over or probation, whichever is the longer |
| 5 | Absolute discharge | 6 months |
| 6 | Cashiering, discharge with ignominy or dismissal with disgrace from H M Service | 10 years |
| 7 | Dismissal from H M Service | 7 years |
| 8  | Disqualification, disability or prohibition | Period of disqualification, disability or prohibition unless a longer period as set out in 1 – 7 above applies |

The periods of time which must elapse in other cases before the conviction becomes spent vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended if a further offence has been committed 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" or from a Solicitor.

**REHABILITATION OF OFFENDERS ACT 1974**

**APPLICATION TO ALTERNATIVES TO PROSECUTION**

The following alternatives to prosecution now come within the framework of the Rehabilitation of Offenders legislation:

(a) has been given a warning in respect of the offence by;

i) a constable in Scotland; or

ii) a procurator fiscal

(b) has accepted, or is deemed to have accepted-

i) a conditional offer issued in respect of the offence under section 302 of the Criminal Procedure (Scotland) Act 1995 (c.46), or

ii) a compensation offer issued in respect of the offence under section 302A of that Act

1. has had a work order made against the person in respect of the offence under section 303ZA of that Act
2. has been given a fixed penalty notice in respect of the offence under section 129 of the Antisocial Behaviour etc. (Scotland) Act 2004 (asp8)
3. has accepted an offer made by a procurator fiscal in respect of the offence to undertake an activity or treatment or to receive services or do any other thing as an alternative to prosecution, or
4. in respect of an offence under the law of a country or territory outside Scotland, has been given, or has accepted or is deemed to have accepted, anything corresponding to a warning, offer, order or notice falling within paragraphs (a) to (e) under the law of that country or territory.

The periods before the alternative to prosecution becomes spent are:-

* For (a) and (d) it becomes spent at the time of the warning or notice
* For the others the “relevant period” before the alternative to prosecutions becomes spent is 3 months from the date on which it was given

However:-

* In respect of (b) – (f) if the person is subsequently prosecuted and convicted for the offence which was the basis of the alternative to prosecution, the alternative will not become spent until the end of the period for the offence of which the person has since been convicted

The effect of an alternative to prosecution becoming spent is that the person then is treated for all purposes in law as a person who has not committed, been charged with or prosecuted for, or been given an alternative to prosecution in respect of the offence for which the alternative to prosecution was given.

The only circumstances in which “spent” alternatives to prosecution might be considered by the Council’s Licensing Panel is if the Panel is satisfied that justice cannot be met unless reference is made to them.

26. I declare that the particulars given by me on this application form are true. I authorise Dumfries and Galloway Council to make such enquiries with the police and others as the Council considers appropriate.

Signature ……………………………………………………………

Address ……………………………………………………………

 ……………………………………………………………

Position of Applicant ……………………………………………………………

In Company/Partnership

If not otherwise stated ……………………………………………………………

Date ……………………………………………………………

Please return the form to

Licensing, Dumfries and Galloway Council,

Kirkbank House, English Street, Dumfries, DG1 2HS

🕿 01387 245922 🖂 licensing@dumgal.gov.uk

 together with the following:

 the relevant application fee (refer to application Part B)

 the attached completed criminal convictions sheet

NOTES

1. Any person who in, or in connection with, the making of this application makes any statement which he/she knows to be false or recklessly makes any statement which is false shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £1,000.

2. This application form must be lodged, together with the appropriate fee, not less than 2 months before the proposed commencement date of the licence.

3. The lodging fee is not refundable.