

ANGUS COUNCIL

ANGUS COUNCIL – 19 MARCH 2020

RECOMMENDATION TO PASS RESOLUTION: SEXUAL ENTERTAINMENT VENUE LICENCES

REPORT BY DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

The Civic Licensing Committee met on 9 January 2020 and determined to recommend to Angus Council that a Resolution be passed with the effect of commencing a licensing regime in relation to Sexual Entertainment Venues (SEVs).

1. RECOMMENDATION

It is recommended that the Council:

- (i) note Item 9 of the minute of the Civic Licensing Committee meeting which took place on 9 January 2020, contained at Appendix 1;
- (ii) pass a Resolution as contained within Appendix 2 which will come into effect one year from today's date.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Local Outcomes Improvement Plan 2017 2030:

- An enhanced, protected and enjoyed natural and built environment
- Safe, secure, vibrant and sustainable communities.

3. BACKGROUND

The Air Weapons and Licensing (Scotland) Act 2015 introduced a number of changes to the Civic Government (Scotland) Act 1982. One of the changes was to give local authorities a discretionary power to licence Sexual Entertainment Venues (SEVs). This change came into force on 26 April 2019.

SEVs are defined in the legislation as any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser and where it is the sole or principal purpose of sexual stimulation of members of the audience. There are no premises of this type currently within Angus.

The current position is that SEVs do not require a licence to operate within Angus. The new regime, if implemented, would require the operators of SEVs to apply to the local authority for a licence. The new regime is discretionary and therefore does not apply automatically. It will only apply to SEVs if the local authority passes a Resolution determining that it wants to licence SEVs in the area.

4. CURRENT POSITION

The Civic Licensing Committee first considered this matter in October 2019 and have carried out an initial period of consultation seeking views on the commencement of a licensing regime.

At the Committee's meeting on 9 January 2020, the Committee determined, after consideration of the responses to the public consultation, to recommend to Angus Council to pass a Resolution which would introduce a licensing regime for SEVs.

In terms of the legislation, the Resolution cannot come into effect any earlier than one year after the passing of the Resolution. Once the Resolution is passed, work will be undertaken in relation to the formation of a Sexual Entertainment Venue Licensing Policy which is required in terms of the legislation. The Committee will also require to approve application forms and fees in relation to the regime. All of this work will be done by the Civic Licensing Committee during the period between the passing of the Resolution and it coming into effect.

5. FINANCIAL IMPLICATIONS

There will be a resource implication in terms of staff time in relation to establishing a new licensing regime. This time is being met from the existing budget for Civic Licensing.

If the Resolution is passed then an exercise will require to be undertaken in respect of determining fees associated with the SEV application process to cover the costs of this process. This will be determined by the Civic Licensing Committee.

6. HUMAN RIGHTS IMPLICATIONS

The matters within the report potentially engage the right in respect of freedom of expression (Article 10).

At present, there are no SEVs within Angus and there is no current proposal to open such a premises within Angus so the passing of a Resolution will not prejudice any existing businesses or workers.

7. EQUALITIES

The Committee ought to have regard to their obligations in terms of the Equality Duty under the Equality Act 2010.

If a Resolution is passed then a full Equalities Impact Assessment will require to be carried out as part of the development of the SEV Policy Statement through consultation and evidence gathering. This assessment will be presented to the Civic Licensing Committee as part of a future report.

NOTE: The background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to a material extent in preparing the above report are:

- Report No. 359/19
- Report No. 11/20

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List of Appendices:

Appendix 1
Appendix 2

EXTRACT OF MINUTE OF MEETING OF THE CIVIC LICENSING COMMITTEE HELD IN THE TOWN AND COUNTY HALL, FORFAR ON THURSDAY 9 JANUARY 2020 AT 11.07AM.

9. SEXUAL ENTERTAINMENT VENUES

With reference to Article 9 of the minute of meeting of this Committee of 31 October 2019 there was submitted Report No 11/20 by the Director of Legal and Democratic Services which asked the Committee to consider recommending to Angus Council that it pass a resolution in respect of the licensing of sexual entertainment venues in the Angus area in terms of Section 45a of the Civic Government (Scotland) Act 1982.

The Report advised that a total of 7 responses had been received in relation to the consultation and these responses were included in Appendix 2 to the Report. Following comments from members, it was agreed to disregard any responses which had been sent in anonymously.

The Committee agreed:-

- (i) to note and consider the signed responses received in relation to the consultation exercise which was carried out between 6 November 2019 and 16 December 2019;
- (ii) to recommend to Angus Council that it pass a resolution to require sexual entertainment venues to be licensed;
- (iii) to instruct the Director of Legal and Democratic Services to prepare a report to Angus Council recommending that the resolution as contained in Appendix 1 to the Report be passed and that it comes into effect one year after the resolution is made;
- (iv) that in the event that a resolution is passed by the Council, instruct the Director of Legal and Democratic Services to:-
 - (a) consult with groups who may have an interest in this matter including, but not limited to, Police Scotland, Violence against Women Partnerships, Angus Women's Aid, Angus Community Planning Partnership as well as the public in relation to the formation of a Licensing Policy Statement; and
 - (b) to report back to this Committee providing a proposed note of application process for approval by the Committee, including application forms, guidance and a draft Sexual Entertainment policy statement.

PROPOSED RESOLUTION:

That Angus Council has, having consulted with the public, resolved in accordance with section 45(1) of the Civic Government (Scotland) Act 1982, to adopt a resolution that, with effect from one year after making of this resolution, the following activity, viz:-

- a. The use of any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser

shall require to be licensed by Angus Council in accordance with the provisions of Schedule 2 of the Act and shall be regulated by those provisions.