

SEX SHOP LICENCE

NOTES OF GUIDANCE

1 **DUE TO LEGISLATIVE REQUIREMENTS WE STILL REQUIRE A SIGNATURE FROM YOU AND TO THAT END WE WILL SEND YOU A DECLARATION TO SIGN AND RETURN. YOUR APPLICATION CANNOT BE PROCESSED UNTIL THE DECLARATION IS RECEIVED BY US.**

2 In terms of paragraph 7 of Schedule 2 to the Civic Government (Scotland) Act 1982 you will require to advertise this application in a newspaper circulating in the area of the Council. The form of the advert will be sent to you.

3 In terms of the Civic Government (Scotland) Act a Notice in the prescribed form must be prominently displayed on the premises for a period of 21 days from the date the application is lodged with the local authority. (A copy of this will be sent to you).

4 A Certificate of Compliance requires to be produced confirming the Notice has been posted. (A copy of the certificate will be sent to you).

5 Applicants for new Sex Shop Licences are asked to note that the premises for which the application is being made may not have the benefit of planning consent for the proposed use. Failure to have the necessary planning consent may result in a delay in the processing of your application. It is in your interests, therefore, to check with the City Development Department, Tayside House, Crichton Street to ensure that you have the necessary planning consent and if not to make the appropriate planning application.

6 DVLA Licence details are required by Tayside Police to complete background checks on the applicant.

7 Process

The Committee will firstly define the relevant locality of the Sex Shop and thereafter determine the number of sex shops for that locality. Thereafter the Committee will have regard to the character of the relevant locality including whether:-

- (a) the premises are in a residential area;
- (b) the premises are in a main shopping area;
- (c) the premises are in an area of historical importance;
- (d) the grant of a licence will cause a detrimental change to the locality;
- (e) the premises are on a thoroughfare used by children; and
- (f) the premises are in an area with sensitive issues.

8 Conditions

In the case of any applications granted the undernoted conditions will be attached:-

- 1. The hours of opening be restricted to 10 am to 9 pm daily.
- 2. No persons under the age of 18 years shall be admitted to the premises or employed in the business of the establishment.
- 3. No display, advertisement, signage or other matter shall be exhibited so as to be visible from outside of the premises except:-
A notice bearing:
 - (i) The inscription "Sex Shop";
 - (ii) The name, style or title to be approved by the Council;

- (iii) The hours of opening.
4. The licence holder or the manager named in the licence shall be in charge of and upon the licensed premises during the whole time they are open to the public.
 5. The licence holder shall retain control over all portions of the premises and shall not let out, or part with possession of any part of the premises during the currency of the licence.
 6. Any fire and rescue officer, police constable or authorised officer of the Council shall be permitted free access to the whole of the premises at any time and all reasonable directions and requirements of such officers or of the Council must be complied with.
 7. The licence, or a copy thereof, shall be exhibited on the premises and shall be available for inspection at all times.
 8. The external door shall be fitted with an effective self-closing device and remain closed at all times other than when a person is passing through it.
 9. The licence holder shall maintain good order in the premises and shall ensure all music is controlled to the satisfaction of the Head of Environmental Health and Trading Standards to ensure no nuisance is caused to neighbouring occupiers.

9 Data Protection Act 1998 - Your Personal Data

Dundee City Council respects your personal information and undertakes to comply with the Data Protection Act 1998. The personal data you have provided will be used to process the application in terms of the Act stipulated on this form. Your data may be disclosed to Tayside Police and other Council departments involved in the processing of the application and elected members when considering the application. The data (with the exception of details of any convictions) will form a register which is open to public inspection. Dundee City Council is the registered Data controller. Any queries regarding the processing of your personal data by Dundee City Council should be directed to the Legal Manager, on (01382) 434000. A copy of the Council's Data Protection Policy can be obtained by writing to the Legal Manager, 21 City Square, Dundee DD1 3BY.

We must protect the public funds we handle so we will carry out checks against Dundee City Council's and the Department for Work and Pensions benefit records in order to check the accuracy of the information to prevent or detect crime or protect public funds in other ways as allowed by law.

Further to the above the information you provide and any expected income you may gain from obtaining the Licence will be used to maximise the recovery of any debt that is owed to the Council.

We will not release information about you to anyone outside the Council unless the law allows us to do so.