

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

