

Civic Government (Scotland) Act 1982

**APPLICATION FOR:-**

- (Please tick appropriate box)  **GRANT of a SEX SHOP LICENCE**  
 **RENEWAL of a SEX SHOP LICENCE**

**PLEASE COMPLETE THE RELEVANT QUESTIONS IN BLOCK CAPITALS**  
**Section 1 (To be completed by all applicants)**

1. Full Name of Applicant	<u>Surname</u>	<u>First Name(s)</u>
2. Home Address		
3. Postcode		
4. Address for correspondence relating to this application (if different from the one above)		
5. Postcode		
6. Email Address		
7. Telephone Number(s)		
8. Date and Place of Birth	<u>Date of Birth</u>	<u>Place of Birth</u>
9. Is the applicant to carry out the day-to-day management of the business, or event?	<input type="checkbox"/> YES (go to <a href="#">Section 2</a> ) <input type="checkbox"/> NO (go to next question)	
10. Full Name of employee or agent who will be the day-to-day manager	<u>Surname</u>	<u>First Name(s)</u>
11. Home Address of day-to-day manager		
12. Email Address of day-to-day manager		
13. Telephone Number of day-to-day manager		
14. Date and Place of Birth of day-to-day manager	<u>Date of Birth</u>	<u>Place of Birth</u>

**Section 2 (to be completed by all applicants)**

<p>15. Are you applying for the RENEWAL of a Licence. If YES, please state the expiry date of your current licence</p>	<p><input type="checkbox"/> YES Expiry date of current licence .....</p> <p><input type="checkbox"/> NO (please go to question 16)</p>			
<p>16. Are you applying for a licence as an individual or as a company, firm or organisation? If as individual you will be the licence holder. If on behalf of a company, firm or organisation that will be the licence holder.</p>	<p><input type="checkbox"/> INDIVIDUAL (Please go to question 20)  <input type="checkbox"/> COMPANY, FIRM or ORGANISATION  If a company, firm or organisation is entered that will be the licence holder.</p>			
<p>17. Full name of Company, Firm or Organisation</p>				
<p>18. Address of Principal or Registered Office and telephone number</p>				
<p>19. Full names and private addresses of all Directors, Partners, Committee Members or other persons responsible for the management of the business (continue on a separate sheet if necessary)</p>	<p>Full Name (s)</p>	<p>Private Address(es)</p>	<p>Date(s) of Birth</p>	<p>Place(s) of Birth</p>
<p>20. Name of Premises where the operation of a SEX SHOP is proposed to take place</p>				
<p>21. Address of Premises where the operation of SEX SHOP is proposed to take place</p>				
<p>22. Describe the premises from which it is intended to operate a SEX SHOP</p>				
<p>23. Will the premises be operated solely as a SEX SHOP?</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/> If NO give particulars of the whole business to be carried on in the premises</p> <p>.....</p> <p>.....</p>			
<p>24. State days/hours during which it is proposed to trade</p>	<p>Days</p>		<p>Hours</p>	
	<p>Monday Tuesday Wednesday Thursday Friday Saturday Sunday</p>	<p>..... to .....</p> <p>..... to .....</p> <p>..... to .....</p> <p>..... to .....</p> <p>..... to .....</p> <p>..... to .....</p> <p>..... to .....</p>		

25. What displays or advertisements are proposed in the SEX SHOP?	
26. Will the exterior of the SEX SHOP be visible to passers-by?	YES <input type="checkbox"/> NO <input type="checkbox"/>

**Section 3 DECLARATION (To be completed by all applicants)**

<p>27. Has the applicant or any person named on the application ever applied for and been refused such a Licence or had such a Licence suspended?</p> <p>If YES, please give details of which council refused/suspended the Licence and the date it was refused/suspended.</p>	<p><input type="checkbox"/> YES Which Council?..... Date refused/suspended? .....</p> <p><input type="checkbox"/> NO</p>
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<p>28. Do you or the day to day manager have <b>any</b> convictions against you? Note: <b>“Convictions” includes both road traffic and criminal convictions. It includes both current and spent convictions</b></p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
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I declare that the particulars given by me on this form together with the details on the application attached are true, **the appropriate persons have read the attached privacy notice**, and I hereby make application to Aberdeenshire Council for the grant or renewal of the Licence applied for.

Date: .....	Signature of Applicant/Agent: .....	
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Address of Agent (if any): .....	.....
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**Any person who in connection with the making of this application makes any statement which he knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2500.**

**GDPR**

**The applicant, and, where the applicant is a company, business or other body, any person who has supplied personal information as part of this application MUST READ AND UNDERSTAND THE ATTACHED PRIVACY NOTICE.**

**Please read the following notes prior to submitting your application:-**

**Applications should be submitted by email to [licapps@aberdeenshire.gov.uk](mailto:licapps@aberdeenshire.gov.uk) or alternatively by post to Aberdeenshire Council, Legal & People, Viewmount, Arduthie Road, Stonehaven. AB39 2DQ**

In terms of Schedule 1(2) of the above Act, any application of this nature requires the applicant to display, for a period of 21 days *from the date of the application*, a notice in the prescribed form. Please accurately complete and display this **notice** at your premises showing the date by which objections or representations relating to the application should be submitted to the Council, i.e. **21 days from the date that the application is lodged.**

After the notice has been displayed for 21 days, complete and return the **Certificate of Compliance** confirming that the notice has been displayed. You should note that the application cannot be granted until the Certificate of Compliance has been returned to this office.

***Duration of Licences***

If granted, your Licence will come into effect on the date specified on the Licence. Licences are normally granted for 3 years, unless a shorter period is specified.

***Application Fee***

Once your application is submitted a member of the Admin Team will contact you for payment. The fee for a Sex Shop Licence is non-refundable.

**The following documents require to be submitted with your application:-**

The following documents require to be submitted with your application:-

- Completed Application Form
- Copy of Public Liability Insurance

<b>FOR OFFICIAL USE ONLY</b>	
DATE RECEIVED AT SERVICE POINT	
NAME OF CUSTOMER SERVICE ADVISOR	
CUSTOMER SERVICE ADVISOR SIGNATURE	

SUBMITTED AT WHICH SERVICE POINT?						
BANFF	ELLON	HUNTLY	INVERURIE	PETERHEAD	STONEHAVEN	TURRIFF

**Aberdeenshire Council**  
**Civic Government (Scotland) Act 1982**  
**Site Notice**

NOTICE IS HEREBY GIVEN that application has been made on (Date).....  
 To ABERDEENSHIRE COUNCIL for:-  Boat Hire Licence/  Knife Dealer's Licence/  Late Hours Catering Licence/  Market Operator's Licence/  Metal Dealer's Licence/  Public Entertainment Licence/  Second Hand Motor Vehicle Dealer's Licence/  Sex Shop Licence/  Taxi Booking Office (Please tick appropriate box), in respect of premises at:-  
 (Name and Address of Premises).....  
 .....

By:- Name:

Address:

Day-to-Day Manager:

Address:

	Days and/or Date(s)-(Market's only)	From	To
Where application is for a:- <input type="checkbox"/> Late Hours Catering Licence <input type="checkbox"/> Market Operator's Licence <input type="checkbox"/> Second Hand Motor Dealer Licence <input type="checkbox"/> Sex Shop Licence please state days hours and the times you propose to trade	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	.....	to..... to..... to..... to..... to..... to..... to.....

Any objections and representations in relation to the application may be made to the relevant office (addresses below) generally within 28 days of the above-mentioned date. Objections and representations should be made in accordance with the following provisions, namely:-

- (1) Any objection or representation relating to an application for the grant or renewal of a licence shall be entertained by the licensing authority if, but only if, the objection or representation:-
  - (a) Is in writing;
  - (b) Specifies the grounds of objection or, as the case may be, the nature of the representation;
  - (c) Specified the name and address of the person making it;
  - (d) Is signed by him or on his behalf;
  - (e) Was made to them within 28 days of whichever is the later, or as the case may be, the latest of the following dates:-
    - (i) Where public notice of the application was given in a newspaper, the date when it was first given;
    - (ii) Where ABERDEENSHIRE COUNCIL have required the applicant to display the Notice again from a specified date, that date;
    - (iii) In any other case, the date when the application was made to them.
- (2) Notwithstanding (1)(e) above, it shall be competent for a licensing authority to entertain an objection or representation received by them before they take a final decision upon the application to which it relates if they are satisfied that there is sufficient reason why it was not made to them in the time required.
- (3) An objection or representation shall be made for the purposes of (1) above if it is delivered by hand within the time there specified to the licensing authority or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered to them within that time.

**\*Objections or representations should be made to:-**

**Aberdeenshire Council  
Legal & People  
Viewmount, Arduthie Road,  
Stonehaven. AB39 2DQ**

## PRIVACY NOTICE

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AN.  
 Email: [dataprotection@aberdeenshire.gov.uk](mailto:dataprotection@aberdeenshire.gov.uk)

Your information is being collected to use for the following purposes:

- The processing of your application for a sex shop Licence
- The determination of your application for a sex shop Licence
- Inclusion on the Register of sex shop Licences available for public inspection
- Ensuring compliance with the terms of your sex shop Licence
- The processing of any complaints made in respect of your sex shop Licence
- The determination of any complaints made in respect of your sex shop Licence

Your information is:

Being collected by Aberdeenshire Council

The legal Basis for collecting the information is:

Personal Data		Special categories of personal data	
Legal Obligations	X	Processing is necessary for one of the Conditions in Part 2 of Schedule 1 to the Data Protection Act 2018 referring to substantial public interest in terms of paragraph 6 thereof as processing is necessary for the exercise of a function conferred on a person by an enactment or rule of law	X

Where the legal basis for processing is either Performance of a contract or Legal obligation, please note the following consequences of failure to provide the information:

*If you fail to provide the information required on the attached application form, Aberdeenshire Council may not be in a position to accept the application as a competent application. This means that your application cannot be processed and will be returned to you.*

Your information will be shared with the following recipients or categories of recipient:



- *Police Scotland*
- *Scottish Fire & Rescue Service*
- *Some information will also be shared with the Public as part of the online processing of applications for Sex Shop Licences or investigation of complaints/reviews of licences and via the Register of Sex Shop Licences*
- *Planning Services*
- *Building Standards*
- *Environmental Health*
- *Civic Licensing Standards Officers*

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

*NOT APPLICABLE*

The retention period for the data is:

- (1) Where an application for the grant of a licence, permit or permission is refused by the Business Services' Licensing Sub-Committee (or relevant Area Committee) information relating to that licence, permit or permission will be retained for a period of two years from the **date of refusal** and thereafter will be destroyed
- (2) In any other case, information relating to a licence, permit or permission will be retained for a period of two years from the date the licence, permit or permission **ceases to have effect** and will thereafter be destroyed

The following automated decision-making, including profiling, will be undertaken:

Not Applicable

Please note that you have the following rights:

- to withdraw consent at any time, where the legal basis specified above is consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- To object, where the legal basis specified above is:
  - (i) Performance of a Public Task; or
  - (ii) Legitimate Interests.
- to data portability, where the legal basis specified above is:
  - (i) Consent; or
  - (ii) Performance of a contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

