

ANGUS COUNCIL

Civic Government (Scotland) Act 1982

Sex Shop Licence

This form relates to applications for Sex Shop licences. A sex shop licence is required for any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, display or demonstrating sex articles. If you require further information on whether you require a licence, you are encouraged to review the applicable provisions of the Civic Government (Scotland) Act 1982 and seek your own independent legal advice if you remain unsure.

You cannot apply for a licence if you are under 18 years old.

Application forms

The application form should be completed and returned to the Director of Legal & Democratic Services – Legal & Democratic, Angus Council, Angus House, Sylvie Way, Orchardbank Business Park, Forfar, DD8 1AN.

The application fee for a new grant or renewal is £428 and should be submitted with the application form. Your application will not be processed without payment and this could lead to a delay in your licence being granted. Please note that this fee is not refundable.

If paying by cheque, cheques should be made payable to Angus Council. Please contact us for information about other methods of payment.

Consultation

On receipt of your application form a copy of the form will be forwarded to:

- Police Scotland in order that they may carry out checks into your suitability to hold a licence and this will include a check on any convictions/offences. This check will either be carried out in relation to an individual applicant or directors of any company making an application.
- The Council's Revenues and Benefits Service to check whether you have any outstanding debts due to the Council
- The Council's Environmental & Consumer Protection team for information and to check whether they have any comments to make in respect of the application
- The Council's Planning Service for information and to check whether they have any comments to make in respect of the application
- Fire & Rescue Scotland for information and to check whether they have any comments to make in respect of the application

Should there be any comments on your application, this will require to be considered by the next available Civic Licensing Committee which generally meets on a six weekly cycle.

Conditions

We may impose conditions on the licence, including conditions relating to the hours of opening and closing, displays of advertisements, the visibility of the interior of the shop to passers by. A note of the standard conditions applied to every licence are noted on our website.

Eligibility

You must be a fit and proper person and not be disqualified from holding a licence.

You must not have had an application refused for the same licence within the 12 months prior to making your application, unless you have had a material change in circumstances.

The premises must be appropriate to the operation of a sex shop.

The applicant must be at least 18 years old.

Display of Notice

Once you have lodged your application, you must display the appropriate site notice (there is a copy on our website) at a location from which your business is to operate for a period of 21 days.

The notice must give the address of the premises and state that an application for a sex shop licence has been made to the council. It must also give the applicant's full name, address and date of birth. In the case of a company, firm, public body or voluntary organisation the names, dates of birth and private addresses of the directors, partners, committee members or other person(s) responsible for the management of the activity or activities then that person's name, date of birth and address must also be shown. A copy of the notice together with the certificate of compliance must be produced once the 21 day time limit has expired.

If the notice is removed, covered or defaced during that period the certificate must state the reasonable steps taken for its protection or if need be, its replacement. If the council is of the opinion that the notice does not comply with these requirements or that reasonable steps have not been taken to protect or replace the notice the council may require the applicant to display the notice again for a further period of 21 days before making a final decision on the application.

If the applicant declares that a notice cannot be displayed because they do not have rights of access or other rights in respect of the premises to enable this to be done then he must also declare and specify what reasonable steps have been taken without success to acquire these rights.

Licence

Your licence will not be granted until the required information and documentation has been provided, examined and deemed satisfactory, and the application has been fully processed. You cannot operate until your licence has been granted and issued to you. If you are renewing your licence, your old licence will remain in place provided you have lodged your renewal application prior to the licence expiring.

If you have any queries, please email the Licensing Section on LAWlicensing@angus.gov.uk.