



# Midlothian

## CIVIC GOVERNMENT (SCOTLAND) ACT 1982

### SEX SHOP LICENSING

#### NOTES FOR GUIDANCE

- 1 In terms of Schedule 2 to the Civic Government (Scotland) Act 1972 a 'Sex Shop' means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles. 'Sex article' means anything intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity; or acts of force or restraint which are associated with sexual activity; and any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article and to any recording of vision or sound which is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.
- 2 Completed application forms must be accompanied by a sketch plan of the premises and cheques/ postal orders made payable to Midlothian Council or cash. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, 40-46 Buccleuch Street, Dalkeith.
- 3 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.
- 4 Subject to the provisions of the Rehabilitation of Offenders Act 1974, **ALL CONVICTIONS MUST BE DECLARED** including those not resulting in imprisonment or fines e.g. Admonitions, Community Service Orders, Compensation Orders, Deferred Sentences, Probation Orders, etc.
- 5 If you are unable to provide this information you will be able to obtain it from Police Scotland You can submit a subject access request to Police Scotland by emailing: [dataprotectionsubjectaccess@scotland.pnn.police.uk](mailto:dataprotectionsubjectaccess@scotland.pnn.police.uk)

or by writing to Data Protection Central Processing Unit, Information Management Unit, Police Scotland, Queen Street, Aberdeen, AB10 1ZA.

Your request must be accompanied by scans/ photos/ photocopies of two official documents which between them should confirm your date of birth and your current address.

Once the Chief Constable is satisfied as to your identity, Police Scotland have one month to reply to your request.

Further information and application forms can be found on the Police Scotland website on the following link:

<http://www.scotland.police.uk/access-to-information/data-protection/subject-accessrequests>

- 6 Failure to make a full declaration may lead to refusal of the application, prosecution and, if any omission is discovered after the Licence has been granted, suspension.
- 7 The fee for the initial grant of a Sex Shop Licence is £293.00 and the Renewal Licence fee is £522.00 (3 years).
- 8 The applicant shall, for a period of 28 days beginning with the date on which the application was submitted, display a Notice confirming that application has been made and after the expiry of the 28 day period, duly certify that this Notice has been posted.
- 9 The Council will consult the Chief Constable, Firemaster and Planning Officer.
- 10 It should be understood that any Licence does not carry with it the necessary consent or approval to any proposed development which may be required under Planning or Building Control legislation or under any other Statutes and Enactments.
- 11 If the property to which the application relates is owned by the Council, landlords' consent for the proposed use should be obtained.
- 12 You are required to publicise notice of submission of the application identifying the premises involved; and that it is intended that they be used as a sex shop, in a newspaper circulating in Midlothian; and furnish a copy of that advertisement to the Council. The Notice should appear not less than 7 days after the date of the application.
- 13 There is attached a statement that has been provided by Scottish Fire and Rescue Service about the responsibility of the person who has responsibility for the premises to ensure that a fire risk assessment is carried out by a competent person and to record outcomes.

#### Business Gateway Midlothian

If you are starting a business, or if you already run your own business and could use some extra support and advice please email [BG@midlothian.gov.uk](mailto:BG@midlothian.gov.uk) to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website [www.midlothian.gov.uk](http://www.midlothian.gov.uk) to access our online Privacy notice