

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	03/12/2019
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Sexual Entertainment Venue Licensing
REPORT NUMBER	GOV/19/452
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Lynn May
TERMS OF REFERENCE	7

1. PURPOSE OF REPORT

- 1.1 To provide the Committee with the results of the public consultation, and to request the Committee to decide whether to introduce a licensing system for Sexual Entertainment Venues.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 consider the responses to the recent consultation exercise;
- 2.2 introduce a licensing system for Sexual Entertainment Venues; and
- 2.3 identify a commencement date for the licensing system for Sexual Entertainment Venues to be introduced.

3. BACKGROUND

- 3.1 The Air Weapons and Licensing (Scotland) Act 2015 added new sections to the Civic Government (Scotland) Act 1982 and introduced an optional licensing scheme for local authorities to licence Sexual Entertainment Venues (SEVs) in their area.
- 3.2 A Sexual Entertainment Venue (SEV) is defined as any premises at which sexual entertainment is provided before a live audience. The most common examples are lap dancing or strip clubs, but the definition is sufficiently wide to cover other premises where sexual entertainment is provided. Premises where sexual entertainment is provided on no more than 4 occasions in a twelve-month period are exempt e.g. premises that cater for the occasional stag or hen party.

- 3.3 Currently in Scotland SEVs don't require to be specifically licensed. Some of these premises are already licensed in terms of the Licensing (Scotland) Act 2005 as they also sell alcohol but that licence only regulates the sale of alcohol in the premises, and not the sexual entertainment itself. At the moment there are five premises with alcohol licences in Aberdeen City that would meet the definition of an SEV.
- 3.4 The Scottish Government Guidance recommends that local authorities engage with local people, businesses and relevant stakeholders before deciding whether to pass a resolution. A consultation document was therefore published on the Council's website on 20 September 2019 asking for views.
- 3.5 The consultation document was also sent directly to Police Scotland, Community Councils, Aberdeen Civic Forum, Aberdeen Chamber of Commerce, Aberdeen Inspired, known Adult Entertainment Operators, NHS Grampian, Community Safety Partnership, Local Licensing Forum, ASBIT Team, Rape Crisis Aberdeen, Samaritans Aberdeen, Aberdeen Violence Against Women Partnership, Aberdeen Women's Alliance, Aberdeen Cyrenians, Aberdeen City Child Protection Committee, Aberdeen City Adult Protection Committee, Integrated Children's Services Board, City Alcohol and Drugs Partnership, North East Scotland Equalities Network, North East LGBT Community Development Group.
- 3.6 The consultation ran until 21 November 2019 and a copy of the responses received, along with a summary of the results, are attached at Appendix 1. A total of 112 responses were received, with 59 in favour of adopting a licensing regime and 53 opposed.
- 3.7 In considering whether to pass a resolution to licence SEVs in Aberdeen City the licensing authority must also consider other relevant factors and legislation, including the EU Service Directive, and the Convention rights of SEV operators. Licensing Authorities require to consider whether the decision to licence SEVs in their area is proportionate and justifiable.
- 3.8 If the local authority decide to introduce SEV licensing in Aberdeen City it requires to specify a date from which this will take effect. This date requires to be at least 12 months from the date on which the resolution was passed. Not less than 28 days prior to the commencement date the Council require to publish a notice advertising that they have passed a resolution to licence SEVs in the area and the general effect of the licensing provisions.
- 3.8 In this 12-month period the Council require to draft and publish an SEV policy statement. The policy statement will provide guidance on the details of the licensing system, including the types of premises to be licensed, the appropriate number of premises in each locality and suchlike. In order to formulate the policy, further consultation and evidence gathering exercises will be undertaken.
- 3.9 If the Council opt not to licence SEVs then such premises may operate without any licensing requirements relating to the activities and the Council will have no power to regulate permissible types of premises nor limit their number in any locality.

4. FINANCIAL IMPLICATIONS

- 4.1 There will be additional licensing revenue from application fees if the local authority decide to pass a resolution to introduce the licensing of SEVs in Aberdeen City.
- 4.2 Officer time will be required to conduct consultation and draft policy if the Council decide to introduce a licensing regime.
- 4.3 If the Council introduce a licensing regime the fees would require to be calculated and included in the Council's Fees and Charges list.

5. LEGAL IMPLICATIONS

- 5.1 The new sections of the Civic Government (Scotland) Act 1982 introduce an optional licensing scheme for the licensing of Sexual Entertainment Venues. This will offer the authority the opportunity to specifically regulate the provision of adult and sexual entertainment if felt there is a justified and proportionate need to do so in the area. If the authority choose to pass a resolution all such premises will require to be licensed from a specified date, however if they choose not to then such venues can continue to operate and new premises can open without specific regulation regarding the entertainment they offer.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Financial	Preparation work done by Licensing Team Staff as required to carry out consultation and consideration of resolution	L	If no resolution is passed then no application income will be received to offset the costs of work already undertaken etc.
Legal	Existing and any new SEV premises could continue to operate if a resolution is not passed to licence SEV's.	M	Premises which also sell alcohol would continue to be licensed by the Licensing (Scotland Act) 2005 and would also be subject to existing regulation in terms of Building Standards, Fire Safety, Environmental Health and Health and Safety.
Employee	N/A		

Customer	N/A		
Environment	N/A		
Technology	N/A		
Reputational	Failure to licence SEVs may attract adverse publicity		Option available to pass a resolution to licence SEVs.

7. OUTCOMES

7.1 The proposals in this report have no impact on the LOIP/TOM

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable

9. BACKGROUND PAPERS

N/A

10. APPENDICES (if applicable)

Appendix 1 – Consultation responses

11. REPORT AUTHOR CONTACT DETAILS

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