

# Public Document Pack



To: Councillor Reynolds, Convener; Councillor Malik, Vice-Convener; and Councillors Allan, Bell, Delaney, Henrickson, Radley, Sellar and Townson.

Town House,  
ABERDEEN, 2 December 2021

## LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Virtual - Remote Meeting on TUESDAY, 14 DECEMBER 2021 at 10.00 am**. This is a hybrid meeting and Members may also attend remotely.

Members of the press and public are not permitted to enter the Town House at this time. The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

## BUSINESS

### NOTIFICATION OF URGENT BUSINESS

1.1. Urgent Business

### DETERMINATION OF EXEMPT BUSINESS

2.1. Exempt Business

### CONFIDENTIAL BUSINESS

3.1. Confidential Business

### DECLARATIONS OF INTEREST

4. Declarations of Interest (Pages 5 - 6)

### **DEPUTATIONS**

- 5.1. Deputations

### **MINUTES AND COMMITTEE BUSINESS PLANNER**

- 6.1. Minute of Previous Meeting of 26 October 2021 (Pages 7 - 12)
- 6.2. Committee Business Planner (Pages 13 - 14)

### **APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS**

- 7.1. Request for an Exemption of a Late Hours Catering Licence - Morrisons Petrol Filling Station, West North Street (Pages 17 - 18)

### **COMMITTEE REPORTS**

- 8.1. Licensing Committee Annual Effectiveness Report - COM/21/318 (Pages 19 - 36)
- 8.2. Queen Street Taxi Rank Proposal - COM/21/323 (Pages 37 - 44)
- 8.3. Sexual Entertainment Venue Licensing - COM/21/324 (Pages 45 - 82)

### **CONFIDENTIAL INFORMATION - APPLICATIONS, INCLUDING LIST OF APPLICATIONS, TO BE HEARD IN PRIVATE**

**Applications to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973.**

- 9.1. Renewal of a Taxi Driver's Licence (Agenda Item 9.1) (Pages 85 - 88)
- 9.2. Request for the Suspension or Revocation of a Taxi Driver's Licence Under Paragraph 11 (Agenda Item 9.2) (Pages 89 - 96)
- 9.3. Renewal of a Taxi Driver's Licence (Agenda Item 9.3) (Pages 97 - 98)
- 9.4. Request for an Exemption from the Wheelchair Accessible Vehicle Policy (Agenda Item 9.4) (Pages 99 - 102)

9.5. Request for an Exemption from the Age of Vehicle Policy (Agenda Item 9.5)  
(Pages 103 - 106)

EHRIAs related to reports on this agenda can be viewed [here](#)

To access the Service Updates for this Committee please click [here](#)

Website Address: [aberdeencity.gov.uk](http://aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Mark Masson, tel 01224 522989 or email [mmasson@aberdeencity.gov.uk](mailto:mmasson@aberdeencity.gov.uk)

This page is intentionally left blank

## DECLARATIONS OF INTEREST

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons .....

*For example, I know the applicant / I am a member of the Board of X / I am employed by...* and I will therefore withdraw from the meeting room during any discussion and voting on that item.

### **OR**

I have considered whether I require to declare an interest in item (x) for the following reasons ..... however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

### **OR**

I declare an interest in item (x) for the following reasons ..... however I consider that a specific exclusion applies as my interest is as a member of xxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
  - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
  - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

### **OR**

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

## LICENSING COMMITTEE

ABERDEEN, 26 October 2021. Minute of meeting of the LICENSING COMMITTEE.  
Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Bell, Delaney, Henrickson, Radley, Sellar and Townson.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

### DECLARATIONS OF INTEREST

1. Members were requested to intimate any declarations of interest in respect of the items on today's agenda, thereafter the following were intimated:-
  - (1) Councillor Malik declared an interest in item 10.1 (Request for the Suspension or Revocation of a Private Hire Car Driver Licence Under Paragraph 11) by virtue of him knowing the licence holder. He considered that the nature of his interest required him to leave the meeting and he therefore took no part in the consideration of this item.

### MINUTE OF PREVIOUS MEETING OF 29 SEPTEMBER 2021, FOR APPROVAL

2. The Committee had before it the minute of its previous meeting of 29 September 2021 for approval.

#### **The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE BUSINESS PLANNER

3. The Committee had before it the Committee Business Planner as prepared by the Chief Officer – Governance.

#### **The Committee resolved:-**

- (i) to note the reason for the reporting delay in relation to item 5 (Review of Street Trader Licence Policy and Procedure); and
- (ii) to otherwise note the content of the Business Planner.

### REVIEW OF TAXI RANKS - REFERRAL FROM THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 13 OCTOBER 2021

4. The Committee had before it by way of a referral, an extract from the minute of meeting of the Taxi and Private Hire Car Consultation Group of 13 October 2021, which

## LICENSING COMMITTEE

26 October 2021

requested that the Committee consider the proposal to undertake a Review of the Taxi Ranks in Aberdeen at the earliest opportunity.

### **The Committee resolved:-**

to instruct the Chief Officer – Governance to undertake a Review of the Taxi Ranks in Aberdeen at the earliest opportunity following any Council decision being taken on the options for vehicle access on Union Street and the Spaces for People interventions in that area.

### **REVIEW OF THE STREET KNOWLEDGE TEST - REFERRAL FROM THE TAXI AND PRIVATE HIRE CAR CONSULTATION GROUP OF 13 OCTOBER 2021**

5. The Committee had before it by way of a referral, an extract from the minute of meeting of the Taxi and Private Hire Car Consultation Group of 13 October 2021, which requested that the Committee consider undertaking a review of the Street Knowledge Test.

### **The Committee resolved:-**

to instruct the Chief Officer – Governance to report back to the Committee on the feasibility of a time limited modular street knowledge test at the meeting on 22 March 2022.

### **EXEMPTION REQUEST FOR A LATE HOURS CATERING LICENCE - MARKS AND SPENCER - UNIT 2 AND 3, UNION SQUARE SHOPPING PARK, UNIT 2, BRIDGE OF DON RETAIL PARK, STONEYWOOD PARK**

6. The Committee had before it an information sheet prepared by the Chief Officer – Governance, which advised that the applicant was seeking an exemption under Section 42(5) Civic Government (Scotland) Act 1982 from requiring a Late Hours Catering Licence during the hours 23:00 to 00:00 from 18 December 2021 to 24 December 2021.

The applicant's agent Mr Chris Grunert was in attendance and spoke in support of the request and responded to questions from members of the Committee.

### **The Committee resolved:-**

to approve the exemption request.

### **TAXI AND PRIVATE HIRE POLICY REVIEW - COM/21/258**

7. With reference to article 13 of the minute of the meeting of 18 May 2021, the Committee had before it a report by the Chief Officer - Governance which presented the amended policies for taxis and private hire for final approval.

### **The report recommended:-**

**LICENSING COMMITTEE**

26 October 2021

that the Committee –

- (a) agree the highlighted amendments to policy at 5.3.4, 5.3.7, 5.3.8, 5.4.2 and 5.4.3 in Appendix 1;
- (b) agree an implementation date of 1 April 2022, for all amendments with the exception of 5.3.8; and
- (c) agree to defer the implementation of the changes to policy 5.3.8 pending further information about the installation of the necessary infrastructure.

**The Committee resolved:-**

to approve the recommendations.

**CONFIDENTIAL INFORMATION**

**The press and public were excluded from the meeting for consideration of the following items which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.**

**DECLARATION OF INTEREST**

**In accordance with article 1 of this minute, the Vice Convener withdrew from the meeting prior to consideration of the following item of business.**

**REQUEST FOR THE SUSPENSION OR REVOCATION OF A PRIVATE HIRE CAR DRIVER LICENCE UNDER PARAGRAPH 11 (AGENDA ITEM 10.1)**

8. The Committee had before it (1) an information sheet prepared by the Chief Officer – Governance, which advised that a request had been received under Paragraph 11, Schedule 1 of the Civic Government (Scotland) Act 1982 for the suspension or revocation of a private hire car driver licence; and (2) a letter from the Chief Superintendent, Police Scotland, c/o North East Division dated 8 October 2021.

Sergeant Flett was in attendance and by way of a preliminary matter indicated that it was the Chief Constable's contention that justice could not be done in this case, except by admitting evidence relating to 'protected' matters and sought approval, as per Section 7(3) of the Rehabilitation of Offenders Act 1974, to allow the 'protected' matters to be considered by way of the circulation of an additional letter dated 8 October 2021.

The licence holder was in attendance and was represented by a friend who was then given an opportunity to argue against the inclusion of the second police letter.

**The Committee resolved:-**

to admit the details of the 'protected' matters into proceedings for consideration.

## LICENSING COMMITTEE

26 October 2021

The second police letter containing the details of the protected matters was then circulated to Members.

Sergeant Flett spoke in support of Police Scotland's letters and responded to questions from members of the Committee,

The licence holder's representative responded to the details circulated in the letters.

Sergeant Flett and the Licence holder's representative both summed up.

The Convener, seconded by Councillor Townson moved:-  
that the Committee suspend the licence holder for a period of one month.

Councillor Delaney, seconded by Councillor Bell, moved as an amendment:-  
that the Committee suspend the licence holder for the unexpired period of his licence.

Councillor Allan, seconded by Councillor Radley, moved as a further amendment:-  
that the Committee suspend the licence holder for a period of six months.

There being a motion and two amendments, the Committee first divided between the amendment by Councillor Delaney and the amendment by Councillor Allan.

On a division, there voted:- for the amendment by Councillor Delaney (1) – Councillor Delaney; for the amendment by Councillor Allan (5) – Councillors Allan, Bell, Henrickson, Radley and Sellar; declined to vote (2) – the Convener and Councillor Townson.

The Committee then divided between the motion and the amendment by Councillor Allan.

On a division, there voted:- for the motion (2) – the Convener and Councillor Townson; for the amendment by Councillor Allan (6) – Councillors Allan, Bell, Delaney, Henrickson, Radley and Sellar.

### **The Committee resolved:-**

to adopt the amendment, thereby suspending the licence holder for a period of six months.

## **RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.2)**

9. The Committee had before it an information note prepared by the Chief Officer – Governance which advised that the application had to be determined by 29 October 2021.

The licence holder was not in attendance, nor represented.

### **The Committee resolved:-**

to refuse the renewal of the licence.

**LICENSING COMMITTEE**

26 October 2021

**RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.3)**

10. the Committee were advised that the licence had been granted under delegated powers.

**RENEWAL OF A TAXI DRIVER LICENCE (AGENDA ITEM 10.4)**

11. The Committee had before it an information note prepared by the Chief Officer – Governance which advised that the application had to be determined by 3 December 2021.

The licence holder was not in attendance, nor represented.

**The Committee resolved:-**

to defer consideration of the application to allow a medical report to be received and to agree that should a clear medical report be received, the Chief Officer - Governance could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

- **COUNCILLOR JOHN REYNOLDS, Convener**

This page is intentionally left blank

	A	B	C	D	E	F	G	H	I
1	<b>LICENSING COMMITTEE BUSINESS PLANNER</b>								
	The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting.								
2	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>	<b>Terms of Reference Number</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3			<b>14 December 2021</b>						
4	Annual Committee Effectiveness Report	To present the Annual Effectiveness report for the Committee.		Mark Masson	Governance	Commissioning	GD 8.5		
5	Queen Street Taxi Rank Proposal	This report provides the Committee with the results of the consultation with Police Scotland, Aberdeen City Council Roads Department and the general public		Sandy Munro	Governance	Commissioning	17.3		
6	Draft Sexual Entertainment Venue Policy Statement	To approve the policy statement following public consultation		Karen Gatherum/ Sandy Munro	Governance	Commissioning	17.3		
7			<b>18 January 2022</b>						
8	No reports scheduled at this time.								
9			<b>22 March 2022</b>						
10	Review of Street Trader Licence Policy and Procedure	The Committee on 29/6/21 agreed to instruct the Chief Officer – Governance to undertake a review of the policies and procedures for Street Trader Licences and to submit a report to the Committee in this regard.	Originally due at the October 2021 meeting however officers requested a delay to allow for full investigation and public consultation of Street Trader policy conditions and advertising requirements. Likely to be submitted in March 2022, but may be sooner.	Sandy Munro	Governance	Commissioning	17.3		
11	Review of the Street Knowledge Test	The Committee on 26 October 2021 agreed to instruct the Chief Officer – Governance to report back to the Committee on the feasibility of a time limited modular street knowledge test at the meeting on 22 March 2022.		Sandy Munro	Governance	Commissioning	17.3		
12			<b>15 June 2022</b>						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
13	No reports scheduled at this time.								
14			6 September 2022						
15	No reports scheduled at this time.								
16			15 November 2022						
17	No reports scheduled at this time.								
18			TBC						
19	Taxi Driver Training	Licensing Committee 19/2/19 agreed to instruct the Chief Officer – Governance to continue to investigate training programmes for taxi and private hire drivers and report back to the Committee in this regard as and when appropriate.		Sandy Munro	Governance	Governance	3		

<b>Application</b>	<b>Name of Applicant &amp; Agent</b>	<b>Premises of which application refers</b>	<b>Representations received</b>	<b>Date by which application to be determined (date order)</b>	<b>Proposed Meeting to Determine Application</b>	<b>Page Number</b>
Request – Exemption – Late Hours Catering Licence	Morrisons	Morrisons Petrol Filling Station, West North Street, Aberdeen	Licensing – Legal	N/A	14 December 2021	17-18

This page is intentionally left blank

**LICENSING COMMITTEE INFORMATION SHEET**  
**14 DECEMBER 2021**

**TYPE OF APPLICATION:** LATE HOURS CATERING EXEMPTION  
**APPLICANT:** Morrisons Petrol Filling Station, West North Street, Aberdeen

**INFORMATION NOTE**

Request for an exemption under Section 42(5) Civic Government (Scotland) Act 1982 from requiring a Late Hours Catering Licence.

The exemption is required for the hours 23:00 to 00:00 from 20 December 2021 to 23 December 2021 inclusive.

The retail store sells a range of products including food and drinks off the premises.

**CONSULTEES**

- Police Scotland

**OBJECTIONS/REPRESENTATIONS**

None

**LEGISLATION**

A licensing authority may, on application made to them, exempt the use of premises requiring a late hours catering licence from the requirement to have such a licence—

(a) in respect of any particular occasion; or

(b) during a specified period not exceeding 2 months in any period of 12 months.

(6) The licensing authority may attach conditions to an exemption granted under subsection (5) above, and the provisions of Part I of this Act relating to the attaching of conditions to licences and subsection (3) above shall apply to the attaching of conditions to exemptions under this subsection.

This page is intentionally left blank

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	14 December 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Licensing Committee Annual Effectiveness Report
<b>REPORT NUMBER</b>	COM/21/318
<b>DIRECTOR</b>	Gale Beattie, Director of Commissioning
<b>CHIEF OFFICER</b>	Fraser Bell, Chief Officer - Governance
<b>REPORT AUTHOR</b>	Mark Masson
<b>TERMS OF REFERENCE</b>	GD 8.5

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the annual report of the Licensing Committee to enable Members to provide comment on the data contained within.

### 2. RECOMMENDATION

That Committee:-

- 2.1 provide comments and observations on the data contained within the annual report; and
- 2.2 note the annual report of the Licensing Committee.

### 3. BACKGROUND

#### **Annual Reports on Committee Terms of Reference**

- 3.1 The annual committee effectiveness reports were introduced in 2018/19 following a recommendation from the Chartered Institute of Public Finance and Accountancy (CIPFA) as part of the Council's work towards securing that organisation's accreditation in governance excellence. The Terms of Reference set out that each Committee will review its own effectiveness against its Terms of Reference through the mechanism of the annual report.
- 3.2 The annual effectiveness reports were mentioned by CIPFA in their report which awarded the Mark of Excellence in Governance accreditation to Aberdeen City Council. CIPFA highlighted the implementation of the annual

effectiveness reports as a matter of good practice in governance and were encouraged that, during consideration of the reports at Committee and Council, Members had made suggestions for improvements to the reports in future years.

- 3.3 As well as the CIPFA Accreditation, Committee Services also won SOLAR Administration Team of the Year in March 2020 in recognition of the introduction of the annual committee effectiveness reports and the process which allows Committees to examine how they can improve the way they do business, while providing assurance that they are undertaking their role effectively.
- 3.4 Data from the annual effectiveness reports has been used to inform the review of the Scheme of Governance, ensuring that Committee Terms of Reference were correctly aligned, and identifying any areas of the Terms of Reference which had not been used throughout the year in order that they could be reviewed and revised if necessary. The information from the effectiveness reports will also be used to feed into the Annual Governance Statement.
- 3.5 The reports provide a mechanism for each committee to annually review its effectiveness, including data on attendance, any late reports, referrals to Council and the number of times officer recommendations were amended, and to ensure that it is following its Terms of Reference.
- 3.6 Similarly, recording the sections or stretch outcomes of the Local Outcome Improvement Plan (LOIP) which apply to each report allows Members to be aware of the direct impact of any proposals before them on the LOIP, and gives a general overview at the end of each year of the number of reports which have had an impact on the LOIP stretch outcomes. Officers also actively review the data gathered to ensure that it aligns to the Council's operating model and decisions taken by the Council throughout the year.
- 3.7 Any comments from Members on areas of data that should be considered would be welcomed to ensure that Members are presented with meaningful data.
- 3.8 The annual report for 2020/2021 is therefore appended for the Committee's consideration. It should be noted that the annual reporting period for 2020/21 is longer than previous years due to the Covid-19 pandemic which resulted in a number of committee meetings being cancelled in the first half of 2020/21. Following consideration by the Committee, the report will be submitted to Full Council in December for noting.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications from the recommendations of this report.

## 5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.

## 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	N/A		
<b>Compliance</b>	Failure to submit this report would mean that the Council would not be complying with its instruction that all committees and Full Council receive such a report each year.	L	Council is given the opportunity to consider the reports and provide feedback on any amendments Members would wish to see in the content so that this can be taken on board for next year's Scheme of Governance review.
<b>Operational</b>	N/A		
<b>Financial</b>	N/A		
<b>Reputational</b>	N/A		
<b>Environment / Climate</b>	N/A		

## 7. OUTCOMES

There are no links to the Council Delivery Plan, however the committee effectiveness annual reports link to the Scheme of Governance, by ensuring that each committee is fulfilling its Terms of Reference.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Impact Assessment</b>	Full impact assessment not required
<b>Data Protection Impact Assessment</b>	Not required

## 9. BACKGROUND PAPERS

None.

## **10. APPENDICES**

- 10.1 Licensing Committee Annual Effectiveness Report 1 May 2020 to 31 October 2021

## **11. REPORT AUTHOR CONTACT DETAILS**

Mark Masson  
Committee Services Officer  
[mmasson@aberdeencity.gov.uk](mailto:mmasson@aberdeencity.gov.uk)  
01224 522989

# Licensing Committee Annual Effectiveness Report 2020/2021



# Contents

	Page
1. Introduction	3
2. The role of the Committee	4
3. Membership of the Committee during 2020/2021	4
4. Membership changes	4
5. Member Attendance	5
6. Meeting Content	5
7. Training Requirements	7
8. Code of Conduct – Declarations of Interest	8
9. Civic Engagement	8
10. Officer support to the Committee	8
11. Executive Lead's Comments	8
12. Next year's focus	9
13. Terms of Reference	11

## 1. INTRODUCTION

- 1.1 It is with great pleasure I present the third annual effectiveness report for the Licensing Committee. This annual report is a good mechanism for the Committee to reflect on the business of the Committee over the past year, which despite Covid restrictions has operated well and to look to the Committee's focus for the year ahead and represents good practice in terms of governance.
- 1.2 In terms of the business over the last year, the Committee has managed to work on line and in person, working collectively to ensure that its decision-making process was open and transparent, and all parties treated fairly and equally. It was also encouraging to see the responses to the public consultations as a result of greater use of all media channels.
- 1.3 The Committee has also been proactive in reviewing Policy and seeking assurance that it was operating in accordance with legislation and best practice and I am confident that this will continue into the year ahead.



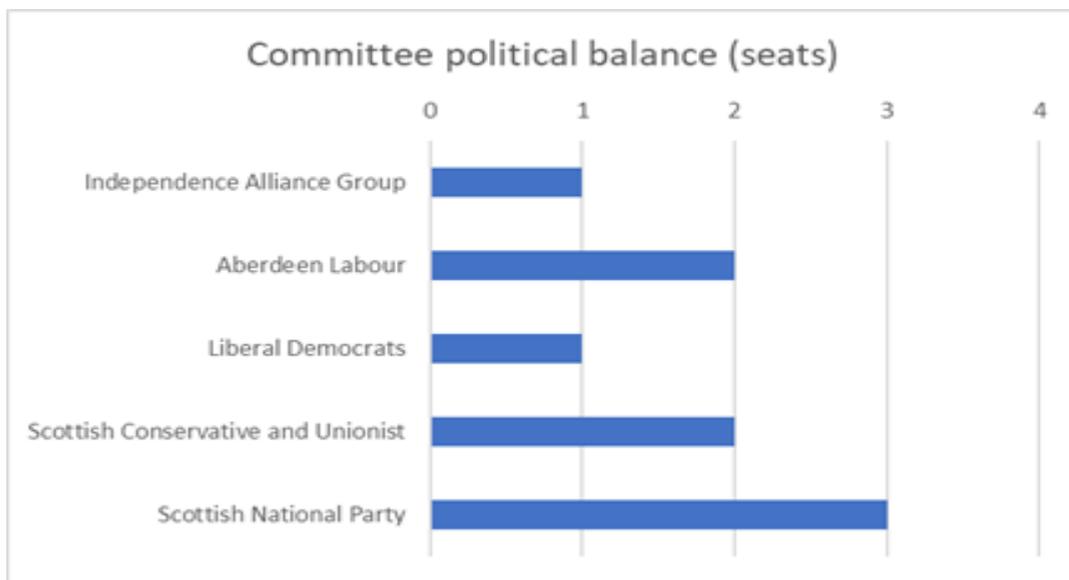
**Councillor John Reynolds**  
Convener, Licensing Committee

## 2. THE ROLE OF THE COMMITTEE

- 2.1 The role of the Committee is to deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits.
- 2.2 The Terms of Reference for the Committee as approved by Council are appended to the report.

## 3. MEMBERSHIP OF THE COMMITTEE DURING 2020/2021

- 3.1 The Licensing Committee has nine Elected Members and the composition is outlined below.



## 4. MEMBERSHIP CHANGES

- 4.1 During the reporting period there was one change in membership with Councillor Radley replacing Councillor Al-Samarai prior to the January 2021 meeting.

## 5. MEMBER ATTENDANCE

Member	Total Anticipated Attendances	Total Attendances	Nominated Substitutes
John Reynolds (C)	9	9	
M. Tauqeer Malik (VC)	9	7	Cllrs Macdonald & Wheeler
Gill Al-Samarai	2	0	Cllrs Cooke & MacGregor
Yvonne Allan	9	9	
Philip Bell	9	8	
Steve Delaney	9	6	Cllrs Greig & Yuill
Dell Henrickson	9	9	
Miranda Radley	7	7	
Philip Sellar	9	9	
Gordon Townson	9	9	

## 6. MEETING CONTENT

**6.1** During the 2020/2021 reporting period (1 May 2020 to 31 October 2021), the Committee had 9 meetings and considered a total of 11 reports.

### 6.2 Terms of Reference

With the exception of the Annual Committee Effectiveness Report which has a General Delegation number, the following table details how the remaining 10 reports aligned to the Terms of Reference for the Committee,

Terms of Reference	Count of Terms of Reference
Powers of Committee 3	9
Powers of Committee 4	1

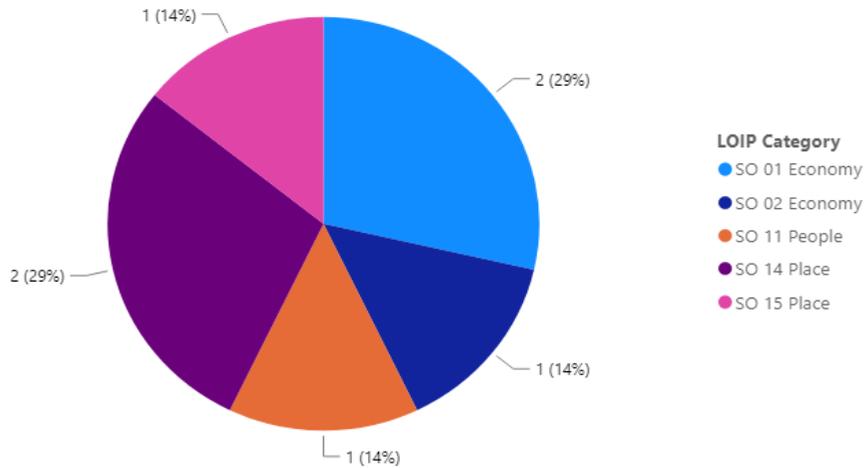
**6.3.** During the course of 2020/2021, the Licensing Committee received reports under two of its Terms of Reference, these related to either Powers of Committee 3 (to consider all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances); and Powers of Committee 4 (approve and monitor the Council's functions under the Safety of Sports Grounds Act 1975).

**6.4** The majority of the other remits of the Committee's Terms of Reference were reported to the Committee by means of licensing applications, of which there were 56 considered during the reporting period. This would indicate that the Committee has discharged its role throughout the course of the reporting period.

## 6.5 Local Outcome Improvement Plan

The following table details how the reports had a link to the themes of the Local Outcome Improvement Plan.

Reports with links to the LOIP



## 6.6 Reports and Committee Decisions

The following table details the outcome of the Committee's consideration of the eleven reports presented to it throughout the year.

	Total
Confidential	0
Exempt	0
Number of reports where the Committee has amended officer recommendations	0
Number of reports approved unanimously and (%)	11 (100%)
Number of reports or service updates requested by members during the consideration of another report to provide additional assurance and not in forward planner	0
Service update requested	0
Number of decisions delayed for further information	0

Number of times the Convener has had to remind Members about acceptable behaviour and the ethical values of Public Life	0
Number of late reports received by the Committee (i.e. reports not available for inspection by members of the public at least three clear days before a meeting)	0
Number of referrals to Council, or other Committees in terms of Standing Order 33.1	0

## 6.7 Notices of Motion, Suspension of Standing Orders, Interface with the Public

Number of notices of motion	0
Number of times Standing Orders were suspended and the specific Standing Orders suspended	0
Standing order number (ref)	N/A
Number of deputations or other indicators of interface with the public, i.e. engagement and social media.	0
Number of petitions considered	0
Number of Meetings held by the Convener with other Conveners, relevant parties, to discuss joint working and key issues being raised at other Committee meetings	As and when required

## 7. TRAINING REQUIREMENTS

- 7.1** Training opportunities for elected members in the financial year 2020/21 were limited due to the impact of the Covid-19 pandemic. In April 2021, responsibility for the training of elected members transferred from Customer Experience to People and Organisational Development.
- 7.2** Training was provided to Councillor Radley on 15 December 2020 prior to her first meeting as a member of the Committee.
- 7.3** The requirement for any further training will be monitored throughout 2021/22 and developed if requested by Members.

## 8. CODE OF CONDUCT – DECLARATIONS OF INTEREST

- 8.1 There were 5 declarations of interest in total during the reporting period. We measure this information to evidence awareness of the requirements to adhere to the Councillors' Code of Conduct and the responsibility to ensure fair decision making.

## 9. CIVIC ENGAGEMENT

- 9.1 The Committee's focus throughout the reporting period has largely been on compliance with the licensing legislation. A number of public consultations have been undertaken by the Committee in order to engage with the wider public to inform the development and approval of policy, in particular regarding the proposed licensing regime for Sexual Entertainment Venues and also in connection with the overarching review of taxi and private hire policies. In doing so, there has been greater use of all available media channels to increase participation and ensure a wider audience and range of responses.
- 9.2 The Committee also liaises directly with representatives of the taxi and private hire car vehicle trade by way of the Council's Taxi and Private Hire Car Consultation Group throughout the year to discuss matters of interest to the trade. This was particularly relevant with regard to the review of taxi and private hire policies. Representatives from Police Scotland, the Disability Equity Partnership and Trades Unions also participate in these discussions. Any recommendations from the Consultation Group were considered by the Committee.
- 9.3 The Committee has also engaged with statutory partners such as Police Scotland, Scottish Fire and Rescue Service, Roads Authority, Environmental Health and Building Standards to ensure all public safety matters are being brought to the Committee's attention.

## 10. OFFICER SUPPORT TO THE COMMITTEE

Officer	Total Anticipated Attendances	Total Attendances
Private Sector Housing Manager	7	7
Legal – Licensing Solicitor	9	9

## 11. EXECUTIVE LEAD'S COMMENTS

- 11.1 The Committee would appear to be working effectively noting that:-
- No decisions on committee reports required to be delayed;
  - The two main terms of reference were engaged;
  - The vast majority of business was determined unanimously indicating a clarity of evidence put before the Committee;
  - All applications were considered by the Committee in accordance with the statutory requirements; and
  - All committee reports were able to be considered in public.
  - No decisions were the subject of appeal proceedings.

- 11.2** No late reports were submitted to the Committee showing evidence that Committee business was being appropriately managed and scheduled.
- 11.3** Despite the challenges of the unique circumstances over the reporting period all applications were determined under delegated powers or referred to Committee within statutory time limits. Additional online facilities have been introduced to assist applicants to minimise any disruption caused by licensing officers having to work outwith the Council offices.
- 11.4** The reporting mechanisms of the various licensing applications to the Committee were reviewed by officers during the reporting period and to ensure the presentation of consistent information and decision making by the Committee, a single standard reporting template has been introduced.
- 11.5** During the reporting period, in addition to ensuring that all applications were dealt with as per 11.3, a number of important tasks were undertaken by the licensing team, including consultation and engagement to enable a Statement of Licensing Policy to be drafted for the new licensing regime applicable to Sexual Entertainment Venues which is due to take effect next year, and the culmination of the review of all taxi and private hire policies.
- 11.6** Throughout the next reporting period we will continue to review the Committee's business against the new Terms of Reference and any changes proposed will be considered as part of the annual review of the Council's Scheme of Governance.

## **12. NEXT YEAR'S FOCUS**

- 12.1** The Committee will continue to discharge functions by licensing legislation with any changes to existing legislation, or new legislation being reported to the Committee in a timely manner. Policies will also be kept under review and consulted upon, where applicable, to ensure they remain fit for purpose; comply with legislation and align to the Council's strategies (including the refreshed Local Outcome Improvement Plan).
- 12.2** In considering the review of policies when required by legislative changes as well as matters arising from the business planner the Committee will continue to consider how those decisions can integrate with and support the Council's Policy Statement. This will include ensuring the taxi and private hire trade play an important part in the local transport strategy and are well placed to contribute to the accessibility of all parts of the city to visitors and residents alike, and that all licensable activity is carried out in a manner designed to safeguard public safety.
- 12.3** In terms of legislation, licensing income must be generally equivalent to licensing expenditure. The Committee is responsible for the setting of taxi fares and a report on the review of the existing taxi fare formula, including surcharges, was submitted for the Committee's consideration early in 2020.
- 12.4** The Committee approved the changes to the taxi and private hire policies which are due to come into effect on 1 April 2022. These changes will be monitored to ensure the policies remain fit for purpose. The Committee will also facilitate discussions with the trade on alternatively fuelled vehicles with a view to supporting the Council's Net Zero Vision. A decision has already been

taken to prohibit the licensing of petrol and diesel vehicles as soon as the necessary infrastructure to support alternatively fuelled vehicles is in place.

**12.5** Annual refresher training covering all areas of the Committee's Terms of Reference will be provided.

**12.6** A new licensing regime for Sexual Entertainment Venues will come into force on 1 March 2022 and this will result in new applications coming before Committee and the regime will be monitored to ensure the licensing objectives are being upheld.

## APPENDIX 1

### Licensing Committee Terms of Reference approved by Council 03 March 2021

#### PURPOSE OF COMMITTEE

To deal with the functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of the Licensing Board or any other Committee) covering personal or other licences, certificates and permits. This includes but is not restricted to applications for Mandatory and Discretionary Licences under Civic Government (Scotland) Act 1982; and Miscellaneous Licences under other Legislation.

<b>Mandatory Licences</b>	
<ul style="list-style-type: none"><li>• Metal Dealer Licences</li></ul>	<ul style="list-style-type: none"><li>• Houses in Multiple Occupation Licences</li></ul>
<ul style="list-style-type: none"><li>• Indoor Sports Entertainment Licences</li></ul>	<ul style="list-style-type: none"><li>• Knife Dealer Licences</li></ul>
<ul style="list-style-type: none"><li>• Skin Piercing and Tattoo Licences</li></ul>	<ul style="list-style-type: none"><li>• Taxi Booking Office Licences</li></ul>
<b>Discretionary Licences</b>	
<ul style="list-style-type: none"><li>• Taxi and Private Hire Car Licences</li></ul>	<ul style="list-style-type: none"><li>• Public Entertainment Licences</li></ul>
<ul style="list-style-type: none"><li>• Taxi and Private Hire Car Driver Licences</li></ul>	<ul style="list-style-type: none"><li>• Late Hours Catering Licences</li></ul>
<ul style="list-style-type: none"><li>• Second Hand Dealer Licences</li></ul>	<ul style="list-style-type: none"><li>• Window Cleaner Licences</li></ul>
<ul style="list-style-type: none"><li>• Boat Hire Licences</li></ul>	<ul style="list-style-type: none"><li>• Sex Shop Licences</li></ul>
<ul style="list-style-type: none"><li>• Street Trader Licences</li></ul>	<ul style="list-style-type: none"><li>• Permission to organisations for public charitable collections and public processions</li></ul>
<ul style="list-style-type: none"><li>• Market Operator Licences</li></ul>	
<b>Miscellaneous Licences under other Legislation</b>	
<ul style="list-style-type: none"><li>• Houses in Multiple Occupation - Housing (Scotland) Act 2006</li></ul>	
<ul style="list-style-type: none"><li>• Registration of Private Landlords - Antisocial Behaviour etc. (Scotland) Act 2004</li></ul>	
<ul style="list-style-type: none"><li>• Theatre Licence – Theatres Act 1968</li></ul>	
<ul style="list-style-type: none"><li>• Cinema Licence - Cinemas Act 1985</li></ul>	
<ul style="list-style-type: none"><li>• Safety in Sports Grounds - Safety in Sports Grounds Act 1975</li></ul>	

#### REMIT OF COMMITTEE

The Committee will:

1. determine applications for the grant, renewal, revocation, variation or suspension of any licence as appropriate;
2. determine applications and reviews for Houses in Multiple Occupation under the Housing (Scotland) Act 2006 (the responsibility for all other matters relating to the licensing of Houses in Multiple Occupation resting with the Operational Delivery Committee);

3. determine all other matters relating to licensing including the setting of taxi fares and the designation of taxi stances;
4. approve and monitor the Council's functions under the Safety of Sports Grounds Act 1975;
5. determine landlord registration applications under the Antisocial Behaviour Etc (Scotland) Act 2004;
6. determine film classifications under the Cinemas Act 1985;
7. determine theatre licences under the Theatres Act 1968; and
8. determine which of the optional licences they will invoke and which categories of activity within those licence categories shall be licenced under the Civic Government (Scotland) Act 1982.

## **LICENSING SUB COMMITTEE**

### **PURPOSE OF THE SUB COMMITTEE**

To act as the Licensing Committee in respect of applications referred by the Licensing Committee, or where there are items of urgent business to be determined.

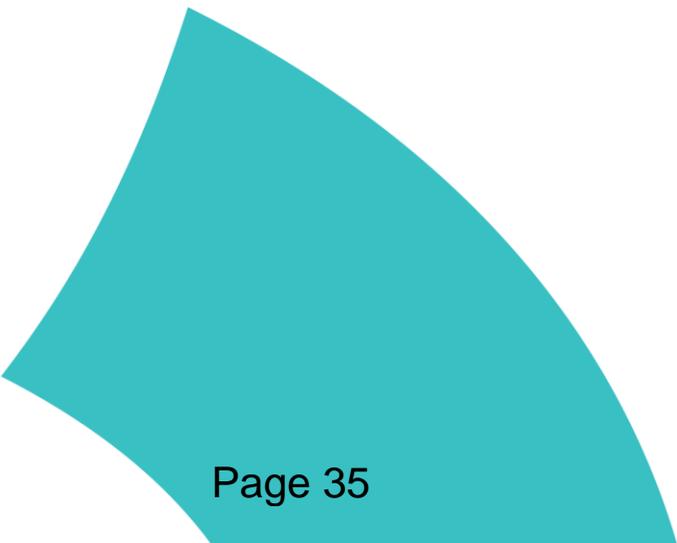
### **REMIT OF THE SUB COMMITTEE**

The Sub Committee will:

1. determine any application referred to it by the Licensing Committee for the grant, renewal, revocation, variation or suspension of any licence; and
2. determine any urgent business placed before it by the Chief Officer - Governance or Chief Officer – Early Intervention and Community Empowerment relating to any matters falling within the remit of the Licensing Committee.

Members of the Sub Committee will be members of the Licensing Committee and the quorum will be 3 members.

**Executive Lead: Chief Officer – Governance**



This page is intentionally left blank

## ABERDEEN CITY COUNCIL

---

<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	14 <sup>th</sup> December 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Queen Street Taxi Rank Proposal
<b>REPORT NUMBER</b>	COM/21/323
<b>DIRECTOR</b>	Gale Beattie – Director of Commissioning
<b>CHIEF OFFICER</b>	Fraser Bell – Chief Officer - Governance
<b>REPORT AUTHOR</b>	Sandy Munro
<b>TERMS OF REFERENCE</b>	17.3

---

### 1. PURPOSE OF REPORT

- 1.1 This report provides the Committee with the results of the consultation with Police Scotland, Aberdeen City Council Roads Department and the general public.

### 2. RECOMMENDATION(S)

That the Committee:

- 2.1 Considers the Consultation responses in Appendices 1 and 2;
- 2.2 Rejects the proposal for a taxi rank at Queen Street as unsuitable at present; and
- 2.3 Incorporates the question of a further taxi rank in this area into the overall review of taxi ranks instructed by the Committee at its meeting on 26 October 2021.

### 3. BACKGROUND

- 3.1 At the Licensing Committee meeting on 29 June 2021 officers were instructed to undertake a consultation exercise with respect to the addition of a new taxi rank for 8-10 vehicles on Queen Street.
- 3.2 A public consultation was held online between 6 August 2021 and 3 September 2021 and was advertised on the Council's social media channels. Opinions were also sought directly from the Council's Roads Department as well as Police Scotland.
- 3.3 A total of ten responses were received from members of the public. These are attached as Appendix 1 to this report. The majority of responses were of the opinion that the location was not suitable for use as a taxi rank.

3.4 The responses from Police Scotland and the Council's Roads Department are also attached as Appendix 2 to this report. Both responses indicate the location to be unsuitable for the proposed taxi rank at present.

3.5 At its meeting on 26 October 2021 the Committee instructed a review of the overall position of taxi ranks once the plans for the future of Union Street had been established. The question of a further rank in the vicinity of Queen Street could be incorporated into that overarching review.

#### 4. FINANCIAL IMPLICATIONS

4.1 This report will not result in any financial implications.

#### 5. LEGAL IMPLICATIONS

5.1 The recommendations would not result in any legal implications.

#### 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	N/A		
Compliance	N/A		
Operational	N/A		
Financial	N/A		
Reputational	N/A		
Environment / Climate	N/A		

#### 7. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

#### 8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment is completed
Data Protection Impact Assessment	Not required

## 9. BACKGROUND PAPERS

N/A

## 10. APPENDICES

10.1 Public consultation responses

10.2 Further consultation responses

## 11. REPORT AUTHOR CONTACT DETAILS

<b>Name</b>	Sandy Munro
<b>Title</b>	Solicitor
<b>Email Address</b>	AleMunro@aberdeencity.gov.uk

This page is intentionally left blank

**It is proposed to create a taxi rank with space for 9 taxis on the Town House side of Queen Street. The rank would be operational from 5am to midnight 7 days a week. It would be split into 3 sections to allow for entry/exits of the current car parks.**

What is your name? - Name	What is your organisation?	Do you have any comments or objection - Answer
Steve Garden	Council tax payer	Ridiculous, pandering again to privately owned companies, with their use of bus lanes and general bad driving why do we have to put up with this Worried about access to car parks. Also too many "hiding" areas for people to get up to no good! Might cause traffic problems
Donna		
Kim Stewart		
Ailsa Dick		My only concern would be for the established parking in Queen Street. Providing the rank doesn't interfere with disabled, motorbike etc parking then it seems valid. There are very few Blue Badge spaces that give access to that end of town for those who are unable to walk distances and I would be concerned that these would be jeopardised. There was an adequate taxi rank on back wynd - it should be reopened as it's more central to union street. Unless this new taxi rank is being considered to bring more footfall to the Marischall square area of aberdeen and the rest of the city centre doesn't matter, and will continue to be completely closed to traffic.
Caroline Kinghorn	N/a	Would prefer Back Wynd or the one at the back of M&S to reopen. However this proposal is better than nothing. Far too long a walk from Bonaccord to a taxi rank at the moment
Fiona Slessor	None	
Sandy McBain	Businessman	I object to this as I do not think it is a suitable place for taxi ranks for all day use. If it was on restricted hours from 9/10pm until 1am as the evening taxi ranks in Union Street then it may be acceptable. Also what would happen with the current parking meter spaces on the opposite side of the road??

Patricia Kinghorn

N/A

Do you expect people (especially drunk people) not to queue over the gaps in the 3 sectioned rank?

It could be quite difficult for the people who need access to the existing car parks while there are lot of people queuing. It could also lead to cars in the car parks being vandalised, especially given who the car parks belong to.

What will you do with the 3 ranks when demolition works start on the Police building?

Why not just open Union Street up again (even if it is for taxis and buses only). Put the taxi ranks back where they were before.

That way people that don't go out very often will actually know where they can go to wait for a taxi in a well lit street. Stop changing things just for the sake of it.

I don't agree with this proposal. I fully expect more than 9 taxis to be parked daily and out with their rank. I also believe they will park outwith their dedicated time. There are too many taxis already and they don't always abide by their existing taxi rank bays or times.

Only comments/questions, looking for rationale.

Why another taxi rank & there? Demand? How many are there at walking distance from this spot?

Daniel Verhamme

How are the 14 extra stances, recently put in (?)\* due to (hardly/no longer supported/maintained) Spaces for People measures, working?

## Appendix 2 - Further Consultation Responses

### Police Scotland

Thank you for your email of 4 August 2021 seeking the view of Police Scotland regarding the proposal to create a taxi rank on the south kerb of Queen Street, Aberdeen for nine to ten vehicles.

The proposed rank would result in a narrowed carriageway over the stretch of the 9 or 10 stances, permitting traffic in one direction only, potentially for the whole length of the area proposed.

Queen Street is very frequently used by Police vehicles in emergency mode which may exacerbate the issues associated with a reduced width of carriageway.

Additionally, there could be hazards arising from potential congregation of pedestrians and possibility of intoxicated persons on the carriageway, particularly during the later (and darker) hours.

With the demolition of the former Police building in Queen Street in the near future, the carriageway is likely to experience use by heavy plant and a narrowed roadway may be problematic for access by large vehicles.

I am of the view that the proposed location is unsuitable for the locating of a taxi rank due to the impact it would have on the width of the existing carriageway and the safety risks I envisage as arising therefrom.

I respectfully request that these comments be taken into account when considering this proposal.

North East Division Licensing Team

### ACC Roads Department

Having reviewed the proposals we would make the following observations, the presence of a new taxi rank at this location may present an issue during the demolition of the Queen Street Police Station, we understand that this is due to take place early in the new year. Reducing carriageway capacity may conflict with the movement of construction vehicles and as such officers would have concern regarding safety at this time.

Furthermore there may be an issue relating to Police emergency response vehicles exiting Marischal College and we understand that this will be consulted with Police Scotland separately.

On a similar vein, the Scottish Court Service may require access to the kerbside to facilitate the transfer and movement of people to and from the Sherriff Court. Removing this section of available kerbside may present operational difficulties within their site.

As the area is subject to future development, roads officers would suggest that a taxi rank at this location should be subject to further discussions as part of the ongoing CCMP refresh, and the redevelopment of the Queen Street Quarter.

This page is intentionally left blank

## ABERDEEN CITY COUNCIL

---

<b>COMMITTEE</b>	Licensing Committee
<b>DATE</b>	14 <sup>th</sup> December 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Sexual Entertainment Venue Licensing
<b>REPORT NUMBER</b>	COM/21/324
<b>DIRECTOR</b>	Gale Beattie – Director of Commissioning
<b>CHIEF OFFICER</b>	Fraser Bell – Chief Officer - Governance
<b>REPORT AUTHOR</b>	Karen Gatherum
<b>TERMS OF REFERENCE</b>	17.3

---

### 1. PURPOSE OF REPORT

- 1.1 This report provides the Committee with the policy statement for Sexual Entertainment Venues, together with information gathered from the public consultation for consideration and approval.

### 2. RECOMMENDATION(S)

That the Committee:

- 2.1 Consider the Consultation responses in Appendix 1;
- 2.2 Approve the draft Policy Statement in Appendix 2;
- 2.3 Agree the terms of the Guidance Note for Applicants at Appendix 3; and
- 2.4 Approve the fee structure contained in paragraph 3.5

### 3. BACKGROUND

- 3.1 Section 76 of the Air Weapons and Licensing (Scotland) Act 2015 adds new sections 45A to 45C to the Civic Government (Scotland) Act 1982 ('the 1982 Act') in order to introduce a discretionary licensing regime for SEVs. Section 76 also amends section 41 of the 1982 Act to specifically exclude sexual entertainment venues from the definition of places of public entertainment, which ensures that a public entertainment licence cannot also be required for those venues. An SEV licence will only be required where a local authority makes a resolution in these terms under new section 45B of the 1982 Act.
- 3.2 The Committee resolved to licence SEVs on 3 December 2019 with an implementation date of 1 January 2021. As a result of Covid-19 the date of implementation was revised to 1 December 2021 at the Committee meeting of 10 November 2020. At the Special Committee meeting on the 29<sup>th</sup> of

September 2021 the Committee agreed to revise the implementation date to 1<sup>st</sup> March 2022. Therefore, if the Committee is minded to approve the policy, it will come into effect on 1 March 2022.

- 3.3 A local authority must, not later than 28 days before the date of implementation publish the policy statement. The intention is to publish the final Policy Statement and Guidance (Appendix 3) as soon as possible after the meeting of the 14<sup>th</sup> December 2021 to comply with this statutory requirement..
- 3.4 The final public consultation has been held to establish public opinion on the draft policy. The links to the consultation exercises were also sent directly to Aberdeen Cyrenians, GMB Union, Grampian Rape Crisis, Grampian Regional Equality Council, Grampian Women’s Aid, Parentline, Scottish Children’s Reporter, United Voices, Women’s Aid and all Community Councils. The consultation responses are attached as Appendix 1.
- 3.5 The fee structure has been calculated by estimating the cost of processing and granting the licence, along with Committee preparation and meeting time. This will be reviewed at a later date to ensure costs are met. As the implementation date is 1<sup>st</sup> March the fee structure requires to be approved in the interim by the Committee until approval by full Council on 7 March 2022. The fees proposed are:

Grant- £400  
 Renewal-£250  
 Variation-£50.

#### 4. FINANCIAL IMPLICATIONS

- 4.1 The appropriate fee will be calculated to ensure that the Licensing regime for Sexual Entertainment Venues covers any costs to Aberdeen City Council.

#### 5. LEGAL IMPLICATIONS

- 5.1 Consultation on the draft policy will allow a final policy statement to be approved in time for publication 28 days prior to implementation as required by the legislation.

#### 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	N/A		

<b>Compliance</b>	That the policy is not passed which will result in a breach of the Resolution	L	Policy is passed within the time frames and the implementation date
<b>Operational</b>	N/A		
<b>Financial</b>	N/A		
<b>Reputational</b>	N/A		
<b>Environment / Climate</b>	N/A		

## 7. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Impact Assessment</b>	Full impact assessment is completed
<b>Data Protection Impact Assessment</b>	Not required

## 9. BACKGROUND PAPERS

9.1 Committee Report GOV/19/452

9.2 Committee Report COM/20/190

9.3 Committee Report COM/21/231

## 10. APPENDICES

10.1 Consolidated consultation responses

10.2 Draft Policy Statement

10.3 Guidance Note for Applicants

## 11. REPORT AUTHOR CONTACT DETAILS

<b>Name</b>	Karen Gatherum
<b>Title</b>	Solicitor
<b>Email Address</b>	KGatherum@aberdeencity.gov.uk

This page is intentionally left blank

1. Hello,  
I write to offer comments on Sexual Entertainment Venues. Under point 7, the document notes that licensing these conflicts with the Equally Safe strategy for opposing sexual exploitation. Why, then, would the Council approve this policy?  
I know that governing is complex and there would be sensible reasons for this licensing plan, but it would mean approving something that deeply tragic and exploitative. Ask yourselves: would you want your daughter, your sister, or your mother to work at one of these venues? Would you encourage a school leaver at age 18 to take up work there? Nearly all of us would say a resounding no. Strip clubs exploit the women that work in them and damage their lives. They also damage the lives of the men who go there. Instead of regulating and in effect condoning the exploitation of women in our city, I encourage the Council to focus on ensuring those working in sexual entertainment get the psychological care they need. I encourage you to focus on enabling workers to find other productive jobs to do, including through public works projects the Council could initiate to employ them. Don't let current sex workers fall between the cracks, but don't let them stay in a place that damages them deeply.  
If you have not already, I encourage you to ask Street Pastors in Aberdeen for their testimony about this policy proposal and the effects of sexual entertainment on those involved in it. They are on our streets late into the night, and they spend time with those hurt by these exploitative businesses.

2. Dear Sir / Madam

**RESPONSE TO ABERDEEN CITY COUNCIL CONSULTATION  
ON DRAFT SEV POLICY**

**Introduction**

TLT are instructed by Gloryever Limited ("our clients") who hold the premises licence issued under the Licensing (Scotland) Act 2005 ("the 2005 Act") at 21 Crown Terrace, Aberdeen AB11 6HD (premises licence number AC967).

The premises licence was granted by the Aberdeen City Licensing Board on 2 February 2021.

The operating plan that forms part of the premises licence permits Adult Entertainment to be provided on the premises.

By virtue of being a premises authorised to provide adult entertainment by way of their premises licence, our clients submit that they are an interested party and hope that its views will be given appropriate weight.

Our client is concerned that the Licensing Committee's proposed policy does not recognise that sexual entertainment may take place on premises (e.g., restaurants / bars) that are not

lapdancing clubs and therefore our clients' premises' legitimate holders of a Sexual Entertainment Venue ("SEV") licence.

**Proposed operation of our clients' premises**

While our clients' premises licence was granted in early 2021, after Aberdeen City Council decided to licence SEV premises, the launch of the premises has been delayed owing to covid.

The premises will be called House of Ginza. They will be a restaurant style premises catering for functions and entertainment.

Adult entertainment may be provided from time to time.

For example, striptease artists performing at birthdays, hen, or stag nights.

It is important to note that these premises are first and foremost a restaurant. There is no stage, platform, or booths. While sexual entertainment may be offered, the premises are not laid out as a lapdancing club. The sexual

entertainment — for example, a striptease — will only take place on an occasional basis and at pre-booked functions. The provision of adult entertainment would be ancillary to the premises' central function as a restaurant. Our clients recognise the importance of making sure that such performances are held in a safe and secure environment. Undertakings to this effect were given by our clients to Police and Licensing Standards as part of the consultation process prior to the grant of the premises licence. Police and licensing standards did not object to the grant of the premises licence.

### **Concerns**

Having reviewed the Committee's proposed SEV policy, our client is concerned that it may face difficulties implementing its proposed business model owing to: (1) the upper limit of SEV licences at six; (2) the sensitive premises presumption; and (3) the proposed conditions. We will take each point in turn.

#### ***(9) the upper limit of SEV licences at six***

As the Committee's draft SEV policy recognises at section 10 a stripogram or similar performing on premises licensed under the 2005 Act will require a SEV licence.

Our clients will therefore be unable to offer adult entertainment without a SEV licence.

The Civic Government (Scotland) Act 1982 ("the 1982 Act") does provide for occasional uses, however, our clients' business model would see adult entertainment taking place on around a twice monthly basis. This means that the occasional use exemption is too restrictive.

It appears that our clients will need to seek a SEV licence.

The terms of the draft policy

— and in particular the limit on numbers - make this appear difficult to obtain.

Our client notes:

*"The Committee considers the appropriate upper limit for the City Centre Locality to be six as this is the number of venues currently operating within the city centre."*

We are told by our client that they understand that the six venues referred to are bespoke lapdancing clubs which in effect creates grandfather rights for these clubs.

Therefore, despite our clients' premises licence authorises adult entertainment, they have not been considered as being premises relevant to SEV licence applications.

It is unclear as to whether the Committee have considered the merits of licensed premises where sexual entertainment occurs on an occasional yet regular basis. There

is no evidence — in our clients' submission - to demonstrate that irregular performances in other similar premises are problematic. For the avoidance of doubt, the occasional use exemption set out in the legislation is overly restrictive and is not fit for purpose when dealing with premises that offers sexual entertainment on a regular and more than an occasional basis. Our clients' petitions the Committee to increase the upper limit to seven to allow for an application to be made by them. *(2) the sensitive premises presumption* We are concerned at the establishment of a presumption of an enhanced presumption of refusal depending on its proximity to sensitive premises. Having regard to the list of sensitive premises it is difficult to pinpoint a city centre location which is not in close proximity to — for example — public buildings,

cinemas, theatres and concert halls and so on.

The draft policy fails to detail why there is an issue with SEVs being in close proximity to such premises. There is no evidential basis detailed to suggest why a SEV being in close proximity to such shops and attractions is prejudicial to the licensing objectives as set out in section 45C of the 1982 Act.

We suggest that this list is revisited with a view to retaining only restrictions that can be justified with an evidential base. For example, what impact would a SEV licensed premises with occasional sexual entertainment have an adverse impact on historical buildings?

### *(3) the proposed conditions*

The standard conditions narrated at section 11 of the policy are premised on the basis that all premises licensed as SEV are lapdancing clubs. This is — with respect — an erroneous assumption. The 1982 Act creates a licensing regime to licence premises at which sexual entertainment is provided before a live audience. This does not only include lapdancing clubs.

Our clients suggest that the Committee considers standard conditions that fit premises that are not necessarily lapdancing clubs, making sure that persons under 18 have no access to premises after sexual entertainment starts. The Committee may wish to note that the Licensing Board attached various conditions to our clients' premises licence that deal with adult entertainment as defined in the 2005 Act. The Committee may wish to consider these conditions for non lapdancing clubs.

### **Conclusion**

It is our client's position that failing to create a path to licence premises that hold special events functions such as birthdays, stag, hen dos and corporate functions that may involve adult entertainment risks such functions taking place on premises licensed under the 2005 Act without the requisite permissions except for very rarely occasional use or in unlicensed premises. There is a clear benefit of regulation. It gives Aberdeen City Council the opportunity to control the proposed entertainment and attach conditions to protect the local community, performers, and visitors. Further failing to permit the operation of premises such as our clients' will have an adverse impact on Aberdeen's night time economy.

We petition the Committee to consider the foregoing and amend the policy to allow for an application our client, who are not a bespoke lapdancing premises, namely by increasing the upper limit of SEV premises from six to seven.

3. I write in relation to the Sexual Entertainment Venues Draft Policy that was sent out via email on 4 October 2021 seeking views.

I would like to bring your attention to the following points that are stipulated on the draft policy:

19. There must be no topless nudity by performers in public areas of the venue with the exception of topless performances within any performance area within the venue. (specifically where lap dancing is the sexual entertainment being provided within a venue)

20. Performers must replace their tops at the end of each private

performance and at the end of any stage performance.  
(specifically where lap dancing is the sexual entertainment being provided within a venue)

21. Performances of sexual entertainment may only take place in designated areas of the venue as agreed in writing by the Council.

At the online consultation held earlier this year, we were told that the rules and therefore our practice will remain mostly the same as we have been doing over the past years. To confirm, currently there are only topless performance in open stage/podium areas and full stripping is limited only to the private performance areas, same as how they have it in Edinburgh, and we just wanted to make the council aware of this.

Thank you very much for your attention to the matter and I hope that my input will be taken into full consideration.

4. I assume that the rules and regulations will be strictly adhered to and that there will be random yet regular checks to make sure that the rules are kept. This document looks at the safety of all but it must be adhered to in order for the participants and the members of the public to be protected.

Is there a set education programme and a list of relevant parties and partner agencies for the protection of children?

5. Police Scotland- We have no comment to make on the content of the draft. One recommendation which we made and does not appear to be included, is replicated below, however, if the Committee have considered this point and chosen not to include it, we are satisfied that it has been considered. It would provide options should types of activities not currently in our area are applied for in the future.

Where a specific activity is assessed as being higher risk, such as bondage, S&M acts, flagellation etc. it should be a condition that a copy of photographic identity of any participant is obtained and retained in accordance with GDPR. Additionally, the Committee could consider whether a 'consent register' would be appropriate when risk activities are to take place.

6. Dear Sirs

### **Sexual Entertainment Venue Licensing — Policy Consultation**

**House of Ginza, 21 Crown Terrace, Aberdeen, AB11 6HD (Premises Licence AC967)**

We are instructed by our clients, Gloryever Limited, who we note obtained a full grant of a Premises Licence in relation to the above premises earlier this year from the Aberdeen Licensing Board.

One of the stated Activities within our clients' originating Application (and specifically included within the grant) was for "Adult Entertainment". We understand from our clients that this proposed activity was fully explained to and cleared with both the Police and the Licensing Standards Officers at the time of application and, thereafter, explained to the Licensing Board during the relevant Hearing.

We are advised by our clients that it is envisaged (and was envisaged and recognised by all parties at the time of application and Hearing) that events within this stated activity are anticipated to take place on a more regular and frequent basis than as described in your current Policy so as to be classed as "Occasional Use" and that therefore, in these circumstances, our clients will require to apply for an SEV licence in connection with this particular activity.

We note here that the relevant SEV Licence implementation was originally scheduled for 1 January 2021 (prior to the grant of our clients' Premises Licence), with the delay in bringing the new rules into play being largely due, we believe, to the pandemic.

In short, we understand that the existing Policy proposal references only six SEV Licences being granted within the Board's jurisdiction. Obviously, with our clients having been the only premises to successfully obtain an adult entertainment permission in relation to its newly granted licence after the Aberdeen Council decided to adopt the SEV Licence back in year 2020, the number of relevant operators should accordingly be increased to seven.

Therefore, we would request on our clients' behalf that the permitted number of SEVs be formally amended in order to accommodate the addition of our clients to the list of properties who will be applying for the newly required SEV Licence.

Director, Q&A Law Practice Limited, For and on behalf of Gloryever Limited



# **Sexual Entertainment Venue Licensing Policy**

## **Contents**

- 1. Definitions**
- 2. Introduction**
- 3. Locality**
- 4. Preventing nuisance, crime & disorder**
- 5. Securing public safety**
- 6. Protecting children and young people from harm**
- 7. Reducing Violence Against Women**
- 8. Waivers**
- 9. Occasional Use**
- 10 Stag and Hen Parties**
- 11 Licensing Conditions**

## 1. Definitions

**“1982 Act”** means the Civic Government (Scotland) Act 1982;

**“Building Standards and Public Safety”** means the Council’s building standards and public safety team;

**“CCTV”** means closed circuit television;

**“Civic Licensing Standards Officer”** as defined in section 45G of the 1982 Act;

**“Councillors Code of Conduct”** means the code of conduct published by the Standard Commission for Scotland;

**“Aberdeen City Council”, “the Council” or “Local Authority”** means Aberdeen City Council, a Local Authority in terms of the Local Government (Scotland) Act 1994 having its principal place of business at Marischal College, Broad Street, Aberdeen, AB10 1AB;

**“Information Commissioner’s Office”** means the Information Commissioner’s Office having its head office at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF;

**“Licensing Committee” or “Committee”** means Aberdeen City Council’s licensing committee;

**“Regulations”** means the UK General Data Protection Regulation (EU 2016/679) and any such amendments;

**“Scottish Fire and Rescue Services”** is a body corporate established under the Police and Fire Reform (Scotland) Act 2012 and having its registered headquarters at Westburn Drive, Cambuslang, G72 7NA;

**“Scottish Government’s Equally Safe Strategy”** means Scotland’s strategy for preventing and eradicating violence against women and girls;

**“Sex Shop”** has the meaning given under Schedule 2 of the 1982 Act;

**“SEVs”** means sexual entertainment venue

**“S.I.A”** means security industry authority;

**“Sexual Entertainment Venue Policy” or “Policy”** means the Licensing Committee’s sexual entertainment policy as required under Schedule 2 of the 1982 Act;

**“Standards Commission for Scotland”** means the St Commission for Scotland having its registered address at Scottish Parliament, Edinburgh, EH99 1SP;

**“Performer”** means a person who provides sexual entertainment within a venue;

**“Police Scotland”** means the police service of Scotland having its headquarters at Tulliallan Castle, Kincardine.

## 2 Introduction

2.1 Under section 45C of the 1982 Act the Local Authority is required to produce a Sexual Entertainment Venue Policy where it has passed a resolution to licence SEVs. The Licensing Committee's Policy identifies the Committee's approach to the regulation of SEVs and the processes to be followed relating to applications for licences of this kind. This Policy provides guidance for potential applicants, existing licence holders and members of the public on the licensing of SEVs.

2.2 It must be made clear from the outset that the Committee does not take a moral stance on SEVs in adopting this Policy. It is the Committee's role to regulate such venues in accordance with the law. It should be noted that the definition of a SEV is defined in law and not by the Committee. The 1982 Act defines a SEV at section 45A (2) as any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser.

2.3 This definition is extremely complex and at sections 45A (3) and (4) of the 1982 Act it provides that for the purposes of the definition of a SEV, the following further definitions apply:

2.4 A "Sexual Entertainment Venue" (SEV) means: "Premises" *'includes any building, vehicle, vessel or stall, but not a private dwelling to which the public is not admitted'*.(Section 45A(3)(b)of the Act)

2.5 The following premises are sexual entertainment venues: *'any premises at which sexual entertainment is provided before a live audience for (or with the view to) the financial gain of the organiser.'* (Section 45A(2) of the Act)

(a) "Sexual Entertainment"

(b) "Display of Nudity"

(c) "Audience"

(d) "Organiser"

(e) "Financial Gain"

2.6 The following premises are not sexual entertainment venues:

a) Sex shops and sex cinemas (which are separately defined in Schedule 2 of the 1982 Act)

b) Premises which provide relevant entertainment on an infrequent basis, further explained in Appendix 2 under *"Occasional Use"*.

**'audience'** includes an audience of one;

**‘financial gain’** includes financial gain arising directly or indirectly from the provision of sexual entertainment;

**‘organiser’** means either the person who is responsible for the management of the premises or the organisation or management of the sexual entertainment or where that person exercises that responsibility on behalf of another person (whether by virtue of a contract of employment or otherwise), that other person;

**‘premises’** includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted;

**‘sexual entertainment’** means any live performance or any live display of nudity which is of such a nature, ignoring financial gain, must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience; and

**“display of nudity”** means: in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area, genitals or anus; and, in the case of a man, the showing of (to any extent and by any means) his pubic area, genitals and anus.

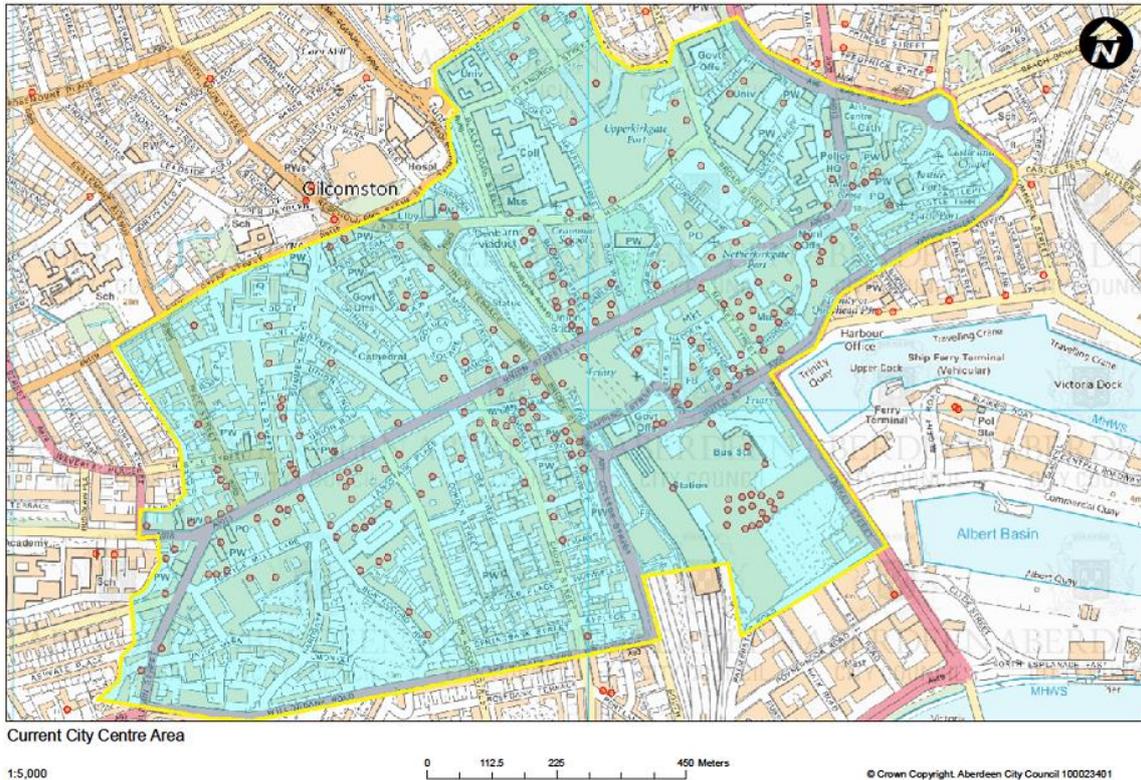
### **3. LOCALITY**

3.1 The Committee considers that the character of the relevant locality, the use to which premises in the vicinity are put, and the layout, character or condition of the venue in respect of which the application is made, are relevant considerations when determining the grant of a SEV licence.

With reference to paragraph 9(7) of Schedule 2 of the 1982 Act, “relevant locality” means:

- a. In relation to the premises, the locality where they are situated;
- b. In relation to a vehicle, vessel or stall, any locality where it is desired to use it as a SEV.

At the special meeting of the Licensing Committee on 29 September 2021, the Committee have decided that there are two localities. The first locality is the City Centre highlighted in blue in the map below and the second locality is out with City Centre, comprising all areas out with the city centre boundary but within the Local Authority area.



### Appropriate Number of SEVs in a Relevant Locality

3.2 As set out within paragraph 9(5)(c) of Schedule 2 of the 1982 Act, the Council may refuse an application for a SEV if it is satisfied that the number of SEVs in the relevant locality at the time the particular application is made is equal to or exceeds the number which the local authority consider is appropriate for that locality. The Committee can determine that the appropriate number for a locality is nil.

3.3 At the special meeting of the Licensing Committee on 29 September 2021 the Committee have chosen to set an upper limit guide on the number of SEVs which it considers appropriate in any area within the Committee's control. That being the case, each application will be considered on its own merits at the time the application is submitted to the Committee.

The Committee considers the appropriate upper limit for the City Centre Locality to be six as this is the number of venues currently operating within the city centre.

The Committee considers the appropriate upper limit for the Outwith City Centre Locality to be zero as the Committee consider the City Centre to be the appropriate locality for SEVs

### Character & Vicinity of Relevant Locality

3.4 In considering whether the granting, renewal or variation of the licence would be inappropriate given the vicinity in which the SEV premises operates, the Committee shall

consider the existing character and function of the area. Due regard will be given to the following:

- a. Whether the premises are situated in a residential area
- b. Whether there are any schools and other places of education near the vicinity of the premises
- c. Whether there are any places of worship in that vicinity
- d. Whether there are other relevant businesses or charities operating in the area e.g. homelessness shelters, women's refuges, supported accommodation, recovery units
- e. Whether there are certain landmarks or facilities in the vicinity (e.g. historic buildings, sports facilities, cultural facilities, family leisure facilities, play areas or parks, youth facilities, retail shopping areas, and places used for celebration or commemoration
- f. Whether there have been incidents involving anti-social behaviour, sexual assaults or more minor harassment reported in that area
- g. Whether there have been incidents of human trafficking or exploitation in that area

The Committee will consider relevant locality on a case by case basis, taking into account the particular circumstances of each application.

## **Suitability of Premises**

3.5 Under the 1982 Act the Committee has the discretion to refuse applications relating to SEVs if it is considered that the granting or renewal of the licence would be unsuitable, having regard to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

It is expected that when an application for a SEV licence is made, that the applicant will be able to demonstrate that the immediate vicinity, layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises.

## **The Sensitive Premises Presumption**

3.6 The presumption of refusal will be regarded as being enhanced if the proposed SEV is within 750 metres of the following Sensitive Premises:

- (1) schools, play areas, nurseries, parks, swimming pools and other sports facilities
- (2) cinemas, theatres and concert halls
- (3) libraries and museums
- (4) premises likely to be frequented by people under 18 or families

- (5) public buildings including Council offices
- (6) retail shopping areas
- (7) residential areas (including care and nursing homes and other elderly accommodation)
- (8) places of worship, celebration or commemoration
- (9) community centres
- (10) services (including businesses and charities) focussed on supporting women, children and young people, such as women's refuges
- (11) services (including businesses and charities) focussed on supporting homeless people, people with substance abuse issues, mental health issues, or other vulnerable people
- (12) historic buildings or tourist attractions
- (13) roads, footpaths and other access routes to any of the above
- (14) medical centres (including hospitals and GP surgeries)

In determining whether or not the Sensitive Premises Presumption applies, the Council will also have regard to:

- a) Whether any SEVs are already operating, or have operated, in the Relevant Locality (whether under a SEV Licence, under the 'Occasional Exemption', or with a Waiver);
- b) Whether there have been reports to the Police or Home Office of incidents within the Relevant Locality (whether or not leading to prosecution or conviction) of human trafficking or exploitation, or breaches of immigration laws by the Applicant or anyone else concerned with the proposed SEV;
- c) Whether there have been reports to the Police of incidents within 50 metres of the proposed SEV (whether or not leading to prosecution or conviction) of crime (including sexual assaults or minor harassment) or anti-social behaviour;
- d) The existing character and function of the area in which the SEV is to be located; and
- e) The views of residents and other relevant interested persons as far as is possible.

The Sensitive Premises Presumption is a rebuttable presumption. Each application will be determined on its own merits.

## 4 PREVENTING NUISANCE, CRIME & DISORDER

The Licensing Committee is committed to improving the quality of life for the people of the City by adopting and enforcing policies designed to increase community safety and reduce threats of nuisance, crime and disorder.

In terms of this licensing objective the Committee considers there to be a number of relevant factors, including but not limited to:

- Illegal substances
- Violent behaviour
- Anti- social behaviour
- Vulnerability
- Noise nuisance
- Human trafficking

In order to combat the risks, the Committee will seek to operate a partnership approach with licence holders, applicants and partner agencies such as in particular, Police Scotland and Environmental Health:

What the Committee will do:

- Apply appropriate conditions to licences to mitigate potential nuisance, crime or disorder.
- Ensure all policies are kept up to date and fit for purpose
- Work closely with all stakeholders to ensure all relevant information is kept up to date and accessible
- Endorse initiatives designed to prevent nuisance, crime and disorder
- Consider the review of licences where a breach of the licensing objective cannot be rectified by other means

What the Committee will expect of Licence Holders:

- Effective and responsible management of premises including evidence of written procedures for preventing and managing incidents
- Up to date training and supervision of staff
- Provision of effective CCTV in and around premises
- Provision of external lighting and security measures
- Co-operation with police and Civic Licensing Officers
- Accurate and up to date record keeping
- Adequate control of entry and exit of the premises
- Supervision of anyone outside, such as smokers or those queuing to enter

What the Committee will expect of Partner Agencies

- Provision of all relevant up to date information as the Committee requires

- Involvement in mediation/intervention procedures to rectify any problem areas
- Involvement in Licence Review as a last resort

## 5 SECURING PUBLIC SAFETY

The Licensing Committee is committed to ensuring the safety of persons within licensed premises as well as those in the surrounding area.

When considering this Licensing Objective, a number of factors should be considered including, but not limited to:

- Layout and maintenance of premises
- Disabled access and facilities
- Vulnerability of patrons and staff

Again, the Committee will look to operate a partnership approach with all stakeholders in order to ensure that public safety is not compromised by the operation of licensed premises.

What the Committee will do:

- Promote education and awareness of potential risks
- Apply additional licence conditions where appropriate for the purposes of this licensing objective
- Facilitate effective communication between all relevant parties
- Disseminate relevant information from partner agencies as widely as possible
- Review licences as a last resort

What the Committee will expect of Licence Holders/Applicants

- Appropriate layout of premises
- High standards of maintenance of premises
- Functioning CCTV systems of the required specification
- Accurate disability access statements
- Clear and accurate signage in and around premises
- Designation of a “safe space” within the premises in which vulnerable persons can be provided with assistance
- Regular maintenance and testing of security and operating systems
- Clear policies on conduct of staff, performers and customers

What the Committee will expect of partner Agencies

- Co-operative approach
- Effective communication and the sharing of up to date relevant information
- Involvement in a licence review as a last resort

## 6 PROTECTING CHILDREN AND YOUNG PEOPLE FROM HARM

The Committee considers SEVs could potentially expose children and young people to harm as a result of them coming into contact with activities intended for adults only if not properly regulated.

What the Committee will do:

- Promote education and awareness of potential risks
- Apply additional licence conditions where appropriate for the purposes of this licensing objective
- Facilitate effective communication between all relevant parties
- Disseminate relevant information from partner agencies as widely as possible
- Review licences as a last resort

What the Committee will expect of Licence Holders/Applicants

- Robust policies on age verification
- Discrete exterior to premises
- Accurate record keeping for staff and performers

What the Committee will expect of partner Agencies

- Co-operative approach
- Effective communication and the sharing of up to date relevant information
- Involvement in a licence review as a last resort

## 7 Reducing Violence against women

Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls was first published by the Scottish Government in 2014 and updated in 2016 and 2018. It sets out a definition of violence against women and girls which includes 'commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and human trafficking'. Whilst recognising the conflict between this definition and the licensing of SEV, the Scottish Government seeks to ensure that such activities take place in safe and regulated environments. As detailed under the objective Securing Public Safety, the Committee is committed to taking appropriate and necessary action where the safety of customers visiting and staff and performers working in licensed SEVs has been compromised. However, it remains primarily the responsibility of the SEV licence holder to provide a safe and secure environment for members of staff, performers and the public.

What the Committee will do:

- Scrutinise applications to ensure an applicant is fit and proper to hold the licence
- Promote education and awareness of potential risks
- Apply additional licence conditions where appropriate for the purposes of this licensing objective
- Facilitate effective communication between all relevant parties
- Disseminate relevant information from partner agencies as widely as possible
- Review licences as a last resort

What the Committee will expect of Licence Holders/Applicants

- Robust policies to mitigate against any violence, physical or emotional, against women occurring in the venue
- Clear signage as to required conduct of customers
- Adequate procedures to resolve any incidents which may result in violence against women
- Suitable working conditions for any women employed or performing within the premises

What the Board will expect of partner Agencies

- Co-operative approach
- Effective communication and the sharing of up to date relevant information
- Involvement in a licence review as a last resort

## 8 WAIVERS

The Committee can grant a Waiver if they consider that to require a Licence would be unreasonable or inappropriate. The Committee will take into account:

- Any objections or representations
- This Licensing Policy Statement
- Scottish Government Guidance
- Any other relevant considerations.

The Committee will consider each Application on its own merits but is of the opinion that waivers will only be granted in exceptional circumstances.

## 9 OCCASIONAL USE (“THE 4-IN-A-YEAR EXEMPTION”)

Premises can be used for Sexual Entertainment for a proposed event (not exceeding 24 hours) if the Premises have been used for Sexual Entertainment on not more than 3 previous occasions in the past 12 months (Section 45A(9) of the 1982 Act).

Each occasion can last no more than 24 hours. If Premises operate as a Sexual Entertainment Venue for more than a 24 hour period, each period of 24 hours (and any part of a period of 24 hours) is to be treated as a separate occasion (Section 45A(10) of the 1982 Act).

The rule applies to a rolling year, not the calendar year running from 1st January to 31st December.

You are advised to inform the Council or the Police that you are using the 4-in-a-year exemption, by you writing to the Licensing Office in advance (Aberdeen City Council-licensing webpage-"Occasional Use Exemption Letter").

NOTE: It will help to show that you do not need a Licence if you have already sent an Exemption Letter to both the Council's Licensing office and the Police. You can send this letter for one occasion, or more than one occasion. There is no fee for using the Exemption or sending the Exemption Letter.

## 10 STAG PARTIES & HEN NIGHTS

If Customers in a Public House or other Premises with an alcohol licence under the Licensing (Scotland) Act 2005 arrange a 'stripogram', the Premises will need a SEV Licence (The Premises Licence covers the sale of alcohol. It does not cover Sexual Entertainment).

**IMPORTANT TO NOTE:** It is not enough for the Operating Plan in the Premises Licence to state that "Adult Entertainment" is permitted.

If the Premises accept a booking for a Stag Party, Hen Night or any other event where "Sexual Entertainment" might happen, the staff should tell the Customer that "Sexual Entertainment" is prohibited.

A SEV Licence is needed if: - "Sexual Entertainment" is provided if (and only if) it is provided (or allowed to be provided) by or on behalf of the Organiser (Section 45A(5) of the 1982 Act)

If "Sexual Entertainment" happens on Premises without a SEV Licence or a Waiver (for Waivers see above):

(a) both the Premises Manager and the Premises Licence Holder can be prosecuted for not having a SEV Licence;

(b) the Licensing Board can review the Premises Licence, and revoke or suspend it, on the basis that the Premises Licence Holder is not a fit and proper person having regard to the Licensing Objectives of "preventing crime and disorder" and "protecting and improving public health"; and

(c) the Licensing Board can review the Premises Manager's Personal Licence and revoke, suspend or endorse it, on a similar basis. They can only avoid the possibility of these sanctions if they actively try to stop the Customers or if the "Occasional Use" exemption applies (occasional use above).

A Public Entertainment Licence for premises used as a place of public entertainment does not cover Sexual Entertainment.

Important to Note: It is not enough for an Organiser to hold a Public Entertainment Licence. A SEV Licence is needed if Sexual Entertainment is to be provided or allowed to be provided.

## 11 Licensing Conditions

11.1 Any SEV Licence will have the following Standard Conditions applied, made by the Council under Section 45F of the Civic Government (Scotland) Act 1982. Any SEV Licence may also be subject to additional conditions as determined by the Council, known as Special Conditions.

11.2 In the event of a conflict between the Standard Conditions and any Special Conditions, the Special Conditions shall prevail. Both the Council's Standard Conditions and any Special Conditions are subject to any Mandatory Conditions prescribed by Scottish Ministers under Section 45E of the 1982 Act.

## 12 Standard Conditions

### External Appearance of the Venue and Public Displays of Information

The Licence holder shall ensure:

1. That there is to be no advertisement or promotional material used by the venue on the exterior of the venue that is unsuitable to be viewed by children, for example, by way of sexually provocative imagery. The licence holder shall ensure that any exterior signage is discreet and must not display any imagery or wording that suggests or indicates relevant sexual entertainment takes place within the venue. Any external displays or advertising within the Council area may only be displayed with the prior written approval of the Council.
2. The interior of the venue must not be visible to persons outside.
3. That all charges for products and services shall be displayed in prominent areas within the venue.
4. That an appropriate code of conduct for customers is displayed in prominent areas within the venue, and at each customer table and in the bar area.
5. Performers at the venue should always be covered by a jacket when they are outside the venue at any time it is open and when they are intending to perform within the venue that night/morning/afternoon.
6. That the use of any cruising cars or any other vehicles by the venue to solicit customers or to transport customers to or from the venue is prohibited.
7. The licence must be prominently displayed at all times so as to be easily read by all persons using the venue.

### Control of Entry to the Venue

8. No person under the age of 18 years shall be permitted admission to the venue at any time it is being used under this licence.
9. No person under the age of 18 years shall work at the venue as a performer.

10. The Challenge 25 proof of age scheme shall be operated at the venue whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

11. The venue shall maintain a refusals log, retained for one year, whereby on any occasion where a person is refused entry it shall be recorded and available upon request by Police Scotland or an authorised officer of the Council.

12. A person who holds a licence granted under section 8 of the Private Security Act 2001 must be positioned at every entrance to the venue from 1am (on any day when the venue is open at that time) until whichever is the earlier: The time at which the venue next closes; or

[terminal hour] or such other time as the Committee may specify.

13. That any person who appears to be intoxicated or presents as being under the influence of drugs shall not be permitted entrance to the venue.

14. That a policy of random searches of persons entering the venue is operated at all times when the venue is open to customers.

15. Any person found to be in possession of illegal drugs upon entry shall be prevented entry to the venue.

16. Reasonable steps must be taken to ensure that any person found using illegal drugs in the venue shall be appropriately removed from the venue.

## Conduct of Performers and Rules relating to Performances of Sexual Entertainment

17. The licence holder shall ensure there is a written code of conduct for performers who work in the venue and staff who are employed in the venue. This must include explaining the conditions of the SEV licence to all staff and performers and also that their activities will be recorded on CCTV.

18. The licence holder must also provide an information pack to all performers and staff which should include at least the following information:

- i. A copy of the SEV licence;
- ii. Details of how to report a crime to Police Scotland;
- iii. Details of unions, trade organisations or other bodies that represent the interests of performers;
- iv. A copy of the code of conduct referred to in condition 17 above;
- v. A copy of the code of conduct for customers referred to in condition 4 above; and
- vi. Price lists for drinks and separately sexual entertainment.

19. There must be no topless nudity by performers in public areas of the venue with the exception of topless performances within any performance area within the venue. (specifically where lap dancing is the sexual entertainment being provided within a venue)

20. Performers must replace their tops at the end of each private performance and at the end of any stage performance. (specifically where lap dancing is the sexual entertainment being provided within a venue)

21. Performances of sexual entertainment may only take place in designated areas of the venue as agreed in writing by the Council.
22. There shall be no photography permitted by customers, owner, licence holder, staff or performers in the venue.
23. Customers must remain seated for the duration of a performance with the exception of requiring the toilet or using the bar within the venue.
24. Performers shall not arrange to meet, or have further contact with, customers outside of the venue when working.

## The Protection of Performers and the Prevention of Crime in the Venue

25. Performers must be provided with secure and private changing facilities so that no customers in the venue can access these facilities.
26. All entrances to private areas within the venue to which members of the public are not permitted access shall have clear signage stating that access is restricted.
27. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
28. The licence holder shall implement a written policy to ensure the safety of performers when leaving the venue following any period of work.
29. Private booths must not be fully enclosed. (specifically, *where lap dancing is the sexual entertainment being provided within a venue*)
30. There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place and one member of security staff at the entrance to the venue, at all times when the venue is open to the public.
31. There shall be no alterations to the layout plan of the venue without the prior written approval of the Council.

## Record Keeping and Management

32. All performers and staff shall be required to provide to the manager of the venue, valid identification prior to first performing or working at the venue. Valid forms of identification are recognised photographic identification such as passport or driving licence.
33. All performers and staff shall be eligible to work in the UK and proof of eligibility records shall be kept securely and confidentially in the venue. Management shall ensure that such records are regularly checked to ensure compliance, and these should be provided to Police Scotland or an authorised officer of the Council on request.
34. Accurate payment and remuneration records must be maintained for one year and made available upon request to Police Scotland or an authorised officer of the Council.
35. A fully operational CCTV system must be used within the venue which complies with the Data Protection Act 2018 Act and Regulations, covering all areas of the venue

to which the public have access, including entrances, exits, private booths and bar area. The CCTV must be fitted and maintained in full working order in accordance with the guidance provided by the Information Commissioner's Office and to the satisfaction of Police Scotland.

36. CCTV footage must be made available to Police Scotland and authorised officers of the Council on request.

37. Throughout the SEV licensed hours a member of staff fully trained on the operation of CCTV must be present in the venue.





## Sexual Entertainment Venue Guidance Note

### Application Process

1. The 1982 Act allows the Council to issue a licence for a maximum period of one year. A licence can also be issued for a shorter period, if it is deemed appropriate.
2. The Application Fee must be paid on application (to be decided)
  - Grant-
  - Renewal
  - Variation

Payments should be made on the Aberdeen City Council website (link to be added)

3. An application for the grant, variation, renewal or transfer of a licence must be made in writing to the Council together with the appropriate fee, layout plan as well as complying with the following requirements:

(a) The Council will advertise the application on their website within 5 days of receipt of the application. Aberdeen City Council will circulate the application internally to Environmental Health, Planning and Building Standards.

4. The applicant must also, not later than 7 days after the date of the application—
  - (a) send a copy of the application to each person or body listed in the local authority's determination, these being:

**Police Scotland** [northeastciviclicensing@scotland.pnn.police.uk](mailto:northeastciviclicensing@scotland.pnn.police.uk)

**Any relevant Local Community Council**

**Grampian Women's Aid**

Contact [info@grampian-womens-aid.com](mailto:info@grampian-womens-aid.com) (pending consent)

- (b) submit to the local authority a certificate stating that the applicant has complied with this sub-paragraph.
- (c) The applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days from the date the application is lodged with the Council. A copy of a display notice can be downloaded from the Licensing website. As soon as possible after the expiry of the period of 21 days, the applicant shall submit to the Council a certificate (available online) which states that a notice was duly exhibited for the required period.
- (d) Applicants will be required to provide pictures of the exterior design of the premises for consideration, in order to ensure that it complies with the standard conditions of licence.
- (e) Application packs must include a copy of the premises 'house rules' for performers and proposed code of conduct of patrons.
- (f) Applicants should note that the application fee is non-refundable in the event of the licence being refused or the application being withdrawn prior to determination.

## **Making an Objection to a Licence Application or Renewal**

- (g) It is possible to lodge an objection against the grant of an application for a SEV licence. Objections must be made in writing (emails are accepted) and sent to the Licensing Team ([licensing@aberdeencity.gov.uk](mailto:licensing@aberdeencity.gov.uk)) within 28 days of the application being advertised. If an objection is lodged out with this period, it must explain why it has been lodged late. It would then be a matter for the Licensing Sub-Committee to consider if it is satisfied that there is sufficient reason why it was not made in the time required.

### **Postal Address:**

Licensing Team  
Bus Hub 6  
Level 1 South  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

- (h) To be considered as competent, objections should include the following information:

- a. The name and address of the person or organisation making the objection
  - b. The premises to which the objection relates
  - c. The objection must be signed by the objector, or on their behalf
- (i) Objections to an SEV application will be considered by the Licensing Committee when determining the application. A copy of the objection will be sent to the applicant, however certain contact details such as telephone numbers, email addresses and signatures will be removed.
  - (j) It is important that a comment should be specific. It is not enough to say, "I object" or "I complain", without giving an explanation for that view. Objections must specify the basis of the objection. These are set out in the Civic Government (Scotland) 1982 Act, Schedule 2, Paragraphs 8(2), 9(4) and 9(5).
  - (k) A Petition is unlikely to be accepted as a valid Objection or Representation. If 100 people sign a Petition, they are unlikely to all have the same complaints. The Committee has to determine the weight to be placed on individual comments. In the common example of an objection or complaint based on nuisance or Anti-social behaviour, the Council is likely to be more influenced by comments from immediate neighbours of the Premises than from residents further away. If a person signs a Petition without specifying his address his comment is likely to be disregarded.
  - (l) The Licence Applicant is entitled to fair notice of complaints. If the objection is based on alleged incidents, then for each alleged incident, the objector should answer questions such as:
    - what happened?
    - what was the day, date and time?
    - were the staff of the Premises advised? (if so, who was told and when?)
    - was there any official complaint (e.g. to Police, Council)?
    - if so, what action was taken?
    - if there was no complaint, why not?
  - (m) It is not possible to raise issues with the Licensing Committee which relate to legislation other than the Civic Government (Scotland) Act 1982. For example, issues about parking and Planning Permission are dealt with by the Roads (Scotland) Act 1984 or the Town and Country Planning (Scotland) Act 1997, and the Licensing Committee cannot deal with these. However, the Committee may accept that the issues raised are also relevant to the statutory Grounds for Refusal (for example, the ground in Paragraph 9(5)(d), where the Grant or Renewal of the Licence is said to be inappropriate, having regard to specified factors).

## **Determining an Application**

1. Every application for an SEV licence will be scrutinised and determined at a meeting of the Licensing Committee. As stated above, if any objections are received in relation to an application, they will be considered at the Committee meeting.
2. Objectors will be given the opportunity to speak to their written objection at a meeting of the Committee. Similarly, applicants will be given the opportunity to speak to their application and address any questions that the Committee may have.
3. Under the terms of the 1982 Act, there are mandatory and discretionary grounds for refusal of an SEV licence. The specific mandatory grounds for refusal are set out in section 9(3) of Schedule 2 of the 1982 Act. (See Below)
4. Section 9(5) of Schedule 2 of the 1982 Act sets out the terms of the discretionary grounds on which an SEV application can be refused. They are as follows:
  - a. That the applicant is unsuitable to hold a licence by reasons of having been convicted of an offence or for any other reason;
  - b. That if the licence were to be granted or renewed, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be otherwise refused the grant/renewal of a licence if they made the application themselves.
  - c. That the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the Council considers appropriate;
  - d. That the grant or renewal of the licence would be inappropriate having regard:
    - i. To the character of the relevant locality; or
    - ii. To the use to which any premises in the vicinity are put; or
    - iii. To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

## **Variation of a SEV Licence**

5. The licence holder of an SEV licence may apply to vary any term, condition or restriction placed upon the licence. The statutory requirements for advertising, giving notice and timeline for the consideration of the application are the same as those for initial grants or renewals as set out at section 4 of this policy.

6. Variation applications will be considered by the Licensing Committee where the applicant will be given an opportunity to speak to their application and answer any questions that Committee members may have. When determining an application, the Committee can either:
  - a. Grant the variation as requested;
  - b. Make such variations as it thinks fit;
  - c. Refuse the application.

In the event of the Committee agreeing a condition or restriction other than the one sought in the original variation application, the decision will not take effect until the time for bringing an appeal has expired, or if an appeal is lodged, the abandonment of the appeal or the conclusion of the appeal, if found in favour of the Council.

### **Renewal Application**

7. Provided an application for renewal has been accepted and deemed competent by the Licensing Service prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal application has been determined.
8. The statutory requirements for advertising and giving notice are the same as those applying to initial grants. Furthermore, renewal applications will be considered by the Licensing Committee.

### **Right to Appeal**

9. An appeal against the decision of the Licensing Committee in respect of the grant, renewal, variation or refusal of a licence must be made to the Sheriff Court within 28 days of the decision being made.

### **Refusal of an application**

There are two types of Grounds for Refusal:

(a)**Discretionary: Grounds of Refusal:** these are possible reasons for the Council to grant or refuse a Licence, so the Council will hold a Hearing attended by the Licence Applicant, the Police, and anyone who has stated objections or representations (such as local residents), and after hearing from everyone the Council will decide whether or not to grant the Licence (see "Discretionary Grounds for Refusal" below);

(b)**Mandatory: Grounds of Refusal:** if these exist, the Council automatically refuses the Licence Application -it has no choice (see "Mandatory Grounds of Refusal" below).

In summary, the Local Authority can refuse an Application for the Grant or Renewal of a Licence if, in their opinion, one or more of the grounds apply. These are:

(a) that the Applicant or, where the Applicant is a person other than a natural person, any director of it or any partner in it or any person responsible for its management, is unsuitable to hold the Licence by reason of having been convicted of an offence or for any other reason;

(b) that, if the Licence were to be Granted or Renewed, the business to which it relates would be managed by or carried on for the benefit of a person, other than the Applicant, who would be refused the Grant or Renewal of such a Licence if he made the Application himself;

(c) that the number of Sexual Entertainment Venues in the Relevant Locality at the time the Application is made is equal to or exceeds the number which the Local Authority consider is appropriate for that Locality;

(d) that the Grant or Renewal of the Licence would be inappropriate, having regard—  
(i) to the character of the Relevant Locality; or (ii) to the use to which any premises in the vicinity are put; or (iii) to the layout, character or condition of the Premises, vehicle, vessel or stall in respect of which the Application is made

In determining whether or not the Applicant or anyone associated with the Applicant is a suitable person to hold the Licence, the considerations for the Council will include:

- a) The relevant knowledge and experience possessed by that person;
- b) Any evidence of the operation of any existing or previous licence(s), whether or not relating to SEVs, including any licence held in any part of the United Kingdom;
- c) Any Objections or Representations

#### **Mandatory Grounds for Refusal:**

(a) the Applicant is under the age of 18;

(b) the Applicant is disqualified from holding a SEV Licence;

(c) the Applicant has been convicted of an offence relating to the enforcement of SEV Licensing legislation;

(d) the Applicant has not resided in the European Union for at least 6 months (or, if a Company, is not registered in the European Union);

(e) the Applicant has been refused a SEV Licence in the past 12 months.

#### **Review of a Licence**

Breaches of the policy may result in enforcement action against the licence holder by the Licensing Committee and may lead to review of any licence held.

Any Review may lead to the Revocation of a Licence. Under Paragraph 13 of Schedule 2 of the Civic Government (Scotland) Act 1982, the Committee may at any time revoke a Licence under this Schedule—

- (a) if any of the "Mandatory Grounds of Refusal" (see *above under "Grounds of Refusal"*) apply;
- (b) if, in their opinion, any of the grounds relating to the suitability of the Licence Holder or anyone involved with the Licence apply;
- (c) if a condition of the Licence has been contravened.

**Making a Complaint about a Sexual Entertainment Venue (to be placed separately on website, in an easy to reach location.)**

If you need to make a complaint about a Sexual Entertainment Venue, please email

[Enforcement@aberdeencity.gov.uk](mailto:Enforcement@aberdeencity.gov.uk) or

[Licensing@aberdeencity.gov.uk](mailto:Licensing@aberdeencity.gov.uk)

Alternatively, you can write to:

Licensing  
Aberdeen City Council  
Level 1 South  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank