

ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Committee
DATE	29 September 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Sexual Entertainment Venue Licensing
REPORT NUMBER	COM/21/231
DIRECTOR	Gale Beattie – Director of Commissioning
CHIEF OFFICER	Fraser Bell – Chief Officer - Governance
REPORT AUTHOR	Sandy Munro
TERMS OF REFERENCE	17

1. PURPOSE OF REPORT

- 1.1 This report provides the Committee with the draft policy statement for Sexual Entertainment Venues, based on information gathered from public consultations and an evidence gathering session, and seeks authority to publicly consult on the draft policy statement.

2. RECOMMENDATION(S)

That the Committee:

- 2.1 instructs the Chief Officer – Governance to publicly consult on the draft policy statement and report back to the Licensing Committee on 26 October 2021 with the results.

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.

3.3 A local authority must, not later than 28 days before the date of implementation publish the policy statement. As the amended date of implementation is 1 December 2021 the final policy statement must be published by 3 November 2021. In order to have the final policy statement approved on 26 October 2021 approval is sought to publish the draft policy statement attached as Appendix 1 and to report back to committee on 26 October with the consultation results to enable the final policy statement to be approved.

3.4 Two public consultations have been held to establish evidence for the content of the draft policy. Those were followed up with an evidence gathering session held with some Members of the Committee, representatives of the trade, Police Scotland and members of the public. 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 2.

4. FINANCIAL IMPLICATIONS

4.1 The report merely seeks authority to publicly consult on the draft policy statement so there are no financial implications.

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		
Compliance	N/A		
Operational	N/A		
Financial	N/A		
Reputational	Failing to consult would mean a lack of input from relevant stakeholders prior to implementation of any policy	L	The report seeks authority to consult on the draft policy statement.
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 not required at this stage
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

- 9.1 Committee Report GOV/19/452
- 9.2 Committee Report COM/20/190

10. APPENDICES

- 10.1 Draft Policy Statement
- 10.2 Consolidated consultation responses.

11. REPORT AUTHOR CONTACT DETAILS

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