



Licensing Committee

Wednesday, 30 September 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Licensing Committee** is to be held at **remote locations via video conference**, on **Wednesday, 30 September 2020** at **09:30**.

BUSINESS

1. **Sederunt**
2. **Declaration of Group Decisions and Members Interests ***
3. **Application for Late Hours Catering Licence - LHC-20-001 Report** 5 - 10
4. **Application for Late Hours Catering Licence - LHC-20-002 Report** 11 - 16
5. **Civic Government Licensing Fee Review Report** 17 - 24
6. **Sex Entertainment Venues Report** 25 - 198
7. **Question Time *****

Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration.

Summary of Licensing Committee functions:

To deal with all aspects of the issue of licenses by Local Authorities as required by Government; to deal with matters of Licensing and registration not falling within the functions of any other Committee.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

Clerk Name: Tracey Sutherland

Clerk Telephone: 01343 563014

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THE MORAY COUNCIL

Licensing Committee

SEDERUNT

Councillor Louise Nicol (Depute Chair)
Councillor George Alexander (Member)
Councillor James Allan (Member)
Councillor David Bremner (Member)
Councillor Theresa Coull (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor John Divers (Member)
Councillor Ryan Edwards (Member)
Councillor Donald Gatt (Member)
Councillor Marc Macrae (Member)
Councillor Aaron McLean (Member)
Councillor Maria McLean (Member)
Councillor Ray McLean (Member)

Clerk Name: Tracey Sutherland
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REPORT TO: LICENSING COMMITTEE ON 30 SEPTEMBER 2020

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE (Case No. LHC/20/001)

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 To consider an application for the grant of a late hours catering licence received on 3 February 2020 subject to adverse representations received from local residents.
- 1.2 This report is submitted to Committee in terms of Section III (H) (1) and (2) of the Council's Scheme of Administration relating to exercising the function of the Council as licensing authority for the Moray Council area and issuing and suspending, revoking and refusing applications for all licences in terms of the Civic Government (Scotland) Act 1982.

2. RECOMMENDATION

- 2.1 **The Committee is invited to consider the application in light of the matters referred to in this report and the provisions of the Civic Government (Scotland) Act 1982 and thereafter:-**

- (i) **Grant the licence; or**
- (ii) **Grant the licence and (either or both):**
 - (a) disapply or vary any standard conditions applicable to the licence; and/or**
 - (b) impose conditions in addition to any mandatory or standard conditions to which the licence is subject; or**
- (ii) **Refuse to grant the licence.**

3. BACKGROUND

- 3.1 The licensing authority must consider each application within 3 months of its having been made and reach a final decision on it within 9 months. The application must therefore be decided by 3 November 2020. Powers are delegated to the Head of Governance, Strategy and Performance (Monitoring

Officer) to grant or where appropriate, renew licences only if there are no objections received from a consultee. In light of circumstances detailed within this report, it is appropriate that this matter be dealt with by the Licensing Committee.

- 3.2 Letters of objection were received on behalf of local residents. The letters were received within the statutory time limit. The letters and a copy of the application have been previously circulated to Committee.
- 3.3 The applicant and the local residents have been invited to attend the meeting. The applicant has been provided with a copy of the letters from the local residents.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan (Moray 2026) in relation to a growing and diverse economy and safer and healthier communities. The various licenseable activities within industry all aid a growing economy in terms of production, retail and the positive effects on tourism. Regulation of the licensed activities contributes to a safer community by ensuring those providing licenseable goods and services are fit to do so.

(b) Policy and Legal

Under the Civic Government (Scotland) Act 1982 where an application for the grant or renewal of a licence is received, a licensing authority can:-

- grant (or renew) the licence; or
- grant (or renew) a licence and in doing so disapply or vary any standard conditions applicable to the licence; or (failing which)
- grant (or renew) a licence and impose additional conditions to the licence; or (failing which)
- refuse to grant (or renew) the licence

Considerations to which the Committee may have regard

In considering whether or not to grant a licensing application, the Committee may have regard to any misconduct on the part of the applicant which in its opinion has a bearing on his fitness to hold a licence. This includes, but is not limited to, previous and spent convictions.

Granting the Application

The licensing authority is **obliged** to grant the licence unconditionally unless it considers that any of the criteria below apply to justify granting it with conditions or refusing it altogether. In granting the application the Committee may choose to grant a licence and disapply or vary any of the standard conditions (i.e. local conditions agreed by the licensing authority) which ordinarily apply to the licence, if there is a justifiable reason for doing so.

Where the Committee is not minded to grant the application unconditionally, it should first move to consider whether the application should be granted with additional conditions. Additional conditions may include conditions restricting the validity of the licence to an area, for example granting a taxi driver licence for Zone 1 or Zone 2 only. Where the Committee chooses to impose additional conditions to a licence, the additional conditions must be reasonable (Paragraph 5 (2) Schedule 1, 1982 Act) and they must not relate to fire safety or any other matter dealt with under the Fire (Scotland) Act 2005. (Paragraph 5 (2A) Schedule 1, 1982 Act)

In addition, it is important that the removal, variation or addition of conditions is not inconsistent with any of the mandatory licence conditions. (Paragraph 5 (2B) Schedule 1, 1982 Act)

Refusal of an Application

There are certain circumstances under which the Committee is obliged to refuse an application to grant or renew a licence. These are provided at paragraph 5(3) of Schedule 1 to the 1982 Act and are:-

- (a) the applicant or, where the applicant is not a natural person, any director of it or a partner in it or any other persons responsible for its management is either:-
 - (i) for the time being disqualified from holding a licence under section 7(6) of the Act; or
 - (ii) not a fit and proper person to be the holder of the licence.
- (b) the activity to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant or renewal of such a licence if he made the application himself.
- (c) where the licence applied for relates to an activity consisting of or including the use of the premises or a vehicle or a vessel those premises are not or as the case may be that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to:-
 - (i) the location, character or condition of the premises or the character or the condition of the vehicle or vessel;
 - (ii) the nature and the extent of the proposed activities;
 - (iii) the kind of person likely to be in the premises, vehicle or vessel;
 - (iv) the possibility of undue public nuisance; and
 - (v) public order or public safety or

(d) there is other good reason for refusing the application.

Where none of these conditions apply, the licensing authority is **obliged** to grant the application.

(c) Financial implications

None

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

None

(g) Equalities

In considering this matter the Committee should have regard to the subject's rights under the European Convention on Human Rights (and the Human Rights Act 1998).

In particular:

Article 8 - access to private and sensitive information about the person could give rise to interference with the subject's right to respect for private and family life.

Article 1 of Protocol 1 - the decision may also interfere with the right to property, in that, depending on the outcome, the decision may deprive the subject of income as a taxi driver.

Article 6 - the right to a fair trial means the proceedings must be conducted fairly to arrive at a reasoned decision.

Article 8 and Article 1 of Protocol 1 are qualified rights, meaning these can be restricted in order to protect the rights of another or the wider public interest. This will require an objective justification. To be able to objectively justify a decision, the Committee has to demonstrate that any decision is a proportionate means to achieve a legitimate aim.

A legitimate aim must be a real consideration that is legal and not discriminatory.

Examples of legitimate aims include: Public health; Public safety; Efficiency; Enabling elderly people to live at home longer. Saving cost may be relevant but is not an aim in itself.

Any measure taken to achieve the legitimate aim must also be proportionate i.e. necessary and the least intrusive/discriminatory way of achieving the aim.

Lastly, when any of the Articles are engaged, it will also mean Article 14 should be considered. That is the right not to be discriminated against in relation to the convention rights. The definition of discrimination under this Article covers a much wider spectrum than the protected characteristics under the Equality Act 2010. The Committee should therefore have regard to all the subject's circumstances.

(h) Consultations

The Chief Constable submitted a representation which has now been withdrawn. Fire Scotland, the Environmental Health and Trading Standards Manager, the Development Management and Building Standards Manager and the Licensing Standards Officer have been consulted and have confirmed they have no representations to make regarding the application.

5. CONCLUSION

5.1 That the Committee considers the recommendations set out in section 2 of the report.

Author of Report: Sean Hoath, Senior Solicitor
Background Papers: There are no background papers
Ref: SH/LAC



REPORT TO: LICENSING COMMITTEE ON 30 SEPTEMBER 2020

SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF A LATE HOURS CATERING LICENCE (Case No. LHC/20/002)

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 To consider an application for the grant of a late hours catering licence received on 25 February 2020 subject to an adverse representation received on behalf of the Chief Constable.
- 1.2 This report is submitted to Committee in terms of Section III (H) (1) and (2) of the Council's Scheme of Administration relating to exercising the function of the Council as licensing authority for the Moray Council area and issuing and suspending, revoking and refusing applications for all licences in terms of the Civic Government (Scotland) Act 1982.

2. RECOMMENDATION

- 2.1 **The Committee is invited to consider the application in light of the matters referred to in this report and the provisions of the Civic Government (Scotland) Act 1982 and thereafter:-**

- (i) **Grant the licence; or**
- (ii) **Grant the licence and (either or both):**
 - (a) disapply or vary any standard conditions applicable to the licence; and/or**
 - (b) impose conditions in addition to any mandatory or standard conditions to which the licence is subject; or**
- (ii) **Refuse to grant the licence.**

3. BACKGROUND

- 3.1 The licensing authority must consider each application within 3 months of its having been made and reach a final decision on it within 9 months. The application must therefore be decided by 25 November 2020. Powers are delegated to the Head of Governance, Strategy and Performance (Monitoring

Officer) to grant or where appropriate, renew licences only if there are no objections received from a consultee. In light of circumstances detailed within this report, it is appropriate that this matter be dealt with by the Licensing Committee.

3.2 A letter of representation was received on behalf of the Chief Constable. The letter was received within the statutory time limit. The letter and a copy of the application have been previously circulated to Committee.

3.3 The applicant and the Chief Constable have been invited to attend the meeting. The applicant has been provided with a copy of the letter from the Chief Constable.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan (Moray 2026) in relation to a growing and diverse economy and safer and healthier communities. The various licenseable activities within industry all aid a growing economy in terms of production, retail and the positive effects on tourism. Regulation of the licensed activities contributes to a safer community by ensuring those providing licenseable goods and services are fit to do so.

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- grant (or renew) a licence and in doing so disapply or vary any standard conditions applicable to the licence; or (failing which)
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In considering whether or not to grant a licensing application, the Committee may have regard to any misconduct on the part of the applicant which in its opinion has a bearing on his fitness to hold a licence. This includes, but is not limited to, previous and spent convictions.

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Where the Committee is not minded to grant the application unconditionally, it should first move to consider whether the application should be granted with additional conditions. Additional conditions may include conditions restricting the validity of the licence to an area, for example granting a taxi driver licence for Zone 1 or Zone 2 only. Where the Committee chooses to impose additional conditions to a licence, the additional conditions must be reasonable (Paragraph 5 (2) Schedule 1, 1982 Act) and they must not relate to fire safety or any other matter dealt with under the Fire (Scotland) Act 2005. (Paragraph 5 (2A) Schedule 1, 1982 Act)

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 - (i) for the time being disqualified from holding a licence under section 7(6) of the Act; or
 - (ii) not a fit and proper person to be the holder of the licence.
- (b) the activity to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would be refused the grant or renewal of such a licence if he made the application himself.
- (c) where the licence applied for relates to an activity consisting of or including the use of the premises or a vehicle or a vessel those premises are not or as the case may be that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to:-
 - (i) the location, character or condition of the premises or the character or the condition of the vehicle or vessel;
 - (ii) the nature and the extent of the proposed activities;
 - (iii) the kind of person likely to be in the premises, vehicle or vessel;
 - (iv) the possibility of undue public nuisance; and
 - (v) public order or public safety or

(d) there is other good reason for refusing the application.

Where none of these conditions apply, the licensing authority is **obliged** to grant the application.

(c) Financial implications

None

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

None

(g) Equalities

In considering this matter the Committee should have regard to the subject's rights under the European Convention on Human Rights (and the Human Rights Act 1998).

In particular:

Article 8 - access to private and sensitive information about the person could give rise to interference with the subject's right to respect for private and family life.

Article 1 of Protocol 1 - the decision may also interfere with the right to property, in that, depending on the outcome, the decision may deprive the subject of income as a taxi driver.

Article 6 - the right to a fair trial means the proceedings must be conducted fairly to arrive at a reasoned decision.

Article 8 and Article 1 of Protocol 1 are qualified rights, meaning these can be restricted in order to protect the rights of another or the wider public interest. This will require an objective justification. To be able to objectively justify a decision, the Committee has to demonstrate that any decision is a proportionate means to achieve a legitimate aim.

A legitimate aim must be a real consideration that is legal and not discriminatory.

Examples of legitimate aims include: Public health; Public safety; Efficiency; Enabling elderly people to live at home longer. Saving cost may be relevant but is not an aim in itself.

Any measure taken to achieve the legitimate aim must also be proportionate i.e. necessary and the least intrusive/discriminatory way of achieving the aim.

Lastly, when any of the Articles are engaged, it will also mean Article 14 should be considered. That is the right not to be discriminated against in relation to the convention rights. The definition of discrimination under this Article covers a much wider spectrum than the protected characteristics under the Equality Act 2010. The Committee should therefore have regard to all the subject's circumstances.

(h) Consultations

A letter of representation has been received on behalf of the Chief Constable. Fire Scotland, the Environmental Health and Trading Standards Manager, the Development Management and Building Standards Manager and the Licensing Standards Officer have been consulted and have confirmed they have no representations to make regarding the application.

5. CONCLUSION

5.1 That the Committee considers the recommendations set out in section 2 of the report.

Author of Report: Sean Hoath, Senior Solicitor
Background Papers: There are no background papers
Ref: SH/LAC



REPORT TO: LICENSING COMMITTEE 30 SEPTEMBER 2020

**SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 AND OTHER
MISC LICENCES – ANNUAL REVIEW OF LICENSING FEES**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES
AND ORGANISATIONAL DEVELOPMENT)**

1. REASON FOR REPORT

- 1.1 This report is to update the Committee on the overall income versus expenditure for Civic Government and other miscellaneous licensing for the last financial year by way of an annual financial report and make predictions in respect of likely future income and expenditure;

2. RECOMMENDATIONS

2.1 It is recommended that the Committee consider and note:-

- i) the financial report on income and expenditure data at Appendix 1; and
- ii) the position on future fees and the planned revision of the same.

3. BACKGROUND

Current Fees

- 3.1 The Civic Government (Scotland) Act 1982 and various other pieces of legislation governing miscellaneous licences require each licensing authority to set application fees in respect of the various licence types.
- 3.2 In accordance with the legislation, the fee structure is designed around the principle that licensing is to be, as far as possible, self funding and that each licensing authority is to broadly recover, through licensing fees, the overall cost to the Council of providing the various licensing functions.
- 3.3 The expenses to be recovered must include all expenses incurred by the Moray Council as a whole in administering the licensing functions in general. This includes expenses for all administration including that from other departments of the Council contributing to the licensing procedure.

4. FINANCIAL REPORT ON INCOME AND EXPENDITURE

- 4.1 A review of licensing fees is undertaken annually.
- 4.2 With the assistance of officers in the Finance department, the Clerk has now collated income and expenditure figures for the financial year 1 April 2019 to 31 March 2020.
- 4.3 The figures and calculations are summarised at **Appendix 1**.
- 4.4 The figures reveal the following indications:
- The majority of the licences issued under the Civic Government (S) Act 1982 are issued on a three year cycle. The figures therefore include calculations for the previous two years to aggregate out income and expenditure over the same three year cycle.
 - Over the three year cycle figures for income and expenditure match almost exactly. There was a very small surplus of approx £77.25. This was in comparison to overall income of £351675.79, giving a percentage difference of approx 0.02%.
- 4.5 This shows that the calculation of fees has been extremely accurate for the last three year cycle.
- 4.6 Legal Services has been through a number of changes and the regulatory and licensing section now has a full complement of staff including senior solicitor, solicitor, two LSOs and administrative support.
- 4.7 The financial year 2019/2020 also saw the implementation of the mobile ICT system for LSOs, previously delayed by the supplier, so the expenditure for that has now been incurred.
- 4.8 The Committee last undertook a full fee review in 2017 and agreed to undertake a full scale review each five years with an annual progress report together with inflationary increases in between.

5. FUTURE FEES

- 5.1 Income is made up of application fees. In the past the overall number of applications has been largely stable and over the three year cycle overall income has been quite consistent. It is therefore hoped that the income for 2020/2021 will follow the same pattern.
- 5.2 Unfortunately many of the trades covered by licences have suffered as a result of COVID. However, even though much work was placed on hold, the costs to the Council of providing the various licensing functions did not go away and the income from fees represent the vast majority of the licensing budget.
- 5.3 Fee setting is never an exact science. Furthermore application numbers have also been severely hit by COVID so overall income from applications has been well below normal for quarters 1 and 2 of 2020. It should be noted that figures for both projected income and expenditure can only ever be estimates

and may not be a true reflection of actual amounts. The estimates are based on historical data about income, expenditure and transactions. However, there is no comparison for such a novel set of circumstances as COVID.

- 5.4 The full impact cannot yet be known. Whilst fees will remain as they are at present, should it become obvious that a more detailed review is required then a further report will be brought back to the Committee. If all goes to plan then the next review will be June 2021, which will reveal more about the ongoing financial year.

6 SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan (Moray 2026) in relation to a growing and diverse economy and safer and healthier communities. The various licenseable activities within industry all aid a growing economy in terms of production, retail and the positive effects on tourism. Regulation of the licensed activities contributes to a safer community by ensuring those providing licenseable goods and services are fit to do so.

(b) Policy and Legal

Policy and Legal implications have been explained above.

(c) Financial implications

Financial implications relating to fee levels have been explained above.

(d) Risk Implications

As explained above, the projected figures for future income are only estimates. Accordingly there is a risk that the actual income differs from the projected income. The risk in connection with the setting of fees is that if fees are set too low then the cost of administering the licensing system may not be recouped. Conversely if fees continue to produce a surplus then the Committee's decisions in respect of fees may be open to judicial review.

(e) Staffing Implications

Preparation of fee projections has involved considerable staff time and fees are reviewed annually. No additional resources are required. It is anticipated that going forward fee income will ensure full cost recovery in terms of providing the licensing function.

(f) Property

None.

(g) Equalities

In considering this matter the Committee should have regard to issues of equality and the subject's (licence holders) rights under the European Convention on Human Rights (and the Human Rights Act 1998). It is not considered necessary to undertake an equalities and human rights impact assessment in connection with this report.

The Committee should have regard to all the circumstances.

(h) Consultations

As far as possible, the figures within this report have been prepared in consultation with Alistair Milne, Accountant.

7 CONCLUSION

7.1 It is proposed that the Committee note the contents of this report.

Author of Report: Sean Hoath, Senior Solicitor

Background Papers:

Ref: SH

CS104 Civic Government Act

Grp	Cat	Description	<u>2019/20</u>	<u>2018/19</u>	<u>2017/18</u>
A		Employee Costs			
	90	Training	0.00	0.00	0.00
	98	Employee Costs Allocation	22,423.18	0.00	16,350.55
	99	TOTAL: Other Costs	22,423.18	0.00	16,350.55
		Employee Costs Total	22,423.18	0.00	16,350.55
		Running Total -----	22,423.18	0.00	16,350.55
B		TOTAL EMPLOYEE COSTS	22,423.18	0.00	16,350.55
		Running Total -----	22,423.18	0.00	16,350.55
C		Property Costs			
		Running Total -----	22,423.18	0.00	16,350.55
D		Supplies and Services			
	5	Equipment & Furniture	0.00	0.00	0.00
	9	Software licences, maintenance	1,252.40	1,319.90	2,253.76
	12	Postages	13.89	107.27	58.51
	26	Specialist Services	-79.17	753.18	0.00
	27	Fees, charges and subs	0.00	170.00	0.00
D	30	Expenses	68.42	0.00	0.00
	42	Advertising	365.00	592.00	1,948.50
		Supplies and Services Total	1,620.54	2,942.35	4,260.77
		Running Total -----	24,043.72	2,942.35	20,611.32
E		Transport & Plant Costs			
	5	Vehicle Running Costs	2,108.75	3,159.00	2,726.40
	10	Staff Transport Costs	74.30	0.00	0.00
		Transport & Plant Costs Total	2,183.05	3,159.00	2,726.40
		Running Total -----	26,226.77	6,101.35	23,337.72
F		Support Services			
	50	Apportioned Costs	117,044.36	70,451.50	84,720.46
		Support Services Total	117,044.36	70,451.50	84,720.46
		Running Total -----	143,271.13	76,552.85	108,058.18
L		Income			
	20	Income from Service Users	-115,469.63	-125,345.39	-110,860.77
	39	TOTAL: Other Income	-115,469.63	-125,345.39	-110,860.77
		Income Total	-115,469.63	-125,345.39	-110,860.77
		Running Total -----	27,801.50	-48,792.54	-2,802.59
M		Control			
		Running Total -----	<u>27,801.50</u>	<u>-48,792.54</u>	<u>-2,802.59</u>

23,716.38

Revised Outturn

27,801.50	-25,076.16	-2,802.59
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TOTAL

-77.25



REPORT TO: LICENSING COMMITTEE ON 30 SEPTEMBER 2020

**SUBJECT: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 AS AMENDED BY
THE AIR WEAPONS AND LICENSING (SCOTLAND) ACT 2015-
SEXUAL ENTERTAINMENT VENUES**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND
ORGANISATIONAL DEVELOPMENT)**

1. REASON FOR REPORT

- 1.1 The reason for this report is to present to the Committee the Draft policy Statement for approval so it can be published for public Consultation and invite the Committee to consider this draft policy in relation to a resolution which was passed on the 6th of November 2019 for the provision of a new licencing regime for Sexual Entertainment Venues (SEVs) in Moray.
- 1.2 This report is submitted to the Committee in terms of Section III (H) (1) of the Council's Scheme of Administration relating to the exercise of the function of the Council as licensing authority for The Moray Council area.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- i) considers the Draft policy put together by the research team at Moray Council and all attached at Appendix 1 to this report;**
- ii) decide whether they wish to restrict the number of Sexual Entertainment venues in Moray and, if so, to what number. his can be set at nil;**
- iii) decide whether any further changes are required before it is published for public Consultation;**
- iv) if appropriate instruct the Head of Governance Strategy and Performance to publish a draft of the policy as required either electronically or in a newspaper circulating locally for consultation along with supporting information around the proposed processes, forms, fees and guidance;**
- v) agree to officers bringing the results of the consultation along with final drafts of the policy and supporting documentation for approval to the next meeting on 2 December.**

vi) agree a final date for the implementation of the complete licensing system for SEVs.

3. **BACKGROUND**

- 3.1 The Air Weapons and Licensing (Scotland) Act 2015 introduced new provisions within the Civic Government (Scotland) Act 1982 to allow local authorities to license Sexual Entertainment Venues (SEVs). This new licensing regime provides local authorities with the power to determine whether they wish to licence SEVs, whether to limit their numbers and to determine individual licence applications. However, these powers are not mandatory and will only apply where they are adopted by local authorities.
- 3.2 The Committee, at its meeting on 6 November 2019 passed a resolution saying that SEVs should be licensed in Moray. The Committee acknowledged that at present there were no SEVs within Moray; however, SEVs may decide to operate in the area in the future.
- 3.3 Where an authority determines to licence SEVs there is a corresponding obligation to produce an SEV licence policy.
- 3.4 One of the Council's Research and Information Officers has undertaken extensive research around the subject as well as taking into account information e.g. public survey collected previously by officers for the purpose of determining whether to licence the activity.
- 3.5 Based on all the evidence available officers have also produced a draft policy on how the SEV's in Moray could be regulated. Attached at **Appendix 1** is the draft Moray Council SEV Statement of Licensing Policy. The draft policy outlines the Licensing Policy vision statement. It then provides a brief overview of the strategy and Policy Objectives and Background.
- 3.6 Also attached is **Appendix 2** is the research that has been collated and analysed and is the supporting evidence for the policy.
- 3.7 The documentation includes an outline of an application process, potential fees applicable, the process of objections and how these can be made, mandatory grounds for refusal, discretionary grounds for refusal, licence conditions and the duration of Licences and waivers.
- 3.8 The documentation will be supplemented in due course with the addition of a standard application form, web pages, guidance etc.
- 3.9 Fees are a particularly difficult issue. There is no precedent. The cost is designed to be cost recovery for the council in terms of processing an application. The inspection requirements prior to determination of an application are likely to be high. Therefore the fee has been suggested at a fairly high level but it is only an estimate. Most estimates are based around alcohol licensing fees and the likely cost of processing. The original application fee estimate is more akin to a sex shop licence but with a higher level of inspection. It should be noted that any fee for an alcohol licence will be in addition to the figure suggested.

4. LOCALITY

- 4.1 One of the most important aspects of policy is localities. The research, and so the draft, breaks the Moray Council area as a whole into localities.
- 4.2 As set out in the 1982 Act under Schedule 2 provides that a Local Authority may refuse an application if it is satisfied that the number of SEVs or of a particular kind in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.
- 4.3 Sexual entertainment venues cater for a particular adult audience and by attracting those customers can affect the character of that locality in which they are situated. The policy as drafted considers that localities which are characterised by particular uses, whether by residents, visitors or workers, should not include SEVs. Therefore the number for those localities is set at zero.
- 4.4 Prior informal consultations with local residents and consideration of the geography and layout of Moray's towns and villages, has led to the conclusion as drafted that the appropriate number of SEVs in Moray is nil for all localities with the following two exceptions;
 - 4.4.1 a maximum of one SEV in the Elgin town centre, and
 - 4.4.2 a maximum of one SEV in Forres town centre.
- 4.5 Towns with fewer than 2,000 residents were, in any event, considered too small to be able to support an SEV. There would be too few local residents and tourists to make an SEV commercially viable. Furthermore, the nature of SEVs and the impact that they and their customers can have in these localities would significantly distort the character of those communities.
- 4.6 Nil may be considered as a possible appropriate number and, if so, it will form a rebuttable presumption against the granting of an SEV licence one or more localities or the Moray area. Each application would still have to be decided on its own merits but the applicant would have to show particular reason(s) why the presumption against a licence should not apply.
- 4.7 The Committee is invited to consider this initial information and amend as necessary or desired. From time to time this Committee will be required to review the appropriate number of SEVs for their area and for each relevant locality within their area.

5. RESOLUTION TO LICENCE SEVS

- 5.1 The resolution was issued to the public via Tell me Scotland a central portal where the public can view Scottish public notices issued by local councils on planning, licensing and roads on the 3 of December 2019. So the Committee should determine a date from which the requirement to licence will have effect being not earlier than the 6 November 2020. The proposal must be published for a period of at least 28 days prior to implementation to allow for any

representations to be made. If no representations are received, then Officers can proceed to publish the final resolution in the local newspaper.

- 5.2 It is suggested that if the policy is to be approved on the 2nd December, given and the policy and resolution must be published together then the start date for the licensing regime should be set at 7 January 2021.

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The provisions of licensing directly relate to the priorities within the 10 Year Plan in relation to healthier citizens, a growing and diverse economy and safer communities. Licensing exists to promote public safety, in this context for both staff and customers. Industries that undertake licensable activities can have positive effects on tourism and aid a growing economy.

(b) Policy and Legal

Section 76 of the Air Weapons and Licensing (Scotland) Act 2015 provides for a new licensing regime for SEVs by amending Part III and Schedule 2 of the Civic Government Act 1982. The Council as licensing authority are now permitted to licence sexual entertainment venues. However, this new regime is not mandatory and it will be for local authorities to determine whether they wish to licence SEVs. In determining whether to licence SEVs consideration must be given to the circumstances of the local area balanced against the freedom of individuals to engage in legal employment and activities.

The licensing authority should also take cognisance of human rights issues and the rights potentially engaged. These rights include the right to freedom of expression (Article 10) which could arguably include the right to express oneself through dance as well as the right to peaceful enjoyment of possessions under Article 1 of the First Protocol. Possessions may include not only the physical property in which a business is conducted, but arguably also the goodwill of a business and all rights attached to it. Other relevant legislation such as the Provision of Services Regulation should also be considered. Regulation 24 provides that any refusals of licences under the act must not discriminate against the applicant on the basis of nationality, they must be justified on the basis of public policy, and health etc. and the refusal must be proportionate.

(c) Financial implications

The costs associated with the review of licensing SEVs represents a large amount of staff time engaged in gathering and presenting information. Further considerable staff time will be required to develop a full application process and policy should the Committee decide to proceed with this licensing regime. This time is being met from existing budgets.

(d) Risk Implications

Human rights implications are discussed at para (b) above. Equalities issues at para (g) below.

Currently an SEV operator would be free to open a venue in Moray without the need for a licence. There may be other regulatory requirements e.g. planning and alcohol licensing. However it should be noted that alcohol licensing cannot be used to regulate sexual entertainment itself. Alcohol licensing is to regulate the sale of alcohol. That was made clear by the Courts in the Brightcrew v Glasgow Licensing Board case. That case was precisely the reason why the Scottish Government has legislated for SEVs to potentially be licensed through the Civic Government regime.

By choosing not to licence SEVs the current status quo is maintained. By choosing to licence SEVs the Council would be imposing an additional regulatory burden on proposed operators. This may make Moray less attractive to proposed operators. Such an effect would likely be enhanced by the Council choosing to set an overall limit of zero on the number of licences to be issued.

It seems likely that neighbouring authorities, Highland, Aberdeenshire and Aberdeen City will all choose to licence SEVs. It is unknown whether such a move would make Moray even more attractive to proposed SEV operators if Moray chose not to implement the licensing system.

The relative merits of opening an SEV in Moray are unknown. It may boost the night time economy. Equally some respondents were of the view it may be damaging to the current tourist economy.

In choosing to licence SEVs, a lot more staff time and resource will be required to develop a licensing system, for this licence type, that may never be used. However the development of a licence system will be a one off cost.

(e) Staffing Implications

Staff time is being met from existing resources.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

Attached at **Appendix 3** is an equality impact assessment to inform members in this respect.

(h) Consultations

Consultation was carried out on the proposals as detailed in Section 4-7 of the report.

The Equal Opportunities Officer has been consulted on the equality impact assessment attached to this report.

7. CONCLUSION

- 7.1 The Committee is invited to consider the policy and whether SEVs should be licensed in Moray, considering any responses received in the initial consultation process.

- 7.2 If SEVs are to be licensed then the Committee is invited to consider the issue of localities and/or the whole area and determine whether to set a limit on the number of licences to be issued in any given locality or the Moray area and to publicise that as the Committee sees fit. This can be set to nil.
- 7.3 The Comittess is invited to consider the draft policy together with the appendices and determine whether they are happy for this to be published for Public Consultation.

Author of Report: Sean Hoath

Background Papers:

Ref:

Draft Moray Council Sexual Entertainment Venue Statement of Licensing Policy

This Statement of Licensing Policy of the Moray Council, the Licensing Authority for the Moray Council was prepared in relation to the licensing of Sexual Entertainment Venues under the Civic Government (Scotland) Act 1982 as amended. Publication of the policy was approved on XXXXXXXX.

This Policy is operative from XXXXXXXX.

Contents

Licensing Policy vision statement:

We want to make sure that Moray Council regulate and restrict Sexual Entertainment Venues to ensure Moray continues to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit.

1. OVERVIEW

Strategy and Policy Objectives and Background

- 1.1 Moray Council is situated in the County of Moray. The Council area has a population of 95,520 (2018 mid-year estimate) with the main centre of population being Elgin, which is home to more than one quarter of the people living here. Other towns of population between 5,000 and 10,000 are Forres, Buckie, Lossiemouth and Keith The Council is a mix of Urban, Residential, Countryside and Commercial. The Council has wide experience in regulating entertainment however this does not include sexual entertainment venues. Licenced entertainment in Moray contributes to Moray's appeal to tourists and visitors to the Area. It is not however the only factor which brings in tourists and visitors amongst the licensed entertainment lies the picturesque views of the Moray Coastal route and the Whisky trails. Moray has around 330 licensed premises including 2 night clubs. It does however have many other premises which have licensed and this includes cultural venues, shops and distilleries. The entertainment industry does not bring as much cultural and financial benefit to the Moray area compared to the distilleries and other licensed premises and the beauty of the picturesque townships.
- 1.2 The statutory Statement of Licensing Policy published under the Civic Government (Scotland) Act 1982 as amended sets out how the council as a Licensing Authority promotes the licensing objectives in the Civic Government (Scotland) Act 1982 as amended relating to the retail sale of alcohol, the supply of alcohol by a club, the provision of regulated entertainment, and the provision of late night refreshment.

- 1.3 On the 6th of November 2019 the council passed a resolution that in terms of Section 45B of the Civic Government (Scotland) Act 1982 as amended by The Air Weapons and Licensing (Scotland) Act 2015. The effect of passing this resolution is to require sexual entertainment venues to be licensed under the 1982 Act. A licence issued by the council may last up to 1 year and subject to these policies, may be renewed.
- 1.4 “Sexual entertainment venue” means any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser.
- Sexual entertainment” means—
- (a) any live performance, or
 - (b) any live display of nudity, which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- For the purposes of the definition of “sexual entertainment”, “display of nudity” means—
- (a) in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area, genitals or anus,
 - (b) in the case of a man, the showing of (to any extent and by any means) his pubic area, genitals or anus.
- Sexual entertainment is provided if (and only if) it is provided (or allowed to be provided) by or on behalf of the organiser.
- References in Schedule 2 (as modified for the purposes of section 45B) to the use of any premises by a person as a sexual entertainment venue are to be read as references to their use by the organiser.
- The following are not sexual entertainment venues—
- (a) a sex shop (within the meaning of paragraph 2(1) of Schedule 2),
 - (b) such other premises as the Scottish Ministers may by order specify.
- 1.5 This policy sets out the councils approach to the regulation of sexual entertainment – premises under the Civic Government (Scotland) Act 1982 as amended by The Air Weapons and Licensing (Scotland) Act 2015.
- 1.6 The aims and objective of this policy are therefore to promote;
- (a) Preventing crime and disorder,
 - (b) Securing public safety,
 - (c) Preventing public nuisance,
 - (d) Protecting and improving public health, and
 - (e) Protecting children and young persons from harm.
- 1.7 The council will always consider the individual circumstances of each application made under the 1982 Act. It may make exceptions to its own policies where it is appropriate to do so and it will give reasons for doing this.

- 1.8 This statement of SEV Licensing Policy does not undermine the right of any individual to apply under the terms of the 1982 Act and have any such application considered on its individual merits.

2. Making an Application

- 2.1 The SEV licensing regime will take place from the 7 January 2020. Under paragraph 25(3) of Schedule 2 of the 1982 Act, we as the local authority cannot consider any application for an SEV license prior to the date specified in the resolution and cannot grant any licence until we have considered all applications received prior to that date.
- 2.2 Application forms for SEVs will be available from XXXXXX and will only be considered on or after that date.
- 2.3 The application must be in writing, and shall state the full name and address of the applicant, the date and place of birth of the applicant, where the applicant himself is not to be carrying on the day to day management of the sex shop, the full name, address and date and place of birth of the person who is and shall be signed by the applicant or his agent under Schedule 2 of the 1982 Act.
- 2.4 The application must be in writing, giving the full address and name of applicant, the date and place of birth of the applicant or if the applicant is not a person, its name, registered or principal office address and the names and private addresses of the directors or other person responsible for its management under Paragraph 10 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Additional information may be requested as a part of the application. What is reasonable should be judged in the context of the aims of the act.
- 2.5 An applicant for the grant, renewal or transfer of a licence under this Schedule shall give public notice of the application.
- 2.6 Notice shall in all cases be given by the applicant publishing an advertisement in a local newspaper circulating in the appropriate authority's area. The licensing authority may also require the applicant to display a public notice at the proposed premises and applications will be advertised on the Council's website and Tellmescotland.
- 2.7 The publication shall not be later than 7 days after the date of the application.
- 2.8 Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.
- 2.9 Every notice under this paragraph which relates to premises shall identify the premises. Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment
- 2.10 Where an SEV is trading in the area before the resolution has been published and before the specified day of effect has applied for a SEV license under Schedule 2 of the 1982 Act, then they may continue trading until the application is considered. If the application is refused they may continue to trade until the timescale for an appeal under paragraph 24 has lapsed or the appeal has been determined or abandoned.

3. Fees

3.1 The Civic Government (Scotland) Act 1982 permits the authority to set a reasonable fee as the authority shall seek to ensure that from time to time the total amount of fees receivable by the authority is sufficient to meet the expenses of the council in exercising their functions under the Act.

3.2 The fees for an SEV Licence are currently set at:

- | | |
|---------------------------------|----------|
| • Initial application: | £1500.00 |
| • Upon grant of licence: | £TBD |
| • Renewal of licence: | £1500.00 |
| • Variation of licence details: | £500.00 |
| • Transfer of licence: | £275.00 |
| • Issue of duplicate licence: | £40.00 |

4. Making Objections to Applications

4.1 An objection or representation relating to an application for the grant or renewal of a licence under this schedule shall be considered on if the objection or representation is

- (a) In writing;
- (b) specifies the grounds of the objection or, as the case may be, the nature of the representation;
- (c) specifies the name and address of the person making it;
- (d) is signed by him or on his behalf;
- (e) was made to them within 28 days of whichever is the later or, as the case may be, latest of the following dates—
 - (i) the date of submission to them of the application;
 - (ii) the date when public advertisement was first given under paragraph 2.6 above;
 - (iii) the date, if any, specified by the local authority under paragraph 7(10) above.

4.2 The authority before reaching a final decision upon such an application, give the applicant and any person who has made a relevant objection or representation an opportunity to be heard by them and where they propose to do so, must within such reasonable period (not being less than 14 days) of the date of hearing, notify the applicant and each such person of that date.

5. Mandatory Grounds for Refusal

5.1 Specific mandatory grounds for refusal are set out in Schedule 2 of the 1982 Act. A license cannot be granted or renewed by the authority if:

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified under paragraph 13(10) or 19(5) of the 1982 Act

- (c) to a person other than a natural person if any director of it or partner in it or any other person responsible for its management is disqualified under paragraph 13(10) or 19(5) below of the 1982 Act;
- (d) to a person who has been convicted of an offence under paragraphs 19 to 21 of the 1982 Act;
- (e) to a person who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date when the application was made;
- (f) to a body corporate which is not incorporated in the United Kingdom ;
- (g) to a person who has, within the period of 12 months immediately preceding the date when the application was made, been refused by the same local authority the grant or renewal of a licence under this Schedule for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal; or
- (h) to a person other than a natural person if any director of it or partner in it or any other person responsible for its management has, within that period, been refused by the same local authority the grant or renewal of such a licence, unless the refusal has been reversed on appeal.

Paragraph 13(10) of the 1982 Act

Where a licence under this Schedule is revoked, its holder shall be disqualified from holding or obtaining such a licence in the area of Moray Council which revoked it for a period of 12 months beginning with the date of revocation unless the revocation has been reversed on appeal.

Paragraph 19(5) of the 1982 Act

- (a) that the applicant or, where the applicant is a person other than a natural person, any director of it or any partner in it or any person responsible for its management, is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) that, if the licence were to be granted or renewed, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
- (c) that the number of sex shops in the relevant locality at the time the application is made is equal to or exceeds the number which the Moray Council consider is appropriate for that locality. Nil may be an appropriate number;
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or

- (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

6. Discretionary Grounds for Refusal

6.1 A licence may be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed, or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate having regard -
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

7. Number of Sexual Entertainment Venues

7.1 As set out within the 1982 Act under Schedule 2 provides that a Local Authority may refuse an application if it is satisfied that the number of SEVs or of a particular kind in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.

7.2 Sexual entertainment venues cater for a particular adult audience and by attracting those customers can affect the character of the locality in which they are situated. The council considers that localities which are characterised by particular uses, whether by residents, visitors or workers, should not include SEVs.

7.3 After consultation with local residents and consideration of the geography and layout of Moray's towns and villages the Moray Council Licensing Committee has determined that the appropriate number of SEVs in Moray is nil for all localities with the following 2 exceptions:

- (a) a maximum of one SEV in Elgin town centre, and
- (b) a maximum of one SEV in Forres town centre.

- 7.4 Towns with fewer than 2,000 residents are considered too small to be able to support an SEV. There would be too few local residents and tourists to make an SEV commercially viable. Furthermore, the nature of SEVs and the impact that they and their customers can have in these localities would significantly distort the character of these communities. In these smaller communities it is extremely difficult to identify premises that are not in close proximity to the areas mentioned in the guidance to the act: residential areas, schools, including the routes to and from school regularly used by children, or places of worship. given the constraints on local authorities' budgets there are insufficient licensing staff to effectively police and carry out the necessary inspections to ensure compliance with licence conditions. Evidence suggests strongly that a comprehensive and rigorous inspection regime is vital if the club is to be a safe place to work. The capacity of the current licensing team virtually rules out any SEV in locations other than the larger towns. Therefore, the appropriate number of SEVs licensed in Burghead, Dufftown, Rothes and Aberlour and all other communities or villages in Moray with fewer than 2,000 residents is nil.
- 7.5 In Buckie there are 7 places of worship in the centre of town close to and located on West and East Church Street and the High Street making this area inappropriate. Commercial Road is away from the main residential areas, schools and places of worship although there are a large number of commercial premises associated with fishing, boatbuilding and engineering activities that would make much of this area an inappropriate location for an SEV.
- 7.6 The location of schools and places of worship in Lossiemouth and its largely residential nature limits where an SEV could be sited. Given the mixed residential and commercial character of the town and the reliance on tourists, who visit the beaches, play golf or moor up in the harbour, for example, an SEV could be considered inappropriate. It is suggested that the number of SEV premises licensed in Lossiemouth be nil.
- 7.7 Another mainly residential town Keith is dominated by the 2 distilleries and their associated warehouses. The main A96 road connecting Inverness and Aberdeen runs through Keith and Fife Keith and there is no clearly delineated town centre that would support a night-time economy, without impacting on nearby residents. Consequently, it is suggested that the number of SEV premises licenced in Keith (including Fife Keith and Strathisla) should also be nil.
- 7.8 Forres is a predominantly residential town with limited locations for an SEV that do not impact upon residential areas or the 4 schools. The central area of the High Street and the side-streets leading from it are not directly adjacent to schools or places of worship and include pubs and restaurants. If a request for an SEV were submitted the central area is the only location that could be considered, but to maintain the existing character and function of the area the premises that could be used are limited. Only one SEV licence is appropriate in Forres.
- 7.9 The largest town in Moray, Elgin has the most potential for hosting an SEV. With an established town centre that contains several licensed premises, and 2 nightclubs located off the High Street, this would appear to be the most likely area to establish an SEV. However, the central pedestrianised area is dominated by a place of worship, ruling out a significant proportion of the town centre. Furthermore, Elgin town centre is a significant element of the Castle to Cathedral to Cashmere (CCC) tourism project, which has been acknowledged as being successful in achieving its aims . The CCC trail takes visitors to Elgin right through the town centre, including many of the alleyways, lanes and side-streets. A prominent SEV in this area would be out of

keeping with the aims of the CCC project and potentially reduce the appeal of Elgin to visitors, especially those with children. This potential conflict of interest would require the opening hours, entrance façade and siting to be controlled carefully. The remainder of Elgin, including New Elgin, does not have any sites that would avoid being close to residential areas in particular, as well as schools, places of worship and cemeteries. Only one SEV licence is appropriate in Elgin.

- 7.10 From time to time the Moray Council Licensing Committee will review the appropriate number of SEVs for their area and for each relevant locality within their area.

8. Relevant Locality

- 8.1 With reference to Schedule 2 of the 1982 Act “relevant locality” means:
- (a) in relation to premises, the locality where they are situated; and
 - (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex shop.
 - (c) that the number of sex shops in the relevant locality at the time the application is made is equal to or exceeds the number which the local authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

9. Licence Conditions

- 9.1 The council considers that responsible management and the implementation of appropriate operating policies at sexual entertainment venues are essential to ensure the promotion of the licensing aims and objectives.
- 9.2 Under the 1982 Act, the council may grant or renew a sexual entertainment venue licence on such terms and conditions and subject to such restrictions as it may specify.
- 9.3 Additionally, and notwithstanding its power to condition licences when determining their grant or renewal, the council may make regulations prescribing standard conditions applicable to licences for sexual entertainment venues, that is to say, terms, conditions and restrictions on or subject to which licences are in general to be granted, renewed or transferred by the council.
- 9.4 It will only impose such conditions as are appropriate to promote the policy aims and objectives.
- 9.5 In ensuring compliance with the sexual entertainment licence regime the council will aim to promote the policy aims and objectives.
- 9.6 Through standard conditions the council seeks to ensure that sexual entertainment venues are well managed and supervised, restrict the sexual entertainment activities and the manner in which they are permitted to be provided, protect performers, and control the impact of the venue and its customers in relation to its locality.

- 9.7 The council will prescribe, and from time to time revise, standard conditions which will apply generally to licences that the council will grant or renew.

10. Standard Conditions

Location

- 10.1 Premises should fit in with the character of the area and surrounding premises to the satisfaction of the licensing authority.
- 10.2 The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.
- 10.3 The use of any cruising cars or any other wheeled carriage [whether for the purposes of hire or reward or not] by the premises to solicit customers and/or transport to or from the premises is prohibited.

Appearance, displays and layout of premises

- 10.4 Copies of the licence and the conditions attached to the licence shall be clearly displayed so that every person entering the premises can see a copy of both the licence and the conditions.
- 10.5 Any charge for entering the premises and any compulsory purchases within the venue shall be clearly and legibly displayed outside the premises so that all persons can read it before entering the premises.
- 10.6 No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Moray Council, except for those signs or notices that are required to be displayed by these licence conditions.
- 10.7 Price lists for both drinks and sexual entertainment and the code of conduct for customers will be clearly displayed at each table and at each entrance to the premises.
- 10.8 Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read during the normal operation of the premises.
- 10.9 The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior. No part of the performance shall be visible from outside the premises.
- 10.10 Any person who can be observed from outside of the premises must be properly and decently dressed. Scantily clad individuals must not exhibit in the entranceway or in the area surrounding the premises. There shall be no attempt made outside the premises to solicit people to enter.
- 10.11 All external doors (including fire-exit doors and patio doors) to the premises shall not be propped open during the course of the relevant entertainment.
- 10.12 All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.

- 10.13 No window shall contain any sign, advertising material, goods or display likely to cause an offence to persons passing the window. This includes any advertising material, photographs or other images that indicate and suggest that erotic dancing takes place on the premises and which may be offensive.
- 10.14 Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex establishment.
- 10.15 The premises shall be maintained in good repair and condition. All parts of the Premises shall be kept in a clean and hygienic condition to the satisfaction of the Council.
- 10.16 Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
- 10.17 The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 10.18 The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the establishment who are disabled.
- 10.19 All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge other than any initial entrance fee to the establishment and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
- 10.20 The authorised entertainment must only take place in designated areas approved by the Council;
- 10.21 Suitable changing rooms with restricted access should be provided for performers, separate from customers and other staff, where they may prepare for their performance;
- 10.22 Safe and controlled access to the dressing room for performers must be maintained at all times when the performance is taking place and immediately afterwards;
- 10.23 The agreed activities will take place only in designated areas as indicated on the plans authorised by the Licensing Authority and in the full view of the audience. No part of the premises accessible to the audience shall be concealed from observation without the appropriate authorisation from the Licensing Authority.
- 10.24 No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
- 10.25 No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.

Opening times

- 10.26 Except with the previous consent of the Council an SEV shall not be open to the public before 22:00 hours and shall not be kept open after 03:00 hours. Opening hours may be aligned to alcohol licensing hours.

10.27 Except with the previous consent of the Council a Sex Establishment shall not be open on Sundays, Good Friday and Christmas Day.

Control of entry

- 10.28 No person under 18 years of age shall be admitted on the premises.
- 10.29 The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport.
- 10.30 Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
- 10.31 A policy of random searches of persons entering the premises shall be operated.
- 10.32 Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.
- 10.33 The premises shall maintain a refusals log whereby on any occasion a person is refused entry details shall be recorded. The log must be made available on request by Police Scotland or an authorised officer of the Council.
- 10.34 No tickets shall be sold and no admission money taken in a place to which members of the public, other than permitted customers of the Sex Establishment, have access.
- 10.35 A minimum of two Door Supervisors registered with the Security Industry Authority must be on duty at all times the premises are operating with adult entertainment.
- 10.36 Door Supervisors shall continually monitor all entrances, exits and toilets.
- 10.37 The Door Supervisor register shall be made available to Police Officers or authorised officers of the Council on request.
- 10.38 The Designated Premises Supervisor shall, as soon as is reasonably practicable within 72 hours, notify the Security Industry Authority of any door supervisors dismissed for serious misconduct which might reasonably affect the continuation of such registration.

Conduct of performers

- 10.39 No person under 18 years of age shall be admitted on the premises.
- 10.40 Dancers will only perform on the stage area, or in booths/areas for VIPs as identified on the plan attached to the licence.
- 10.41 Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
- 10.42 Relevant entertainment will only be performed by the dancer. There must be no audience participation.
- 10.43 There must be no physical contact between dancers.

- 10.44 There must be no physical contact between the dancer and the customer at any time. with the exception of leading a customer by the hand to and from an area permitted for performances of sexual entertainment.
- 10.45 Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
- 10.46 Sex toys must not be used and penetration of the genital area by any means must not take place.
- 10.47 Customers must remain seated for the duration of the performance.
- 10.48 Customers will not be permitted to throw money at the dancers.
- 10.49 Patrons or members of the audience shall not take photographs or record digital images of performers by any means.
- 10.50 All booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, curtains or coverings of any description.
- 10.51 All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
- 10.52 Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
- 10.53 Customers and staff must not be allowed to interact while using smoking areas.
- 10.54 Dancers must be covered up at all times with knee length robes whilst using the smoking areas.
- 10.55 The licensee will ensure dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.
- 10.56 The practice of fining is prohibited.
- 10.57 Panic alarms are to be fitted to all booths and VIP performance areas and will be operational at all times.
- 10.58 Exit routes for performers must be kept clear.

Protection of performers and prevention of crime (including safety of public and performers)

- 10.59 There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the police or an authorised officer of the Council. The code shall include the following:
 - (a) The licence conditions relating to performances of sexual entertainment.
 - (b) House rules.
 - (c) Internal disciplinary procedure and details of any financial penalties that may be imposed. This should include a system to ensure that performers suffering a

genuine sickness or domestic emergency are not made subject to unfair punitive financial penalties.

- (d) Drugs monitoring.
- (e) No contact with customers outside the club.
- (f) The arrangements for breaks and smoking facilities provided.
- (g) Copies of approved forms of ID supplied by each performer i.e. passport, photo card driving licence or PASS card.

10.60 Performers shall be provided with secure and private changing facilities

10.61 Means to secure personal property shall be provided for the performers

10.62 Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area. If no smoking area is provided a maximum of 3 performers may be permitted to take a break at any one time.

10.63 The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work

10.64 All fees and charges for performers shall be stated in writing and prominently displayed in the changing area.

10.65 The Licensee shall take all reasonable precautions for the safety of the public and employees.

10.66 There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place and one member of security staff at the entrance to the premises, at all times the premises is open to the public.

10.67 The Licensee shall comply with any fire prevention and safety measures that may be required by XXXXX Fire Service and shall maintain and keep available for use all specified fire-fighting equipment and extinguishers.

Management

10.68 Before a dancer is permitted to work on the premises the licensee will ensure that the dancer:

- (a) has not been convicted of theft, drug offences or prostitution,
- (b) has the right to work in the UK.

10.69 The licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.

10.70 All premises that provide relevant entertainment will be expected to provide new dancers with a pack of information. This pack will include:

- (a) A copy of the SEV Licence, including the conditions applied by the Licensing Committee,
- (b) Details of any other conditions applied by management of the premises,
- (c) Details of how to report crime to the relevant authority,

- (d) Details of the premises public liability insurance,
- (e) Information on how dancers can obtain personal liability insurance,
- (f) Details of unions, trade organisations or other bodies that represent the interests of dancers,
- (g) A copy of the code of conduct for dancers,
- (h) A copy of the code of conduct for customers, and
- (i) Price lists for drinks and sexual entertainment.

10.71 The information provided in the pack will be provided in the dressing rooms or a sign will be placed in the dressing room advising the pack is available on request.

10.72 All performers who engage in an evening of work at the premises shall sign a document to confirm the start and finish time of the shift. The document should be dated and contain the performer's true name as well as the stage name. These records shall be kept for a minimum period of six months and shall be produced on request by an authorised officer.

10.73 Employment records for performers and staff shall be kept for a minimum of six months following the cessation of their employment.

10.74 Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council.

Maintenance and repair

10.75 The licence holder shall maintain the licensed premises in good order, repair and state of cleanliness at all times.

10.76 Should an authorised officer take issue with the condition of any parts of the premises internal or external, notice will be given in writing and must be rectified within a period of 28 days from the date of the notice. Any appeal against such notice must be made in writing to the licensing service within 14 days of issue. The appeal will be determined by the Public Protection Sub Committee.

10.77 The licence holder shall take appropriate measures to ensure that refuse from the premises are kept secure from public accessibility pending removal from site.

10.78 The licence holder shall comply with any fire prevention and safety measures that may be required by the Fire Authority or suitably competent local authority officer.

Staff training

CCTV

10.79 The CCTV system must comply with: British Standard 7958:2015 - Closed circuit television (CCTV). Management and operation. Code of practice.

10.80 Where CCTV system incorporates a digital recording function, it must also comply with: BS EN 62676-4:2015 - Video surveillance systems for use in security applications. Application guidelines.

- 10.81 The designated premises manager (as specified in any licence in force for the premises granted under the Licensing (S) Act 2005)/premises owner must maintain an annual registration with the Information Commissioner's Office - as stipulated under the Data Protection Act 2018.
- 10.82 At all times, the CCTV system and recordings must be kept in a secured environment under the control of the designated premises manager (as specified in any licence in force for the premises granted under the Licensing (S) Act 2005) or other nominated responsible named individual. Also a full instruction manual for the CCTV system must be available to the Police and other Responsible Authorities.
- 10.83 The CCTV system must be maintained in good working order to:
- (a) Operate on 'real-time' at a minimum rate of 20 frames-per-second, with constant, correct time/date generation.
 - (b) Have a recording capability capable of providing individual pictures.
 - (c) Provide clean, clear and unobstructed camera views of evidential quality in all lighting conditions.
 - (d) Provide correctly timed and date stamped recordings - which must be stored in date order, numbered sequentially and kept for a period of 31 days and handed to the Police on request.
 - (e) Export footage to a removable storage medium with a time and date integral to the image – where possible, to also include any software needed to replay the footage.
 - (f) Ensure exported footage at the same, or similar quality to that recorded on the system recording.
- 10.84 During all periods of licensable activity a nominated and trained 'CCTV Operator' must be on duty, who is competent in the operation of the CCTV equipment in order to:
- (a) inspect the CCTV system on a daily basis, and ensure that all cameras are in full working order.
 - (b) record each inspection on a 'CCTV maintenance' log sheet, and endorse with their signature.
 - (c) facilitate the downloading CCTV footage.
- 10.85 During all periods of non-licensable activity, a 'CCTV Operator' must be contactable by the police on a designated emergency-only telephone number. This number must be registered with the local police licensing officer.
- 10.86 The CCTV system must:
- (a) Incorporate at least one camera on every entrance and exit to the premises - individuals must identifiable.
 - (b) Incorporate at least one camera on all areas where the sale/supply of alcohol occurs - individuals must recognisable.
 - (c) Incorporate at least one camera on any potential queue area external to the premises, and car parking area within the boundary of the premises - individuals must be detectable.
 - (d) Ensure that all other cameras at the premises allow for individuals to be recognisable.

(e) Incorporate a dedicated CCTV camera for each private booth – individuals must be clearly identifiable.

10.87 In the event of a technical failure of the CCTV system, the nominated CCTV Operator will ensure the matter is reported to the Moray Council Licensing Team within 24 hours.

10.88 A camera which records a facial picture of customers entering the premises shall be situated at the reception and a monitor situated there so customers entering can see same.

10.89 CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted.

Enforcement

10.90 Inspection and enforcement will be based on the principles of risk assessment, having a graduated response and targeting problem premises. Inspections will not be undertaken routinely. Enforcement of the legislation will be objective and transparent.

10.91 An intelligence led approach will be adopted and information regarding incidents of violent crime, disorder and nuisance in and around licensed premises will be collated to provide a risk assessment basis for inspection and, where appropriate, surveillance, with high-risk operations receiving more attention than premises carrying low public safety/nuisance risks.

10.92 The Licensing Authority may take appropriate enforcement action against those responsible for unlicensed premises/activity.

10.93 Any complaints received by the council about unlicensed activity or the way licensed premises may be operating will be dealt with in accordance with the council's relevant policies and may result in an adjustment to the risk rating, prompting more frequent visits. We will work with businesses in an attempt to resolve issues that are of concern.

10.94 Following a hearing, the Licensing and Appeals Committee may attach further conditions to a licence, considered necessary and proportionate in the public interest including, but not limited to, the interest of public policy, public security, public health or the protection of the environment. This could include conditions restricting the opening and closing times of the premises.

11. Duration of Licences

11.1 Unless a shorter period is specifically stated, all licenses will be granted for one year, which shall be the maximum duration of any licence.

12. Waivers

12.1 A waiver may be applied for. An application has to be made in writing. The Authority may waive the requirement of a licence in any case where they consider that to require a licence would be unreasonable or inappropriate in accordance with Schedule 2 of the 1982 act.

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Draft Moray Council Sexual Entertainment Venue Policy Statement – Supporting Evidence

AIM

The aim of this brief is to provide members of the Licensing Committee with the background information required to assist them with producing a draft Sexual Entertainment Venue (SEV) Policy Statement and related policies and guidance for consultation.

EXECUTIVE SUMMARY

The Licensing Committee decision at their meeting held on 6 November 2019 (Minute 6) agreed to pass a resolution to licence Sexual Entertainment Venues (SEVs) in Moray under the provisions of Schedule 2 of the Civic Government (Scotland) Act 1982 (as modified by Section 76 of the Air Weapons and Licensing (Scotland) Act 2015).

This decision has placed the following actions on Moray Council to be completed within 12 months of the resolution:

- Issue a draft a Moray Council Sexual Entertainment Venue Policy Statement for future Committee consideration and public consultation,
- Take any pertinent comments into account and produce a final version of the Policy, and
- Develop an SEV approval process including forms and guidance.

This brief is based on the evidence from published research from a variety of sources, including academic research papers to publications from women's groups and trades unions, for example. The research identified contrasting and conflicting views that were mirrored in the responses received from a survey of local residents. There is no simple policy that would be acceptable to all groups, so a balance has been suggested based on the legal rights of owners, performers and residents, and the need to retain the culture and character of Moray towns.

There is a need to protect minors from exposure to the activities being undertaken in SEVs and to prevent the exploitation of performers by owners, managers and clients. The research highlighted the risks of an under-regulated regime where compliance with the conditions associated with a licence were more likely to be dis-regarded. A significant reason for advocating licensing is to require owners to have policies and procedures in place that ensure the welfare of staff is safe-guarded, health and safety regulations are complied with and there is a clear code of conduct for performers and clients to abide by. This framework, if complied with, prevents breaches of the law and activities taking place that have not been authorised or sanctioned by the Licensing Committee.

The legislation stipulates the circumstances when an application for a licence shall not be granted and also requires the Council to satisfy itself that the applicant is a suitable person to run such an establishment. These aspects have been incorporated into the application and approvals process.

It has not been possible to find clear statistical evidence that links a greater risk of sexual violence to SEVs in England, or to existing adult entertainment venues in Scotland. Indeed, the Scottish

Government Adult Entertainment Working Group in 2006 found little evidence to support such a link. In addition, there is a concern that SEVs could be a cover for human trafficking and advice will be sought from the Police Scotland Human Trafficking Unit.

There are relatively few Adult Entertainment Venues¹(19 were identified) in Scotland. All are located in the central areas of the major Scottish towns and cities, in the vicinity of other night-time economy venues. In accordance with the guidance notes on the SEV legislation venues should not be close to schools, places of worship, women's refuges and heavily residential areas, for example, and should have the least possible impact on the character and function of an area. For Moray no small towns or villages with fewer than 2,000 residents could be found which would meet the terms of this guidance. Furthermore, the rural and remote location of many of these communities would place an overly onerous burden on the Licensing Team to monitor and police adequately. Consequently, the it is suggested for these localities that the number of licences considered appropriate is set at nil.

Looking at the layout and characteristics of the larger towns in Moray only 2 possible locations for SEVs were identified: one in Forres town centre (off the High Street) and one in Elgin town centre (again, off the High Street). Note, both these locations are still subject to advice from the Police Scotland Human Trafficking Unit.

Since the Scottish legislation on SEVs has yet to be implemented by any of the local authorities in Scotland examples of the application process, conditions attached to licences and the guidance has been taken from English Councils. The legislation to licence SEVs was introduced in England and Wales in 2009, so the procedures are now fully established. Six councils were chosen at random but trying to cover a range of different areas and city/ town sizes. The conditions that they currently apply to licences have been considered for inclusion in the draft Moray Council Standard Conditions. The forms and guidance provided on their websites have also been used as guides. A composite application form based on several English councils' forms is provided for consideration, along with the more simplified form in use by Westminster City Council, which could be adapted for use by Moray Council. The range of fess charged for the application and grant of a licence varied significantly between the 6 councils sampled: from £739 up to £4,425.

Finally, it is worth noting that it is highly likely that an SEV in Moray would not be financially viable and the chances of receiving an application are low. However, the attached policy and approvals process would allow licence applications to be considered and would provide potential applicants with the information they would need to submit an application.

¹ It is anticipated most of these venues will be required to comply with the SEV legislation

BACKGROUND

This was one of the recommendations from the Licensing Committee at their meeting held on 6 November 2019:

- iii. '...report back to the Committee with any responses to a draft resolution along with a full SEV application for approval including forms, guidance and a draft Sexual Entertainment Venue policy statement....'

The draft Policy Statement has to have been consulted upon, redrafted to include any pertinent comments, and submitted for approval by the Licensing Committee so that the Policy can be put in place by 6 November 2020².

The research has identified a considerable body of work on the topic of the sex industry and sex entertainment, with some diverse and contradictory views. An attempt has been made to reconcile these views to provide a balanced response, but this is an emotive topic and intersects the boundaries of feminism, religious beliefs and prevailing social attitudes for example.

Since the term sex entertainment covers a range of activities including pole-dancing, table-dancing, lap-dancing and strip clubs the term used throughout this paper to cover all such activities is the Adult Entertainment (AE) Industry; the term used by the Scottish Government Adult Entertainment Working Group (AEWG) in 2005.³

In addition, research was conducted on how other authorities in England and Wales have implemented the licensing application process (albeit under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982⁴). No Scottish Local Authority has yet produced a published a policy, although the City of Edinburgh Council has agreed in principle to adopt the legislation and the Glasgow City Council consultation closed in August 2019.

SOCIAL IMPACT

Locations

A search of the internet using Google, TUSCL.NET, the Association of Licensed Adult Entertainment Venues in Scotland website and links from articles identified relatively few AE locations in Scotland, and without exception they are all located in city and town centres (Table A). In Glasgow and Edinburgh the venues were generally in close proximity to one another. None was found in other towns or in rural areas.

² Date was determined prior to Covid-19 lockdown; may be subject to change.

³ Adult Entertainment Working Group - Report and Recommendations: Volume 1 – Scottish Government

⁴ Section 27 of the Policing and Crime Act 2009 reclassified lap dancing clubs as sexual entertainment venues and gave local authorities the power, if they adopted the legislation, to regulate such venues as sex establishments.

Table A: Locations of Adult Entertainment establishments in Scotland

City	Population	Number of Clubs	Population per club
Aberdeen	207,932	5	41,586
Dundee	148,270	1	148,270
Edinburgh	482,005	5	96,401
Glasgow	598,830	5	119,766
Inverness	46,870	1	46,870
Dunfermline	50,380	1	50,380
Kirkcaldy	59,784	1	59,784

The majority of these clubs are away from residential areas, and generally away from the main shopping areas. Mostly they are close to other recreational venues such as pubs and clubs. Aberdeen's higher number of clubs than perhaps the population would suggest may be linked to the oil and gas industry. There has been a change in recent years for some clubs to be more visible and to raise their status by providing expensive drinks and gourmet food, positioning themselves as an attractive option for middle class professionals and corporate businesses.

Only one of these clubs markets itself as an LGBTQ+ safe space; the target market for the rest of the clubs is predominantly heterosexual men, but also hen-parties were mentioned.

Perceptions and Views on Adult Entertainment

The Scottish Government's official view of the indirect sex industry is contained within the document "Equally Safe: Scotland's strategy to eradicate violence against women"⁵. The strategy states that violence against women and girls encompasses, amongst other factors, commercial sexual exploitation, including prostitution, lap-dancing, stripping, pornography and trafficking.

Furthermore, in 2006, the then Scottish Executive published its findings from the AEWG⁶, which argued that lap-dancing is exploitative, situating it in the same category as trafficking for prostitution, proclaiming that the industry, alongside prostitution, constitutes a form of commercial sexual exploitation (Scottish Executive, 2006).

This view is held by a various organisations such as OBJECT, the Fawcett Society and the Women's Equality Party who are opposed to all forms of the sex industry, both direct and indirect. They characterise lap-dance clubs as a form of commercial sexual exploitation that promotes the sexist view that women are sex objects and that the lap-dancing industry

⁵ <https://www.gov.scot/publications/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/pages/3/>

⁶ <https://www.webarchive.org.uk/wayback/archive/20180518064556/http://www.gov.scot/Publications/2006/04/24135036/0>

encourages sexism and the objectification of women, for example. (OBJECT, 2009 & Holsopple, 2009)

A survey was conducted in August 2019 by Moray Council's Legal Service. There were 177 responses and over half (52.8%) were not in favour of Moray Council licensing SEVs. However, 2 of those who supported premises being licensed wanted the number to be zero. This would suggest that overall 53.7% of those surveyed did not want SEVs in Moray. A higher proportion, 67.5%, wanted there to be a limit set on the total number of such venues within any particular localities.

There were a range of comments made by respondents both in support of SEVs and those who were opposed. Examples of localities considered inappropriate included:

- *All localities in Moray are totally inappropriate!*
- *All!! It is not in keeping with the current tourism message*
- *All are unacceptable*
- *Zero, no town in Moray is big enough to absorb this*
- *Near community facilities e.g. church or school*
- *Smaller communities with no full time or late night policing provision*
- *Probably next to schools, churches, play parks, common sense would need to prevail, however that should not mean that suitable spots can't be found*
- *Near schools, medical facilities and sheltered accommodation area*
- *Findochty and the smaller towns. These types of venue should be in larger towns only*

However, others had differing views:

- *All areas. If there is a market for it, and it is done within the correct regulations, then why not.*
- *Any applications should be considered on an individual basis rather than having "areas" or "localities"*
- *I don't think one can be specific; it depends on the business and its application.*
- *I think as long as discreet any of the larger towns in Moray could accommodate. Elgin certainly*

For those who felt licensing was appropriate Elgin was the most frequently cited town (26%) as a potential location.

There is stigma attached to this industry and moral condemnation for something that is considered deviant by the majority of people. Unions have noted that despite the greater visibility that sex, sexuality and lap-dance venues themselves enjoy in Western culture, a combination of State sanction and public disdain continue to stigmatise women who work in such venues. Some argue that violence against women is legitimised through their being

stereotyped as sexual objects available to meet male need and entitlement (Patiniotis and Standing).

Jeffreys (2009) considers lap-dancing as akin to pornography and a type of prostitution for it “involves the sexual use of women even when no touching takes place”, encapsulating it as commercial sexual exploitation where power is exercised via the economic means of a male audience to gain sexual access to women.

Research published in 2015 noted that such stereotypes and stigmatising attitudes and practices are seen to create challenges for sex workers in being able to work under favourable conditions and locations, potentially exposing them to greater risks in their work, with limited access to support. In the absence of such practices, harms to sex workers may be reduced, as some commentaries have suggested. These indicate a view that sex work is not always a source of harm and oppression, and can offer a degree of autonomy, choice and fulfilment for some individuals (Smith, 2015)⁷. For some in the industry lap-dancing is seen as a job, with the work requiring “diligence, constant effort, and substantial commitment”.

Furthermore, Sanders and Hardy, 2011, suggest lap-dancing is not a sex industry⁸; it is adult entertainment. The visibility of striptease (‘lap-dancing’) as a workplace and site of consumption has grown significantly over the past 15 years in the UK. Rather than either a ‘career’ or a ‘dead end’ job, many women use lap dancing strategically to create alternative futures of work, employment and education, to achieve longer term security and to develop other opportunities (Sanders and Hardy, 2015). The industry is far too complex to categorise women as staunchly oppressed or otherwise as a result of their involvement in the sex industry. It is other factors which have contributed to their oppression, and not the fact they are involved in the industry itself (Lister, 2012).

Young people in Scotland appear to be more accepting of lap-dancing than their older peers (Lister, 2012) and commercialised lap-dancing is increasingly visible in mainstream media including being promoted in Jobcentre Plus establishments.

Workers’ Rights

The majority of workers in the adult entertainment/indirect sex industry in the UK are considered to be self-contracted workers, which relieves owners of any obligation to honour employment legislation (Lister, 2012). If dancers were considered employees, owners would be forced to comply with a variety of legal requirements such as the provision of notice under employment legislation. Venues would also be forbidden from partaking in age discrimination under The Employment Equality (Age) Regulations 2006 legislation and would

⁷ <https://dspace.stir.ac.uk/bitstream/1893/23515/1/PhD%20final%20copy%20JUNE%202016.pdf>

⁸ <https://www.youtube.com/watch?v=MPqIhWD8UQk>

have to guarantee income by providing the minimum wage. Self-contraction offers no grounds for appeal; positioning owners in a particularly advantageous position.

However, many participants consider lap-dancing to be work, using language relating to labour and a manager-employee relationship, rather than their true status as self-contracted workers (Lister, 2012).

These working arrangements can lead to numerous opportunities for potential exploitation. For example, owners have the freedom to change working conditions on an impromptu basis giving the owners power to limit the amount of money women are able to make. Owners are able to exert their power in a number of ways. Typically, dancers have to pay either house fees or commission on their earnings. In some cases the AEWG found examples of very high commission charged by owners for working space, with rates being changed at the owners' whim. Furthermore, clubs imposed fines for 'unacceptable behaviour' such as lateness and spending too long in the bathroom. The Scottish Executive noted that other workplaces would not be able, legally at least, to treat workers in such a fashion. The impact of these fines was exacerbated by swift alterations to rules and a lack of communication meant that women could never be completely sure if they were breaking a rule or not, with fines reducing the money made from a shift. Additionally, despite workers' self-contracted status owners dictate the duration of shifts.

Workers' lack financial security because income can never be guaranteed as venues do not offer an hourly wage. This means that women are rendered completely reliant upon tips and income from private dances (Bindel, 2004, who investigated establishments in the UK, and Holsopple, 1999, whose research focussed on the United States). The research highlights the vulnerability of workers to the vagaries of supply and demand. Prior to the financial crash of 2008 demand for dancers was higher and earnings and welfare appear to have been much better than in recent years. There is a body of evidence that suggests when supply drops rules appear to be ignored, with customer retention taking precedence over workers welfare. The enforcement of rules is relaxed, such as the no-touching rule for example, and if customers transgress it is the girls who are asked to leave rather than the customers being ejected (Sanders et al 2012, Lister 2012).

Workers in the adult entertainment industry also face constant scrutiny over their looks and the way they present themselves at work. One chain admitted in court that dancers are selected for working space upon managers' positive judgment of their physical appearance. There was a constant pressure to the pressure to maintain a 'good body' alongside performing in a workplace designed to please men could be viewed as distinctively disempowering. As a commodity, the dancer relies upon her personal appearance to make money. As a result, she may feel physically inadequate should she fail to earn adequate money compared to her colleagues.

The inclusion of women's voices led to the conclusion that wider cultural and economic changes are impacting negatively upon working experiences in venues by adversely altering the dynamics of supply and demand. This means power is felt to be partially shifting from workers to owners, and to a lesser extent, customers. Participants suggest that venues have changed from being enjoyable working environments where money could be made relatively easily to ones where the work embodies the characteristics of precarious labour where competition is rife and projected income is far less certain. (Lister, 2012)

It is therefore not surprising that workers in the industry have addressed such issues by organising campaigns and demanding more worker-centred approaches to policy (Willman and Levy, 2010 cited by Lister, 2012). Just last year, 21 June 2019, lap-dancers signed a union deal with Glasgow club employers. A spokesperson for the GMB union noted that the agreement was "good news for our campaign to improve standards across the wider adult entertainment sector in Glasgow."⁹

The International Union of Sex Workers (IUSW) campaigns for the human, civil and labour rights of those who work in the sex industry. In particular, they support people in the sex industry, whether there by choice, circumstance or coercion, are entitled to equal human rights and the full protection of the law as other citizens. The IUSW believes that vulnerability creates victims, not sex work itself, and evidence shows criminalisation increases the vulnerability of workers. Policies that solve problems are based in reality and on evidence and the IUSW welcomed Amnesty International's commitment to evidence-based policy that respects and protects the rights of people in the sex industry.

Perceived Benefits

Researchers who interviewed adult entertainment workers found that there were a number of benefits that workers identified. First was the potential to make instant cash, and the flexibility the work can offer. Indeed, a major attraction to the work for many women was not so much the amount of money that could be earned, but rather, the instantaneous nature of payment which is unique to cash-in-hand forms of labour. Further, financial reward was not mentioned by any dancer as the sole reason for starting dancing. Enjoyment, excitement and curiosity were more frequently mentioned as the main reasons for being attracted to dancing. (AEWG report, 2005).

Women choose to work in strip clubs for the same reasons people choose a wide variety of jobs: funding university studies, paying off student loans, family needs, a disability and a scarcity of other work options. All of them are working because they need to make a living under increasingly difficult conditions — extortionate housing costs, inaccessible and inadequate benefits, lack of childcare and falling wages in other industries.¹⁰(UVW, 2019)

⁹ <https://www.bbc.co.uk/news/uk-scotland-glasgow-west-48720212>

¹⁰ <https://www.uvwunion.org.uk/news/2019/4/womens-equality-party-covert-filming>

Dancers need a dignified workplace where they can earn a living to support themselves and their families.

The need for legislation and regulation

The research suggested there was a place for effective legislation and regulation to ensure adult entertainment workers' rights and conditions of employment were properly safeguarded. A number of reports found that the legal status of venues offered a relatively safe and private space that men can use for relaxation (Frank, 2003, Woods, 2007, Liepe-Levinson, 2002; cited by Lister, 2012), providing them with an opportunity to escape from the stresses and strains of everyday life. In such an environment women would be safer, but they must be supported to enforce boundaries and to hold to account clients who do not respect them, and be provided with specialist support and access to justice. (SWARM, 2018)

As lap-dancing does not enjoy the symbolic capital that could be assigned to it if it was legitimated, women are denied access to benefits which are afforded to those considered employed by legislation. This lack of legitimacy and the State's refusal to acknowledge it as labour perpetuates the enduring stigma attached to the work (Colosi, 2012).

As noted above there are relatively few venues in Scotland creating a lack of effective competition. Supply and demand for the services provided has proven to be extremely variable in recent years, which has a huge impact on potential earnings and power of the women. During the period when demand for dances was high and fewer women were working, longer-term dancers considered themselves to be empowered, recognising the enjoyment and financial reward they gained from the work.

On the other hand, in times of low demand the owners still impose charges and fines on the dancers, with some dancers commenting they lose money on some shifts (Sanders & Hardy, 2011). Such an imbalance of power between employer and employee requires legislation to uphold worker's rights.

Health & Safety

There were numerous examples identified with poor working conditions in some clubs and a lack of adherence to Health & Safety regulations (Lister, 2012 & Bindel, 2004). There was some evidence that owners would conform to regulations during re-licensing or if there was increased political interest in the industry. However, the compliance was around the explicitness of the performances and once the interest waned or the license was granted the club reverted back to its original policy of allowing women and customers to break the rules. There was no evidence, however, that any closer attention was paid to the health and safety of dancers during this period, indicating that policymakers were more concerned with the nature of the service provided than the wellbeing of dancers.

The International Union of Sex Workers campaigns for the rights of sex workers to be afforded the full protection of all existing laws, regardless of the context and without discrimination. These include all laws relating to harassment, violence, threats, intimidation, health and safety and theft, as well as access to the full range of employment, contract and property laws.

Human Rights

Amnesty International has adopted a policy to protect the human rights of sex workers¹¹. The policy includes a provision that *'laws on sex work should focus on protecting people from exploitation and abuse, rather than trying to ban all sex work and penalize sex workers... while addressing the very real issue of exploitation.'* Amnesty International sees such an approach as reinforcing their position *'that forced labour, child sexual exploitation and human trafficking are abhorrent human rights abuses requiring concerted action.'*

Reported incidents of sexual violence

No data sources were found that correlated the location and number of SEVs with an increase in sexual violence offences. Indeed, one researcher concluded that the connection between crime and erotic dance is weak (Hanna, 2005, cited by Colosi, 2012). A number of anecdotal studies were identified that supported the feelings of disempowerment and fear amongst women when in the vicinity of some lap-dancing clubs, but it was not possible to find any supporting data. Some women felt that these feelings of fear and disempowerment were worse when men were around and there was a suggestion of an increase in the number of reports of harassment by men, but again no supporting data was provided.

This lack of information supported the findings of the Scottish Government sponsored AEWG research in 2006 that found there is little evidence to support a connection between AE establishments and crime rates. Police forces report that AE establishments tend to be associated with lower levels of violence and disturbance than other licensed premises.

Bindel and others have highlighted the issues dancers face with rude or abusive customers. Harassment was an issue for many with half of one sample interviewed (197 dancers) stating frequent verbal harassment and unwanted touching from customers (Sanders et al, 2012). Private booths were a particular source of vulnerability and allowed standards to be lowered by some dancers offering more than the club rules permitted. However, the same study found no evidence, anecdotal or factual, of human trafficking. The researchers noted though that some migrant workers reported being charged higher fees.

The Association of Licensed Adult Entertainment Venues of Scotland requires members to adhere to a strict code of conduct as a minimum requirement for lap dancing clubs. Our members are proud of their exemplary 18-year record in preventing crime, disturbance,

¹¹ <https://www.amnesty.org/en/latest/news/2016/05/amnesty-international-publishes-policy-and-research-on-protection-of-sex-workers-rights/>

nuisance or any other public harm associated with licensed premises and have produced a human trafficking toolkit has proved robust and effective in preventing any form of human trafficking within the lap dancing industry.

Moray Statistics on sexual violence

Police Scotland data was consulted to obtain information on the level of sexual violence reported to the police in recent years and an extract is included at Annex C. The intention was to compare Moray with the local authorities that already have Adult Entertainment venues operating and with the local authorities in the same Scottish Government Improvement Service “family group”: East Ayrshire, East Lothian, Fife, North Ayrshire, Perth & Kinross, South Ayrshire and Stirling Councils. However, the data does not identify the locations where the incidents occurred so it has not been possible to confirm the impact of the lap-dancing clubs, strip-tease bars, etc has had, and whether there is a direct causal link.

If other data is found that is linked to towns and cities then it will be examined to see if it is possible to identify differences in crime rates that might be attributable to the presence of sexual entertainment venues.

ECONOMIC IMPACT

Income

In 2005¹², the latest year for which published income data was found, the AE industry in the UK was said to be worth in excess of £300 million (Scottish Government, 2005). At that time it was also one of the fastest growing elements in the UK's leisure services industry. By 2003 there were approximately 300 lap and tableside dancing clubs in the UK. Some Local Authorities have argued that lap dancing clubs can bring economic benefits to the local area and help to diversify its economy.

Gross customer expenditure was estimated to be between £11.8m and £22.2m. Of this, expenditure in each city was between:

- £4.9m and £9.1m in Edinburgh
- £3.2m and £6.1m in Glasgow
- £3.7m and £7m in Aberdeen and Dundee combined.

Extrapolating this level of income for Elgin would equate to expenditure of between £0.65 and £1.2m per year (at 2005 prices).

¹²<https://www.webarchive.org.uk/wayback/archive/20180518064556/http://www.gov.scot/Publications/2006/04/24111914/16>

AE establishments in Scotland were estimated to turnover between £7.0m and £11.1m annually. The report suggested that larger adult entertainment venues could make between £10,000 - 12,000 in a night.

Impacts at city level were estimated to be between:

- £497k and £783k in Edinburgh
- £277k and £454k in Glasgow
- £379k and £599k in Aberdeen and Dundee combined

It should be noted that since the economic downturn in 2008 the industry is reported as being less lucrative than in previous times (Lister, 2012).

House Prices

Discussions with property specialists by the AEWG indicated impacts on property values appeared to be negligible, although there was some evidence that saleability of adjacent residential properties in Edinburgh might have been affected, and that properties immediately adjacent to AE venues in Glasgow were less desirable for certain businesses. The effect beyond the immediate area appeared to be insignificant in all cities.

LICENSING POLICIES

Previously, the lack of a specific policy enshrined in law pertaining to venues means local authorities have limited powers and are reliant upon the co-operation of owners with regards to following codes (Lister, 2012). No legal protection existed to ensure a safe working environment for lap-dancers in Scotland. The non-Statutory basis under which codes were written effectively meant that owners were not obliged to follow them in order to retain a license. The revised law¹³ has provision for local authorities to allow for greater local control of the provision of such venues and the conditions within them, by imposing standard licence conditions and having the power to revoke licences. These additional powers could be used to address the concerns raised by some researchers concerning the welfare of the dancers as well as the compliance with health and safety regulations and employment law. Furthermore, the Act stipulates that licences shall not be granted:

(a) to a person under the age of 18;

(b) to a person who is for the time being disqualified, for example for contravening a condition of the licence, or for the following offences

¹³ Air Weapons and Licensing (Scotland) Act 2015

Section 19 (1) (a) without reasonable excuse uses any premises, vehicle, vessel or stall as a sex shop without having a licence under this Schedule for that use or there being in force a waiver under paragraph 5 above for that use or knowingly causes or permits the use of any premises, vehicle, vessel or stall as a sex shop without there being a licence for that use or there being in force a waiver under paragraph 5 above for that use;

or (b) being the holder of a licence for a sex shop, employs in the business of the sex shop any person known to him to be a person to whom under paragraph 9(3) above a licence could not be granted; or

(c) being the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term or condition specified in the licence;

or (d) being the servant, employee or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term or condition specified in the licence;

or (e) being the holder of a licence under this Schedule or the servant, employee or agent of such person, without reasonable excuse knowingly permits any person under the age of 18 to enter the sex shop;

(c) to a person other than a natural person if any director of it or partner in it or any other person responsible for its management is disqualified for similar reasons to sub-para a;

(d) to a person who has been convicted of an offence under paragraphs 19 to 21 of Schedule 2 of the Act;

(e) to a person who is not resident in the United Kingdom¹⁴ or was not so resident throughout the period of six months immediately preceding the date when the application was made;

(f) to a body corporate which is not incorporated in the United Kingdom;

(g) to a person who has, within the period of 12 months immediately preceding the date when the application was made, been refused by Moray Council the grant or

¹⁴ It is important to note that The Licensing (Amendment) (EU Exit) (Scotland) Regulations 2019 amend Schedule 2, paragraphs 9(3)(e) and 9(3)(f) of the Civic Government (Scotland) Act 1982 (the 1982 Act). This change prevents the granting of a licence for a sex shop or sexual entertainment venue to a person who is not resident in the United Kingdom (the UK) or was not resident throughout the 6 month period prior to the application being made. It also prevents the granting of a licence to a body corporate not incorporated in the UK. These provisions come into force on exit day. The previous residency restrictions for granting a licence were to a member state of the EU.

renewal of a licence under this Schedule for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal; or

(h) to a person other than a natural person if any director of it or partner in it or any other person responsible for its management has, within that period, been refused by Moray Council the grant or renewal of such a licence, unless the refusal has been reversed on appeal.

In addition, Moray Council will wish to satisfy itself that:

- the applicant is not an unsuitable person to hold a licence by reason of having been convicted of an offence or for any other reason;
- if the licence were to be granted or renewed, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself.

Examples of Controls and Conditions:

The Adult Entertainment Working Group (AEWG) report and recommendations to Ministers on the adult entertainment industry in Scotland 2006¹⁵ contained the following key findings:

- The amount of money dancers are able to earn is extremely variable.
- The commission and fining system is perceived to be unfair.
- Some of the benefits of dancing are improved fitness and stamina, and increased self-esteem and confidence.
- Some of the drawbacks are strains and injuries, abuse from customers and the difficulty in earning a living due to high commission and other fines.
- Although some dancers are approached by customers to have sex, involvement in prostitution and pornography is rare and is disapproved of by most dancers and clubs.
- Overall dancers felt safe working in the clubs.
- Asked what dancers would improve about their job, most said that the dancers need more protection, that commission should be reduced and rudeness from customers should not be tolerated.

In addition, the AEWG made the following recommendations (the full details are included at Appendix 2):

1. All AE activities should be, at all times, fully visible to the public visiting the premises.

¹⁵<https://www.webarchive.org.uk/wayback/archive/20180518064556/http://www.gov.scot/Publications/2006/04/24135036/2>

2. Performers should not touch, or be touched by, customers. In order to remove any doubts about touching, and for the safety of performers, there must be a distance of 1 metre between performer and any other person during entertainment activities.

3. There should be adequate health and safety protection for performers, including

- dedicated and private changing, washing and toilet facilities, separate from public facilities. The Local Authority should determine what is adequate given the layout and circumstances of the venue.
- a minimum temperature of 20°C, confirmed by fixed thermometer, in all working and changing areas.
- adequate lighting in all working and changing areas.
- all work and changing areas must be kept clean, free from obstruction and with surfaces that are fit for purpose.
- adequate and hygienic facilities to make hot drinks and eat meals, and a supply of cold drinking water.

4. There should be adequate security to ensure compliance with the AE regulations and prevent illegal activity.

5. There should be a minimum age of 18 for AE performers, public and employed staff with an obligation on the operator to ensure compliance.

6. The Local Authority should determine if full nudity is appropriate for a specific venue taking into consideration proximity and the degree of security and oversight.

7. The Local Authority must have a policy on appropriate levels of provision for AE.

8. The Local Authority should determine the degree of external visibility allowed for AE establishments, taking into account the location of the specific premises.

These recommendations and concerns, along with other measures, have been incorporated into the model conditions for inclusion in a Policy Statement published in the guidance¹⁶ on the provisions for the licensing of sexual entertainment venues (SEVs) within the Air Weapons and Licensing (Scotland) Act 2015:

- list of full names, dates of birth, nationality and contact details (address or telephone number) for all performers to be available on the premises for immediate production if requested by Police or local authority officers;
- ensure immigration status is in order and actively seek to identify performers who may have been the victim of human trafficking;
- employment of security guards;

¹⁶ <https://www.gov.scot/publications/guidance-provisions-licensing-sexual-entertainment-venues-changes-licensing-theatres/>

- use and storage of CCTV;
- provision of hygienic changing and showering facilities and a toilet with access to hot water exclusively for the use of the performers;
- set break times for performers;
- the provision of a break room exclusively for the use of the performers;
- performers to be escorted by security to nominated taxi or to their car at end of shift;
- access to medical checks and sexual health advice to be provided on site;
- the licence holder to ensure performers remain clothed outwith performance area;
- the licence holder to ensure no physical contact between performers and customers;
- the customers to be informed of rules of customer conduct that is deemed acceptable e.g. customers to remain fully clothed at all times and these rules displayed at appropriate locations within the venue
- licence holder to ensure customers do not seek sexual favours or offer performers payment in return for sexual favours;
- the licence holder to ensure customers do not to offer or ask for any form of contact details from performers;
- the licence holder to ensure customers do not to engage in any unlawful activity within the SEV; and
- the licence holder to ensure no photographs or video recordings are taken of the performers.

Meeting the Concerns of Employees

Issues identified by dancers and strippers during interviews, and from researchers visiting clubs included the following:

- Long, late hours,
- Need to hustle,
- Exposing genitalia to customers by standing on tables/chairs in close proximity,
- Dancers not always getting fully dressed after a private dance,
- Security can be lax in controlling the behaviour and adherence to the rules for larger groups,
- Management turning a blind eye to enforcing no touching rules for example,
- Lack of dedicated dressing room away from public areas,
- No water coolers/fridges to keep drinks or refreshments,
- Venues too hot/too cold, lack of adequate facilities for performers,
- Requirement to purchase their working outfits/shoes,
- Cost of working (commission, fines),
- Lack of consistency in applying fines and amending commission/fees,
- Uncertainty of income (unpredictable demand and costs),

- Customers taking photos during performances,
- Having their looks and body scrutinised by managers,
- Customer behaviour (drunkenness, heckling, asking for sexual services, etc),
- Too many dancers working for the number of customers attending,
- Precarious nature of the work, and the stigma the work attracts,
- Although self-employed dancers are at the beck and call of managers/owners,
- Reduced workplace options in Scotland; women have no/few alternative venues to work in.

Legal Protection and Employment Rights

The International Union of Sex Workers (IUSW) campaigns for the human, civil and labour rights of those who work in the sex industry. They believe that workers in SEVs need a dignified workplace where they can earn a living to support themselves and their families.

- full protection of all existing laws, regardless of the context and without discrimination. These include all laws relating to harassment, violence, threats, intimidation, health and safety and theft.
- access the full range of employment, contract and property laws.
- participate in and leave the sex industry without stigma
- full and voluntary access to non-discriminatory health checks and medical advice

There is evidence to suggest that those working in unregulated spaces of erotic dance are exposed to more risks, including non-payment of labour, and increased incidents of sexual and physical violence¹⁷ (Colosi, cited by the United Voices of the World, 2019). For example, evidence from research undertaken in the United States in the late 1990s concluded that the verbal harassment, physical and sexual abuse, and financial exploitation women suffer in stripclubs is unparalleled in any other legitimate workplace. Women in stripping are subject to actions that would be perceived as assaultive or at least unwanted in any other context or were directed against other women. Stripclubs allow men to use and abuse women in a manner that is not tolerated in any other business (Holsopple, 1999). If regulation and licensing is to be effective at preventing these risks the conditions applied to any licence need to address these concerns and be enforced through a suitable inspection and policing regime.

Examples of conditions imposed on licensees by English and Welsh councils

The provisions of the Act which relate to the licensing of SEVs came into force on 26 April 2019. Since then local authorities in Scotland have been undertaking public consultations about licensing SEVs in their areas. However, local authorities in England and Wales already have licensing regimes in place following the introduction of SEV as a category of sex

¹⁷ <https://www.uvwunion.org.uk/news/2019/4/womens-equality-party-covert-filming>

establishment under section 27 of the Policing and Crime Act 2009 which amended schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

Examples of the conditions applied by English and Welsh councils were taken from policies published by the following (and are attached as Appendix 2):

- Cardiff Council
- Wakefield Council
- Leeds City Council
- Blackpool Council
- Manchester City Council
- Westminster City Council

Common themes in these councils' policy statements appear to cover most of the items listed in the Scottish guidance model conditions noted above. Appendix 3 is a draft policy statement, including the conditions to be imposed on SEV licence-holders, based on a composite of the Council policies reviewed above.

Suitability of the premises

One of the priorities of the Scottish Government's "Equally Safe" strategy¹⁸ is maximising the wellbeing and safety of women, children and young people. Furthermore, the guidance on the Act¹⁹ suggests local authorities attach standard conditions on the appearance and layout of the premises. For example, regulations on:

- the display of advertisements on or connected to the venue;
- the days and times when the premises may be used as a SEV;
- the visibility of the interior of the SEV to passers-by; and
- the number of persons to be admitted to the premises.

Conditions from the 6 English Councils listed previously are attached at Appendix 2.

Suitable localities in Moray

The guidance further suggests that local authorities may wish to consider a range of issues concerning the suitable locations of SEVs. These include:

- the existing character and function of the area in which it will be located;
- whether there are any schools near the vicinity of the SEV;
- whether there any places of worship in that vicinity;

¹⁸ <https://www.gov.scot/publications/equally-safe/>

¹⁹ Air Weapons and Licensing (Scotland) Act 2015, Guidance on the Provisions for Licensing of Sexual Entertainment Venues and Changes to Licensing of Theatres

- whether there are other relevant businesses or charities operating in the area e.g. homelessness shelters, women's refuges, supported accommodation, recovery units etc.;
- whether the SEV is close to heavily residential areas;
- whether there have been incidents involving anti-social behaviour, sexual assaults or more minor harassment reported in that area;
- the views of residents and other relevant interested persons as far as is possible; and
- input from the local Police Scotland human trafficking champion or the Human Trafficking Unit at Gartcosh.

Table B: Estimated population of main towns and villages in Moray - 2018 data²⁰

Town/Village	Estimated Population (2018)
Elgin	24,320
Forres	10,120
Buckie	8,910
Lossiemouth	7,640
Keith	4,610
Burghead	1,870
Dufftown	1,640
Rothies	1,210
Aberlour	1,040

Each of the main towns in Moray is considered here. Towns with fewer than 2,000 residents have been excluded from this analysis since they are considered too small to be able to support an SEV. There would be too few local residents and tourists to make an SEV commercially viable. Furthermore, the nature of sexual entertainment venues and the impact that they and their customers can have in these localities would significantly distort the character of these communities. It is suggested the number of SEVs licensed in Burghead, Dufftown, Rothies and Aberlour be set at zero. This argument would apply to any other communities or villages in Moray with fewer than 2,000 residents.

Furthermore, in these smaller communities it would be difficult to identify premises that were not in close proximity to the areas mentioned in the guidance to the act: residential areas, schools, including the routes to and from school regularly used by children, or places of worship. The localities in question are listed at Table C and detailed maps are available for each locality indicating residential areas, schools and places of worship.

Table C: Localities in Moray with fewer than 2,000 residents – recommendation is for zero SEV licences in these locations

Smaller localities in Moray (fewer than 2,000 residents)

²⁰ <https://www.citypopulation.de/en/uk/scotland/>

Aberlour	Alves	Archiestown	Craigellachie
Cullen	Cummingston	Dallas	Dufftown
Duffus	Dyke	Findhorn	Findochty
Fochabers	Garmouth	Hopeman	Kingston-upon-Spey
Kinloss	Lhanbryde	Mosstodloch	Newmill
Portgordon	Portknockie	Rafford	Rothies
Rothiemay	Tomintoul	Urquhart	

One of the questions posed by the Moray Council Legal Services was whether there were any localities within Moray that residents considered to be inappropriate for Sexual Entertainment Venues? 62% of the respondents considered there were inappropriate areas and provided a number of examples, which are summarised in Table D. The views from the survey align closely with the guidance notes, and with the assessment above that small localities should have zero licences issued.

Furthermore, given the constraints on local authorities' budgets there are insufficient licensing staff to effectively police and carry out the necessary inspections to ensure compliance with licence conditions. As has been noted in the research a comprehensive and rigorous inspection regime is vital if the club is to be a safe place to work. The capacity of the current licensing team virtually rules out any SEV in locations other than the larger towns.

The remaining towns will now be considered, starting with Buckie. There are 7 places of worship in the centre of town close to and located on West and East Church Street and the High Street making this area inappropriate. Commercial Road is away from the main residential areas, schools and places of worship although there are a large number of commercial premises associated with fishing, boatbuilding and engineering activities that would make much of this area an inappropriate location for an SEV.

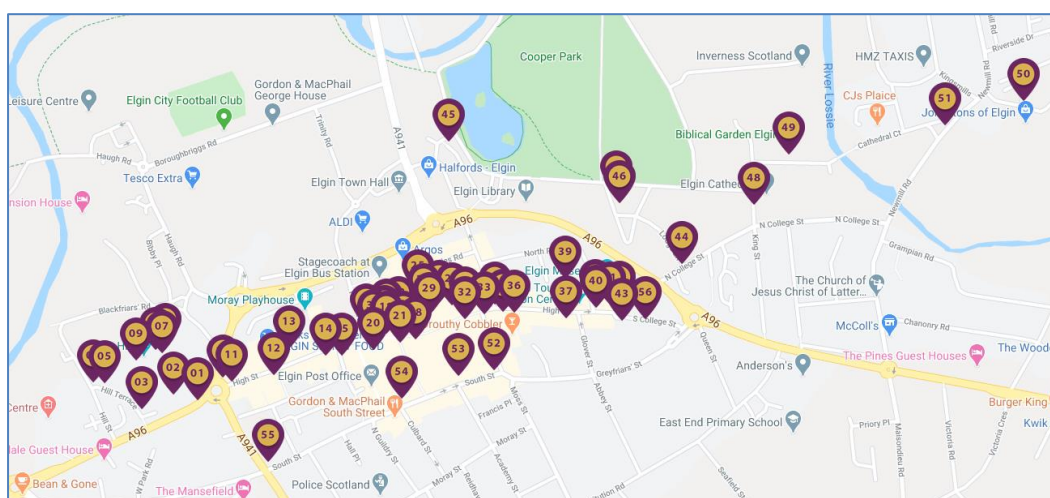
Table C: Examples from Moray survey of localities considered to be unsuitable locations for SEVs

Residential Areas	Schools/churches	Localities	Other
<ul style="list-style-type: none"> Any residential area Anywhere near housing estates Anywhere residential in any of Moray. Anywhere that is connected to children's activities/shopping areas Non-commercial areas 	<ul style="list-style-type: none"> Anywhere near to a nursery, school, care facility, hospital or church. Near community facilities eg church or school Anywhere near schools or residential properties, and not in the main High Street area Near schools, churches etc Near schools, medical facilities and sheltered accommodation area. Near schools and park areas Anywhere near a school, a nursery or place of care such as residential care home or hospital for example All - particularly near schools Near schools Anywhere next to schools, keep it to the town centre Near to schools Elgin is the largest town in Moray but is still a small town and any venue would still be too close to schools or residential areas and accessible (even if not through the door) to young people. Probably next to schools, churches, play parks, common sense would need to prevail, however that should not mean that suitable spots can't be found 	<ul style="list-style-type: none"> Small localities Smaller communities with no full time or late night policing provision Villages and towns Any village Every town and village. I would not like to live near one and do not think other people should be subjected to it either. There is no area far enough away from residential areas Forres, Findhorn Forres, Fochabers Cullen, Lossiemouth, Forres, The Fishing Communities Findhorn, Burghead, Cummington; any small village Fochabers, Lossiemouth, Burghead Small villages, Findochty, Cullen, Findochty and the smaller towns. These types of venue should be in larger towns only Coastal resorts 	<ul style="list-style-type: none"> Anywhere with a large elderly community Historical areas - near cathedral etc Depends entirely on the application

The largest town in Moray, Elgin has the most potential for hosting an SEV. With an established town centre that contains several licensed premises, and 2 nightclubs located off the High Street, this would appear to be the most likely area to establish an SEV.

However, the central pedestrianised area is dominated by a place of worship, ruling out a significant proportion of the town centre. Furthermore, Elgin town centre is a significant element of the Castle to Cathedral to Cashmere (CCC) tourism project, which has been acknowledged as being successful in achieving its aims²¹. As Figure 1 illustrates the CCC trail takes visitors to Elgin right through the town centre, including many of the alleyways, lanes and side-streets. A prominent SEV in this area could be considered out of keeping with the aims of the CCC project and potentially reduce the appeal of Elgin to visitors, especially those with children. This potential conflict of interest would require the opening hours, entrance façade and siting to be controlled carefully.

Figure 1: Heritage and historical places in the Castle to Cathedral to Cashmere tourist trail



The remainder of Elgin, including New Elgin, does not have any sites that would avoid being close to residential areas in particular, as well as schools, places of worship and cemeteries.

Given the constraints on location it would be hard to justify issuing more than one licence for an SEV in Elgin, and further advice will be required from the human trafficking agencies before a final recommendation could be made.

Forres is a predominantly residential town with limited locations for an SEV that do not impact upon residential areas or the 4 schools. The central area of the High Street and the side-streets leading from it are not directly adjacent to schools or places of worship and include pubs and restaurants. If a request for an SEV were submitted the central area is the only location that could be considered, but to maintain the existing character and function of the area the premises that could be used are limited. It is hard to see justification for more than one SEV to be licensed in Forres. Again, further advice will be required from the human trafficking agencies.

The location of schools and places of worship in Lossiemouth and its largely residential nature limits where an SEV could be sited. Given the mixed residential and commercial

²¹ <http://elginheritage.scot/>

character of the town and the reliance on tourists, who visit the beaches, play golf or moor up in the harbour, for example, an SEV could be considered inappropriate. It is suggested that the number of SEV premises licensed in Lossiemouth be nil.

Another mainly residential town Keith is dominated by the 2 distilleries and their associated warehouses. The main A96 road connecting Inverness and Aberdeen runs through Keith and Fife Keith and there is no clearly delineated town centre that would support a night-time economy, without impacting on nearby residents. Consequently, it is suggested that the number of SEV premises licenced in Keith (including Fife Keith and Strathisla) should also be nil.

LICENSING FORMS

The websites for the English Councils noted above were consulted to obtain examples of application forms, and the findings are shown at the Annex. Some could be completed online, while others required a form to be downloaded, completed and posted to the licensing authority. The fees being charged by the 6 local authorities in this sample were also obtained to provide some context for the rates that Moray Council might decide to adopt. There was a surprisingly large difference in the cost of a licence from £739 charged by Cardiff Council up to £4,425 in Manchester.

A composite licensing form based on a small sample of English Councils is attached at Appendix 3. However, the form used by Westminster City Council has taken a very different approach from Manchester City, Wakefield and Leeds councils, for example, and should also be considered due to its brevity (see Appendix 4).

LICENSING GUIDANCE

The English Council websites also provide guidance on how to apply for SEV licences with links to policies, application forms and fees, for example. Most follow a simple structure:

- A brief summary of what constitutes an SEV and the licence requirements for operating an SEV,
- How to apply – typically with links to either an online application process, or an application form to be downloaded and posted to the licensing office,
- Many provide guidance on the qualifying criteria for applicants, and the requirements for advertising in local newspapers and on the proposed site,
- Information on complaints and redress,
- The costs associated with a licence, or a link to the fee structure, and often
- A description of the approvals process.

An example of a guidance webpage based on an amalgam of the English Councils' websites is attached at Appendix 5.

RECOMMENDATIONS

It is recommended that the Licensing Committee adopts the following measures and provisions for approving SEV Licence applications in Moray:

- A maximum of one SEV be approved for Elgin, with the suggested location being in the vicinity of the Town Centre.
- A maximum of one SEV be approved for Forres, with the suggested location being in the vicinity of the Town Centre.
- For all other locations the number of SEV licences to be approved will be nil.
- The standard conditions will provide protection and a balance between the interests of various groups, including residents, for:
 - The protection of children and young people under 18 years of age;
 - Maintaining the culture and character of the vicinity of the venue;
 - Maintaining the health, safety and welfare of performers; and
 - Deconflicting the needs of different groups by limiting opening hours;

CONCLUSIONS

As noted by the Chair of the AEWG noted in her Foreword to the group's report to the Scottish Government the issue of sexual entertainment is a sensitive one with differing views on tricky topics, making it easy to lose sight of the task to be accomplished.

As the numerous articles, research papers and other reference material testifies to there are many and often contradictory views on the role, if any, SEVs should have in society. In compiling this guidance evidence has been sought from a diverse range of groups, including feminists, activists, academics, a small sample of local residents, Trades Unions as well as international bodies such as Amnesty International and the European Court of Human Rights. Some of these groups have strongly held views that are difficult to reconcile, if not actually irreconcilable. However, the guidance above is an attempt to provide a considered view that would allow the concerns of some to be balanced against the rights of others and to mitigate the possible adverse impact on the culture and character of communities in Moray. The towns and villages in Moray tend to be predominantly residential with relatively small centres leading to a shortage of possible locations for SEVs thus creating a conflict between commercial, recreational and tourist priorities in these already congested areas. Furthermore, the rural and remote nature of much of Moray would place a significant burden on the Licensing Team if they were to be able to carry out inspections diligently and

regularly to ensure the conditions of the licenses were being maintained by the venue owners and operators. The evidence from the research suggests strongly that policing the conditions of an SEV licence are essential if the health, safety and wellbeing of the performers is to be maintained at an acceptable level, and that the club is not being frequented by minors, for example. Consequently, this has led to the recommendation for a maximum of just 2 SEVs in Moray.

However, in comparison with more populous parts of Scotland Moray is unlikely to have either the demand or enough performers to make an SEV that was open most evenings financially viable. A simple comparison of the populations and number of SEVs in other towns and cities in Scotland suggests that Elgin would be able to sustain about 0.3 of a venue, or in other words, one that opened just 2 nights per week. This economic reality would suggest that even if the Licensing Committee approves the recommendations contained within this guidance there is a very slim chance that anyone will apply for a licence.

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ANNEX A

LICENSING FORMS – EXAMPLES FROM ENGLISH COUNCILS

- WESTMINSTER CITY COUNCIL
 - License application (online):
 - <https://www.westminster.gov.uk/sexual-entertainment-venues>
 - Fees:
 - https://www.westminster.gov.uk/sites/default/files/licensing_fees_list.pdf (Para 5.13)

Application Type		Part A Fee	Part B Fee	Total Fee (Parts A and B)
Sexual Entertainment Venues	New	£1,803	£2,262	£4065
	Renewal	£1,083	£2,262	£3,345
	Variation	£1,100	£0	£1,100
	Transfer	£310	£0	£310
	Paragraph 7 Waiver	£725	£0	£725
	Duplicate	£25	£0	£25

Part A fees are paid on making the application, they cover the costs of the application process. Part B fees are paid on the application being successful, to cover the costs of the running and enforcement of the licensing regime²².

- CARDIFF COUNCIL
 - License application (by post):
 - <https://www.cardiff.gov.uk/ENG/Business/Licences-and-permits/Entertainment-and-alcohol-licences/Sex-establishment-licence/Pages/default.aspx>
 - Fees:
 - <https://www.cardiff.gov.uk/ENG/Business/Licences-and-permits/Entertainment-and-alcohol-licences/Documents/General%20licence%20fees%20and%20charges.pdf>

Sex Establishment Licences

Sexual Entertainment Venue Grant

Application Fee £422.00
Grant Fee £317

Sexual Entertainment Venue Renewal

Application Fee £165.00
Grant Fee £224

Sexual Entertainment Venue Transfer

£172

²² Part A and Part B fees are to comply with a judgment of the Supreme Court in a case involving the Westminster City Council

- WAKEFIELD COUNCIL

- License application (online not currently available):
 - <https://www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/wakefield/apply-1>
- License application (by post):
 - <https://www.wakefield.gov.uk/Documents/licensing/sex-shops/lc15-sex-establishment-application-form.doc>
- Fees:

LC15 - SEX ESTABLISHMENT LICENCE

Annual licence for up to 12 months	£2367
Transfer	£107
Fee for duplicate licence (eg amendment, replacement)	£25
Administration charge when application refused, withdrawn or otherwise not proceeded with	£143

- LEEDS CITY COUNCIL

- License application (by post):
 - <https://www.leeds.gov.uk/business/licensing/other-licences/sex-establishment-licence>
- Fees:
 - Unable to decipher the website.

- BLACKPOOL COUNCIL

- License application (by post):
 - <https://www.blackpool.gov.uk/Business/Licensing-and-permits/Alcohol-entertainment-and-food-licences/Sex-establishments/Sexual-entertainment-venues.aspx>
- Fees: £3,800

- MANCHESTER CITY COUNCIL

- License application (by post):
 - file:///C:/Users/Owner/Downloads/Sex_Establishment.pdf
- Fees: £4,425

ANNEX B

LICENSING GUIDANCE – EXAMPLES FROM ENGLISH COUNCILS

- WESTMINSTER CITY COUNCIL
 - <https://www.westminster.gov.uk/sexual-entertainment-venues>
 - Comprehensive instructions, divided into 5 Sections:
 - How to apply
 - What happens next
 - Redress information
 - Renewing your licence
 - Further information
- CARDIFF COUNCIL
 - <https://www.cardiff.gov.uk/ENG/Business/Licences-and-permits/Entertainment-and-alcohol-licences/Sex-establishment-licence/Pages/default.aspx>
 - Introductory page explaining the requirements for a sex establishment license, and what constitutes sexual entertainment.
 - Similar approach to Manchester City Council
 - How to apply
 - How much will the licence cost?
 - What happens next?
 - Further information
 - Also has links to related licences:
 - Premises licence
 - Club premises licence
 - Food business
 - Gambling licences
 - Temporary Event notice
 - A-Z of licences
- WAKEFIELD COUNCIL
 - <https://www.wakefield.gov.uk/business/licensing-and-trading/sex-shops-sex-cinemas-and-sexual-entertainment-venues>
 - Simplest one – Advice is to follow the instructions on the application form.
- LEEDS CITY COUNCIL
 - <https://www.leeds.gov.uk/business/licensing/other-licences/sex-establishment-licence>
 - Similar approach to Wakefield Council.

- BLACKPOOL COUNCIL
 - <https://www.blackpool.gov.uk/Business/Licensing-and-permits/Alcohol-entertainment-and-food-licences/Sex-establishments/Sexual-entertainment-venues.aspx>
 - Again, a clear, simple one-page overview of how to apply for an SEV licence.
- MANCHESTER CITY COUNCIL
 - https://www.manchester.gov.uk/directory_record/287437/sex_establishment_licence/category/1164/sex_establishments
 - Another concise webpage with links to the appropriate documents and specific guidance notes.
(https://www.manchester.gov.uk/downloads/download/5311/sex_establishment)

ANNEX C

POLICE SCOTLAND MANAGEMENT INFORMATION COUNCIL AREA REPORTS

Group 2: Crimes per 10,000 population	2016/17	2017/18	2018/19	(End of Q3) 2019/20
Moray	23.0	23.1	16.4	19.9
Aberdeen City	30.6	27.2	16.9	25.6
Edinburgh	19.1	21.2	18.0	18.4
Glasgow	27.1	32.7	26.1	22.3
Average: Cities with AE Venues	25.6	27.0	20.3	22.1
East Ayrshire	12.2	20.8	13.1	14.6
East Lothian	15.5	12.8	13.8	14.4
Fife	26.7	30.1	20.1	21.3
North Ayrshire	16.2	18.2	17.3	20.7
Perth & Kinross	20.3	19.5	15.9	17.3
South Ayrshire	15.2	17.1	15.3	15.5
Stirling	16.0	20.3	18.9	18.0
Average: Similar Councils	17.4	19.8	16.3	17.4

Rape and attempted rape	2016/17	2017/18	2018/19	(End of Q3) 2019/20
Moray	3.0	3.7	2.9	3.5
Aberdeen City	4.2	3.5	4.4	3.0
Edinburgh	3.6	4.2	3.2	2.6
Glasgow	3.6	6.2	4.5	3.9
Average: Cities with AE Venues	3.8	4.6	4.0	3.2
East Ayrshire	2.1	4.4	1.4	2.2
East Lothian	4.0	1.9	2.4	3.4
Fife	5.6	5.8	4.0	3.9
North Ayrshire	2.9	3.5	2.7	4.0
Perth & Kinross	4.2	4.4	3.8	4.0
South Ayrshire	1.2	3.0	2.0	2.5
Stirling	2.3	3.3	3.6	3.6
Average: Similar Councils	3.2	3.8	2.8	3.4

Indecent/Sexual Assault	2016/17	2017/18	2018/19	(End of Q3) 2019/20
Moray	7.1	7.0	6.1	6.7
Aberdeen City	9.6	8.5	10.3	6.4
Edinburgh	7.6	7.9	7.2	7.8
Glasgow	11.7	12.7	9.7	8.2
Average: Cities with AE Venues	9.6	9.7	9.1	7.5
East Ayrshire	5.6	7.9	5.9	6.4
East Lothian	6.1	4.7	5.9	5.3
Fife	10.6	12.3	7.1	8.0
North Ayrshire	8.2	7.8	6.9	7.9
Perth & Kinross	6.5	7.3	6.3	6.3
South Ayrshire	6.3	7.0	6.0	5.5
Stirling	7.3	7.0	7.4	6.0
Average: Similar Councils	7.2	7.7	6.5	6.5

Sexual exposure	2016/17	2017/18	2018/19	(End of Q3) 2019/20
Moray	0.6	0.6	0.2	-
Aberdeen City	0.8	1.0	0.6	0.4
Edinburgh	0.9	0.8	0.8	0.6
Glasgow	0.9	0.9	0.8	0.7
Average: Cities with AE Venues	0.9	0.9	0.7	0.6
East Ayrshire	0.3	1.1	0.3	0.2
East Lothian	0.7	0.4	-	0.9
Fife	0.9	0.9	0.9	0.7
North Ayrshire	0.7	0.4	0.4	0.4
Perth & Kinross	0.1	0.7	0.2	0.4
South Ayrshire	0.6	0.5	0.6	0.8
Stirling	0.2	0.4	0.4	0.6
Average: Similar Councils	0.5	0.6	0.5	0.6

Public indecency	2016/17	2017/18	2018/19	(End of Q3) 2019/20
Moray	0.5	0.9	0.8	0.9
Aberdeen City	1.2	0.5	0.3	0.2
Edinburgh	0.6	0.5	0.4	0.4
Glasgow	0.5	0.7	0.4	0.2
Average: Cities with AE Venues	0.8	0.6	0.4	0.3
East Ayrshire	0.1	0.4	0.2	0.2
East Lothian	0.6	0.3	0.4	0.1
Fife	0.4	0.4	0.3	0.2
North Ayrshire	0.1	0.1	0.4	0.3
Perth & Kinross	0.3	0.4	0.1	0.2
South Ayrshire	0.2	0.2	0.5	0.3
Stirling	0.6	0.4	0.3	0.5
Average: Similar Councils	0.3	0.3	0.3	0.3

ASB where alcohol is reported	2016/17	2017/18	2018/19	(End of Q3) 2019/20
Moray	1.4	1.7	1.7	0.5
Aberdeen City	6.0	3.8	1.6	1.6
Edinburgh	2.8	3.1	3.7	1.9
Glasgow	12.0	7.3	6.6	4.0
Average: Cities with AE Venues	6.9	4.7	4.0	2.5
East Ayrshire	5.5	4.8	3.1	1.6
East Lothian	3.9	1.5	1.9	1.4
Fife	4.2	3.8	2.6	1.7
North Ayrshire	6.3	3.8	3.5	1.9
Perth & Kinross	4.2	3.9	2.7	1.3
South Ayrshire	5.6	4.9	3.4	2.0
Stirling	4.8	4.3	4.2	1.7
Average: Similar Councils	4.9	3.9	3.1	1.7

ANNEX D

EXAMPLES OF CONDITIONS ATTACHED BY ENGLISH AND WELSH COUNCILS TO SEX ENTERTAINMENT VENUE POLICIES

The Scottish Government Adult Entertainment Working Group recommended in their report of 2006 the following:

1. There should be national regulations applied to Adult Entertainment (AE) activity, regardless of where it takes place. The current licensing régime allows unfair differences depending on the type of licence. If licensing is tightened up for a particular class of premises, imaginative operators may try to avoid regulation by, for example, providing adult entertainment in vehicles, or in a neighbouring building that does not serve alcohol.

2. All AE activities should be, at all times, fully visible to the public visiting the premises. Private activities should not take place on a public premises. Private booths are particularly difficult to oversee or manage and activities which occur in them may constitute or lead to prostitution.

3. Performers should not touch, or be touched by, customers. In order to remove any doubts about touching, and for the safety of performers, there must be a distance of 1 metre between performer and any other person during entertainment activities. Performers may not perform any act that clearly simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger into any genital opening. Performers may not touch their breasts with their mouths, lips or tongues. There is a need to separate AE from activity that might be illegal in terms of indecency or prostitution. As it is the operator who obtains the licence, the operator is responsible for ensuring compliance. The operator's own codes of conduct should, however, include information for the performer on what she should do if a customer tries to breach this rule. Operators should also have clear notices for customers, including what action will be taken against anyone who breaches the rule.

4. There should be adequate health and safety protection for performers, including

- dedicated and private changing, washing and toilet facilities, separate from public facilities. The Local Authority should determine what is adequate given the layout and circumstances of the venue.
- a minimum temperature of 20°C, confirmed by fixed thermometer, in all working and changing areas.
- adequate lighting in all working and changing areas.
- all work and changing areas must be kept clean, free from obstruction and with surfaces that are fit for purpose.
- adequate and hygienic facilities to make hot drinks and eat meals, and a supply of cold drinking water.

Performers are normally classed as self-employed. We understand that the operator remains responsible for the health and safety of contractors working in their establishments and those responsibilities cannot be discharged by claiming that the performers are self-employed. We consider that performers' safety and well-being can be protected by specific regulatory requirements.

5. There should be adequate security to ensure compliance with the AE regulations and prevent illegal activity. Each Local Authority should have discretion to determine appropriate methods of security but as a minimum there should be CCTV. Recordings must be retained for a period of at least one month and delivered to the Local Authority within three working days of request. The Local Authority should determine the precise deployment and operation of CCTV and if there is adequate staff supervision/stewarding to ensure performer safety. This will include any additional measures required to ensure that operators comply with the mandatory.

6. There should be a minimum age of 18 for AE performers, public and employed staff with an obligation on the operator to ensure compliance. Adult entertainment should be restricted to adults.

7. The Local Authority should determine if full nudity is appropriate for a specific venue taking into consideration proximity and the degree of security and oversight. There is nothing intrinsically wrong with the naked human body but the context is important. Full nudity, for example, may be more acceptable if the performer is at some distance from the customer and there is adequate operator supervision.

8. The Local Authority must have a policy on appropriate levels of provision for AE. Local authorities should be able to control the number and size of venues providing particular types of AE in specific localities. The economic impact study showed that there are different markets for adult entertainment and measures that may be appropriate for a sporting or stag weekend market may not be suitable for the corporate conference market. Decisions on over-provision depend to a very large extent on the nature of the neighbourhood, and on aims and ambitions for the city or town as a whole.

9. The Local Authority should determine the degree of external visibility allowed for AE establishments, taking into account the location of the specific premises. Premises should have external signs which indicate what the premises are so that members of the public can make a reasonable informed choice in advance. There should, however, be local discretion on the size and content of signs depending on the neighbouring area; a small alleyway with limited footfall might have larger signs than a busy thoroughfare. What goes on inside the premises should only be visible to those who have chosen to go into the premises, regardless of the location.

10. There should be a National Exemption so that the regulations do not apply to artistic representational performance. Regulations designed to minimise exploitation should not, by accident, restrict genuine artistic freedom.

11. The Scottish Executive should develop a co-ordinated strategic approach to the issue of gender based exploitation. Regulation of one small area may be a contribution but can do little to achieve change in underlying attitudes. We realised early on that there were a number of Working and Expert Groups examining and advising the Executive on issues that were linked in some way with the AEWG's remit. It is no accident that this work is being undertaken by many different Scottish Executive Departments because sexual behaviour and gender inequality affect so many areas of everyone's life. We are conscious that tightening up the regulations for adult entertainment does little to affect underlying attitudes, and that should be the longer term aim.

WESTMINSTER CITY COUNCIL

CONDITIONS, MANAGEMENT AND COMPLIANCE, INCLUDING THE CONDUCT AND WELFARE OF PERFORMERS.

Introduction/definitions

3.1.1 The council considers that responsible management and the implementation of appropriate operating policies at sexual entertainment venues are essential to ensure the promotion of the licensing aims and objectives.

3.1.2 Under the 1982 Act, the council may grant or renew a sexual entertainment venue licence on such terms and conditions and subject to such restrictions as it may specify.

3.1.3 Additionally, and notwithstanding its power to condition licences when determining their grant or renewal, the council may make regulations prescribing standard conditions applicable to licences for sexual entertainment venues, that is to say, terms, conditions and restrictions on or subject to which licences are in general to be granted, renewed or transferred by the council.

3.1.4 It will only impose such conditions as are appropriate to promote the policy aims and objectives.

3.1.5 In ensuring compliance with the sexual entertainment licence regime the council will aim to promote the policy aims and objectives.

Conditions

3.1.6 The council will prescribe, and from time to time revise, standard conditions which will apply generally to licences that the council will grant or renew.

3.1.7 Through standard conditions the council seeks to ensure that sexual entertainment venues are well managed and supervised, restrict the sexual entertainment activities and the manner in which they are permitted to be provided, protect performers, and control the impact of the venue and its customers in relation to its locality.

3.1.8 Specifically, standard conditions could include measures which would:

- (a) require all parts of the premises to be covered by CCTV
- (b) restrict access on the premises to over 18s
- (c) control advertising and touting of the venue at the premises and in the locality
- (d) require facilities to be provided for performers for changing

(e) designate the areas of the venue where sexual entertainment is permitted to be provided, and ban the use of private booths where there is inadequate provision for the appropriate supervision of the entertainment

(f) prevent contact between performers and customers, and between performers, and ensuring no customer involvement with the entertainment

(g) require performers to adhere to a code of conduct with details of performers retained at the venue

(h) control the visual and physical impact of the venue and its customers in the vicinity of the premises

3.1.9 Where it considers it appropriate to promote the policy aims and objectives the council may attach conditions, in addition to the standard conditions, to a sexual entertainment venue licence in the individual circumstances of an application.

3.1.10 When it is considered that the promotion of the policy aims and objectives will be dependent on the licensable activities not being available to the general public at a premises, then conditions should ensure either that events are genuinely private, that corporate events are genuinely for members of bona fide organisations, or that appropriate membership requirements are in place and applied. It is recognised that different corporate, private or membership only events can have a range of different impacts on the policy aims and objectives. The policy also recognises that the impact that promoter led events can have may vary considerably dependent on the promoter and nature of events, and conditions may be applied as appropriate to promote the policy aims and objectives.

3.1.11 Where proposals are made which include operating the premises as a private members club conditions will be imposed which restrict the operation of the premises in accordance with that proposal. The council recognises that the operation of genuine private members clubs may have less impact than premises advertised and open to the general public. This may be reflected in less visual impact of the premises where the entrance is discrete and does not include any form of promotional material, the absence of customers queuing outside the premises, and the additional information and powers of exclusion of members attending the premises.

3.1.12 Where existing legislation already places certain statutory responsibilities on an employer or operator of premises these will not be duplicated as conditions. However, these general duties will not always adequately cover specific issues that arise on the premises in connection with sexual entertainment, and in these cases additional measures in the form of conditions may be appropriate.

3.1.13 The council as the Licensing Authority, and the police, are concerned that nudity or partial nudity does not become incidental to the operation of licensed premises under the

2003 Act, such as pubs and bars, on either a permanent or occasional basis. The proper regulation of sex related entertainment requires a range of conditions to be imposed and supervised by the Licensing Authority and the specialist units of the police. The specialist resources to do this are limited and such necessary regulation cannot be operated if sex related entertainment is provided on an incidental or casual basis or in a great number of premises.

3.1.14 Where appropriate the council will utilise “works conditions” to the effect that the premises will not be operated until specified works are completed or measures put in place to the satisfaction of the relevant responsible authorities. This is an expedient way of resolving technical matters which cannot be readily determined at hearings.

3.1.15 The council may publish and from time to time review a set of “model conditions” which may be used either by the applicant when completing an application form or by the council when considering granting an application, to identify conditions which may be appropriate in the individual circumstances of an application.

3.1.16 Where a SEV licence is granted to an existing operator, conditions on the existing 2003 Act licence that relate expressly and exclusively to the regulation of relevant entertainment at the premises, or are inconsistent with, and less onerous than, the conditions in the SEV licence, are to be treated as if deleted from the 2003 Act licence.

Management and enforcement approach

3.2.1. It is essential that licensed premises operate in compliance with the 1982 Act and to ensure the promotion of the policy aims and objectives. Part of the council’s role is to monitor premises and take appropriate action to ensure that the licensing objectives are promoted.

3.2.2. The Licensing Authority will work alongside the Metropolitan Police in promoting the licensing objectives. Protocols will be agreed as appropriate between the police and the council on the responsibilities and procedures for joint working and enforcement.

3.2.3. The council in its role as the Licensing Authority will also work in partnership with the Fire Authority to promote the licensing objectives. Protocols as appropriate will be agreed between the London Fire & Emergency Planning Authority (LFEPA) and the council on responsibilities and procedures for joint working and enforcement.

3.2.4. The council has an established Corporate Enforcement Policy agreed on 17 March 2008 based around consistency, transparency and proportionality which can be viewed on the council’s website at:

https://www.westminster.gov.uk/sites/default/files/draft_corporate_enforcement_policy.pdf

The council has also adopted the Enforcement Concordat that can also be viewed on the website.

3.2.5. Inspection and enforcement will be based on the principles of risk assessment, having a graduated response and targeting problem premises. Inspections will not be undertaken routinely. Enforcement of the legislation will be objective and transparent.

3.2.6. An intelligence led approach will be adopted and information regarding incidents of violent crime, disorder and nuisance in and around licensed premises will be collated to provide a risk assessment basis for inspection and, where appropriate, surveillance, with high-risk operations receiving more attention than premises carrying low public safety/nuisance risks.

3.2.7. The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with the council's Corporate Enforcement Policy.

3.2.8. Any complaints received by the council about unlicensed activity or the way licensed premises may be operating will be dealt with in accordance with the council's Corporate Enforcement Policy and may result in an adjustment to the risk rating, prompting more frequent visits. We will work with businesses in an attempt to resolve issues that are of concern.

CARDIFF COUNCIL

APPENDIX A - Regulations and Standard Conditions of Licence.

CARDIFF COUNTY COUNCIL REGULATIONS FOR SEX ESTABLISHMENTS

Cardiff County Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 and of all other powers enabling them in that behalf make the following Regulations.

Definitions

1. (a) In these Regulations the following expressions that is to say “Sex Establishment”, “Sex Shop”, “Sex Cinema”, “Sexual Entertainment Venue”, “Sex Article”, and “Vessel” shall have the meanings respectively assigned to them by Schedule 3 of the Act.

(b) In these Regulations the following expressions shall have the meanings hereby respectively assigned to them namely: -

“the Act” - means the Local Government (Miscellaneous Provisions) Act, 1982.

“the Council” - means Cardiff County Council.

“the licensed premises” - means any premises, vehicle, vessel or stall licensed under the Act.

“Licence holder” - means any person who is the holder of a sex establishment licence.

“Sex establishment licence” - means a licence granted pursuant to Schedule 3 of the Act.

“Approval of the Council” - means the approval of the Council in writing under the hand of the Head of Regulatory Services or his nominated representative.

“Consent of the Council” - means the consent of the Council in writing.

“Approved” - means by the Council in writing.

General

2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.

3. The Council reserves the right to amend, delete or add conditions at any time if deemed appropriate.

4. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Whilst utilising the Licence the Licence holder shall take into account any legislation that impinges on the activities proposed.

5. The holder of a Sex Establishment Licence shall observe such regulations and conditions as may be approved by the Council from time to time.

Times of operation

6. Except with the previous consent of the Council a Sex Establishment shall not be open to the public before 09.00 hours and shall not be kept open after 23.00 hours.

7. Except with the previous consent of the Council a Sex Establishment shall not be open on Sundays, Good Friday and Christmas Day.

Standard Conditions

8. The Licensed premises shall not be used for any purpose other than the business of a Sex Establishment.

9. Where the Licensee is a body corporate or an unincorporated body any change of Director/Company Secretary or any other person responsible for the management of the body is to be notified to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.

10. The Licensee or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his / her absence and of whom details (including photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the Premises during the whole time they are open to the public.

11. The name of the person responsible for the management of a Sex Establishment shall be prominently displayed within the Sex Establishment.

12. No person previously convicted of:

- an offence connected to a Sex Establishment either licensed or unlicensed
- a sexual offence
- an offence relating to the sale of restricted 18 videos may be employed at the premises or be involved in supplying entertainment or goods at the premises.

13. The Licensee or the responsible person shall maintain a daily register to be kept on the premises in which he / she shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his / her absence and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within thirty minutes of the Sex Establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Council.

Premises

14. Copies of the licence and the conditions attached to the licence shall be clearly displayed so that every person entering the premises can see a copy of both the licence and the conditions.

15. The Licensee shall retain control over all portions of the Premises and shall not let, licence or part with possession of any part of the premises.
16. Any charge for entering the premises shall be clearly and legibly displayed outside the premises so that all persons can read it before entering the premises.
17. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Cardiff County Council, except for those signs or notices that are required to be displayed by these licence conditions.
18. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.
19. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
20. No window shall contain any sign, advertising material, goods or display likely to cause an offence to persons passing the window.
21. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex establishment.
22. The premises shall be maintained in good repair and condition.
23. All parts of the Premises shall be kept in a clean and hygienic condition to the satisfaction of the Council.
24. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
25. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
26. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the establishment who are disabled.
27. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge other than any initial entrance fee to the establishment and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
28. Warning signs as specified in the Indecent Displays (Control) Act 1981 must be clearly exhibited at the entrance to the premises.
29. No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.

30. No change from use as Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.

Safety

31. The Licensee shall take all reasonable precautions for the safety of the public and employees.

32. The Licensee shall comply with any fire prevention and safety measures that may be required by South Wales Fire Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.

Conduct & Management

33. The licensee shall maintain good order on the premises at all times.

34. No person under 18 years of age shall be admitted on the premises.

35. No tickets shall be sold and no admission money taken in a place to which members of the public, other than permitted customers of the Sex Establishment, have access.

36. The licensee shall ensure that the premises are not used by prostitutes (male or female) for soliciting or any immoral purpose.

37. Neither the licensee nor any other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the establishment.

38. No leaflet, card, paper, advertising sheet or similar matter promoting the establishment or any goods or service offered by the establishment shall be distributed in the vicinity of the establishment, unless authorisation/consent is first granted in writing by Cardiff County Council.

39. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint, which are associated with sexual activity, shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

40. The licensee shall make staff available to ensure good order and free passage for customers on access and egress routes and car parks belonging to the licensee.

41. The licensee shall prevent the sale, display for sale or offer for sale of any article, goods or service on access or egress routes and car parks belonging to the licensee.

42. No dancing or other entertainment of a like kind shall be provided or permitted unless authorised by the Council.

Goods available in Sex Establishments

43. Only merchandise which is legally available in Great Britain from retail outlets, mail order companies or party planners may be sold, hired, loaned or supplied, displayed, advertised or demonstrated at the establishment.

44. No film or video shall be exhibited, sold, hired, loaned or supplied unless it has been (a) passed by the British Board of Film Censors and bears a certificate to that effect or (b) approved by the Council and complies with the Video Recordings Act 1984 and it is a reproduction authorised by the owner of the copyright.

45. All sex articles and other things displayed for sale, hire, exchange or loan shall be clearly marked to show the price being charged.

46. The licensee shall without charge, display and make freely available literature and contact names and telephone numbers of organisations and associations that give advice and counselling on matters relating to sexual problems, family planning and sexually transmitted diseases.

47. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire exchange or loan and a notice to this effect is to be prominently displayed within the Sex Establishment.

APPENDIX B - Condition Relating to Sexual Entertainment Venues.

CONDITIONS OF LICENCE RELATING TO A SEXUAL ENTERTAINMENT VENUE PROVIDING ENTERTAINMENTS INVOLVING THE PROVISION OF LAP DANCING, TABLE SIDE DANCING AND ANY OTHER ENTERTAINMENT INVOLVING STRIPEASE AND/OR NUDITY.

1. Total nudity (the exposing of genitals) shall only be permitted on stage and at no other place in the premises.

2. No sex act shall take place.

3. The area proposed for striptease (involving complete nudity) shall:-

a) be in a position where the performance cannot be seen from the street.

b) be in a designated area of the premises with segregation from the audience.

c) be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.

4. The area proposed for lap dancing, table side dancing (involving partial nudity) shall be in a position where the performance cannot be seen from the street.

5. There shall be no physical contact between persons appearing on stage and the audience. The entertainment shall be given only by performers/entertainers and the audience shall not be permitted to participate.

6. Persons appearing on stage should have direct access to the dressing room without passing through or in close proximity to the audience.
7. Lap dancers/table side dancers must immediately dress at the conclusion of each performance.
8. The licensee, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money at or otherwise give gratuities to the performers (except as permitted by condition 10 below)
9. Entertainment provided by topless dancers to customers seated at tables may only take part in those parts of the premises approved by the Council. No audience participation shall be permitted.
10. There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance. Whilst the dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers.

Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.
11. Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her / his manager/supervisor.
12. There shall be no physical contact between dancers whilst performing.
13. The topless dancers shall at all times wear a G-string or similar piece of clothing that covers the appropriate part of the body.
14. The Licensee will immediately deal with any report of contact, misconduct or provocation by a customer or dancer.
15. No telephone number, address or information leading to any further meeting may be passed from customer to dancer or vice versa.
16. No dancer may perform if they are intoxicated.
17. No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated.
18. All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar.
19. Members of the public should not be permitted to congregate in the bar area.
20. Signs must be displayed at the entrance to the dance area stating:-

“Any customer attempting to make physical contact with a dancer will be asked to leave”

Signs must be sufficient in size, legible and positioned so as to be read by all customers entering the dance area.

21. No dancer shall perform any sexually explicit or lewd act.

22. Whilst dancing takes place not less than(*insert agreed number*)...of Door Supervisors registered under the Council's Licensed Premises Supervisors Registration and Training Scheme shall be employed in the part of the premises used for dancing unless alternative arrangements are approved by the Council.

23.

a) CCTV shall be installed to cover all areas where dancing will take place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with time and date stamping.

b) Tape recordings shall be made available to an authorised officer of the Council or a Police Officer together with facilities for viewing.

c) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.

WAKEFIELD COUNCIL

APPENDIX A

Standard conditions

General

- 1 Children shall not be allowed on the premises under any circumstances.
- 2 No person under the age of 18 years shall be permitted to view the entertainment;
- 3 No performers and other employees on the premises shall be under 18 years of age;

CCTV

- 4 Closed Circuit Television Cameras (CCTV) shall be provided on the premises by way of a recordable camera system capable of providing pictures of evidential quality in all lighting conditions and a type that indicates on the recording the date and time of the recording.
- 5 Cameras shall encompass all ingress and egress to the premises, the licensed area and the surrounding area of the premises, and any other areas as required by the Police.
- 6 CCTV equipment shall be maintained in good working order and recordings kept in date order, numbered consecutively and retained in a secure place for a period of 28 days.
- 7 Recordings shall be made available to the Licensing Authority or a Police Officer on demand.

Conduct

- 8 Patrons must not be permitted to participate in the entertainment;
- 9 No persons other than the performers, should be in the public area of the premises in a state of undress.
- 10 No performer should perform any sexually explicit or lewd act;
- 11 No performance shall involve the provocative use of live animals or other props.
- 12 Only the performers shall provide the entertainment, no audience participation must be permitted.

- 13 In the public area all performers shall at all times as a minimum requirement wear a non-transparent G-string or similar piece of clothing on the appropriate part of the body and at no time will reveal any part of their genitalia or anus in the public .
- 14 There shall be no physical contact between dancers and/or any other members of staff whilst performing.
- 15 Customers shall remain seated whilst watching a performance. Performers must report all inappropriate behaviour and breaking of the house rules to the management.
- 16 Performers shall not:
 - a. climb onto furniture provided for patrons
 - b. simulate sex acts
 - c. remain in a state of undress when they have completed their act.
 - d. Sex articles as defined by the Local Government (Miscellaneous Provisions) Act 1982 must not be used and there shall be no penetration of the genital area or anus by any means.
- 17 Only the performers shall provide the entertainment, no audience participation must be permitted.
- 18 During any performance of lap dancing, striptease or nude dancing (including performances usually termed 'private dances') there must not be any physical contact, by the performer, with any person in the viewing audience except:
 - a. Leading a patron hand in hand to and from a chair or private room.
 - b. Simple handshake greeting at the beginning and/ or end of the performance.
 - c. The placing of monetary notes or dance vouchers in the hand or garter worn by the performer.
 - d. Pecking the cheek of a patron at the conclusion of the performance.
 - e. A minimum distance of 300mm must be maintained between performers and customers during a performance
- 19 Notices to the effect of the above must be clearly displayed on each table, at each bar area and at the entrance to the premises.
- 20 No still or moving photographic recordings or other recordings, other than under condition 21 or 24 above, shall be made of any performances.

Management

- 21 Customers and dancers must be properly supervised at all times.
 - 22 House rules should be developed and actively promoted to control the behaviour of the dancers and customers.
 - 23 The licence holder shall take all reasonable precautions and exercise all due diligence to ensure that the soliciting for the purposes of prostitution does not occur.
 - 24 The licence holder shall take all reasonable precautions and exercise all due diligence to ensure the safety of performers whilst on the premises, whilst entering the premises and on leaving the premises.
 - 25 The licence holder or some other responsible person over the age of 21 years, nominated by the licence holder in writing, shall be in charge and be present on the premises during the whole of the time that entertainment is taking place.
 - 26 All glasses that are used on the premises shall continue to be either made from toughened glass or plastic.
 - 27 The store shall maintain a refusals log book and keep the log fully up to date with reference to recording those suspected of being under the age of 18.
 - 28 The store management shall regularly inspect the refusals log to ensure that it is being properly maintained.
- .

External appearance

- 29 A notice should also be displayed at the main entrance informing customers of the house rules that affect them and a warning that entertainment involving unclothed male and/or female performers is provided within the premises;
- 30 No advertising should be outside the premises, of striptease, lap dancing, table-dancing or similar entertainment, which may give rise to offence.
- 31 No part of the performance shall be visible from outside the premises.
- 32 Any person who can be observed from outside of the premises must be properly and decently dressed. Scantily clad individuals must not exhibit in the entranceway or in the area surrounding the premises. There shall be no attempt made outside the premises to solicit people to enter.
- 33 There shall be no external advertising of the striptease entertainment either at the premises or in its immediate vicinity.
- 34 The licence holder must not display outside the premises or on any advertising material, photographs or other images that indicate and suggest that erotic dancing takes place on the premises and which may be offensive.

- 35 Promotional leaflets (flyers) shall not be distributed to the public outside the premises (whether immediately outside or some distance away) except with the prior written approval of the Responsible Authority for Public Nuisance (Wakefield MDC's Environmental Protection Team) under the terms of a litter control plan.
- 36 All external doors and windows to the room/s where regulated entertainment is being provided shall remain closed during the course of the entertainment, other than for normal access and egress.
- 37 All external doors (including fire-exit doors and patio doors) to the premises shall not be propped open during the course of the relevant entertainment.

Door supervisors

- 38 A minimum of two Door Supervisors registered with the Security Industry Authority must be on duty at all times the premises are operating with adult entertainment.
- 39 Door Supervisors shall continually monitor all entrances, exits and toilets.
- 40 The Door Supervisor register shall be made available to Police Officers or authorised officers of the Council on request.
- 41 The Designated Premises Supervisor shall, as soon as is reasonably practicable within 72 hours, notify the Security Industry Authority of any door supervisors dismissed for serious misconduct which might reasonably affect the continuation of such registration.

Condition and layout

- 42 The authorised entertainment must only take place in designated areas approved by the Council;
- 43 Suitable changing rooms with restricted access should be provided for performers, separate from customers and other staff, where they may prepare for their performance;
- 44 Safe and controlled access to the dressing room for performers must be maintained at all times when the performance is taking place and immediately afterwards;
- 45 The agreed activities will take place only in designated areas as indicated on the plans authorised by the Licensing Authority and in the full view of the audience. No part of the premises accessible to the audience shall be concealed from observation without the appropriate authorisation from the Licensing Authority.

LEEDS CITY COUNCIL

Appendix 1 Standard Conditions

These conditions may be dispensed with, added to or modified by the council. Where, in these conditions, there is a reference to the consent of the council being required, the consent may include terms, conditions and restrictions as appropriate.

Sexual Entertainment Venues

General

1. In accordance with Home Office guidance, where a condition conflicts with a condition in a Licensing Act premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
3. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. The licensee will provide (subject to the satisfaction of both the police and the licensing authority), a code of practice for dancers and code of conduct for customers, and these must be made available upon request to both the police and authorised officers.
5. Price lists for both drinks and sexual entertainment and the code of conduct for customers will be clearly displayed at each table and at each entrance to the premises.
6. Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read during the normal operation of the premises.
7. Suitable and sufficient training is to be provided to all staff including the responsible person as described in condition 28. The training of all staff is to be recorded and the training record must be made available upon request to both the police and authorised officers.
8. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

Exhibition of the licence

9. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and

authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

Hours of opening

10. The premises will only be open to the public during the following hours:

Monday	22:00 to 04:00	Friday	22:00 to 05:00
Tuesday	22:00 to 04:00	Saturday	22:00 to 05:00
Wednesday	22:00 to 04:00	Sunday	22:00 to 04:00
Thursday	22:00 to 04:00		

Conduct on the premises

11. Dancers will only perform on the stage area, or in booths/areas for VIPs as identified on the plan attached to the licence.

12. Relevant entertainment will only be performed by the dancer. There must be no audience participation.

13. There must be no physical contact between dancers.

14. There must be no physical contact between the dancer and the customer at any time.

15. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.

16. Sex toys must not be used and penetration of the genital area by any means must not take place.

17. Customers will not be permitted to throw money at the dancers.

External appearance

18. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following:

<p>Strictly No Admittance to Persons Under 18 Years of Age This premises operates a Challenge 25 policy. Persons who appear to be under the age of 25 will be required to show proof of age.</p>

19. The external appearance of the premises must be approved by the council in writing.

20. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.

21. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.

22. Signage will only be illuminated between 10pm and 6am, and movable signs placed outside the premises will be removed between 6am and 10pm.

Advertising

23. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.

24. Staff employed or subcontracted by the premises will not verbally or otherwise promote, tout or advertise the premises, except by way of flyers. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises.

25. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. This is regulated by the paid permit system authorising distribution of free printed material issued by Leeds City Council. The licensee will remove any leaflets from the Highways within a 100 metre radius of the premises by 6am. The licensee will have a flyer distribution policy to be approved by the Council.

Layout of premises

26. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.

27. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

28. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the council or the police.

29. The licensee will ensure that any person nominated by him/her under the above:

- a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
- b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.

30. Where the licensee is a body corporate, or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.

31. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon

as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.

32. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.

33. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.

34. No persons under the age of 18 will be admitted to the premises.

35. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.

36. The licence holder will not employ any person under the age of 18 in any capacity.

Safety and security

37. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding within WCs and changing rooms). The CCTV system will cover the main entrances and exits and designated emergency egress routes from the premises. The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks. The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with West Yorkshire Police/British Transport Police and the Licensing Authority.

38. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates. The CCTV system will contain the correct time and date stamp information. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.

39. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of an authorised officer or an officer of West Yorkshire Police/British Transport Police, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.

40. The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must allow an authorised

officer or an officer of West Yorkshire Police/British Transport Police to search the picture footage effectively and see all the information contained in the picture footage for the purpose of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.

41. A minimum of two Security Industry Authority registered door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.

Staff welfare

42. Dancers will be aged 18 years or over.

43. Before a dancer is permitted to work on the premises the licensee will ensure that the dancer:

- a) has not been convicted of theft, drug offences or prostitution
- b) has the right to work in the UK

The licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.

44. All premises that provide relevant entertainment will be expected to provide new dancers with a pack of information. This pack will include:

- a) A copy of the Sex Establishment Licence, including the conditions applied by the Licensing Committee.
- b) Details of any other conditions applied by management of the premises
- c) Details of how to report crime to the relevant authority
- d) Details of the premises public liability insurance
- e) Information on how dancers can obtain personal liability insurance
- f) Details of unions, trade organisations or other bodies that represent the interests of dancers
- g) A copy of the code of conduct for dancers
- h) A copy of the code of conduct for customers
- i) Price lists for drinks and sexual entertainment

45. The information provided in the pack will be provided in the dressing rooms or a sign will be placed in the dressing room advising the pack is available on request.

46. All booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, curtains or coverings of any description.

47. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.

48. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.

49. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.

50. A smoking area for staff must be provided which is separate from the area where customers smoke. Customers and staff must not be allowed to interact while using these smoking areas.

51. Dancers must be covered up at all times with knee length robes whilst using the smoking areas.

52. The licensee will ensure dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.

53. The practice of fining is prohibited.

54. Panic alarms are to be fitted to all booths and VIP performance areas and will be operational at all times.

Vessels, stalls and vehicles

55. Vehicles must not be used for personal solicitation, touting or advertising. Only licensed hackney carriage and private hire vehicles can be used to transport customers to and from the premises. Limousines, Hummers, mini buses, rickshaws, bicycles and novelty vehicles will not be used to transport customers to and from the premises.

Variation of conditions

56. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.

57. The licensee may apply to the council to vary any of the terms of the licence.

58. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

BLACKPOOL COUNCIL

Appendix B

Standard conditions for sexual entertainment venues

External Appearance

1. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Service, Blackpool Council.
2. Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the Council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Council.
3. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council's Delegated Officer and shall be subject to ratification by the Council's Licensing Committee or Public Protection Sub Committee.
4. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 1 and 3.
5. The Council shall approve the design of the front elevation of the premises which shall include reference to the name of the premises, its postal address, opening hours, website address and any security grilles/shutters.
6. As a general rule the name of the premises shall be of an un-contentious nature and light colours used throughout to the Council's approval
7. The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop.
8. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.
9. On the external facing of the inner door, there shall be displayed a warning notice as supplied by the local authority.

Control of entry to the premises

10. No person under the age of 18 shall be on the licensed premises.

11. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as driving licence or passport
12. The premises shall maintain a refusals log whereby on any occasion a person is refused entry details shall be recorded. The log must be made available on request by Lancashire Constabulary or an authorised officer of the Council.
13. The price for entrance and any compulsory purchases within the venue should be clearly displayed

Performances of sexual entertainment

14. No person under the age of 18 shall be on licensed premises.
15. All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances
16. There shall be no physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to and from an area permitted for performances of sexual entertainment.
17. No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
18. Full nudity is not permitted. Performers and employees must at all times wear at least a G string or similar clothing covering the genitalia.
19. Customers must remain seated for the duration of the performance.
20. Any person connected with or employed by the business who can be observed from outside the premises must be fully dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad means that there is partial nudity or underwear is visible)
21. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.
22. At all times during a performance, performers shall have unrestricted access to a dressing room.

23. Patrons or members of the audience shall not take photographs or record digital images of performers by any means.

24. Exit routes for performers must be kept clear.

Protection of performers

25. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the police or an authorised officer of the Council. The code shall include the following:

- The licence conditions relating to performances of sexual entertainment.
- House rules.
- Internal disciplinary procedure and details of any financial penalties that may be imposed. This should include a system to ensure that performers suffering a genuine sickness or domestic emergency are not made subject to unfair punitive financial penalties.
- Drugs monitoring.
- No contact with customers outside the club.
- The arrangements for breaks and smoking facilities provided.
- Copies of approved forms of ID supplied by each performer i.e. passport, photo card driving licence or PASS card.

26. Performers shall be provided with secure and private changing facilities

27. Means to secure personal property shall be provided for the performers

28. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area. If no smoking area is provided a maximum of 3 performers may be permitted to take a break at any one time.

29. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work

30. All fees and charges for performers shall be stated in writing and prominently displayed in the changing area.

Management

31. All performers shall be required to provide valid photographic identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards such as driving licence or passport. Records shall be kept detailing the identification produced and must be made available to an authorised officer on request
32. All performers and staff should be eligible to work in the UK and proof of eligibility records shall be kept on the premises.
33. All performers who engage in an evening of work at the premises shall sign a document to confirm the start and finish time of the shift. The document should be dated and contain the performer's true name as well as the stage name. These records shall be kept for a minimum period of six months and shall be produced on request by an authorised officer.
34. Employment records for performers and staff shall be kept for a minimum of six months following the cessation of their employment.
35. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council.
36. Where the licence holder is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.
37. The name of the person who has been approved by the Council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
38. No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
39. The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
40. Neither the licence holder nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.

Exhibition of the licence

41. The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

CCTV

42. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted.

Maintenance and Repair

43. The licence holder shall maintain the licensed premises in good order, repair and state of cleanliness at all times.

44. Should an authorised officer take issue with the condition of any parts of the premises internal or external, notice will be given in writing and must be rectified within a period of 28 days from the date of the notice. Any appeal against such notice must be made in writing to the licensing service within 14 days of issue. The appeal will be determined by the Public Protection Sub Committee.

45. The licence holder shall take appropriate measures to ensure that refuse from the premises are kept secure from public accessibility pending removal from site.

46. The licence holder shall comply with any fire prevention and safety measures that may be required by the Fire Authority or suitably competent local authority officer.

General

47. No part of the premises shall be let

MANCHESTER CITY COUNCIL

APPENDIX B – STANDARD CONDITIONS FOR SEX ESTABLISHMENTS

Standard Conditions for Sexual Entertainment Venues

External Appearance of the Premises and Public Displays of Information

1. The exterior of the premises must be presented in a manner appropriate for the character of the area. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children, for example, by way of sexually provocative imagery. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Unit Manager of Manchester City Council.
2. The prices for entrance and any compulsory purchases within the venue, shall be clearly displayed on the exterior of the premises.
3. All charges for products and services shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
4. Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
5. No charge shall be applied unless the customer has been made aware of the tariff of charge by the performer in advance of the performance.
6. There shall be no performers or persons employed at the premises in a state of undress, or scantily-clad, outside the premises at any time it is open.
7. The use of any cruising cars or any other wheeled carriage [whether for the purposes of hire or reward or not] by the premises to solicit customers and/or transport to or from the premises is prohibited.
8. The use of flyers and similar promotional material for the premises is prohibited.

Control of Entry to the Premises

9. No person under the age of 18 shall be permitted admission to the premises at any time the premises is being used under this licence.
10. No person under the age of 18 shall be employed at the premises or permitted to work in the premises on a self-employed basis.

11. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

OR at the discretion of the Licensing Authority in individual circumstances the following condition may be applied:

12. All persons entering the premises must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idvista or similar computerised system.

13. The premises shall maintain a Refusals log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the Council.

14. All individuals employed on the premises to conduct a security activity (within the meaning of paragraph 2(1) (a) of Schedule 2 to the Private Security Act 2001) must be licensed by the Security Industry Authority.

15. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.

16. A policy of random searches of persons entering the premises shall be operated.

17. Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.

18. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises shall not be visible to persons outside the building.

19. The premises shall subscribe to the NiteNet radio system and radios shall be operational at all times the premises is open to the public.

Conduct of performers and Rules relating to performances of sexual entertainment

20. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the Council. The code shall include the following:

21. There shall be no intentional physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance.
22. The performer may not simulate any sexual act during a performance.
23. Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
24. Performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.
25. There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982) at any time.
26. There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment.
27. Performers must fully dress (i.e. no nudity) at the end of each performance.
28. Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council
29. There shall be no photography permitted by customers on the premises.
30. Customers must remain seated for the duration of a performance.
31. Performers shall not arrange to meet, or have further contact with, customers outside of the premises.

The protection of performers and the prevention of crime on the premises

32. Performers shall be provided with secure and private changing facilities.
33. All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
34. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.

35. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
36. Private booths must not be fully enclosed. There must be a clear sight-line from outside the booth so that any performance of sexual entertainment can be directly monitored.
37. There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place and one member of security staff at the entrance to the premises, at all times the premises is open to the public.
38. Any private booths shall be fitted with a panic button or security alarm.
39. There shall be no alterations to the layout plan of the premises without the prior written approval of the Council.

Record Keeping and Management

40. All performers shall be required to provide valid identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or national ID card.
41. All performers and staff shall be eligible to work in the UK and proof of eligibility records shall be kept on the premises. Management shall ensure that such records are regularly checked to ensure compliance.
42. Payment and remuneration records for both performers and staff shall be kept for a minimum of 6 months following cessation of their employment or work at the premises.
43. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council. All fees and charges for performers shall be stated in writing and prominently displayed within the changing area.
44. No films may be shown at the premises unless they have been passed by the British Board of Film Classification. No films classified as R18 shall be shown on the premises.

CCTV

45. The CCTV system must comply with:
- British Standard 7958:2009 - Closed circuit television (CCTV). Management and operation. Code of practice.

46. Where CCTV system incorporates a digital recording function, it must also comply with:

British Standard 8495:2007 - Code of practice for digital CCTV recording systems for the purpose of image export to be used as evidence.

47. The DPS (as specified in any licence in force for the premises granted under the Licensing Act 2003)/premise owner must maintain an annual registration with the Information Commissioners Office - as stipulated under the Data Protection Act 1998.

48. At all times, the CCTV system and recordings must be kept in a secured environment under the control of the DPS (as specified in any licence in force for the premises granted under the Licensing Act 2003) or other nominated responsible named individual. Also a full instruction manual for the CCTV system must be available to the Police and other Responsible Authorities.

49. The CCTV system must be maintained in good working order to:

- a) Operate on 'real-time' at a minimum rate of 20 frames-per-second, with constant, correct time/date generation.
- b) Have a recording capability capable of providing individual pictures.
- c) Provide clean, clear and unobstructed camera views of evidential quality in all lighting conditions.
- d) Provide correctly timed and date stamped recordings - which must be stored in date order, numbered sequentially and kept for a period of 31 days and handed to the Police on request.
- e) Export footage to a removable storage medium with a time and date integral to the image – where possible, to also include any software needed to replay the footage.
- f) Ensure exported footage at the same, or similar quality to that recorded on the system recording.

50. During all periods of licensable activity a nominated and trained 'CCTV Operator' must be on duty, who is competent in the operation of the CCTV equipment in order to:

- a) inspect the CCTV system on a daily basis, and ensure that all cameras are in full working order.
- b) record each inspection on a 'CCTV maintenance' log sheet, and endorse with their signature.

- c) facilitate the downloading CCTV footage.

51. During all periods of non-licensable activity, a 'CCTV Operator' must be contactable by the police on a designated emergency-only telephone number. This number must be registered with the local police licensing officer.

52. The CCTV system must:

- a) Incorporate at least one camera on every entrance and exit to the premises - individuals must be identifiable.
- b) Incorporate at least one camera on all areas where the sale/supply of alcohol occurs - individuals must be recognisable.
- c) Incorporate at least one camera on any potential queue area external to the premises, and car parking area within the boundary of the premises - individuals must be detectable.
- d) Ensure that all other cameras at the premises allow for individuals to be recognisable.
- e) Incorporate a dedicated CCTV camera for each private booth – individuals must be clearly identifiable.

53. In the event of a technical failure of the CCTV system, the nominated CCTV Operator will ensure the matter is reported to the MCC Licensing Unit within 24 hours.

54. A camera which records a facial picture of customers entering the premises shall be situated at the reception and a monitor situated there so customers entering can see same.

55. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted.

Dress Code

56. The premises shall operate a dress code for customers to the satisfaction of Greater Manchester Police

Moray Council Equality Impact Assessment

Important

Under the Equality Act 2010 we must assure that all decisions are taken only after an active assessment of the impact of the decision on people affected by the decision. Where necessary, those who may be affected should be consulted beforehand.

If this is not done, the decision could be unlawful and the council can be prevented from acting upon the decision until the impact has been assessed. This will result in major delays in the implementation as well as financial, reputational and other potential damage and loss to the council.

London Councils had decided to cut £10 million from their grants budget of £26 million. No act of consideration or assessment was given of the impact of the decision on the users of services supported by the grants. Court action was taken by the users against the councils. The Court decided in January 2011 that the decision was unlawful and instructed the councils to assess the impact of the decision. The Court also decided that no grant was to be terminated until 3 months after the conclusion of the assessment exercise.

Service: Corporate Services

Department: Licensing & Regulatory

Title of policy/activity: Licensing of Sex Entertainment Venues

1. What are the aims and objectives of the policy/activity?

Section 76 of the Air Weapons and Licensing (Scotland) Act 2015 provides for a new licensing regime for SEVs by amending Part III and Schedule 2 of the Civic Government (S) Act 1982. From 26 April 2019, local authorities will be permitted to licence such venues under the 1982 Act. Although, this new licensing regime is not mandatory, each local authority as licensing authority has been given the opportunity to decide whether they wish to licence SEVs. Local authorities that do not currently have any sexual entertainment venues may wish to carefully consider whether there would be merit in making a resolution and setting a number (including nil) of such venues for their area to allow them to control the number of sexual entertainment venues operating in their area in the future. If no resolution is determined, it will be possible for any SEV to operate within the area unregulated until a SEV licensing regime is put in place.

Following, the Licensing Committee's decision to carry out an initial consultation and mapping exercise, the Committee must now decide to licence SEVs taking into consideration all the circumstances. In order to establish whether SEVs should be licensed or not, the Committee is invited to review the implications of taking a policy position to licence SEVs and identify actions why may mitigate any associated adverse impact.

2. List the evidence that has been used in this assessment

Internal data (customer satisfaction surveys; equality monitoring data; customer complaints)	An initial consultation has been carried out by Officers beginning on 9 July 2019 and ending on 19 August 2019. However, the consultation was extended for a period of two additional weeks to allow for further responses from community groups to be received and considered by the Committee. The Consultation came to an end on 26 August 2019. The consultation was made available to all internal departments at Moray Council, religious organisations and groups, women's and children's organisation, local businesses, the education authority, the Police and Community Councils and individuals. The consultation
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	<p>received total of [167] responses.</p> <p>Of the 167 responses:</p> <p>53% were not in favour of the Council Licensing SEVs, while 47% were in favour of Licensing SEVs.</p> <p>The question of whether a maximum limit for SEVs should be set was also put forward as part of the consultation. In total 109 responses were received.</p> <p>66% were in favour of setting a maximum number for SEVs, while 34% did not believe that a limit should be set. 64 respondents specifically left comments relating to the maximum number to be set. 34 respondents advised that the maximum number should be set at zero, while 30 respondents provided various suggestions which included:</p> <p>1 per locality, up to a maximum of three within Moray, 2-3 within Moray, no more than 1 within Moray and a maximum of two in Elgin.</p>
Consultation with officers or partner organisations	<p>The consultation was also circulated internally to the following within Moray Council to disseminate to their teams:</p> <p>Head of Housing and Property Head of Direct Services Head of Schools and Curriculum Development Community Planning and Development Manager Head of Development Services Head of Lifelong Learning, Culture and Sport Integrated Children's Services Head of HR and ICT Head of Legal and Democratic Services Corporate Policy Unit Manager Business Support Team Manager Head of Financial Services</p> <p>A response was received from the Head of Legal and Democratic Services who advised that there were no comments from Registrars, Committee Services, Customer Services, Revenue Benefits and Non Domestic Rates. A response was also received from the Head of Integrated Children Services on behalf of Children and Family Services who advised that they did not believe SEVs should be licensed as these kinds of licences for these kinds of premises were rarely about promoting equality and challenging discrimination.</p>
Consultation with community groups	<p>The consultation was extended to the following groups within Moray: Community Planning Area Forums, Community Councils, the Moray Federation of Village Halls and Associations, the Joint Community Councils of Moray and the Moray Forum by the Community Support Manager at Moray Council.</p>
External data (statistics, census, research)	<p><u>Profitable exploits: Lap dancing in the UK (for Glasgow City Council) 2004</u></p> <p>This study was commissioned by the Glasgow City Council to analyse the impact of lapdancing on those involved and the wider community to inform the council's position on lapdancing within the city. A number of methods were used, including a literature review; internet search; observational research in four clubs; and interviews with 20 dancers, 15 customers and a number of interviews with club owners, police officers, women's groups and licensing officers.</p> <p>The reports key conclusions and recommendations include:</p> <ul style="list-style-type: none"> It can be concluded, from the body of evidence that some lap dance club owners and managers create conditions in which prostitution is

	<p>likely to occur.</p> <ul style="list-style-type: none"> • There is evidence that activities within lap dancing clubs are in direct contradiction with equality between men and women, and normalises men's sexual objectification of women. • Lap dancing is becoming increasingly normalised and activities within the clubs can be seen as detrimental to gender equality. • Working conditions and terms of employment of lap dancers are inadequate. • There is strong evidence that dancers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management. • Many dancers begin working in lap dance clubs through lack of real choice. • The requirement for dancers to 'glamour model' to advertise the club, and the evidence that some customers take covert photographs of the dancers whilst naked, links lap dancing clubs to pornography. <p><u>Home Office</u></p> <p>According to the Home Office, daily sexualised messages create conducive contexts for violence, reinforce gender inequalities and undermine information campaigns about healthy sexual relationships (Home Office VAWG Consultation, 2009). There is a clear link between the consumption of sexualised images and the acceptance of aggressive attitudes and behaviours as the norm (Home Office, 2010).</p> <p>A considerable proportion of young women's aspirations have been reduced to being glamour models and lap dancers (EVAW 2008); Women in Journalism (2007); Girls' Schools Association (2010).</p> <p><u>The Regulatory Dance: Sexual Consumption in the Night Time Economy 2011</u></p> <p>This University of Leeds study examines the supply of dancers, their working experiences of dancing and their working conditions; how industry management have mainstreamed lap dancing; and the competing interests between erotic dance businesses, law enforcement and licensing processes. The research involved a survey of 197 dancers and 35 in-depth interviews and initial research findings include:</p> <ul style="list-style-type: none"> • The researchers found no evidence or anecdotes of forced labour or the trafficking of women. • There was no evidence of lap dancing having connections to organised prostitution. • While lap dancing and strip clubs are workplaces, regulatory assessments, criteria and licensing process do not examine the industry from this perspective. As a result, dancers are open to financial exploitation, disciplinary measures and employment rights. • Many dancers didn't feel that they had access to knowledge about what the council imposed rules were. • Improving the conditions for dancers related to: <ul style="list-style-type: none"> ○ Raising awareness of the need for work related insurance (as the majority are self-employed). ○ In order to improve security, panic alarms, more CCTV and door staff were cited as important. ○ Concerns were raised about the operation of private booths as endangering the dancers. ○ Understanding the potential for passing regulations which push SEVs underground which could make things worse for dancers.
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Other	
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3. Detail any gaps in the information that is currently available?

None

4. What measures will be taken to fill the information gaps before the policy/ activity is implemented?
These should be included in the action plan

Measure	Timescale

5. Are there potential impacts on protected groups? Tick as appropriate

	Positive	Negative	None	Unknown
Age – young		✓		
Age – elderly		✓		
Disability		✓		
Race		✓		
Religion or belief			✓	
Sex		✓		
Pregnancy and maternity			✓	
Sexual orientation		✓		
Gender reassignment		✓		
Marriage and civil partnership			✓	

6. What are the potential negative impacts?

1. There are concerns put forward by women's groups around the objectification of women and the stigma which is attached to women who are seen as sex objects. Gender equality is undermined as audiences are predominantly male and females providing that entertainment, whilst clubs providing such activities reinforce the image of women as sex objects.
2. The opening of such venues may also increase prostitution, trafficking and crime.
3. Arguably women of certain racial and ethnic groups, indigenous and immigrant populations may be more vulnerable to trafficking. Any impact may be difficult to quantify.
4. Evidence suggests that a considerable proportion of young women's aspirations have been reduced to being glamour models and lap dancers.

7. Have any of the affected groups been consulted. If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps.

The consultation was extended to all individuals, businesses, local community groups and organisations, internal departments in the Council, religious groups and women's groups within Moray to obtain a comprehensive understanding of the impact of SEVs on these groups.

8. What mitigating steps will be taken to remove those impacts? These should be included in the action plan.

Mitigating step	Timescale
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<p>1. Should the Licensing Committee choose to adopt the position to licence SEVs, it is recommended that the Council consider in addition to any mandatory conditions prescribed by Scottish Ministers consider any additional conditions that may be required to assist in the protection of women and men who would be employed to work within such premises. The following matters might, where appropriate, be covered by a condition:</p> <p><u>Protection of Customers</u></p> <p>Entry prices and any prices for compulsory purchases to be clearly displayed on exterior of the premise.</p> <p>No charge shall be applied unless the customer has had the opportunity to read and digest the tariff of charge.</p> <p>Rules for customers prominently displayed within the premise.</p> <p><u>Children/non-users</u></p> <ul style="list-style-type: none"> • Use of challenge 25 policy • Maintenance of refusals books • Controls on exterior advertising and signage • Prevention of exterior visibility into the premises • Control on leafleting. <p><u>Protection for Performers/prevention of crime and disorder</u></p> <ul style="list-style-type: none"> • Performers to be trained in code of conduct. • Rules of conduct for customers and display of such rules. • No contact between performers and audience, before, during and after performance. • Performers confined to stage area. • No audience participation. • No photography. • Controls of levels of nudity. <p><u>The premise</u></p> <ul style="list-style-type: none"> • Prohibition of private booths. • Prevention of access by customers to non-public areas. • No alterations to premises without consent of Council. <p><u>Nuisance</u></p> <ul style="list-style-type: none"> • Customer notices requesting quiet departure. • Dispersal policy. • Dedicated taxi service. <p><u>Legal Compliance</u></p> <ul style="list-style-type: none"> • Periodic checking of employment records and eligibility to work in the UK. • Retention of payment/remuneration records • Interview and written confirmation to ensure that performers are participating voluntarily. <p><u>Management Standards</u></p> <ul style="list-style-type: none"> • Presence of licensee/written delegate at all times 	<p>If a decision is taken to licence SEVs then any resolution will have a 12 month lead in time to ensure licensing processes are in place.</p>
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<ul style="list-style-type: none"> Secure retention of CCTV recorded material and disclosure only to authorised persons. Training of door staff in club rules. Drug Monitoring Display of notices informing customers of presence of CCTV <p>2. Ensure that within any SEV policy that is drafted that the Committee acknowledged that the Council is committed to equality and has taken a number of steps within the policy to address equality issues relating to SEVs.</p>	12 months from any decision to licence, as above
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9. What steps can be taken to promote good relations between various groups? These should be included in the action plan.

In considering the subject of SEV licensing the Council will take into account the results of the public consultation which included various groups.

10. How does the policy/activity create opportunities for advancing equality of opportunity?

There may be a connection between SEVs and a culture that perpetuates violence against women. Both the Moray Council and the Moray Licensing Board are committed to pursuing an equality outcome of reducing domestic abuse. A decision to licence SEVs can support this commitment through more rigorous control.

11. What monitoring arrangements will be put in place? These should be included in the action plan.

Any licences that are issued by the Licensing Committee shall be subject to various conditions. These premises will be monitored by Moray Council's Licensing Standards Officers to ensure that any licensed premises adhere to the conditions of their licence. Where a premise fails to adhere to any conditions contained in their licence, the LSO will have the power to advise the Licensing Committee and if required the Police of any breach of the licence. In addition, under the legislation, the Licensing Committee reserves the power to revoke a licence that has been granted on the grounds that a condition of the licence has been breached.

12. What is the outcome of the assessment? Tick as appropriate.

1	No impacts have been identified	
2	Impacts have been identified, these can be mitigated as outlined in question 8	✓
3	Positive impacts have been identified in relation to the need to:	
	a) Eliminate discrimination, harassment, victimisation and other behaviour prohibited by the Equality Act 2010	
	b) Promote equality of opportunity	
	c) Foster good relations between groups who share a protected characteristic and those who don't.	
4	The activity will have negative impacts which cannot be mitigated fully	

13. Set out the justification that the activity can and should go ahead despite the negative impact?

If the Licensing Committee chose to licence SEVs within Moray, these premises will be ultimately be subject to a number of conditions within their license issue by the licensing authority as well as by Scottish Government. In addition, any such premise that did open within Moray would be closely monitored by Police Scotland together with Moray Council Licensing Standards Officers to ensure that these conditions were adhered to at all times.

Sign off and authorisation

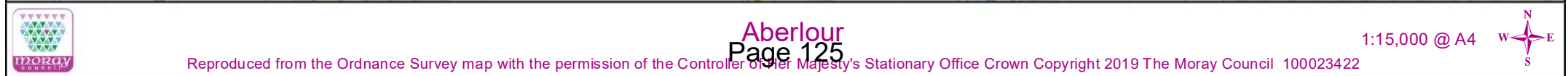
Department	Licensing and Regulatory
Title of Policy/activity	Licensing of Sex Entertainment Venues
We have completed the equality impact assessment for this policy/activity.	Name: Rhoda Banfro Position: Solicitor Date: 20/08/2019
Authorisation by Director or Head of Service	Name: Position: Date:

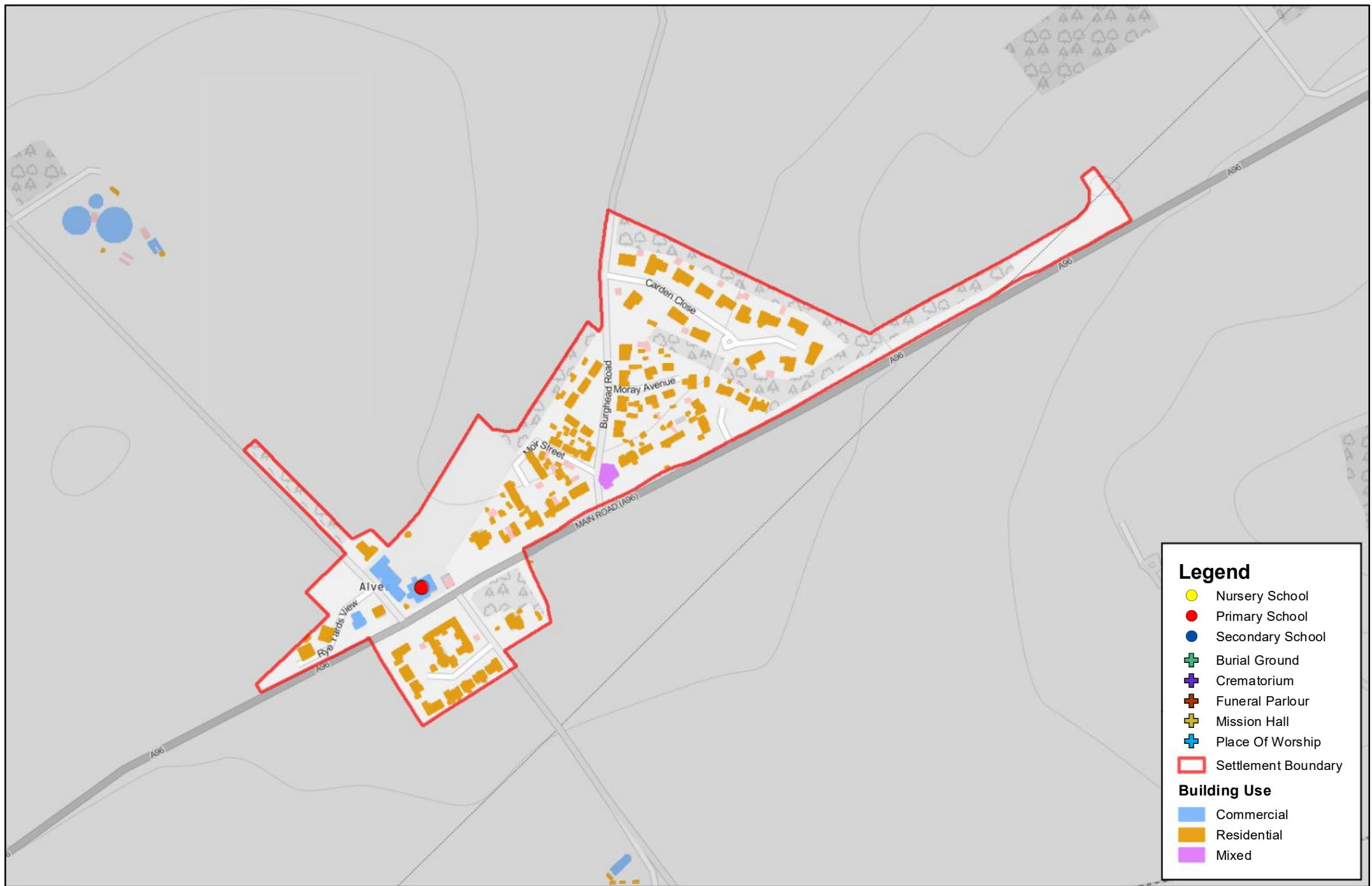
The impact assessment should now be authorised by either the Director or Head of Service.

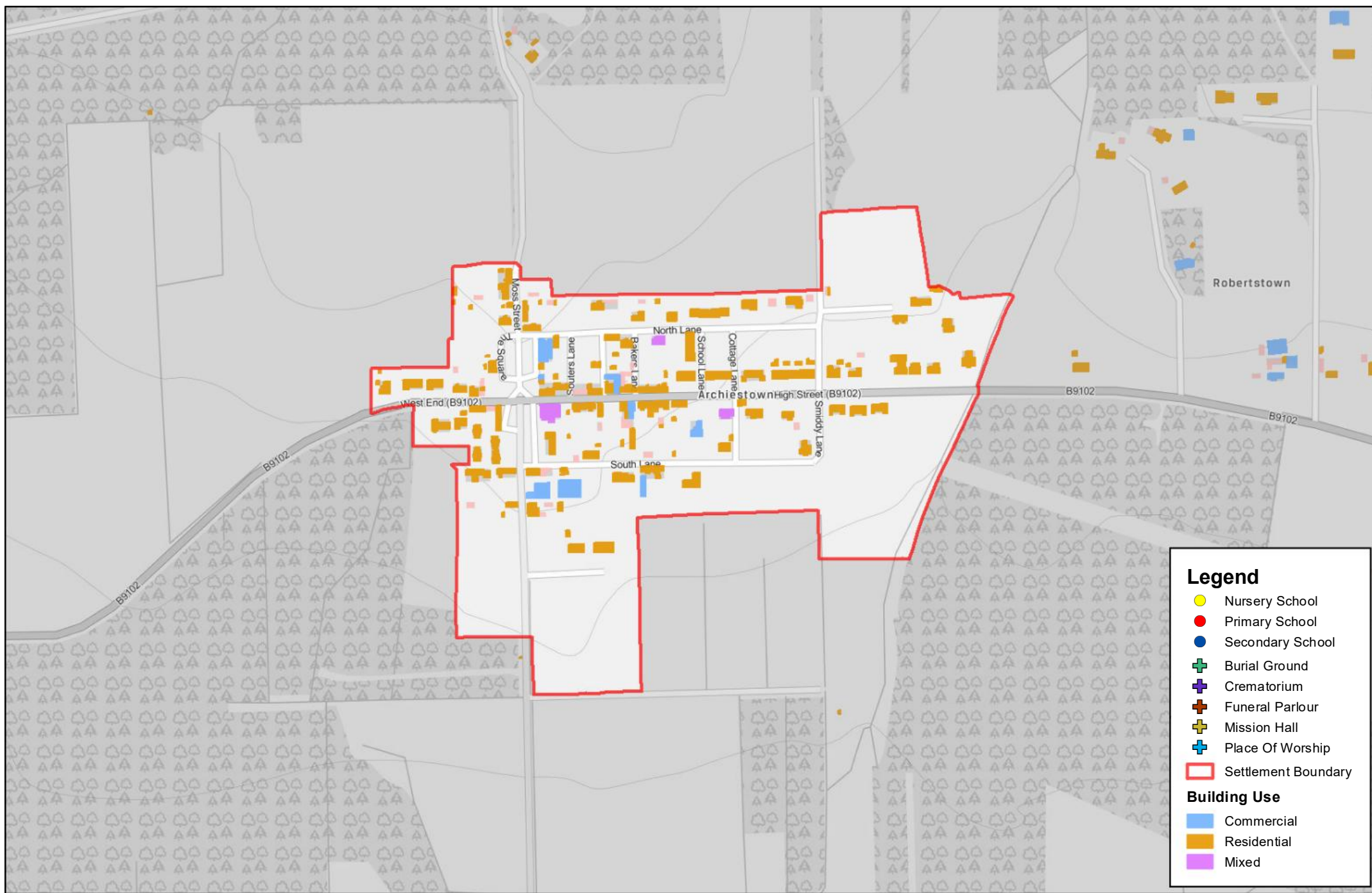
Please return this form, along with the completed screening process and full assessment forms, to the Equal Opportunities Officer, Chief Executive's Office.

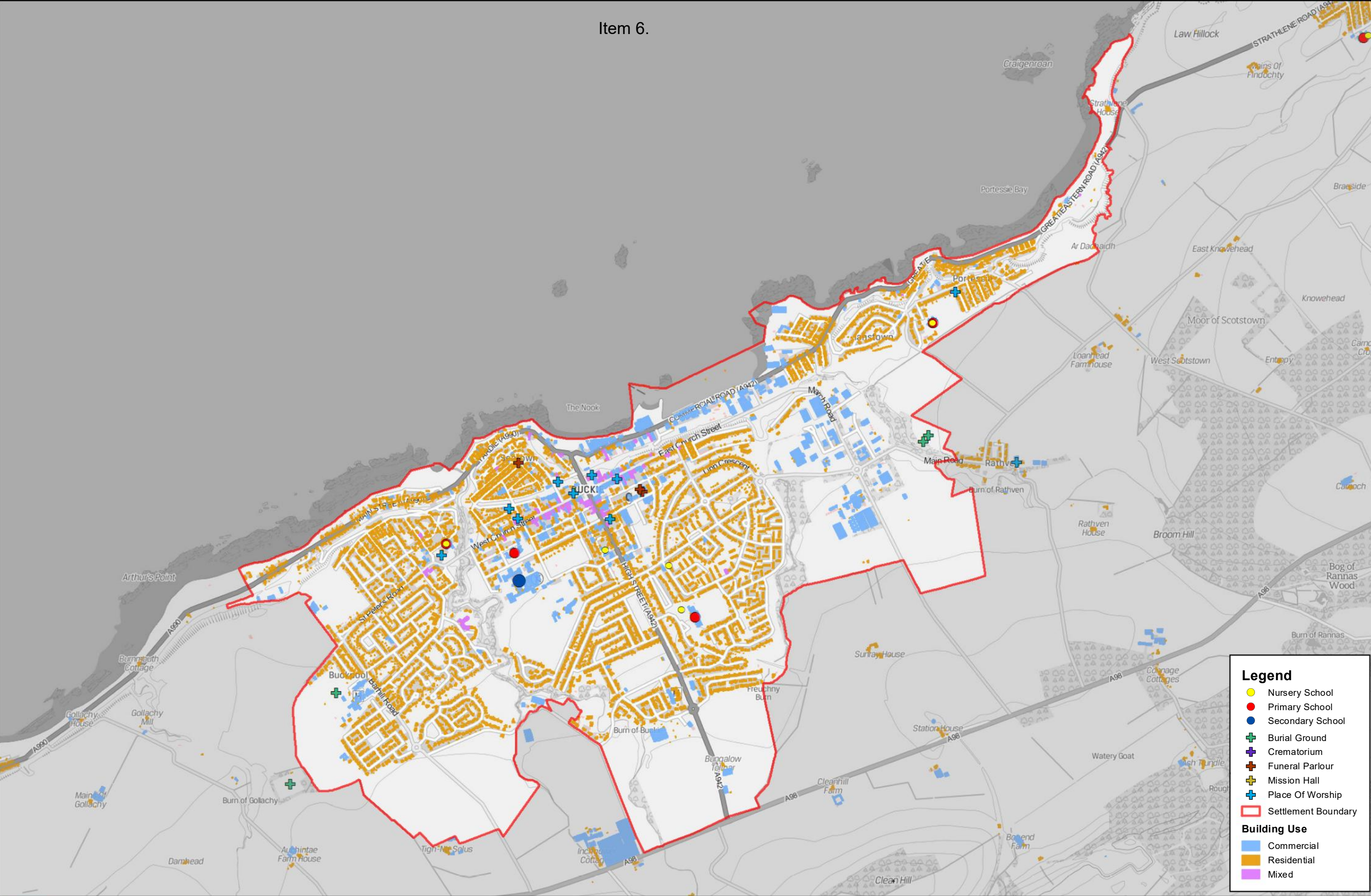
Action plan

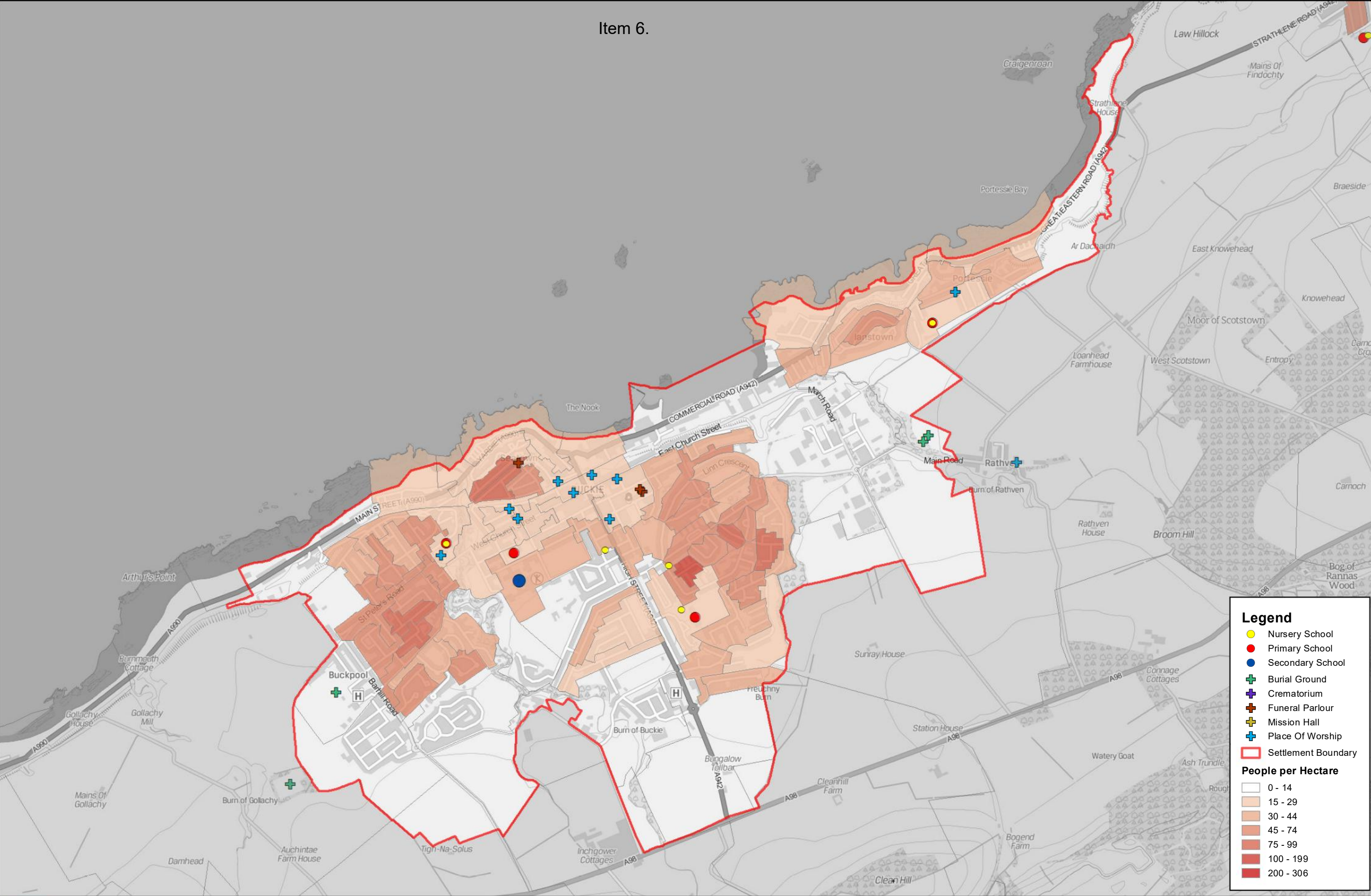
Action	Start	Complete	Lead Officer	Expected Outcome	Resource Implications





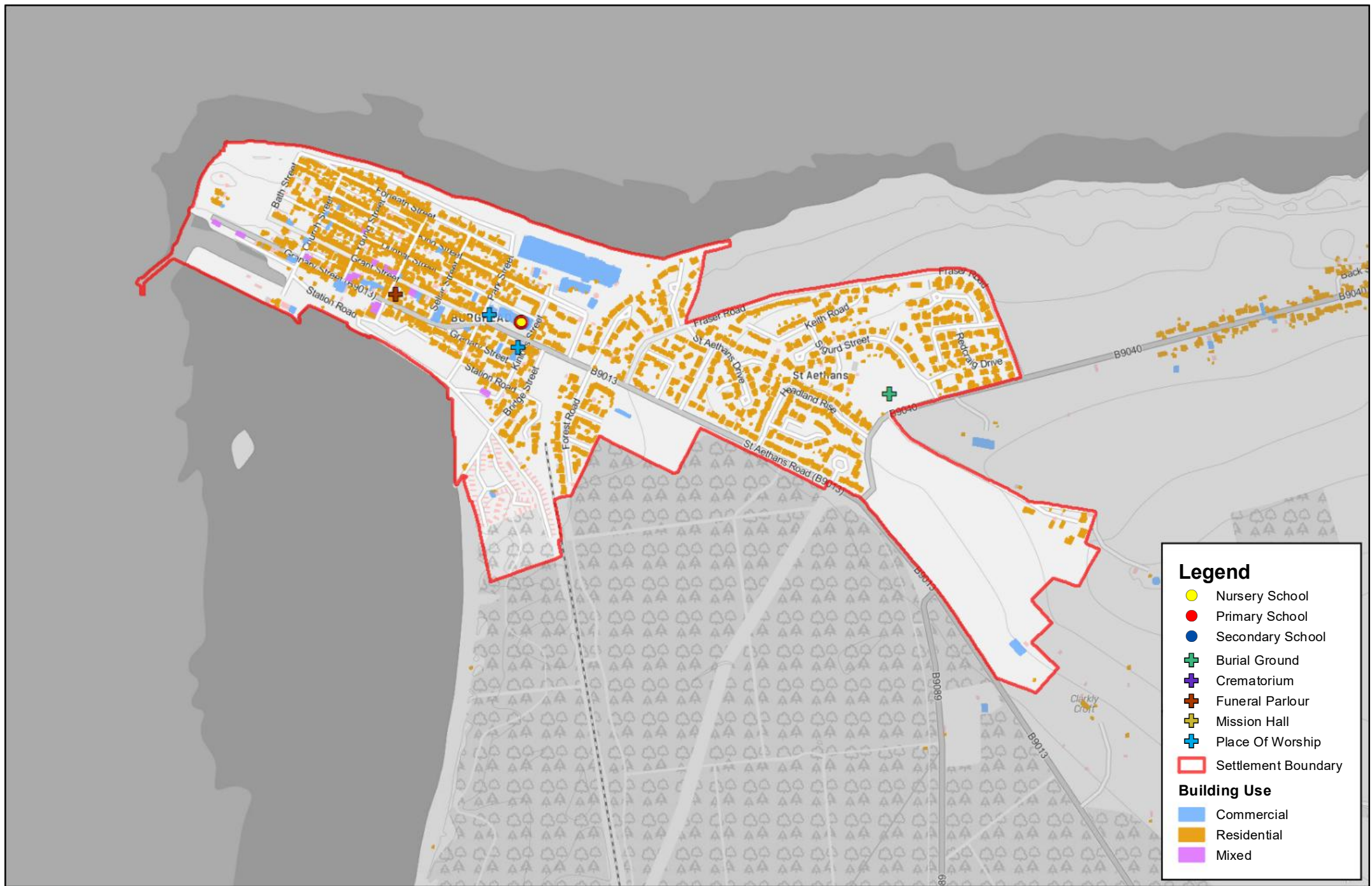






Buckie - Population Density (Census Output Areas 2011)





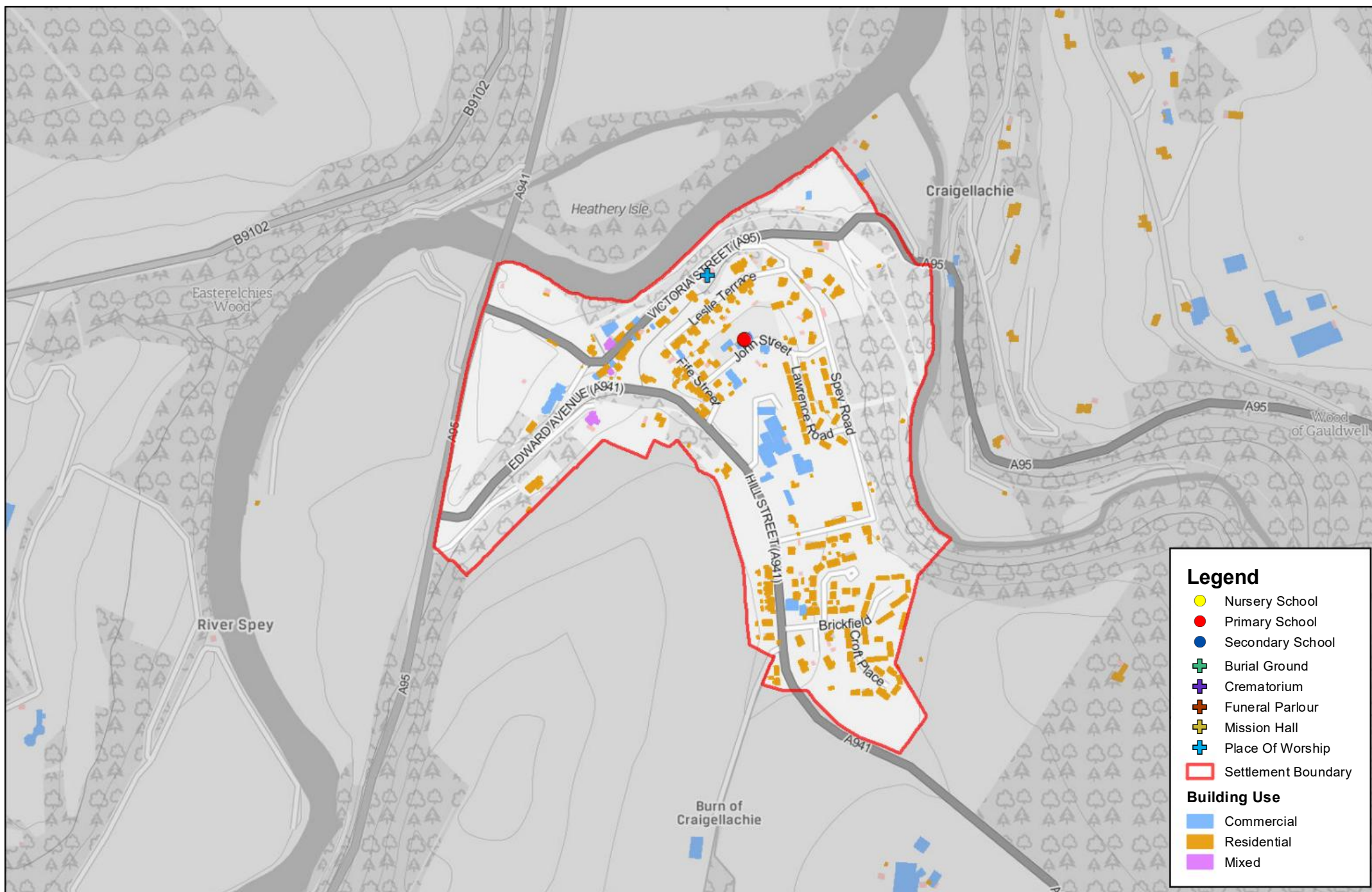
Legend

- Nursery School
- Primary School
- Secondary School
- + Burial Ground
- + Crematorium
- + Funeral Parlour
- + Mission Hall
- + Place Of Worship
- Settlement Boundary

Building Use

- Commercial
- Residential
- Mixed





Legend

- Nursery School
- Primary School
- Secondary School
- Burial Ground
- Crematorium
- Funeral Parlour
- Mission Hall
- Place Of Worship
- Settlement Boundary

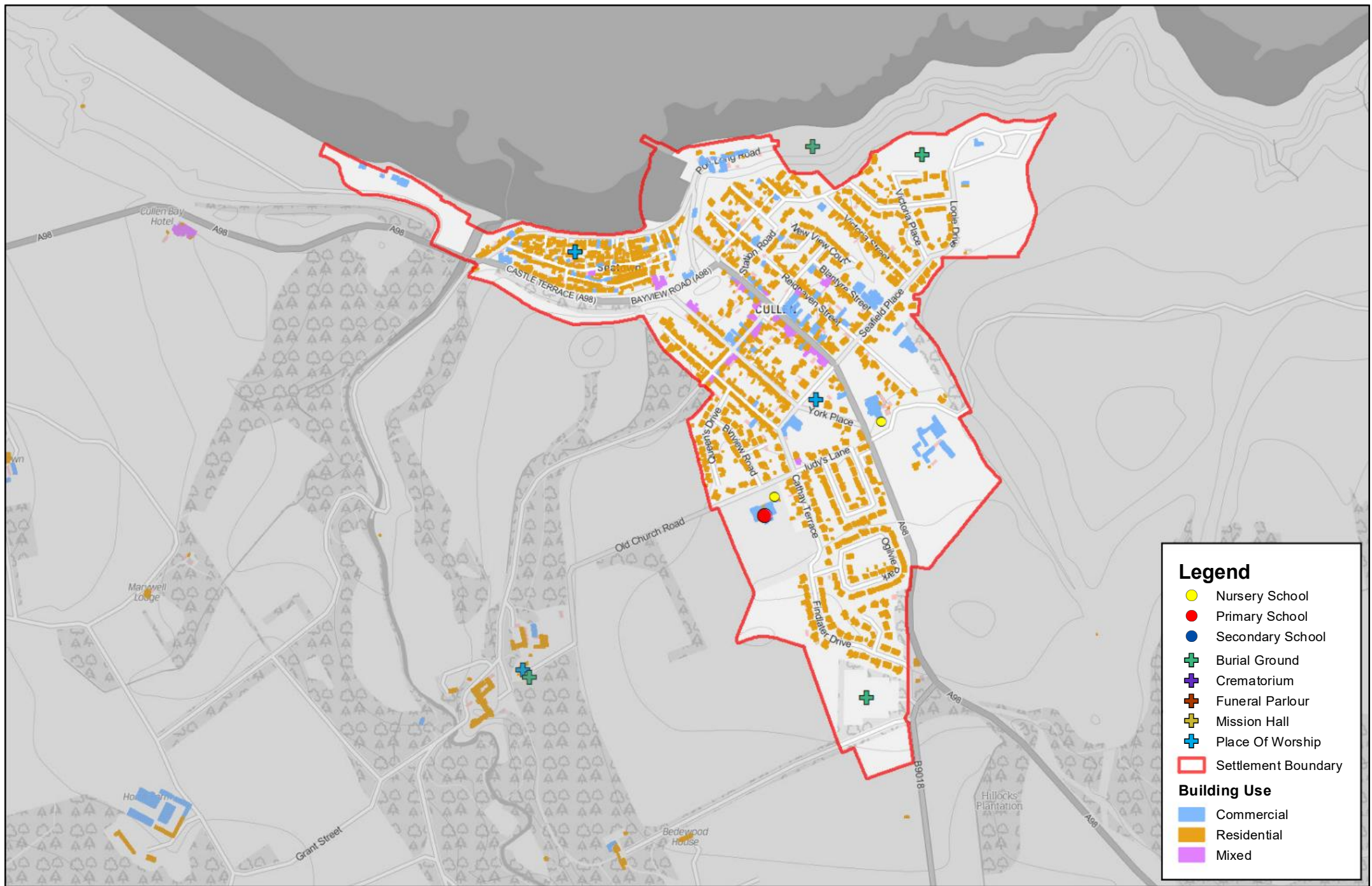
Building Use

- Commercial
- Residential
- Mixed



Craigellachie





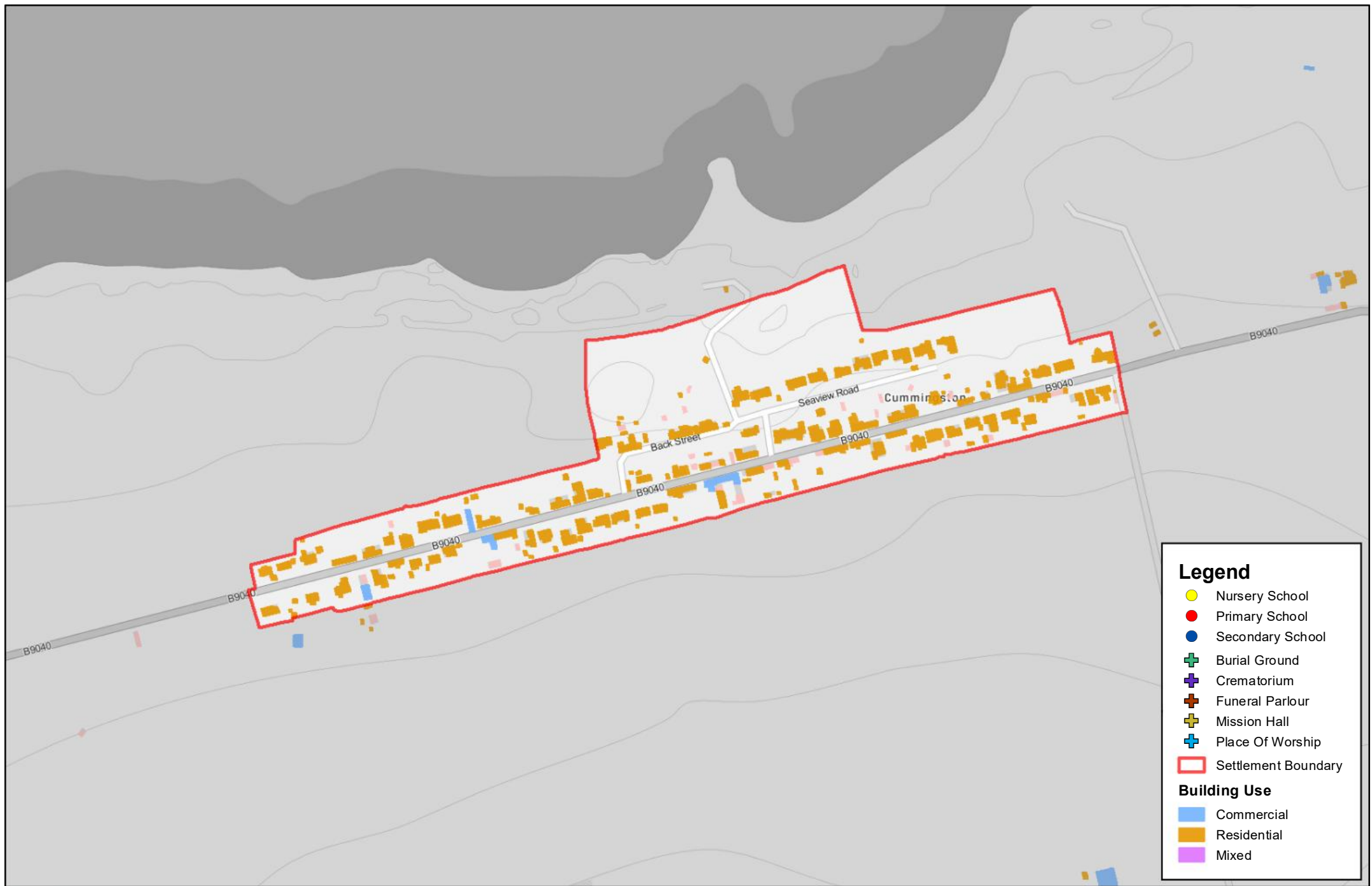
Legend

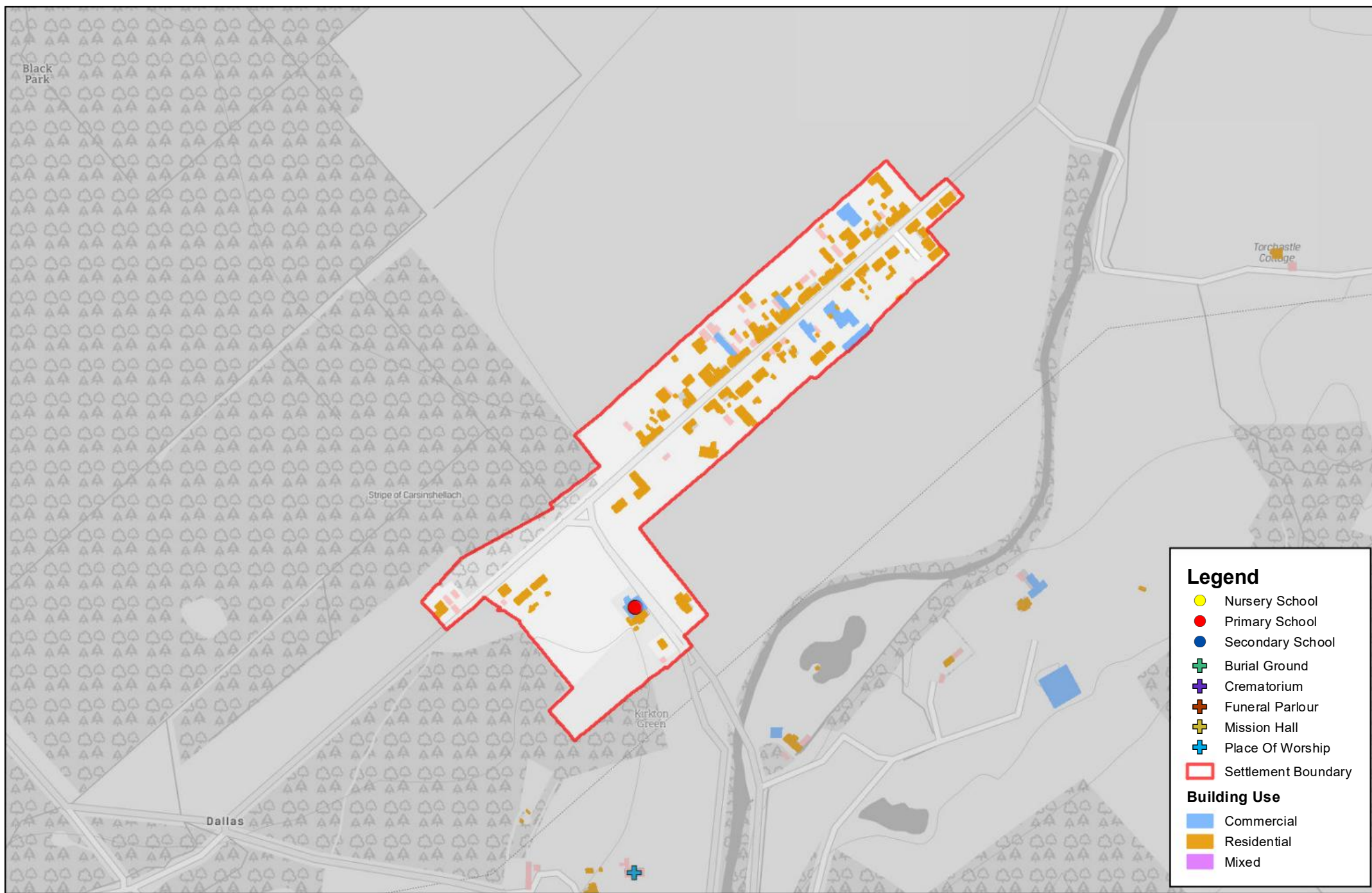
- Nursery School
- Primary School
- Secondary School
- + Burial Ground
- + Crematorium
- + Funeral Parlour
- + Mission Hall
- + Place Of Worship
- Settlement Boundary

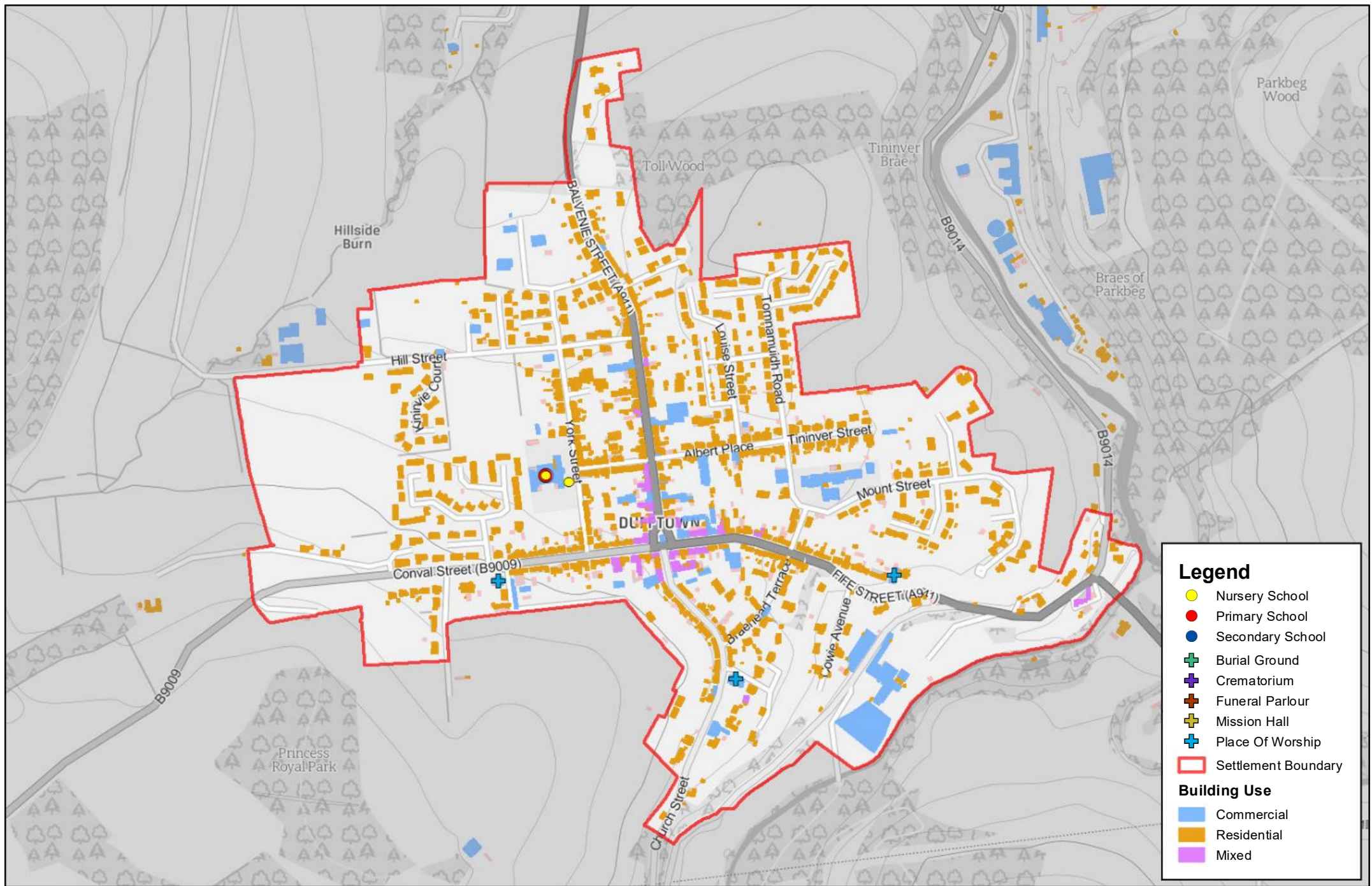
Building Use

- Commercial
- Residential
- Mixed





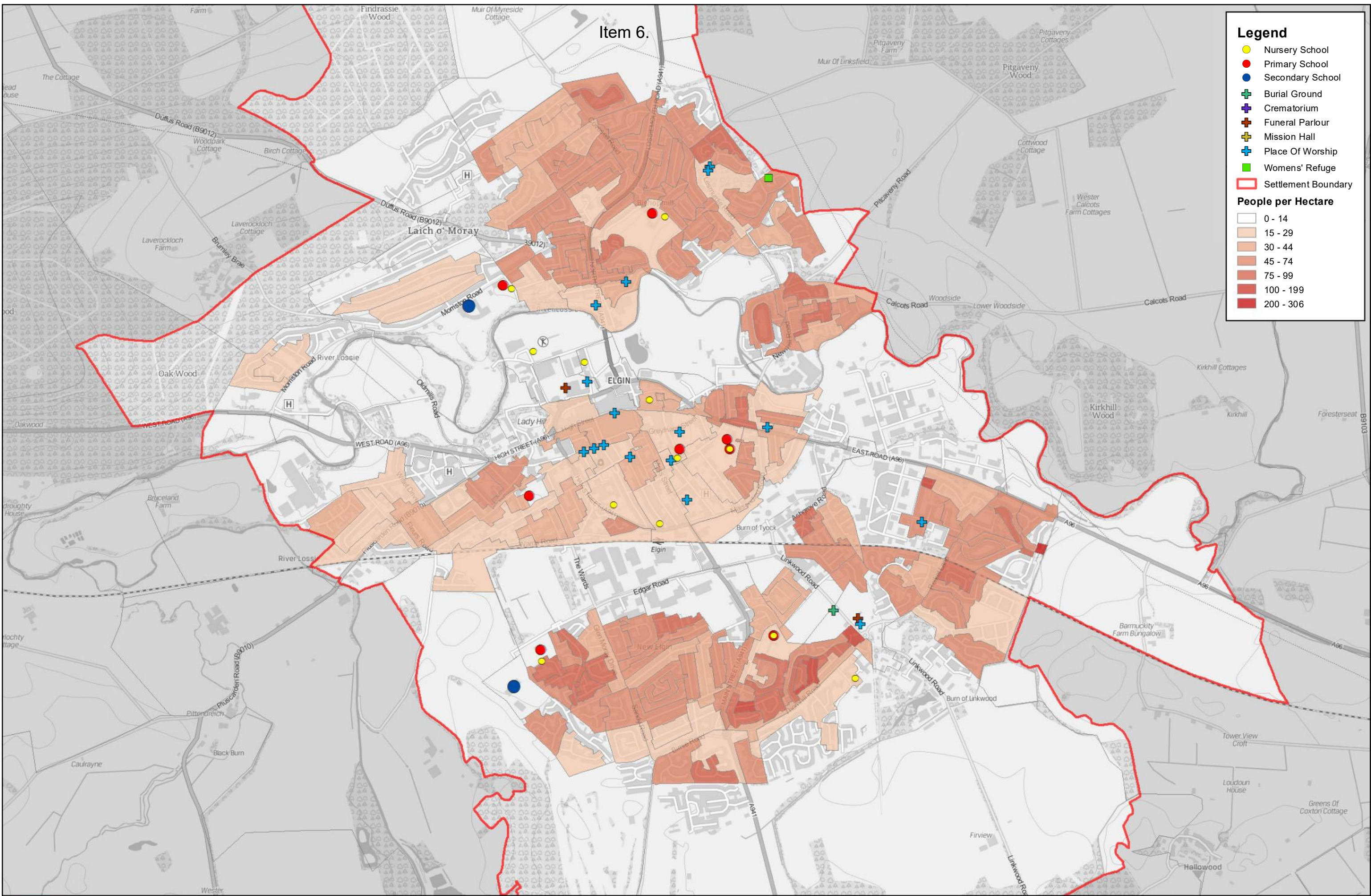






- Legend**
- Nursery School
 - Primary School
 - Secondary School
 - + Burial Ground
 - + Crematorium
 - + Funeral Parlour
 - + Mission Hall
 - + Place Of Worship
 - Settlement Boundary
- Building Use**
- Commercial
 - Residential
 - Mixed



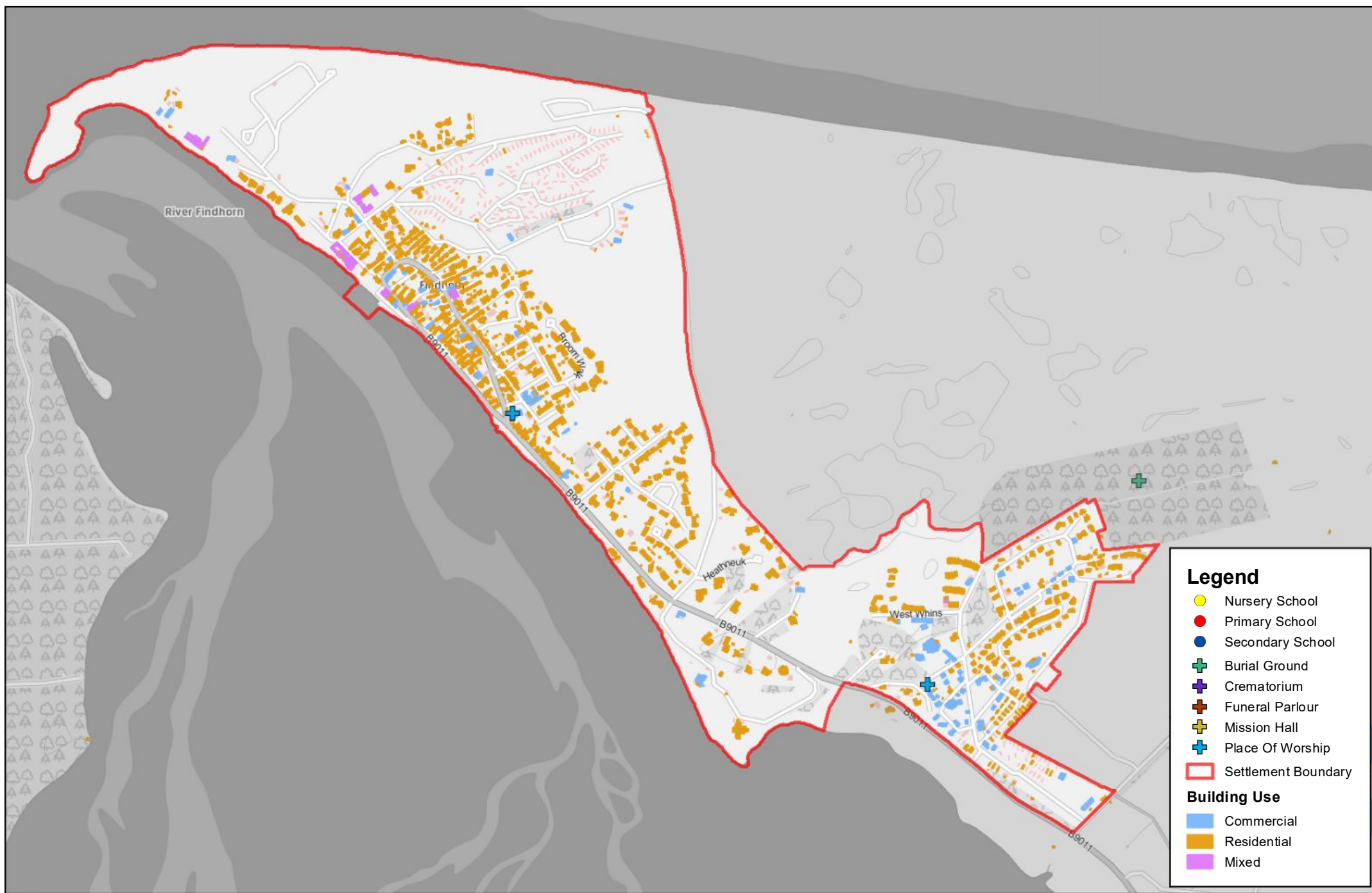


Legend

- Nursery School
- Primary School
- Secondary School
- Burial Ground
- Crematorium
- Funeral Parlour
- Mission Hall
- Place Of Worship
- Womens' Refuge
- Settlement Boundary

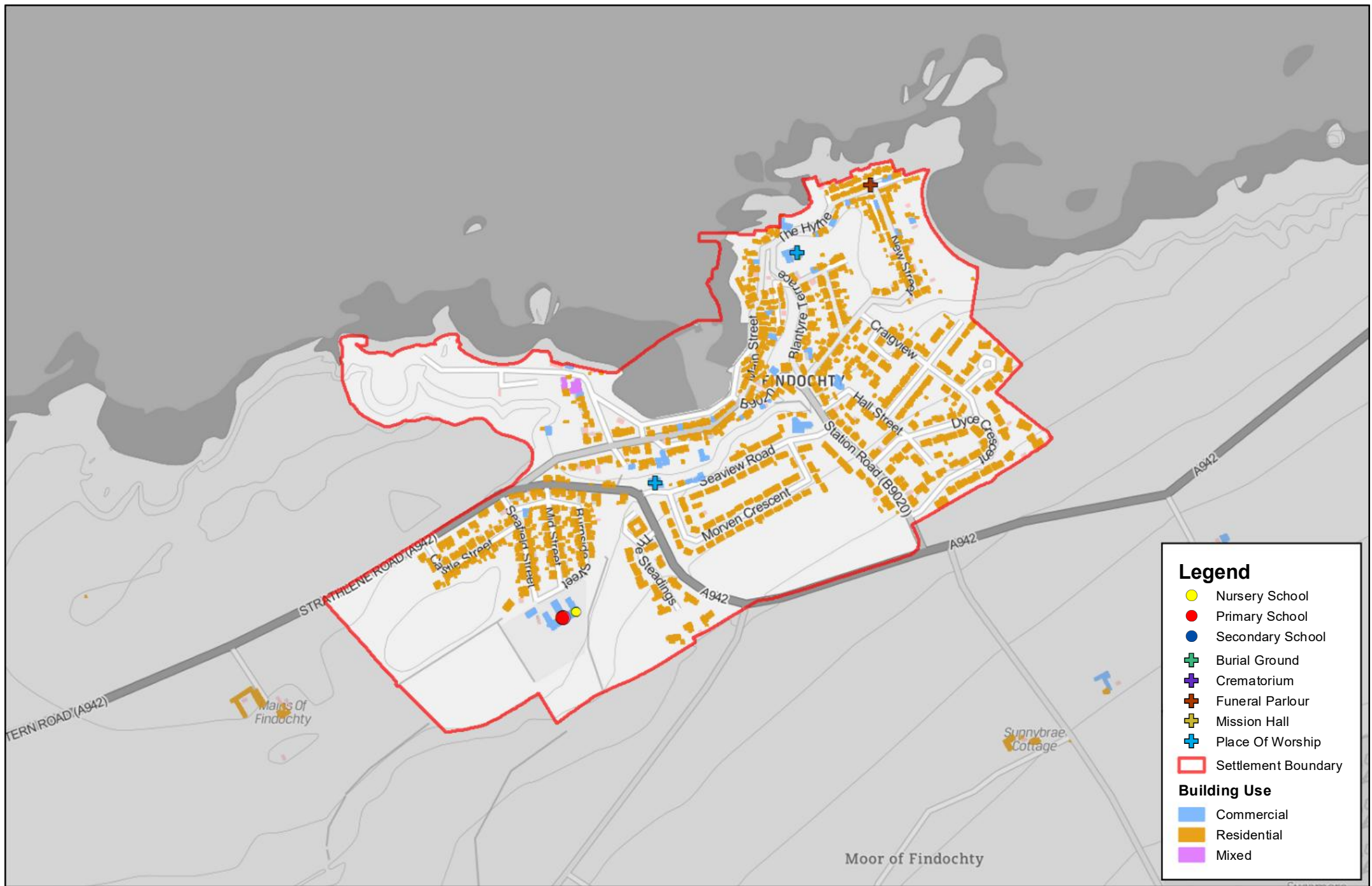
People per Hectare

- 0 - 14
- 15 - 29
- 30 - 44
- 45 - 74
- 75 - 99
- 100 - 199
- 200 - 306



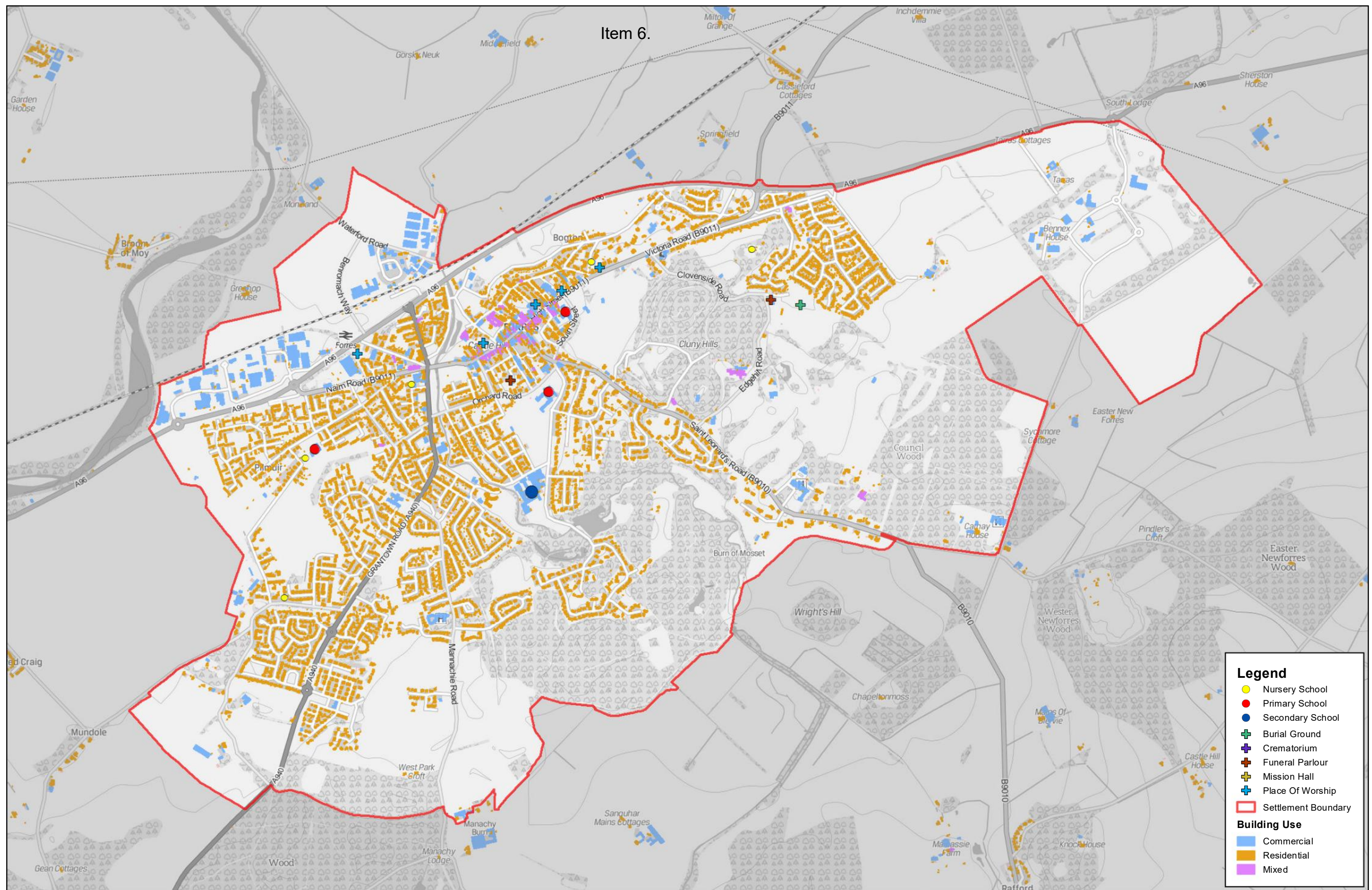
- Legend**
- Nursery School
 - Primary School
 - Secondary School
 - ✚ Burial Ground
 - ✚ Crematorium
 - ✚ Funeral Parlour
 - ✚ Mission Hall
 - ✚ Place Of Worship
 - Settlement Boundary
- Building Use**
- Commercial
 - Residential
 - Mixed

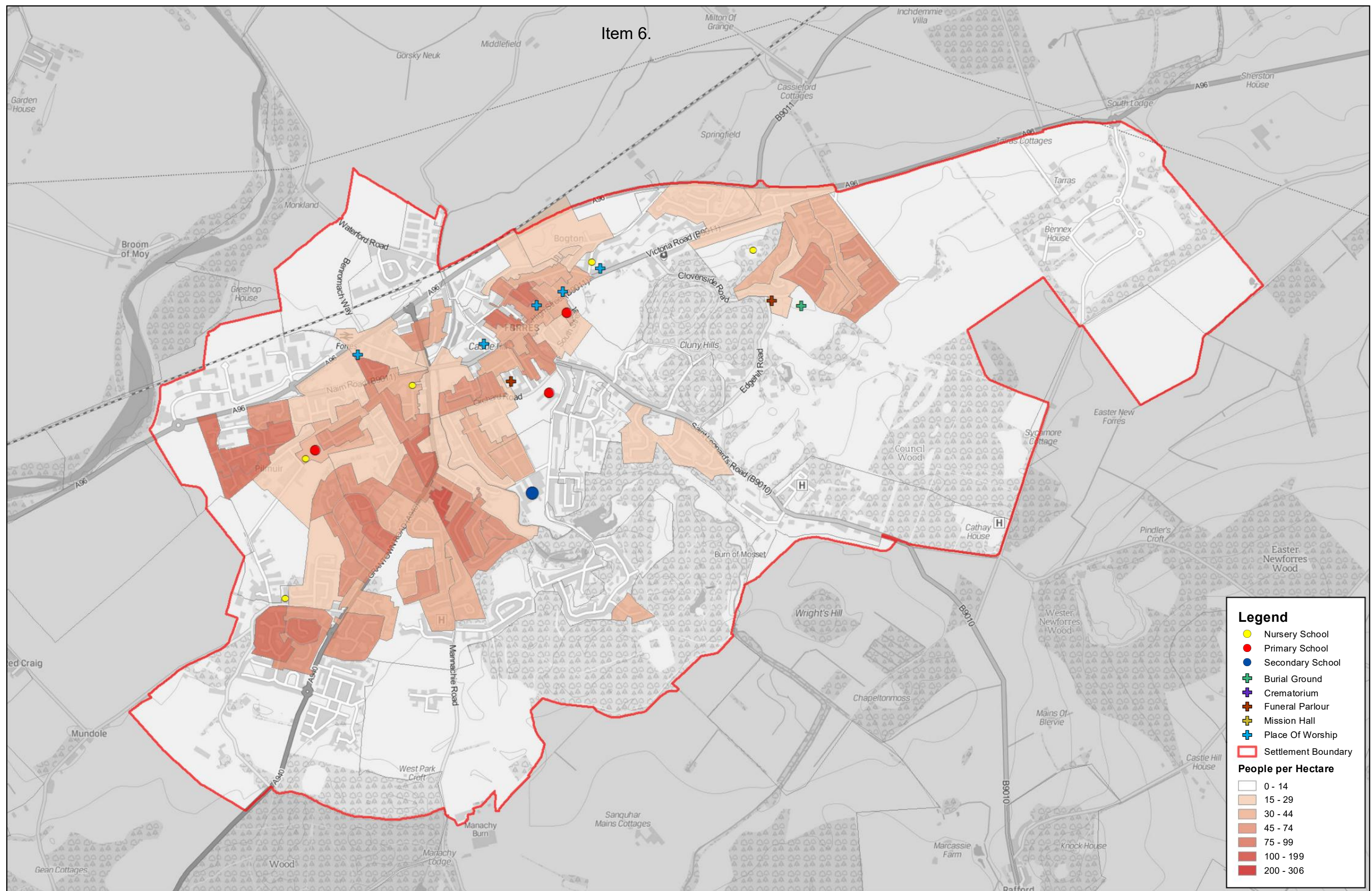


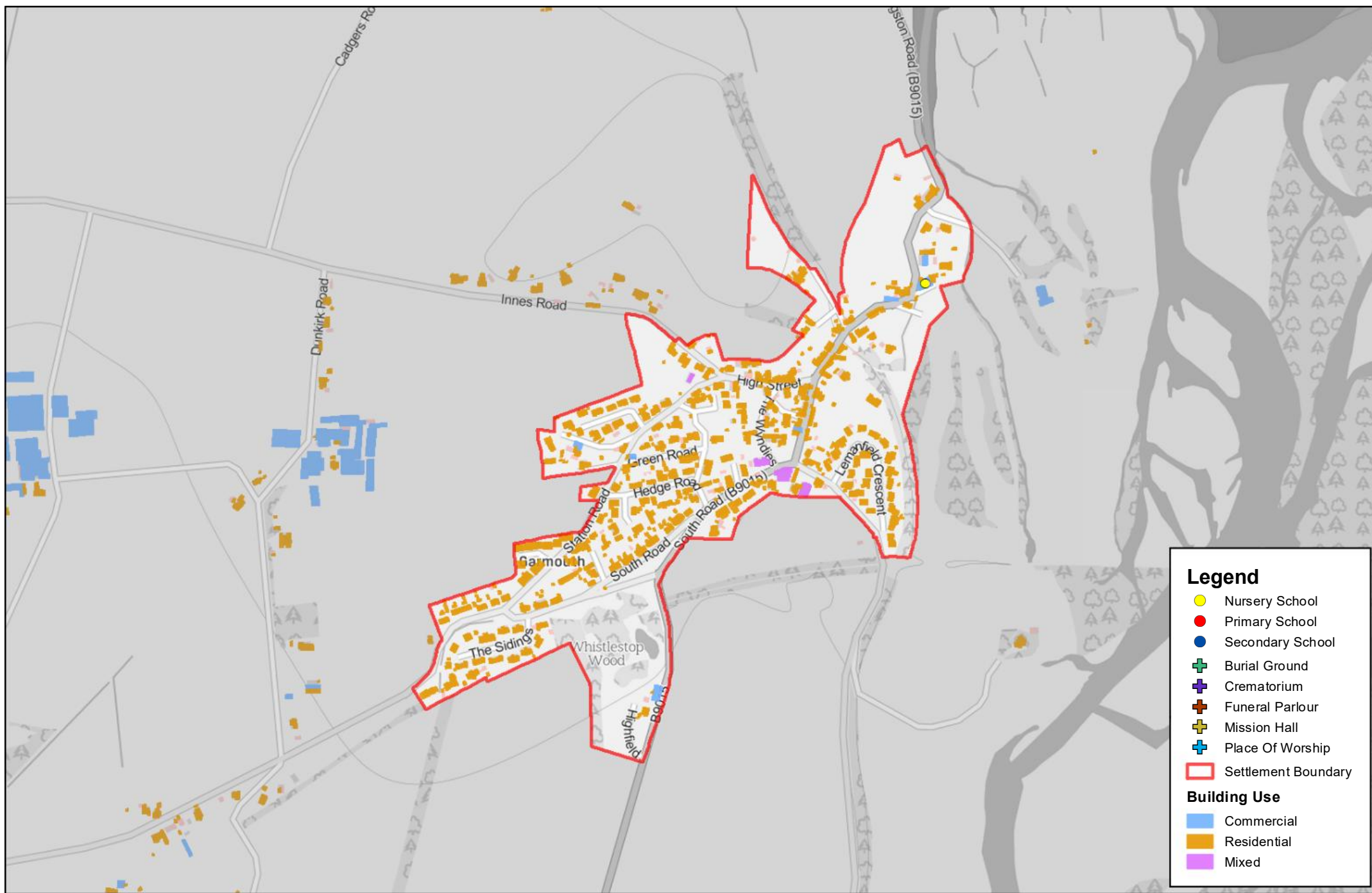


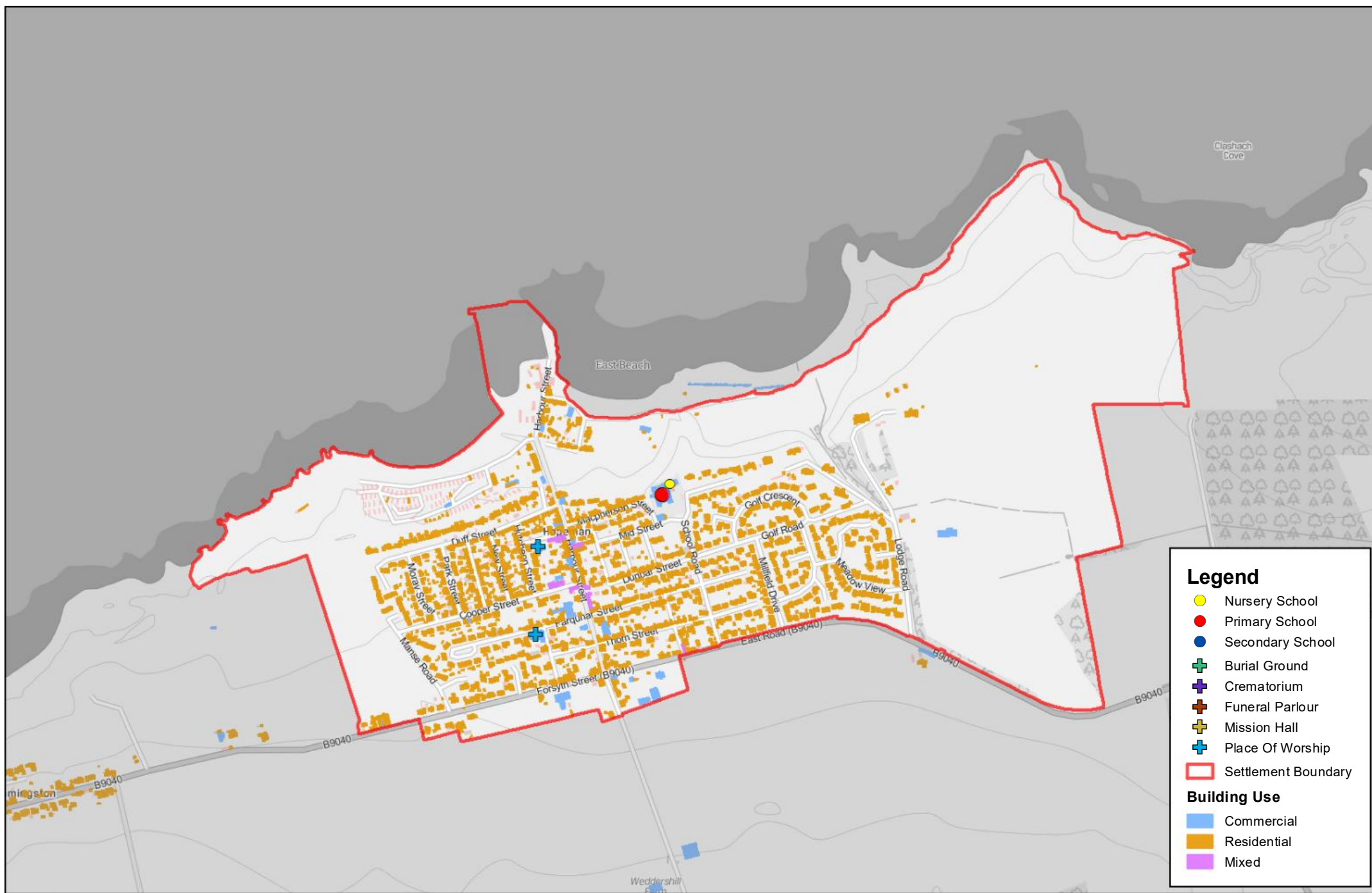


Item 6.









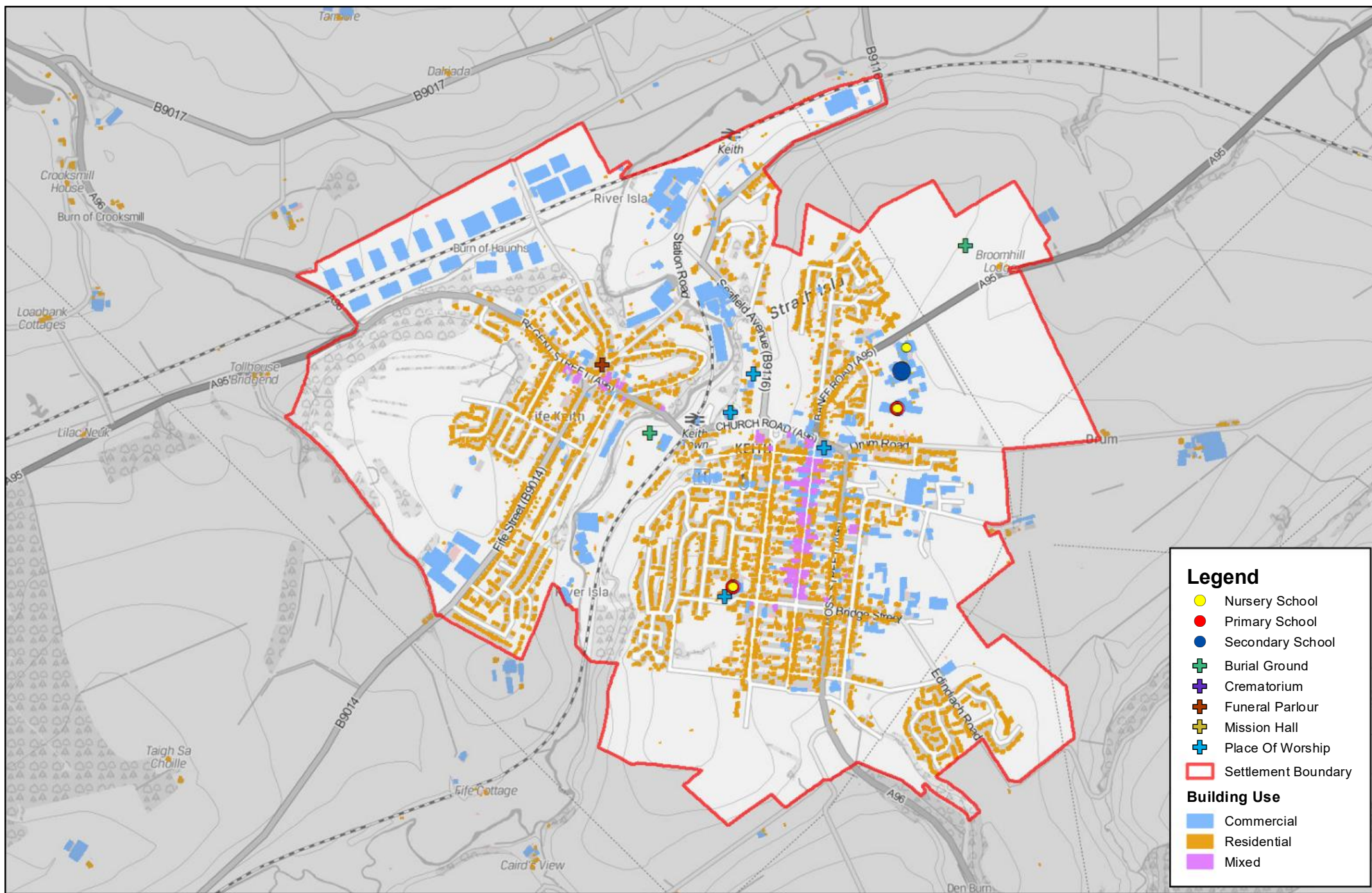
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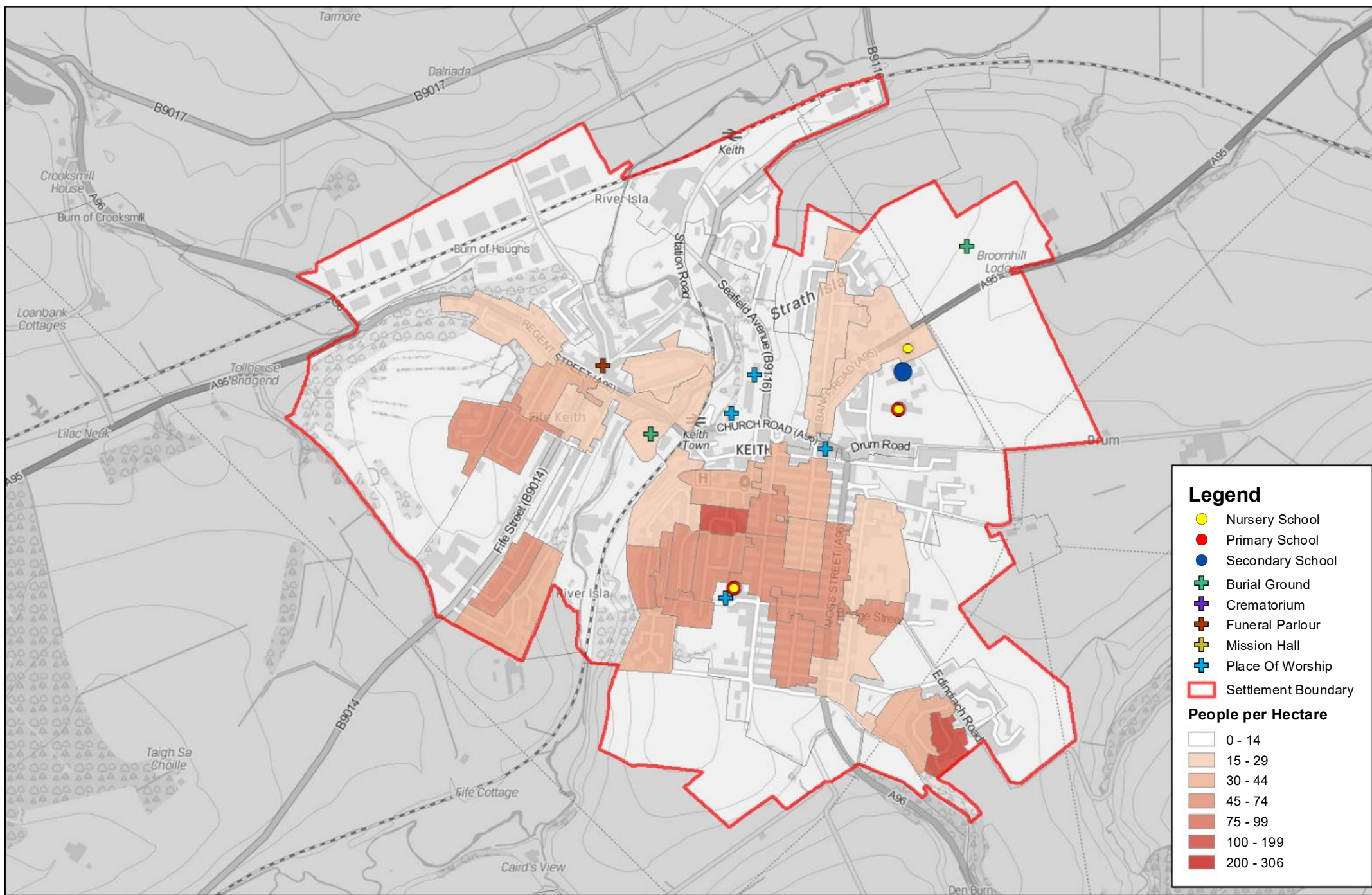
- Nursery School
- Primary School
- Secondary School
- + Burial Ground
- + Crematorium
- + Funeral Parlour
- + Mission Hall
- + Place Of Worship
- Settlement Boundary

Building Use

- Commercial
- Residential
- Mixed







- Legend**
- Nursery School
 - Primary School
 - Secondary School
 - + Burial Ground
 - + Crematorium
 - + Funeral Parlour
 - + Mission Hall
 - + Place Of Worship
 - Settlement Boundary

People per Hectare

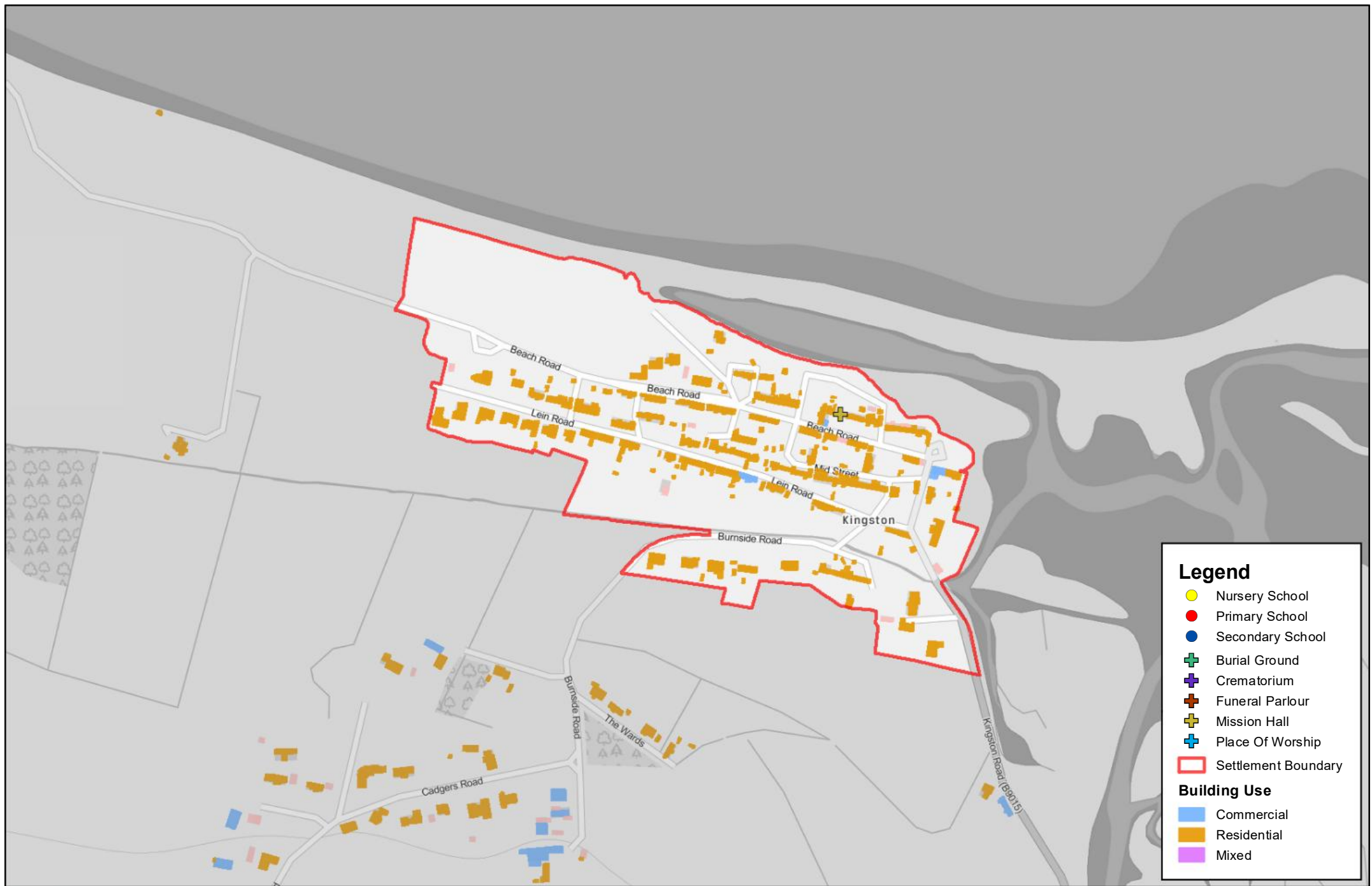
0 - 14
15 - 29
30 - 44
45 - 74
75 - 99
100 - 199
200 - 306

Keith - Population Density (Census Output Areas 2011)

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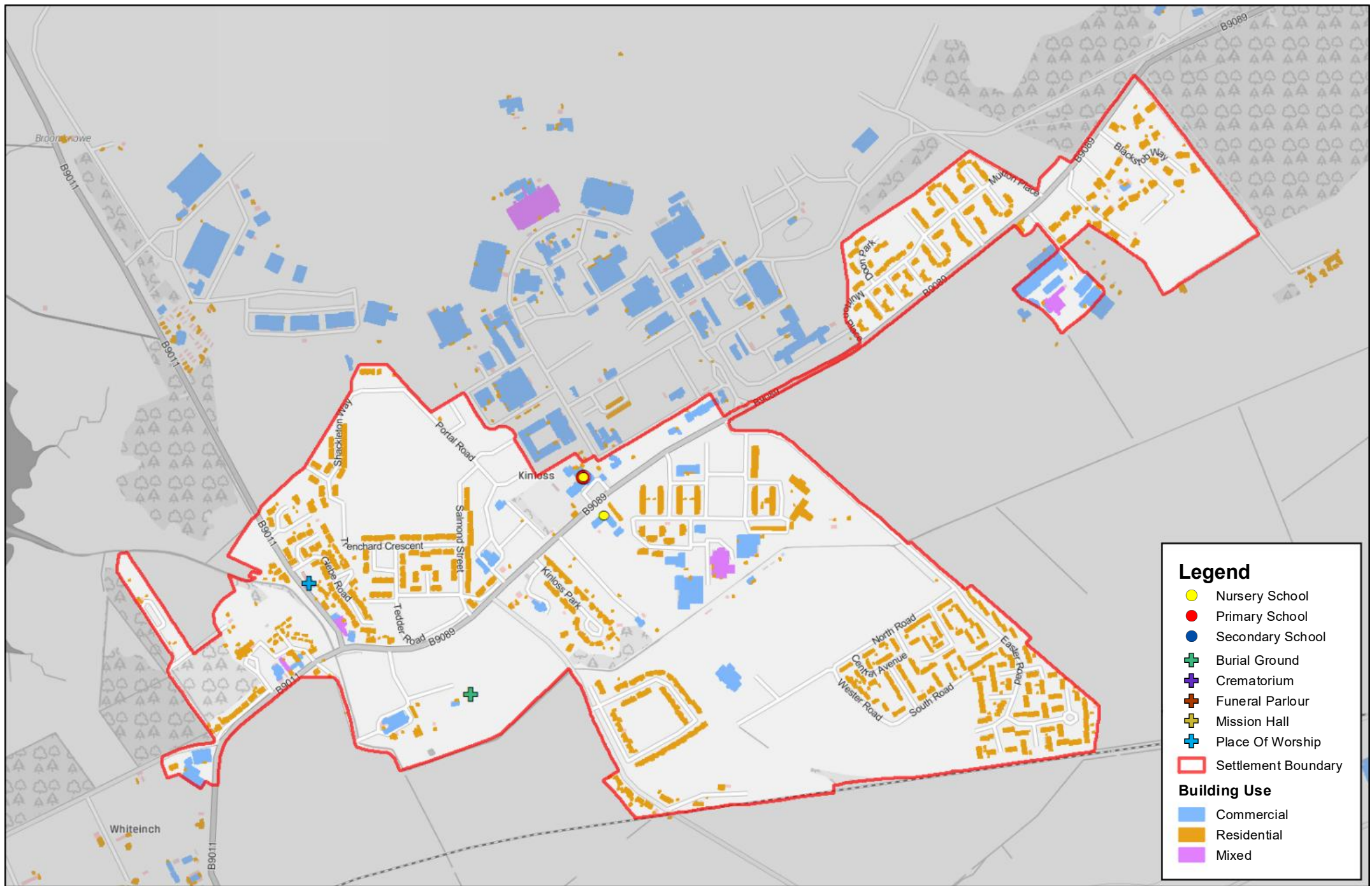


Legend

- Nursery School
- Primary School
- Secondary School
- + Burial Ground
- + Crematorium
- + Funeral Parlour
- + Mission Hall
- + Place Of Worship
- Settlement Boundary

Building Use

- Commercial
- Residential
- Mixed



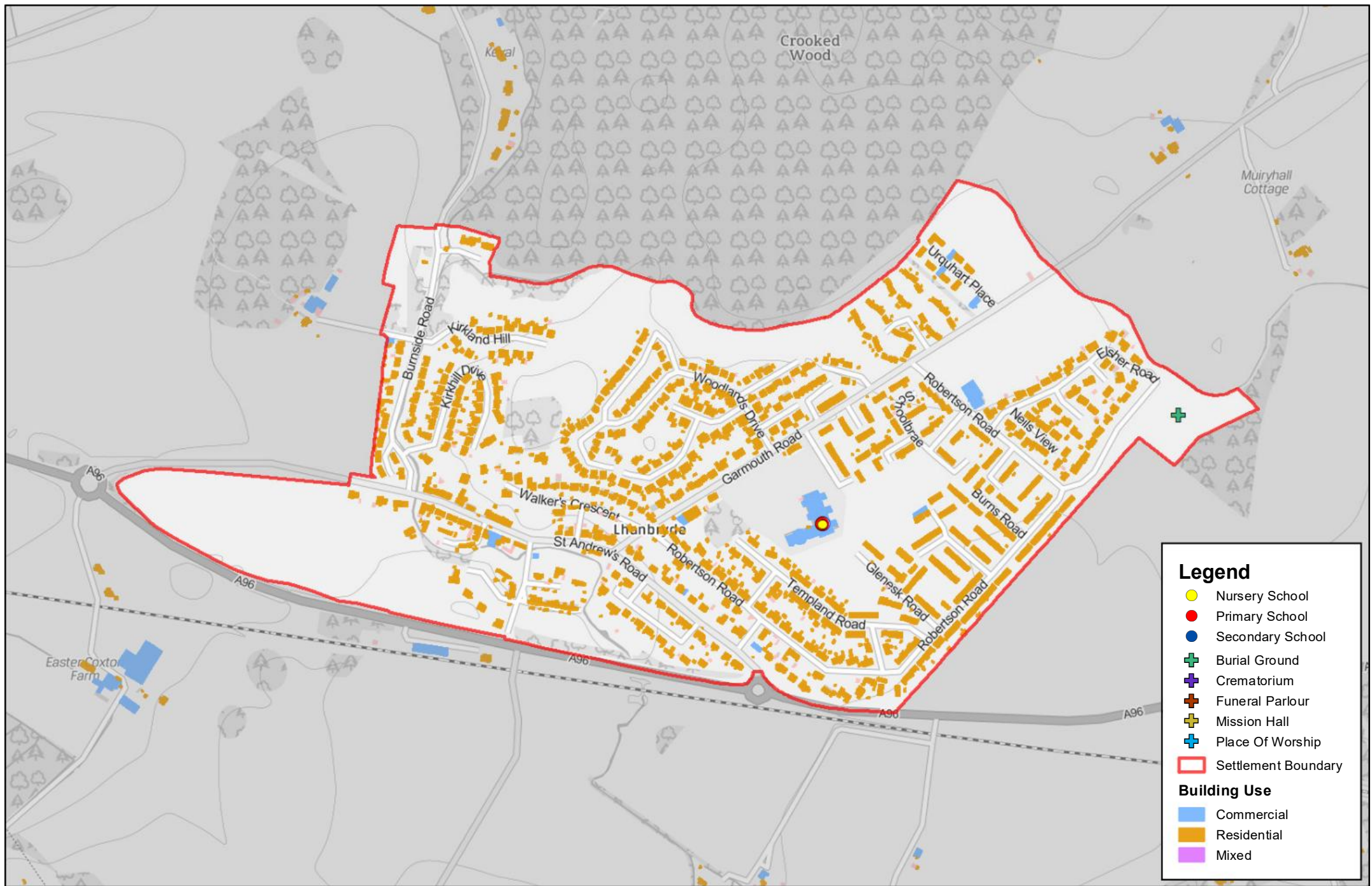
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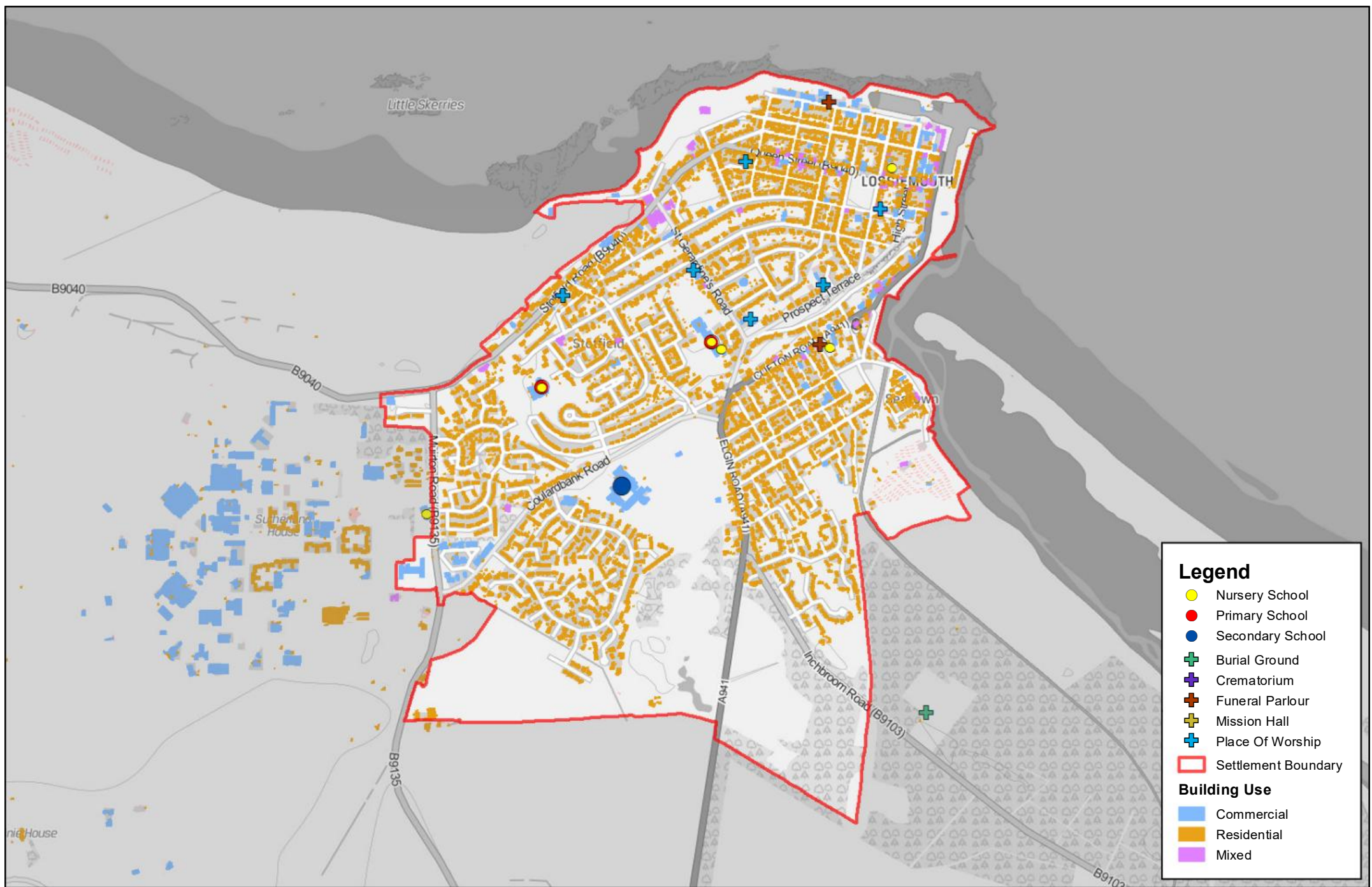
- Nursery School
- Primary School
- Secondary School
- Burial Ground
- Crematorium
- Funeral Parlour
- Mission Hall
- Place Of Worship
- Settlement Boundary

Building Use

- Commercial
- Residential
- Mixed







Legend

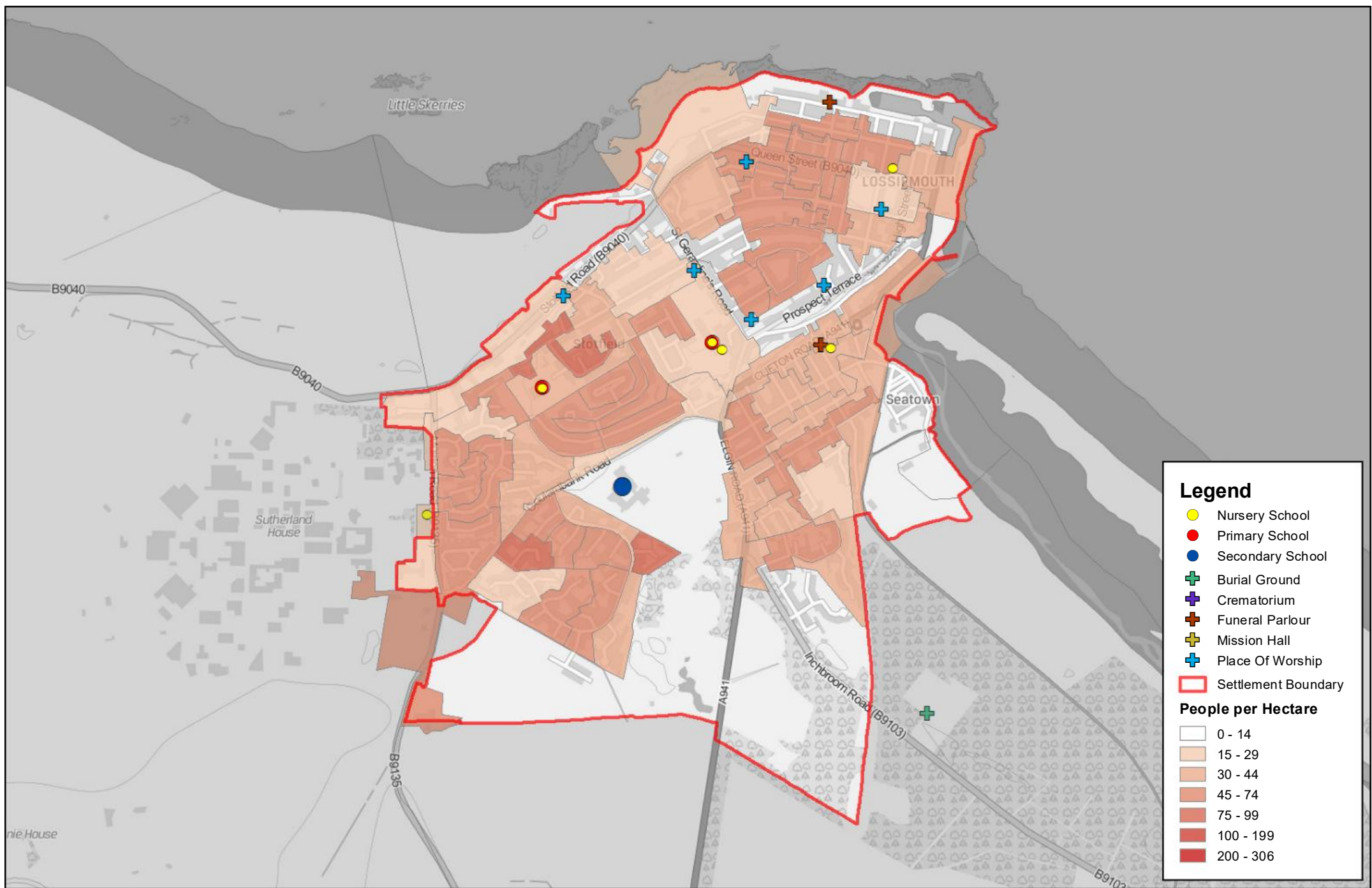
- Nursery School
- Primary School
- Secondary School
- + Burial Ground
- + Crematorium
- + Funeral Parlour
- + Mission Hall
- + Place Of Worship
- Settlement Boundary

Building Use

- Commercial
- Residential
- Mixed



Lossiemouth - Building Use



- Legend**
- Nursery School
 - Primary School
 - Secondary School
 - + Burial Ground
 - + Crematorium
 - + Funeral Parlour
 - + Mission Hall
 - + Place Of Worship
 - Settlement Boundary

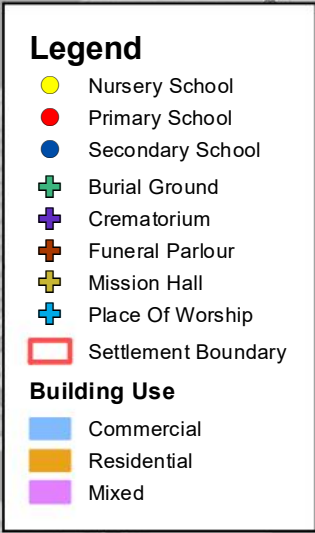
- People per Hectare**
- 0 - 14
 - 15 - 29
 - 30 - 44
 - 45 - 74
 - 75 - 99
 - 100 - 199
 - 200 - 306

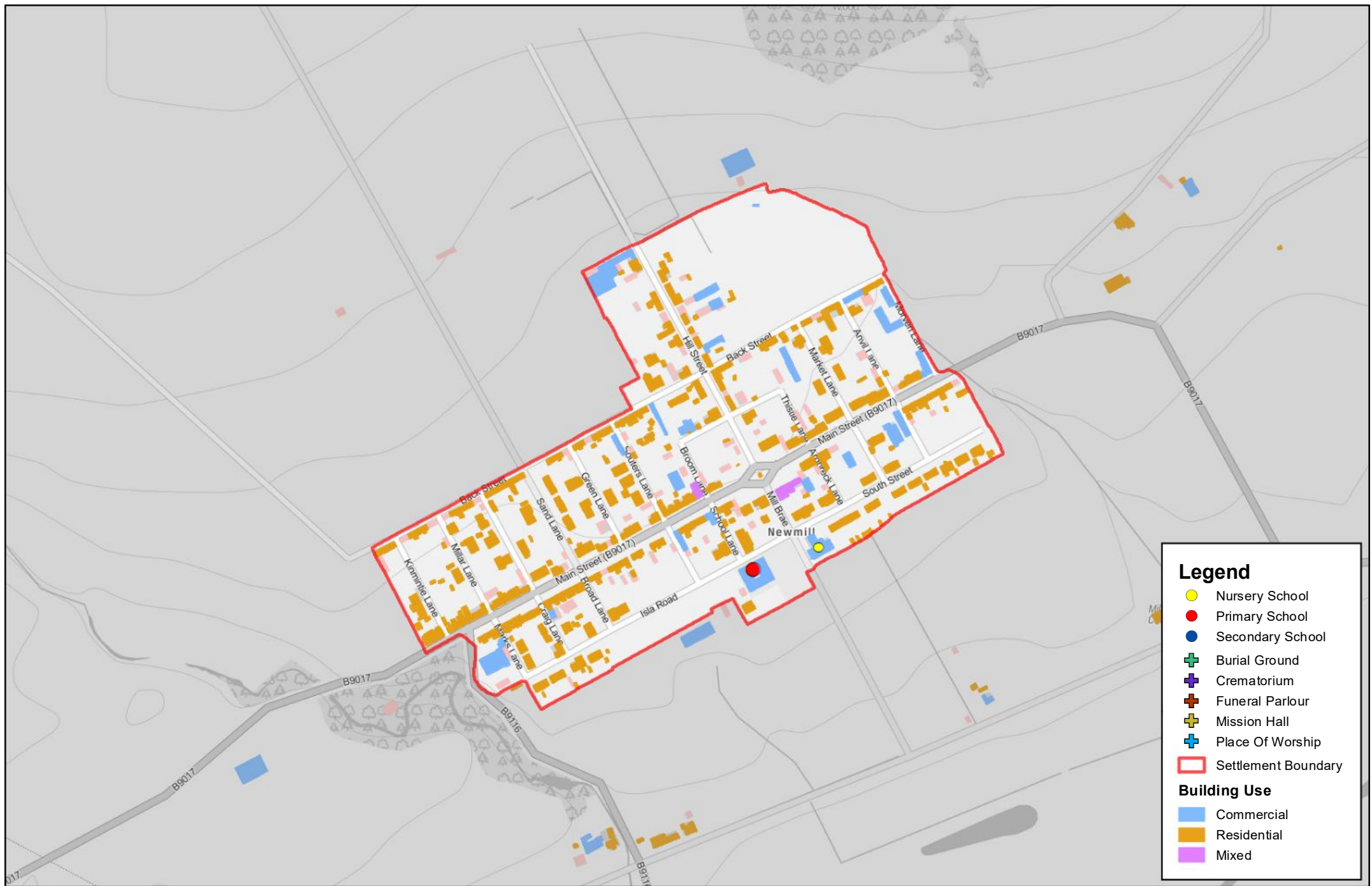
Lossiemouth - Population Density (Census Output Areas 2011)

Page 179

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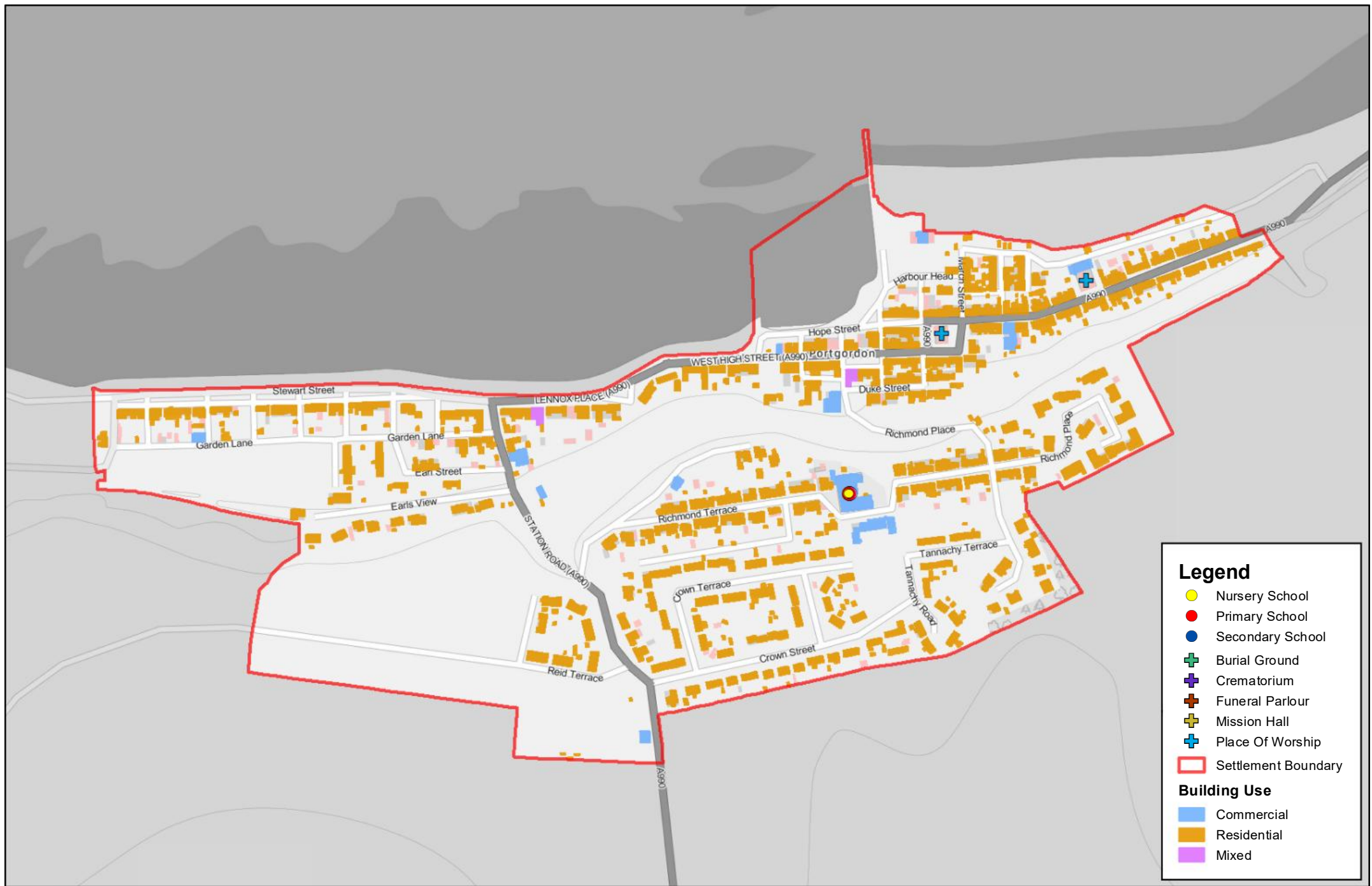
Legend

- Nursery School
- Primary School
- Secondary School
- + Burial Ground
- + Crematorium
- + Funeral Parlour
- + Mission Hall
- + Place Of Worship
- Settlement Boundary

Building Use

- Commercial
- Residential
- Mixed





Legend

- Nursery School
- Primary School
- Secondary School
- + Burial Ground
- + Crematorium
- + Funeral Parlour
- + Mission Hall
- + Place Of Worship
- Settlement Boundary

Building Use

- Commercial
- Residential
- Mixed

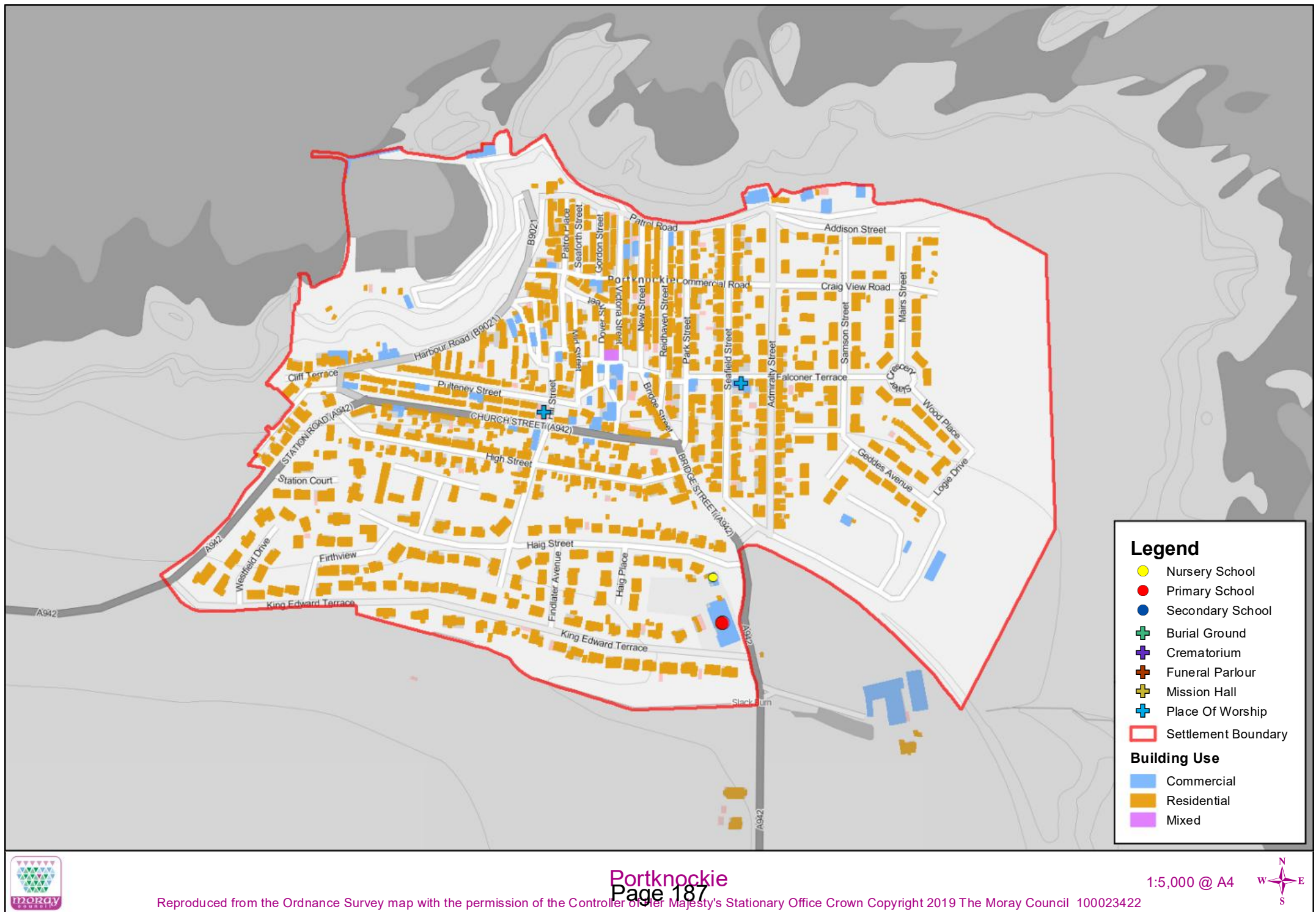


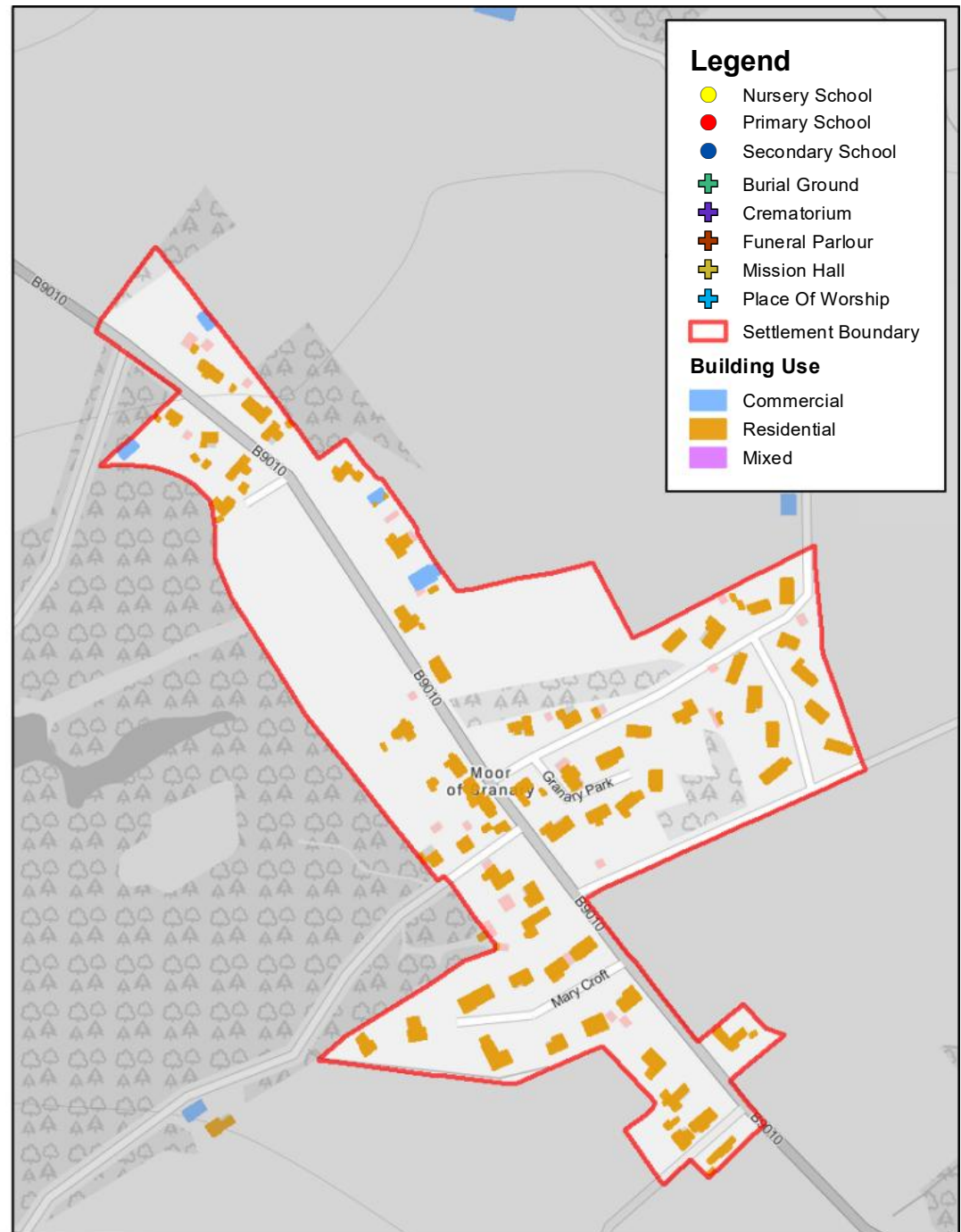
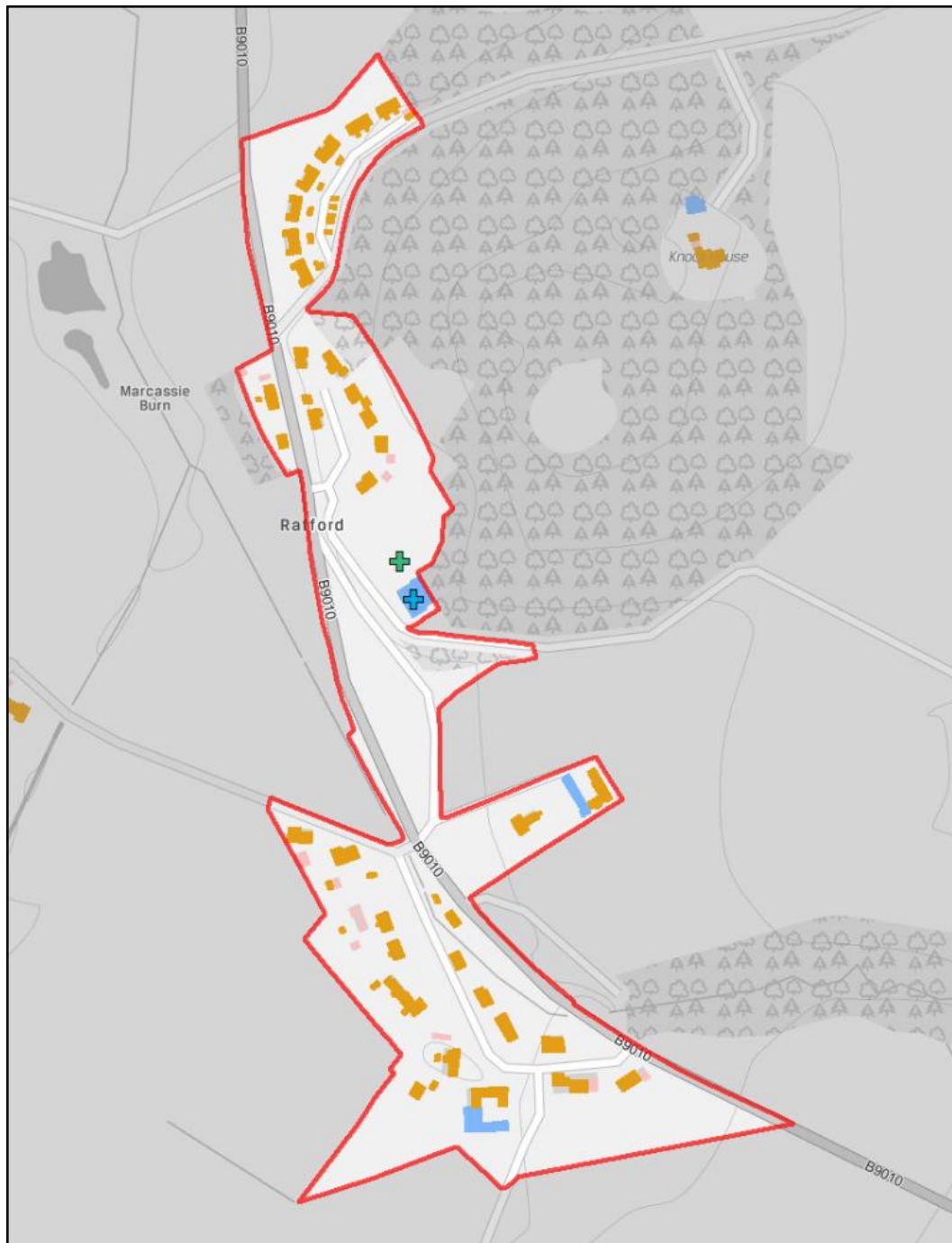
Portgordon
Page 185

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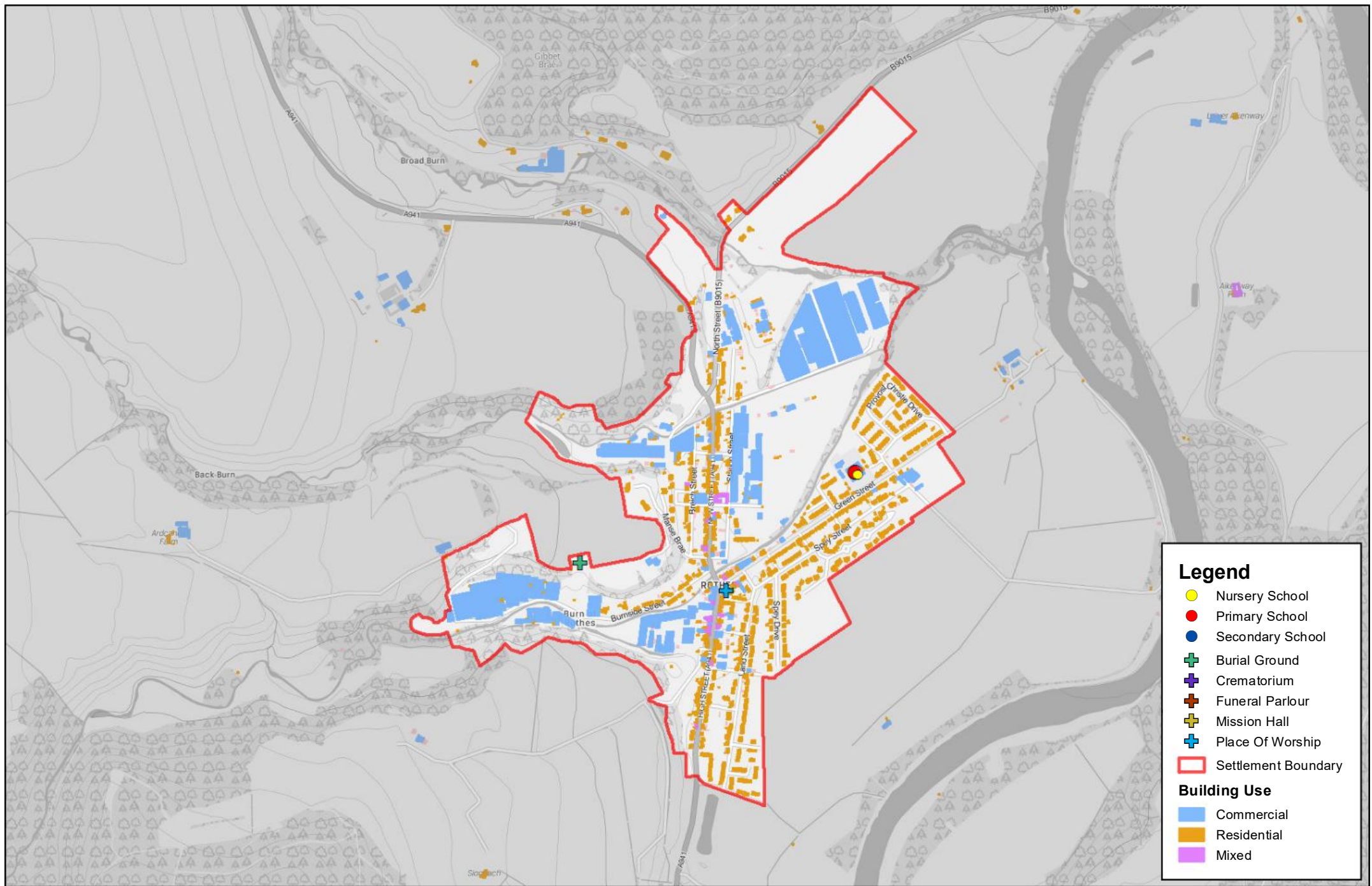


Legend

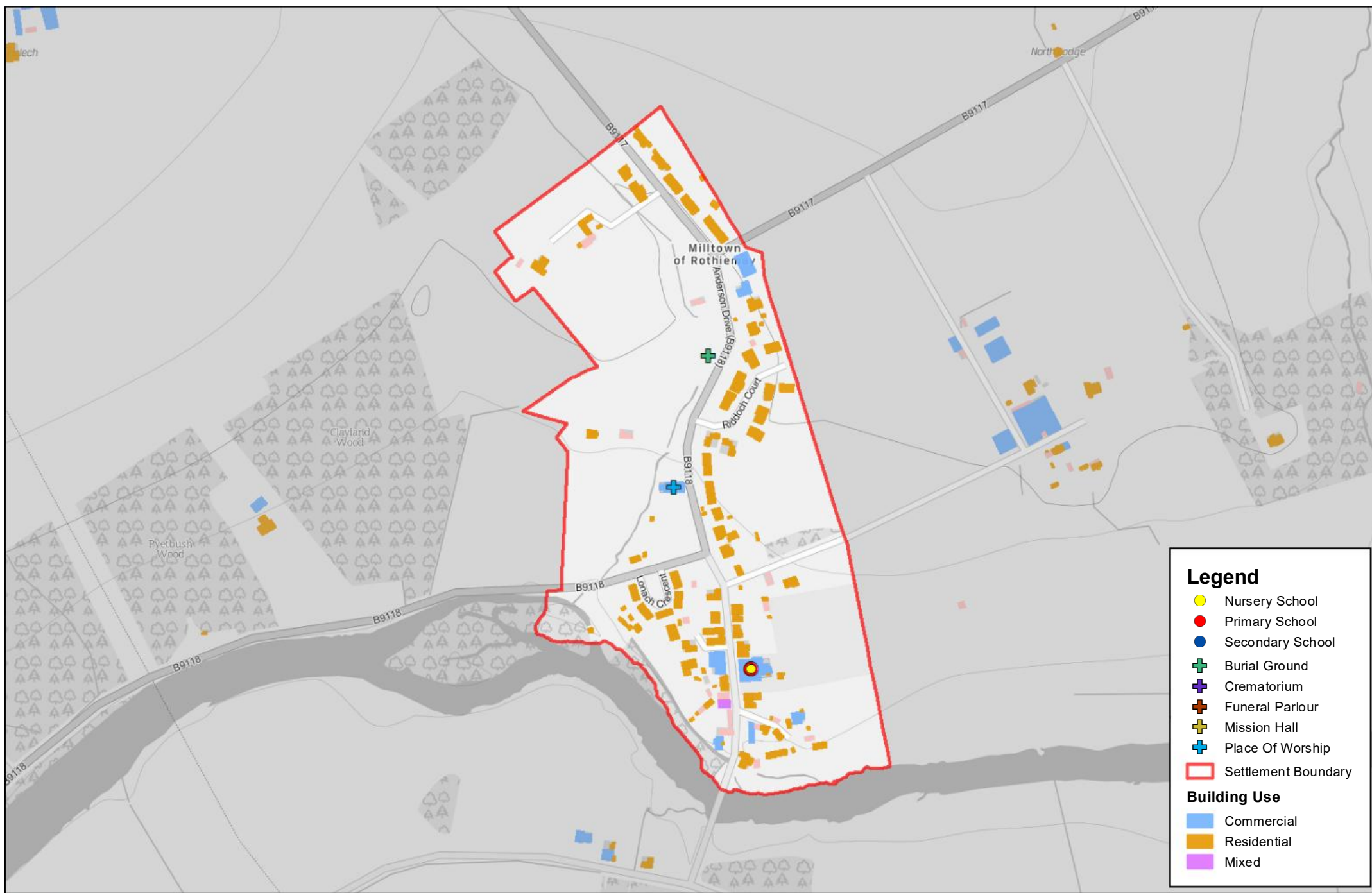
- Nursery School
- Primary School
- Secondary School
- + Burial Ground
- + Crematorium
- + Funeral Parlour
- + Mission Hall
- + Place Of Worship
- Settlement Boundary

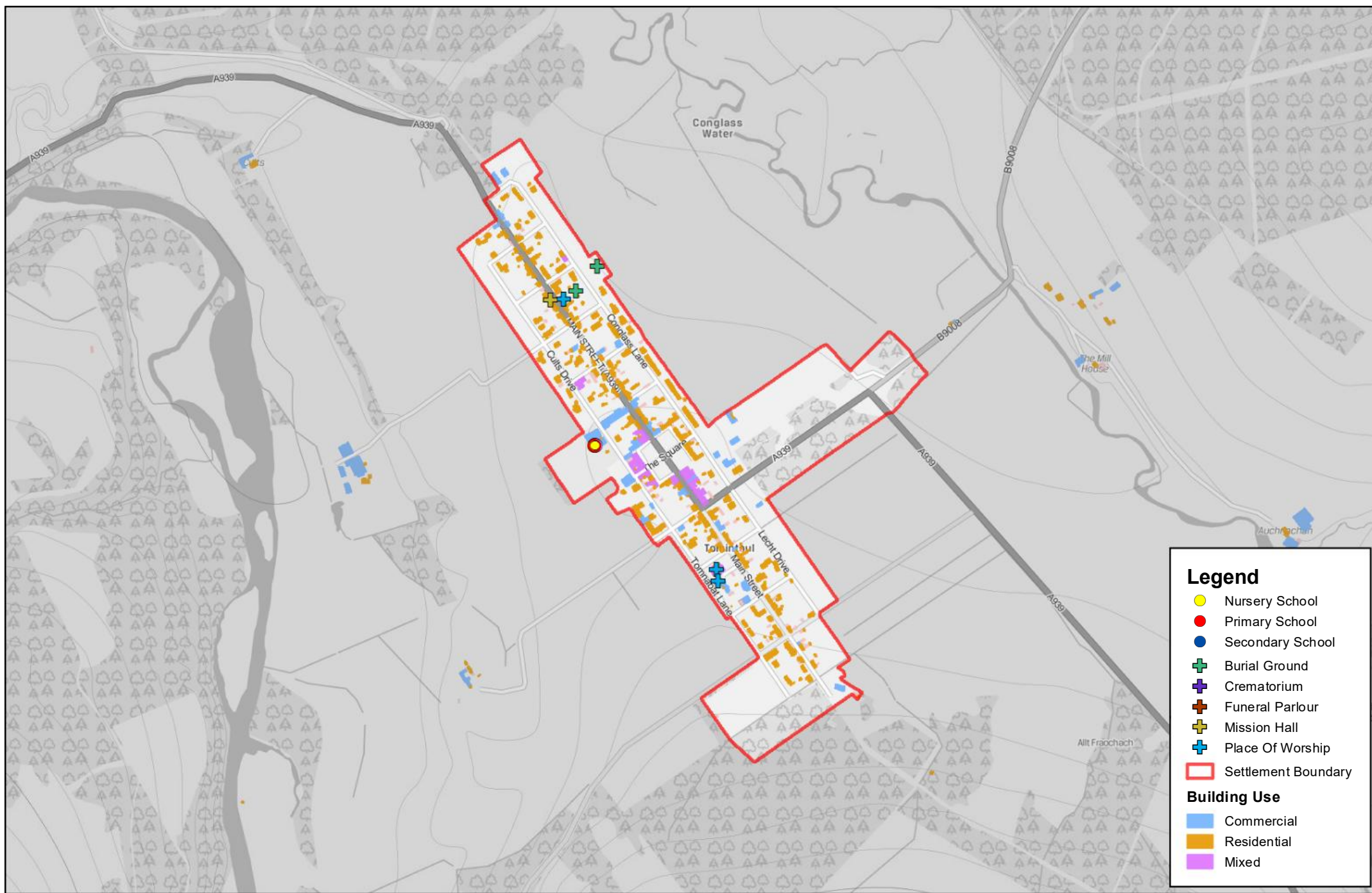
Building Use

- Commercial
- Residential
- Mixed



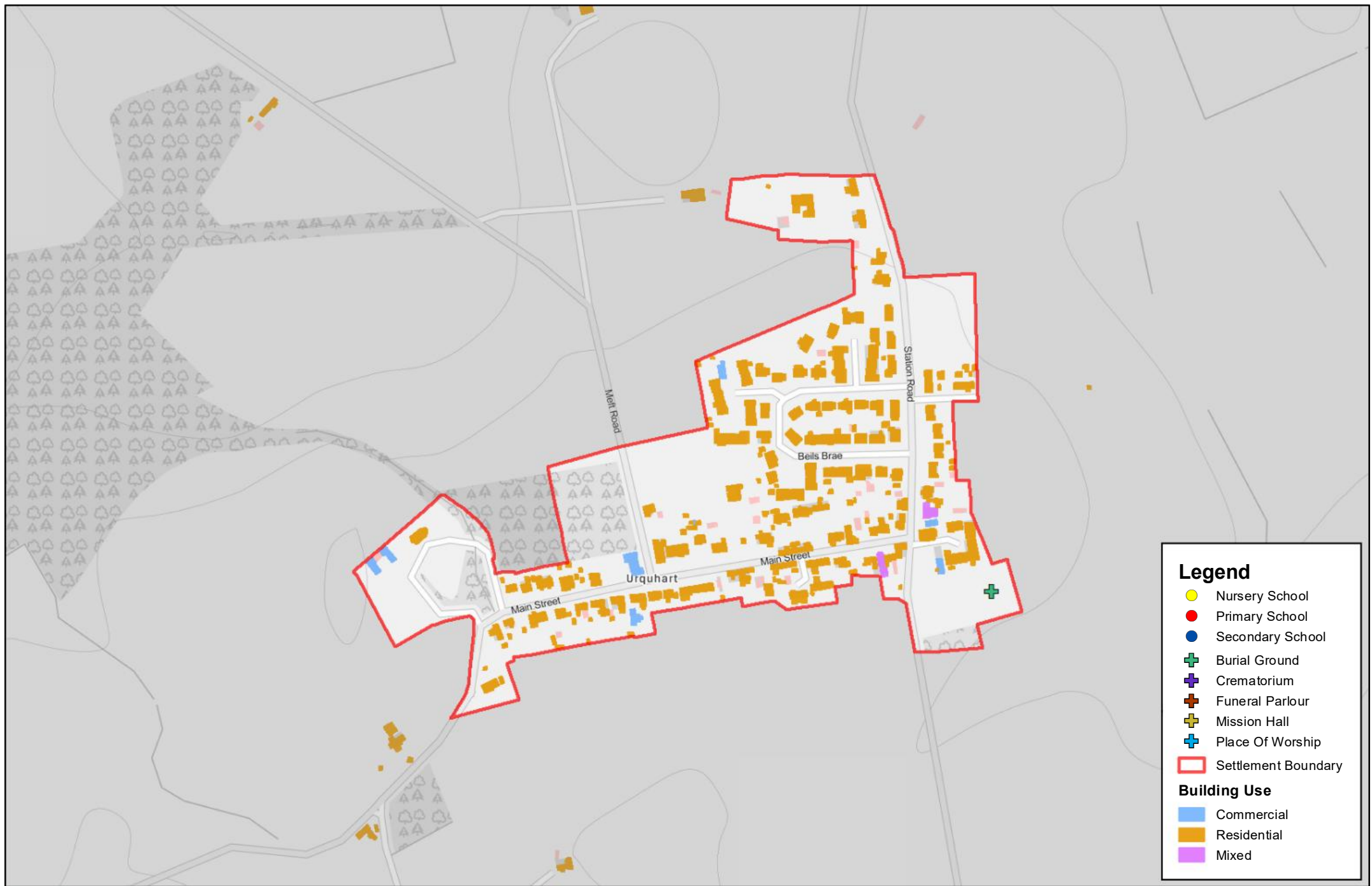
- Legend**
- Nursery School
 - Primary School
 - Secondary School
 - + Burial Ground
 - + Crematorium
 - + Funeral Parlour
 - + Mission Hall
 - + Place Of Worship
 - Settlement Boundary
- Building Use**
- Commercial
 - Residential
 - Mixed





- Legend**
- Nursery School
 - Primary School
 - Secondary School
 - + Burial Ground
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 - + Mission Hall
 - + Place Of Worship
 - Settlement Boundary
- Building Use**
- Commercial
 - Residential
 - Mixed





- Legend**
- Nursery School
 - Primary School
 - Secondary School
 - + Burial Ground
 - + Crematorium
 - + Funeral Parlour
 - + Mission Hall
 - + Place Of Worship
 - Settlement Boundary
- Building Use**
- Commercial
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