

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	10/11/2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Sexual Entertainment Venue Licensing
REPORT NUMBER	COM/20/190
CHIEF OFFICER	Fraser Bell
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	17

1. PURPOSE OF REPORT

- 1.1 To request the Committee consider amending the implementation date for the Sexual Entertainment Venue licensing regime.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 affirm the Resolution to introduce a licensing regime for Sexual Entertainment Venues in line with the previous decision made on 3rd December 2019; and
- 2.2 amend the date of implementation of the licensing regime to 1 December 2021

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 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.

- 3.4 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.
- 3.5 At the meeting on 3 December 2019 the Committee resolved to introduce SEV licensing and that it would be implemented on 1 January 2021.
- 3.6 As a result of the Covid-19 restrictions, evidence gathering has proved difficult. The online consultation failed to attract suitable evidence to a sufficient degree, and planned face to face consultations with relevant stakeholders have not been possible. Officers are making attempts to arrange virtual meetings where possible.
- 3.7 As this is a brand-new licensing regime it is considered imperative that any Policy Statement is based on the best evidence possible and delaying the implementation date provides officers with more time to gather that evidence to present to the Committee.
- 3.8 As stated above, the date of implementation requires to be at least 12 months after the Resolution. In order to ensure compliance with the legislation it is suggested that the date of effect is at least 12 months from the date of this meeting, and it would seem appropriate that the start of the month would be suitable.

4. FINANCIAL IMPLICATIONS

- 4.1 If the date of implementation is delayed there will be a delay in the receipt of any fees imposed for SEV licences.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising from the decision to delay implementation of the licensing regime.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Financial	No fees will be received until such time as the licensing	L	No fees are received at present so there will be no income lost.

	regime comes into effect.		
Legal	Existing and any new SEV premises could continue to operate meantime. Implementing policy without sufficient evidence could leave that policy open to challenge.	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. Recommendation is to delay implementation in order to obtain sufficient evidence.
Employee	N/A		
Customer	N/A		
Environment	N/A		
Technology	N/A		
Reputational	Delay in implementing the licensing regime may attract negative comment.	L	Implementing a Policy for a new licensing system without having adequate evidence on which to base that Policy would be a higher risk reputationally.

7. OUTCOMES

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

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
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9. BACKGROUND PAPERS

N/A

10. APPENDICES (if applicable)

N/A

11. REPORT AUTHOR CONTACT DETAILS

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