

## ABERDEEN CITY COUNCIL

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<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

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### 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**

<b>Category</b>	<b>Risk</b>	<b>Low (L) Medium (M) High (H)</b>	<b>Mitigation</b>
<b>Strategic Risk</b>	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

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