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## **Licensing Committee**

Wednesday, 06 November 2019

**NOTICE IS HEREBY GIVEN** that a Meeting of the **Licensing Committee** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 06 November 2019 at 09:30.**

### **BUSINESS**

**1. Sederunt**

**2. Declaration of Group Decisions and Members Interests \***

**3. Resolution**

Consider, and if so decide, adopt the following resolution:  
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 8 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

**4. Minute of the Meeting on 11 September 2019** **5 - 8**

**5. Written Questions \*\***

**6. Sex Entertainment Venues Report** **9 - 152**

A report by the Depute Chief Executive (Education, Communities and Organisational Development)

**7. Question Time \*\*\***

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

**Item(s) which the Committee may wish to consider with  
the Press and Public excluded**

**8. Application for Renewal of a Taxi Driver Licence - Case  
No. TD/19/005**

- Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Authority;

**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.

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# **THE MORAY COUNCIL**

## **Licensing Committee**

### **SEDERUNT**

Councillor Amy Taylor (Chair)  
Councillor Louise Laing (Depute Chair)  
Councillor George Alexander (Member)  
Councillor James Allan (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)

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**Minute of Meeting of the Licensing Committee**

**Wednesday, 11 September 2019**

**Council Chambers, Council Office, High Street, Elgin, IV30 1BX**

**PRESENT**

Councillor James Allan, Councillor Theresa Coull, Councillor Gordon Cowie, Councillor Paula Coy, Councillor Ryan Edwards, Councillor Donald Gatt, Councillor Louise Laing, Councillor Aaron McLean, Councillor Maria McLean, Councillor Amy Taylor

**APOLOGIES**

Councillor John Divers, Councillor Marc Macrae, Councillor Ron Shepherd

**IN ATTENDANCE**

Also in attendance at the above meeting were Sergeant Gill Flett, Police Scotland, Sean Hoath, Senior Solicitor, Jo Larsen, Licensing Standards Officer, Tracey Sutherland, Committee Services Officer all Moray Council.

**1. Chair**

The meeting was chaired by Councillor Amy Taylor.

**2. Declaration of Group Decisions and Members Interests \***

In terms of Standing Order 20 and the Councillor's Code of Conduct there were no declarations from group leaders or spokespersons in regards to any prior decisions taken on how Members will vote on any item on the agenda.

**3. Resolution**

The Committee resolved, that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraphs of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph of Minute	Number	Paragraph Number of Schedule 7A
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with the prevention,  
investigation or prosecution of crime

#### **4. Minute of Meeting on 12 June 2019**

The minute of the meeting of the Licensing Committee dated 12 June 2019 was submitted and approved.

#### **5. Civic Government (Scotland) Act 1982 - Mandatory Review of Taxi Fares and Charges**

A report by the Corporate Director (Corporate Services) invited the Committee to consider the responses received as part of the formal consultation carried out in relation to the review of the maximum fares and charges applicable to taxis and, in light of those responses, agree a new fare card.

Following consideration of the report and the responses received, Councillor Cowie moved to leave all charges the same as per the existing fare card including the fouling charge at the current level of £120. This was seconded by Councillor Aaron McLean

Councillor Gatt, seconded by Councillor Coy proposed leaving all charges the same as the existing fare card save for increasing the fouling charge to £150.

Following Councillor A McLean's summing up, Councillor Coy was minded to withdraw her second of Councillor Gatt's amendment. As a result of this, Councillor M McLean seconded Councillor Gatt's amendment.

On the division there voted:

For the Motion (7)      Councillors Cowie, A McLean, Coull, Coy, Edwards, Laing and Taylor

For the Amendment (3)      Councillors Gatt, M Mclean and Allan

Abstentions (0)

Accordingly the motion became the finding of the meeting and thereafter Committee agreed to:

- i) note the responses received from the formal consultation process;
- ii) fix the maximum fares and charges applicable to taxis in Moray as stated in the report; and
- iii) instruct the Head of Legal and Democratic Services to implement the new fare card from 29 December 2019.

## **6. Question Time \*\*\***

The Committee noted that there were no questions.

### **7. Civic Government (Scotland) Act 1982 - Application for Grant of a Taxi Driver Licence (Case No. TD/19/004) [Para 14]**

A report by the Corporate Director (Corporate Services) invited the Committee to consider an application for the grant of a taxi driver licence validated on 17 July 2019 subject to a representation received from a consultee.

The Committee noted that the applicant was in attendance. The Chief Superintendent was represented by Sergeant Gillian Flett, Police Scotland.

Sergeant Flett addressed the Committee and responded to questions raised by the Committee.

The Applicant addressed the Committee and responded to questions raised by the Committee.

Both Sergeant Flett and the applicant summed up their case.

Councillor Coy moved to refuse to grant the application for a taxi driver licence in respect of Case No. TD/19/004 as she was satisfied on balance that the applicant was not a fit and proper person to hold a taxi driver licence having regard to the evidence presented. Therefore a ground for refusal existed and the Committee was obliged to refuse. This was seconded by Councillor Taylor.

Councillor Edwards stated he was of the view that whilst it had been correct for the Committee to previously suspend the applicant's licence, he now thought it appropriate to propose an amendment to grant the licence as he was no longer satisfied on the balance of evidence, that the applicant was not a fit and proper person. The amendment was seconded by Councillor Gatt.

On the division there voted:

For the Motion (5) Councillors Coy, Taylor, Coull, Laing and A McLean

For the Amendment (5) Councillors Edwards, Gatt, Allan, Cowie and M McLean

Abstentions (0)

There being an equality of votes, and in terms of Standing Order 62(e), the Chair cast her casting vote in favour of the motion.

Accordingly the motion became the finding of the meeting and the Committee agreed to refuse to grant the licence.





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**REPORT TO: LICENSING COMMITTEE ON 6 NOVEMBER 2019**

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

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

**1. REASON FOR REPORT**

- 1.1 The reason for this report is to invite the Committee to consider the responses received to the consultation carried out in relation to the provision of a new licensing regime for sex entertainment venues in Moray, and in light of those responses to decide whether sex entertainment venues should be licensed.
- 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 responses received from the initial consultation process;**
- (ii) in light of those responses, decide whether to pass a resolution to license Sex Entertainment Venues in Moray and specify a date from when the resolution will take effect in Moray; and**
- (iii) if appropriate instruct the Head of Legal and Democratic Services to publish a draft notice of the resolution as required either electronically or in a newspaper circulating locally; and**
- (iv) if appropriate report back to the Committee with any responses to a draft resolution along with a full SEV application process for approval including forms, guidance and a draft Sex Entertainment Venue policy statement, again developed in consultation with relevant interest groups.**

### **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 Sex Entertainment Venues (SEVs). This new licensing regime provides local authorities with the power to determine whether they wish to license 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 A venue would be considered to be a sexual entertainment venue if it were to provide "Sexual Entertainment" before a live audience for the direct or indirect financial benefit of the Organiser. "Sexual Entertainment" is defined by the legislation as any live performance or live "Display of Nudity" provided for the sole or principal purpose of sexual stimulation of members of the audience. "Display of Nudity" is defined in the Act. However, premises where "Sexual Entertainment" is provided on no more than 4 occasions in a 12-month period are not to be treated as SEVs (so would not need a Licence).
- 3.3 It should be noted that this definition is wider than it may first seem because of the use of the word "or". This means any live performance for the primary purpose of sexual stimulation is sexual entertainment even though it may not involve nudity. Neither does it have to be professionals providing the entertainment so it might include a pole dancing competition in a bar. A similar licensing regime has been in existence in England and Wales for some time and offers useful insight and experience. The Home Office has further guidance on the definition that also deals with spontaneous activities. In England and Wales there are waivers for festivals but where activities are not recognised or caught by the licensing authority there is a danger of the authority being accused of discrimination.
- 3.4 Following an informal discussion with the Committee after its meeting on 12 June 2019 the Committee acknowledged that at present there were no obvious SEVs within Moray, however SEVs may decide to operate in the area in the future. The Committee considered it prudent to seek the views of relevant interest groups, organisations, internal consultees and residents groups within Moray in order to expand their knowledge and to assist in their decision as to whether a resolution should be passed to license SEVs.
- 3.5 On the scope of licensing, if the authority determines to pass a resolution to licence SEVs then the provisions of the Civic Government (S) Act 1982 come into play and they include s.9.
- 3.6 Officers have undertaken a full consultation and information gathering exercise to inform Members on the possible licensing of SEVs. The results appear below.

## Mapping Exercise

- 3.7 The Committee instructed Officers to carry out a mapping exercise to consider a wide range of issues including:
- the location of schools;
  - the location of places of worship;
  - the location of heavily residential areas;
  - the location of women's refuges and shelters and other services focussed on supporting women, children and young people;
  - whether there have been incidents involving anti-social behaviour, sexual assaults, prostitution or more minor harassment report in any particular area; and
  - whether there have been incidents of human trafficking or exploitation locally.
- 3.8 Attached at **Appendix 1** are a series of colour coded maps detailing the main settlement areas in Moray, including larger scale maps of the main towns. The maps show, by area, the main usage of land as well as the locations of specific buildings identified in paragraph 3.4 above.
- 3.9 Should the Committee decide to license SEVs, the mapping exercise will then assist Members, as part of the licensing policy, to determine whether to consider Moray as a whole and/or split Moray into designated localities. From there Members would need to consider whether Moray as a whole or any particular locality might be suitable for an SEV. This will, in turn, provide information about the decision whether to set a limit on the number of SEV licences that may be granted.
- 3.10 A limit need not be set now and indeed it is recommended that further consideration is given to this as part of the development of the licensing policy.

## 4. **RESPONSES TO THE CONSULTATION**

- 4.1 A consultation was carried out by Officers beginning on 9 July 2019 and closing on 26 August 2019. A questionnaire, attached at **Appendix 2** was sent to internal consultees within Moray Council, religious organisations and groups, women's and children's groups, local businesses, community councils, the education authority and Police Scotland. The questionnaire was made available in both paper form and through Survey Monkey. The results have been analysed below.

### **License or Not?**

- 4.2 The consultation received a total of 187 responses and a summary of these responses have been collated in **Appendix 3**. Please note that 176 responses were received via SurveyMonkey and 11 paper responses were also received. Of the 187 responses received, 53% were not in favour of licensing SEVs while 47% were in favour of the Committee licensing SEVs within Moray. However, this has to be viewed in the light of other responses below. The additional comments that were made suggest a lack of understanding of the

consequences of choosing not to license SEVs. Some respondents seemed to assume that choosing to license the activity would be permissive rather than the primary means of control. They therefore appeared to answer “no” to licensing the activity when they actually wanted the activity restricted or completely prevented.

- 4.3 In fact 86 out of 99 respondents who said “no” to licensing SEVs also said “no” to there being any areas they considered suitable for SEVs. It can reasonably be assumed from this that most respondents want to restrict the potential for SEVs which requires them to be licensed.

### **Suitable Location?**

- 4.4 In terms of whether there were any areas within Moray that would be appropriate for an SEV, of the 187 responses, 57% believed that there were no appropriate areas in Moray for an SEV to be located, while 33% believed that there were a number of areas that could be considered appropriate (and 10% don't know).
- 4.5 Of the 33% of respondents in para 4.3 who considered there might be locations within Moray appropriate for SEVs, most suggestions were for larger town centres. Elgin was the most popular choice for the only appropriate area (36%). 24% of responses included suggestions about other areas within Moray, many incorporating Elgin as well, such as Forres, Buckie, Keith etc.

### **Maximum Figure?**

- 4.6 122 responses were also received in relation to whether the Committee should set a maximum figure for SEVs within any particular locality. 68% of these responses advised that a maximum figure should be set. Out of those 58% advised that the maximum figure should be set at zero.
- 4.7 Suggestions for a positive maximum number varied widely from 1 for the whole of Moray to 1 in each town to no more than 3 per locality. All comments are detailed under Q5 of **Appendix 3**.
- 4.8 Again it should be noted that this is for information and actual guides/numbers are to be developed as part of the licensing policy. There is more information on policy at para 6 below.

### **What About Neighbours?**

- 4.9 The questionnaire also considered whether any SEVs could be located near retail parks, residential areas or schools etc. There were 180 responses received across a range of questions about compatibility within certain areas and in proximity to certain locations. According to respondents, the most incompatible location(s) were: near a school (140 responses or 78%); closely followed by family leisure centres; and then areas that are mainly residential.
- 4.10 The most compatible location(s), according to the survey, would be areas with lots of night time entertainment (69 responses or 38%). There were not many votes in favour of any other location being favourable. The next best



compatible location was thought to be in a mainly retail area (28 votes or 16%). All answers are detailed under Q7 of **Appendix 3**.

- 4.11 The main area for night time entertainment is the centre of Elgin that has a cinema, food outlets and alcohol licensed premises including the only 2 licensed premises regularly open until 3am.

### **Policy and Procedure**

- 4.12 The consultation also considered the content of any SEV policy that would be formulated if the Licensing Committee chose to license SEVs. Of the 179 responses received, 169 participants believed that the suitability of the applicant and those connected to them should be considered. In fact all the matters identified in Q2 of the survey attracted a large degree of support from respondents including: detail operating rules for managing SEVs; the local authority's vision for localities referencing SEVs; the particular use of the neighbourhood; and the interior layout of an SEV. Due to the number of responses received they have been attached as a separate document and not included in the appendices to the report. The responses can be accessed using the link below:

<https://moray.cmis.uk.com/moray/CouncilandGovernance/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/32/Committee/7/Default.aspx>

### **Any Additional Comments**

- 4.13 Further comments were received and are detailed in the document using the link in paragraph 4.12.

## **5. RESOLUTION TO LICENSE SEVS**

- 5.1 The first decision for the Committee is to determine whether to licence SEVs. The Committee previously indicated that it would be a good idea and that idea has been consulted upon as above.
- 5.2 If the Committee decide to license SEVs within Moray, section 45B of the 1982 Act requires the Licensing Committee to pass a resolution in order for SEV licensing to have effect in Moray. The initial resolution will be published as a proposal by the Licensing Committee of their intention to license the activity in the Moray area. The resolution must specify a date from when it is to take effect in the area, which must be at least one year from the date the resolution is passed. So the Committee should determine a date from which the requirement to license 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 notice of resolution in the local newspaper.
- 5.3 A draft Resolution would be as follows: The Moray Council as licensing authority for Moray pursuant to s.45B of the Civic Government (S) Act 1982 **DO HEREBY RESOLVE** that as from the 6 November 2020 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) is to have effect in the Moray Council area in relation to Sexual Entertainment Venues.

- 5.4 If such a resolution is adopted then public notice must be given at least one month before the resolution comes into effect and attached at **Appendix 4** is a draft notice. The draft notice is just for information and will be published in due course.

## **6. POST RESOLUTION POLICY**

- 6.1 As stated, any resolution has a 12 month lead in time. That gives time for operators to get ready and for the remainder of the licence system to be put in place.
- 6.2 The Act requires the licensing authority to produce a policy on the licensing of sexual entertainment venues and that policy must be published alongside the notice referred to in paragraph 5.3 above.
- 6.3 Production of a robust policy will be a lengthy exercise involving a lot of licensing staff time.
- 6.4 The Act also requires that from time to time the Licensing Committee must determine the appropriate number of SEVs for their area and for each relevant locality within their area. The determination should be publicised in such manner as the authority consider appropriate.
- 6.5 Nil may be considered as a possible appropriate number. If so, it will form a rebuttable presumption against the granting of an SEV licence in one or more localities of the Moray area. Each application would still have to be considered and decided on its own merits but the applicant would have to show particular reason(s) why the presumption against a licence should not apply. In this way, a carefully drafted policy may become more of a rule as the Courts seem more and more willing to consider tough policies as lawful.
- 6.6 A draft policy would therefore be brought back to a future Committee for consideration and public consultation.

## **7. 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 sex 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 sex 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 license SEVs the current status quo is maintained. By choosing to license 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 license 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 license 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 6** is an equality impact assessment to inform Members in this respect.

**(h) Consultations**

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

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

**8. CONCLUSION**

- 8.1 The Committee is invited to consider whether SEVs should be licensed in Moray, considering any responses received in the initial consultation process.**
- 8.2 If SEVs are to be licensed then the Committee is invited to consider and approve the draft Resolution and set dates for implementation and publication of the same.**
- 8.3 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.**
- 8.4 If SEVs are to be licensed then the Committee is invited to consider the issue of a policy on SEVs and what might be included in the same and instruct officers to proceed to develop and publicise a licensing system for the proposed licence type including a policy, forms, guidance and a fee. There will be approximately 11 months to complete this process.**

Author of Report: Sean Hoath

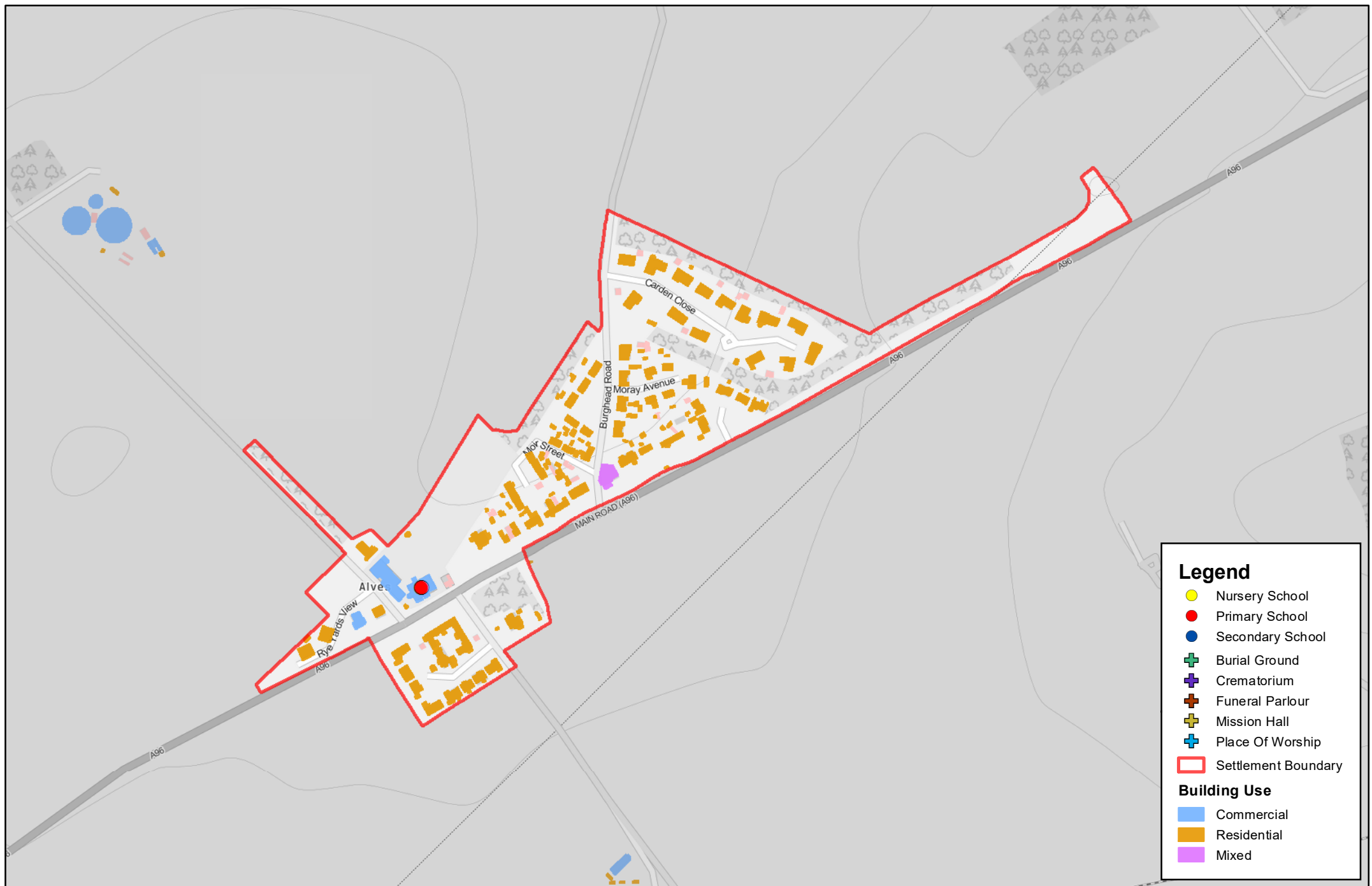
Background Papers:

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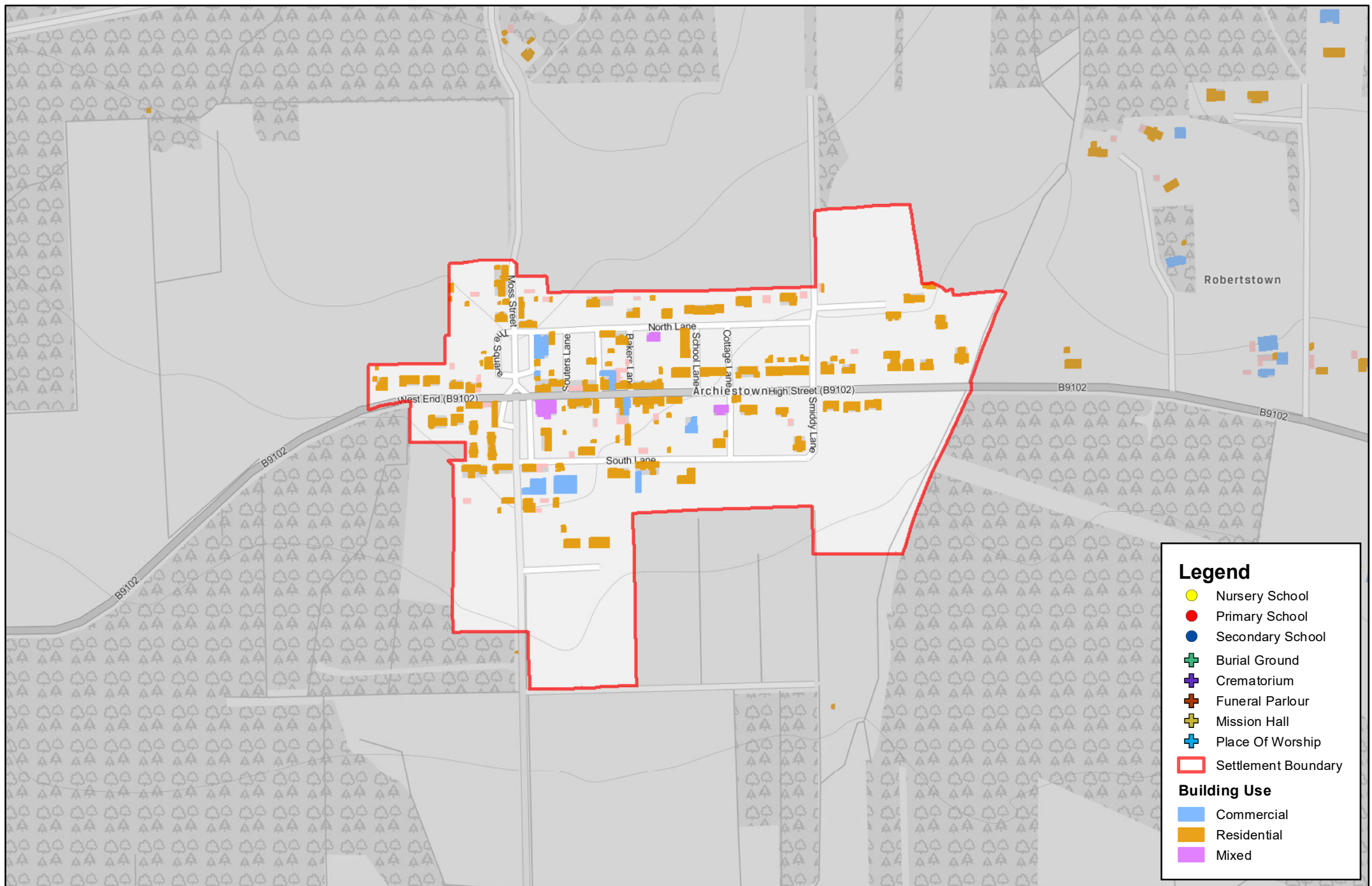






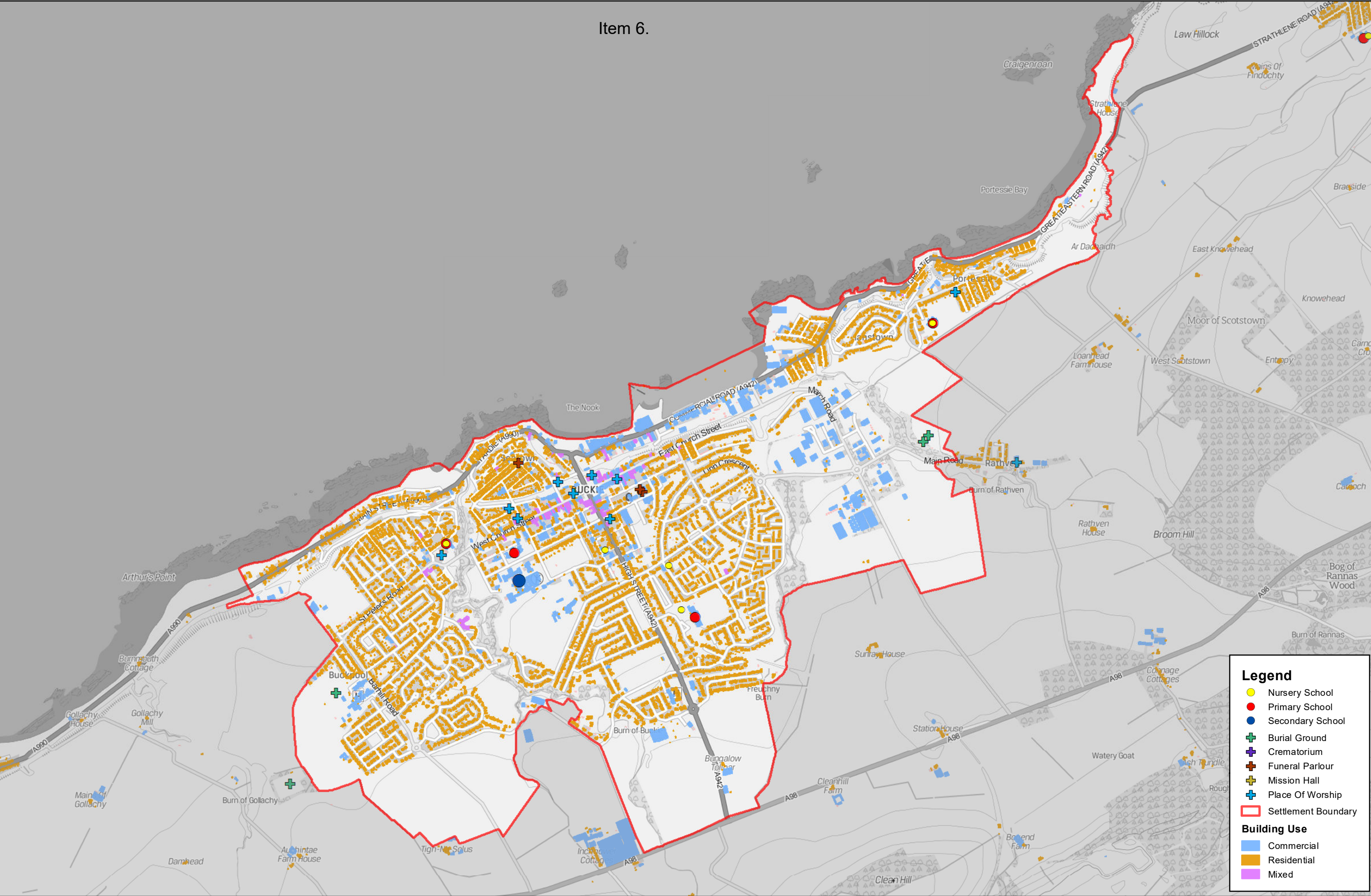












**Legend**

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

**Building Use**

- Commercial
- Residential
- Mixed

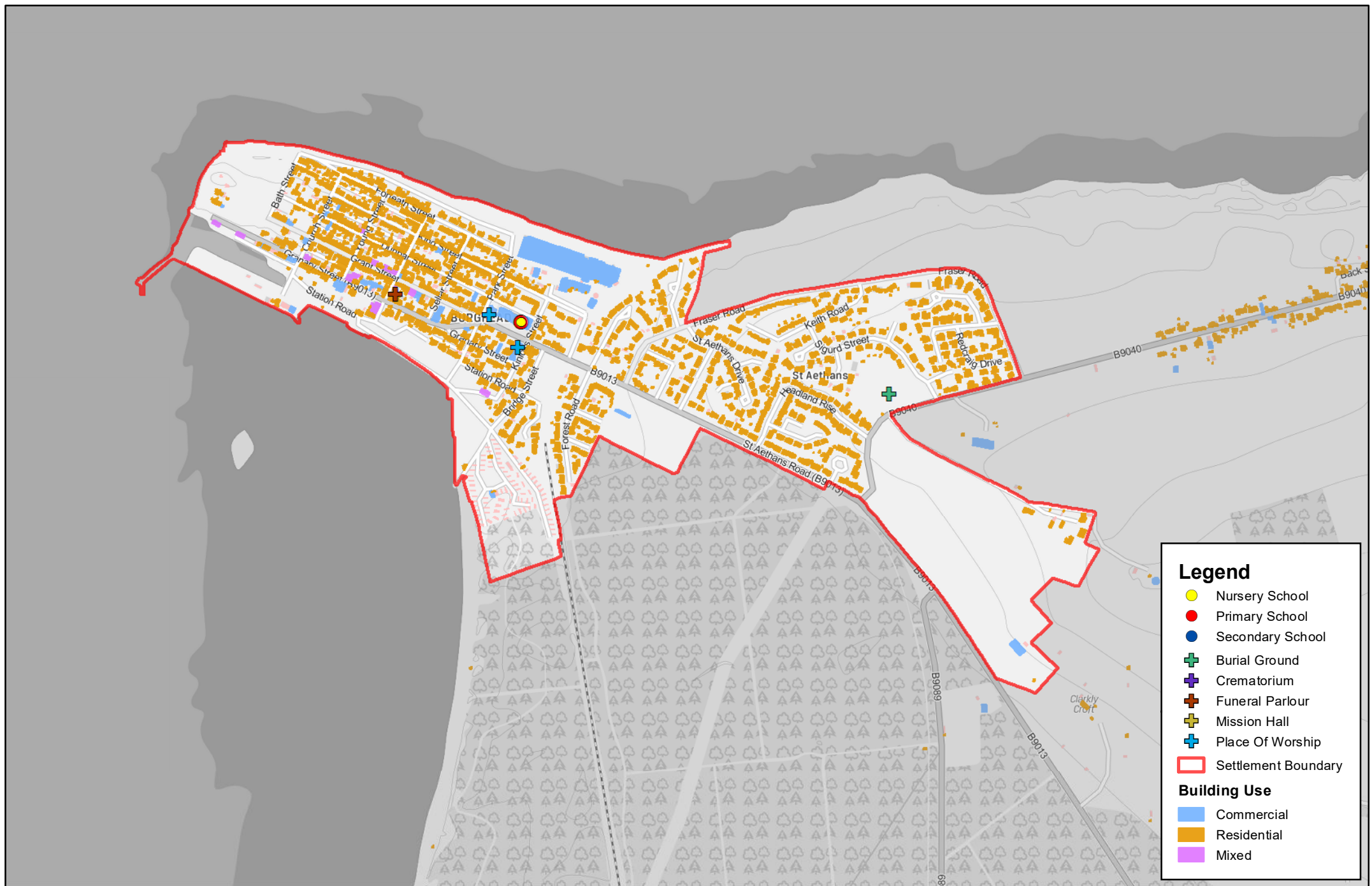






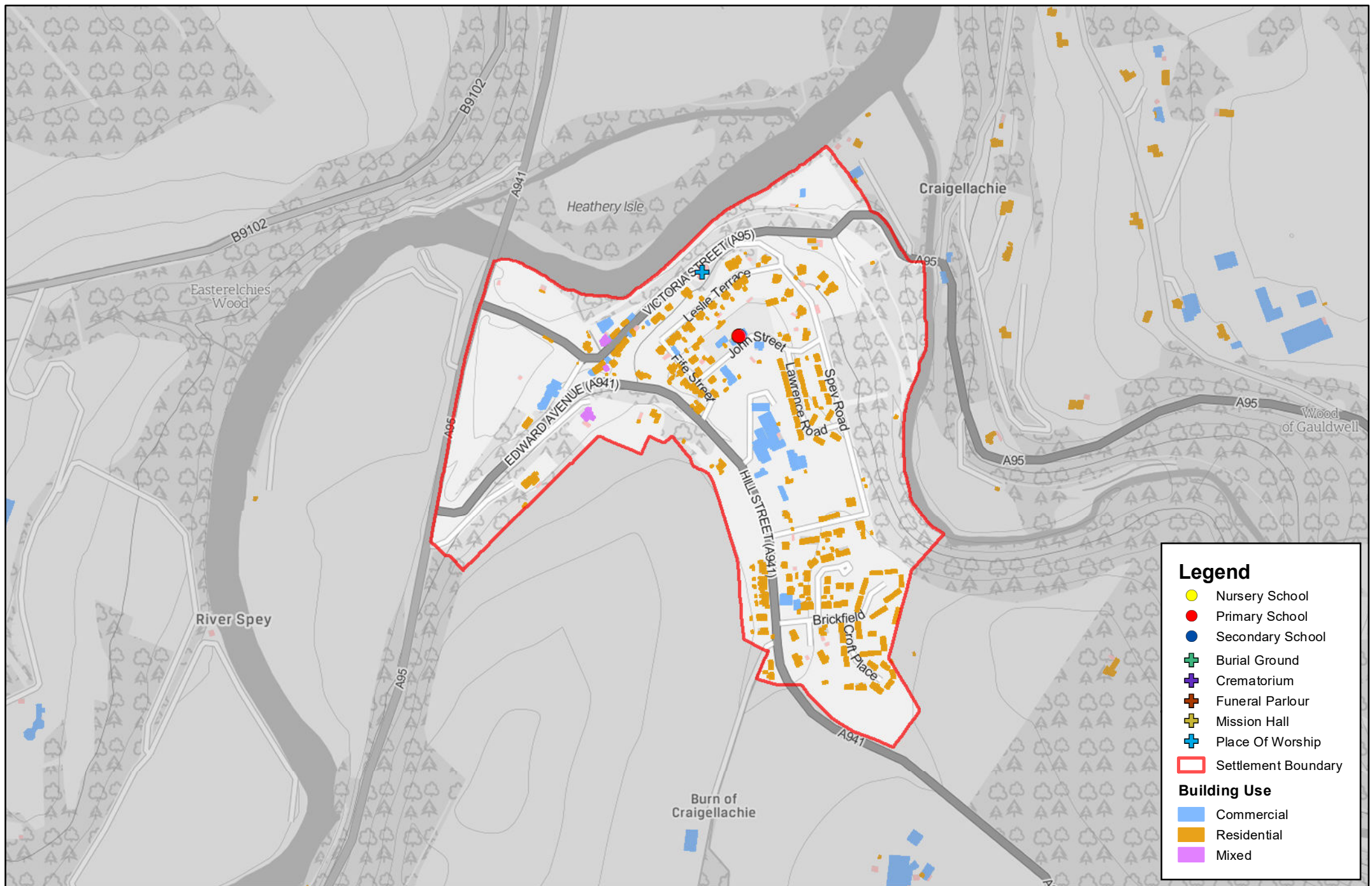












**Legend**

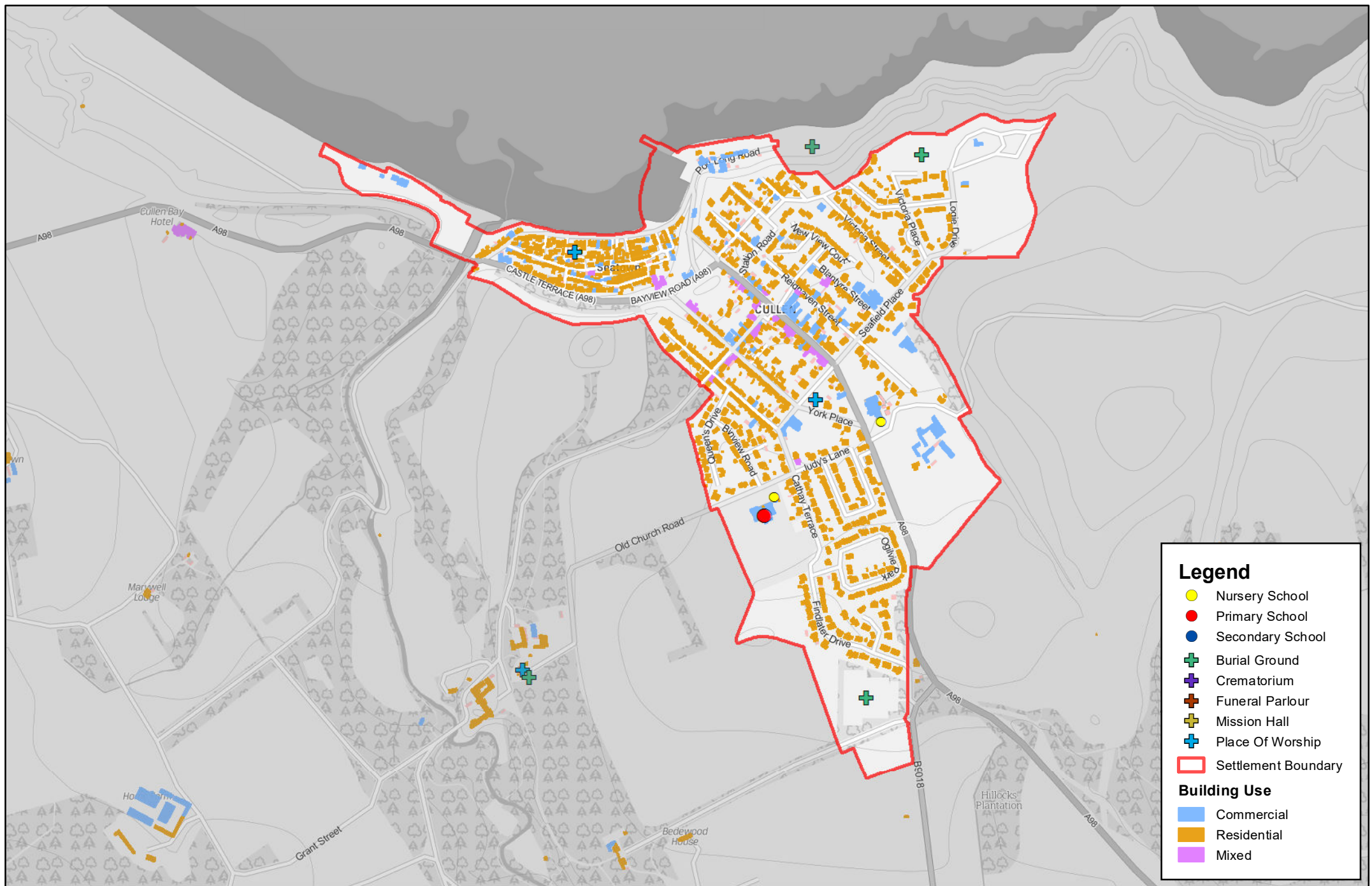
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- Settlement Boundary

**Building Use**

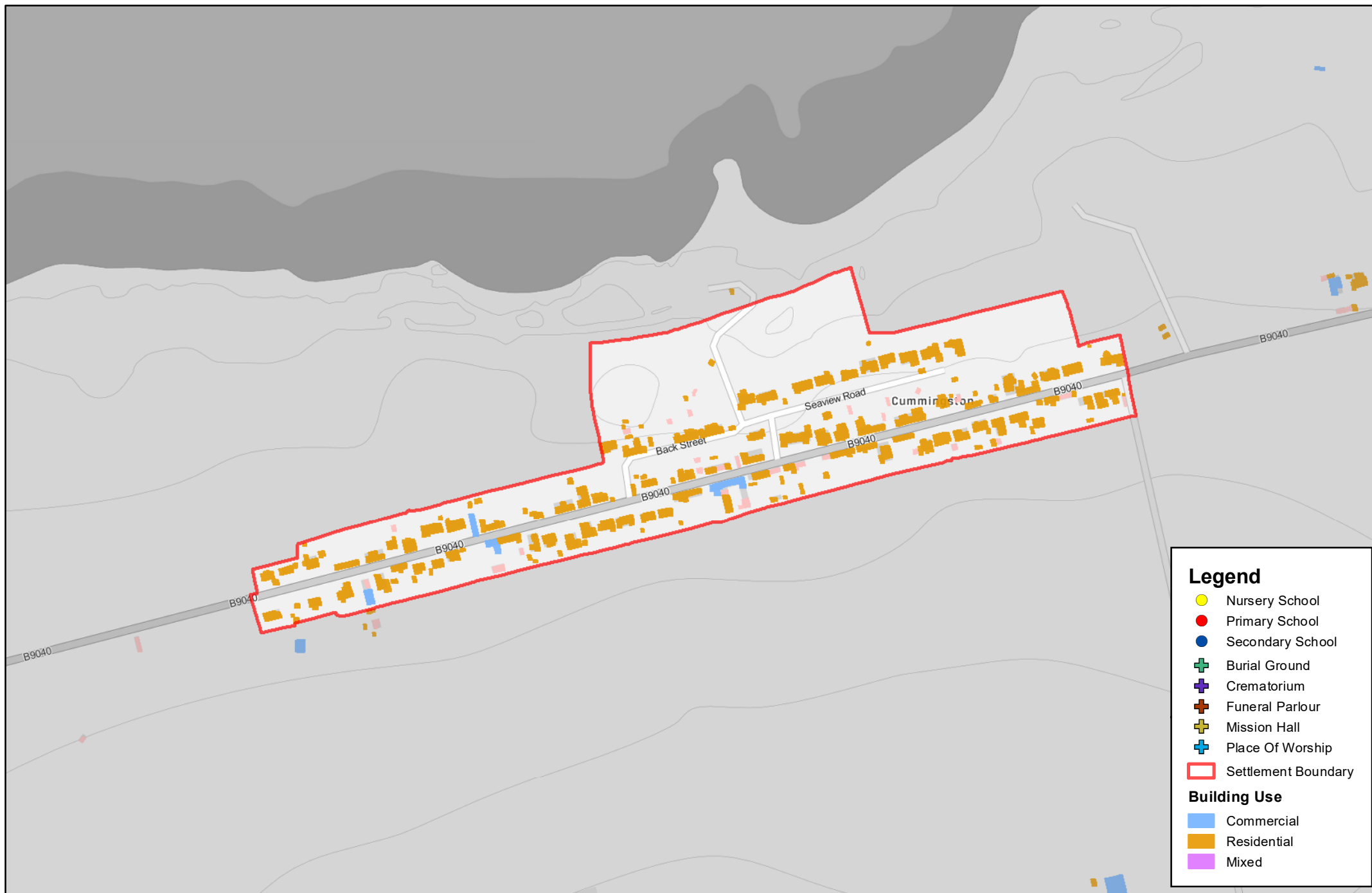
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**Legend**

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- + Place Of Worship
- Settlement Boundary

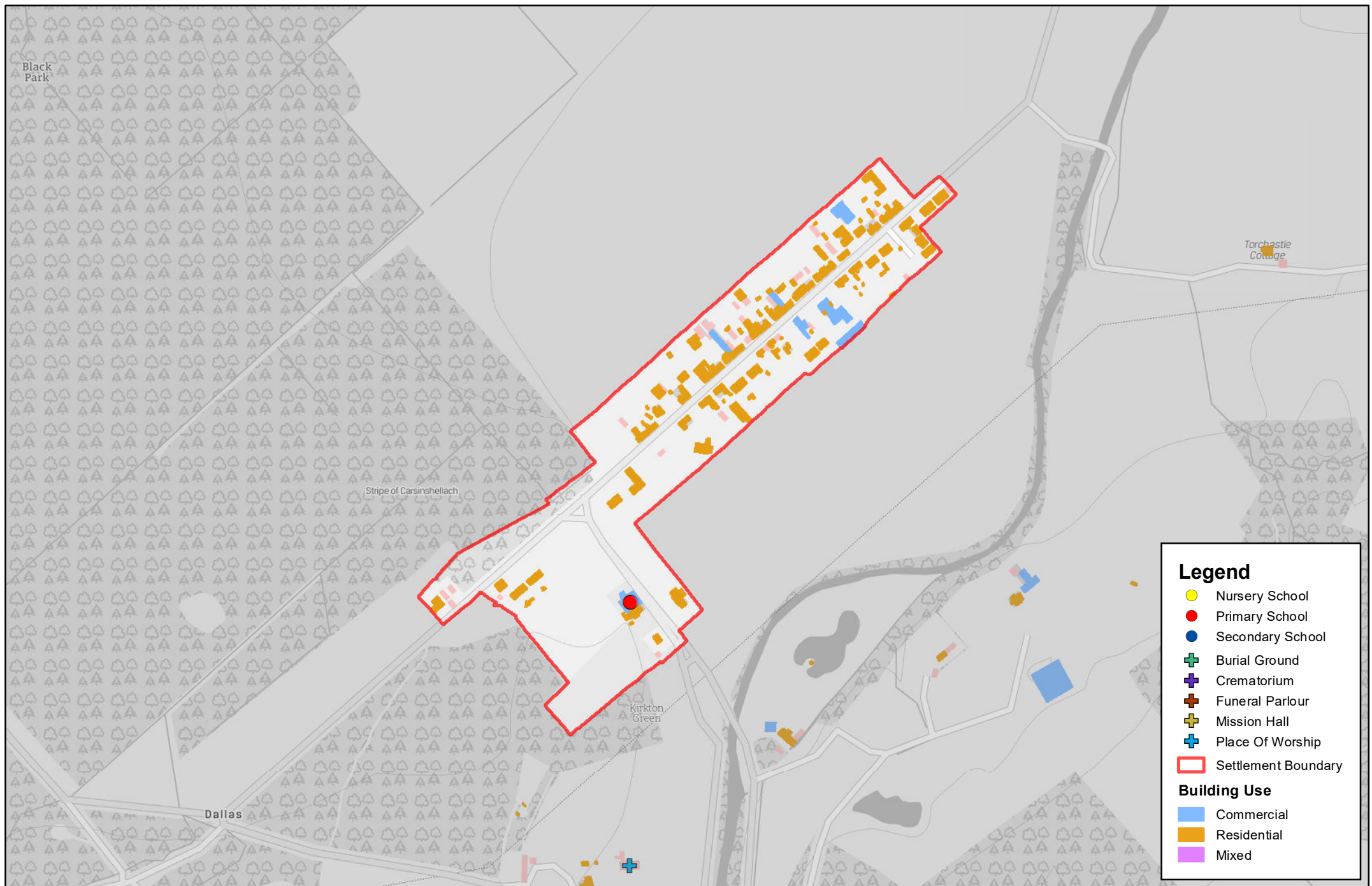
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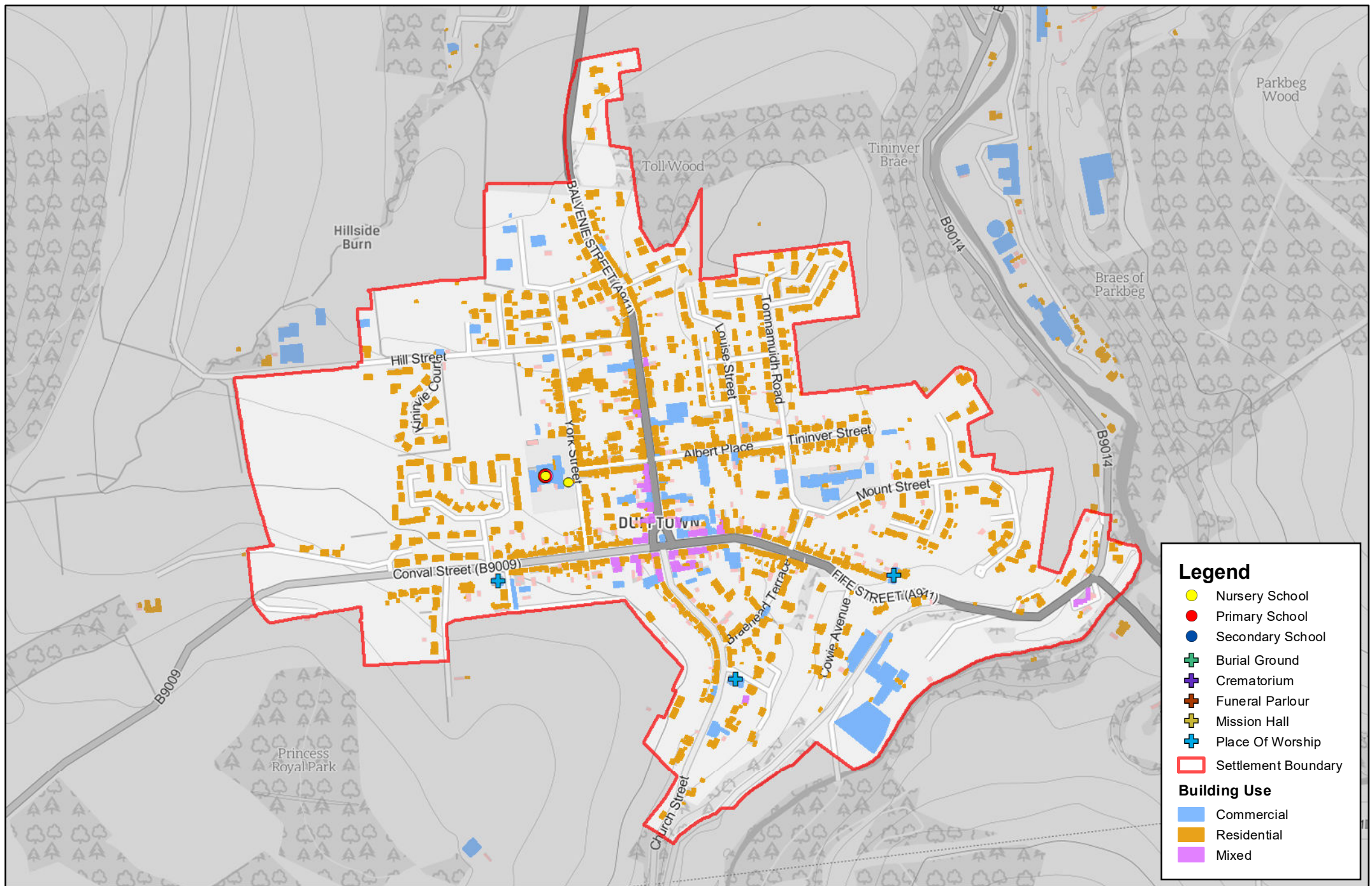
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- Mixed

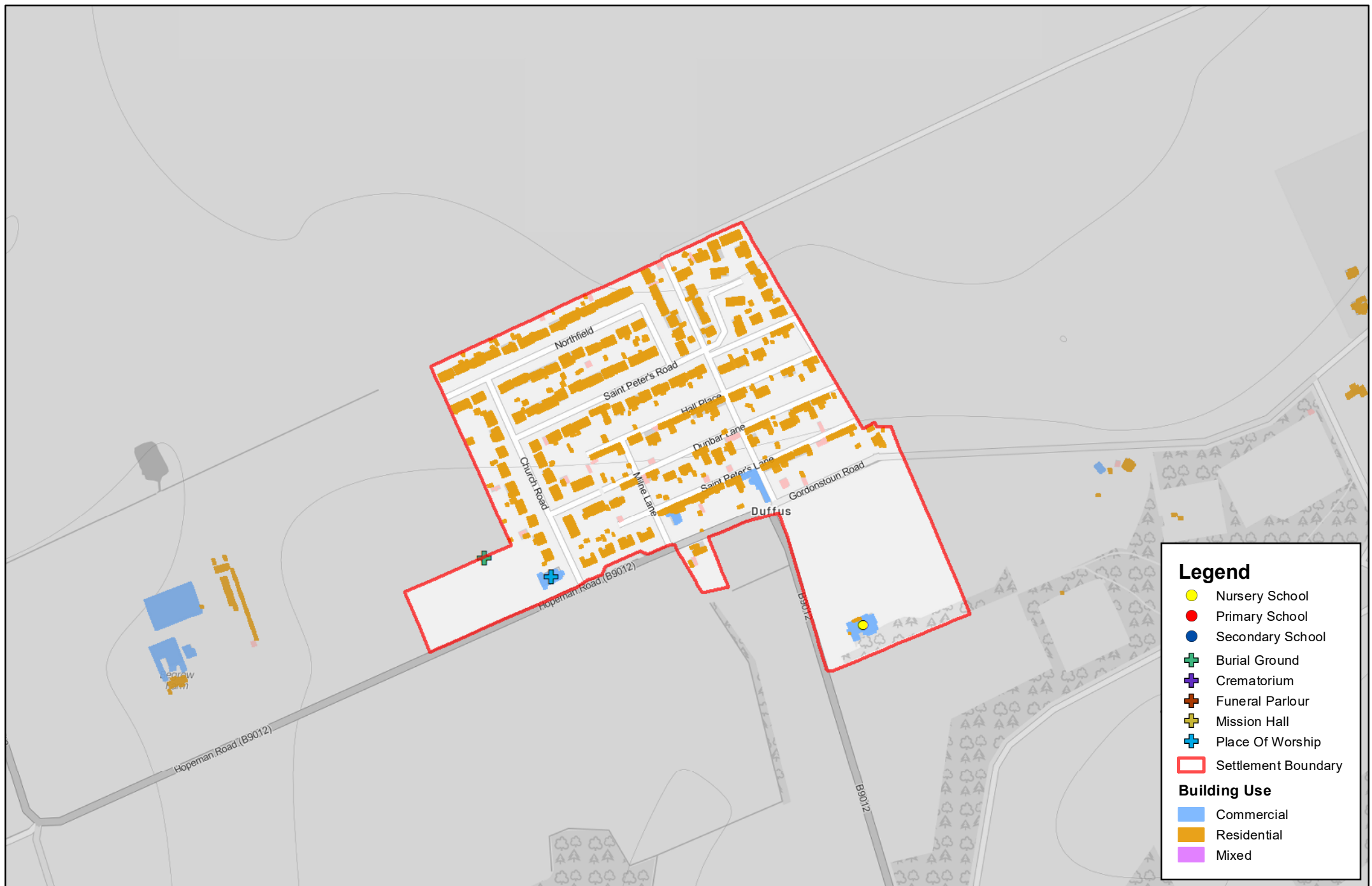








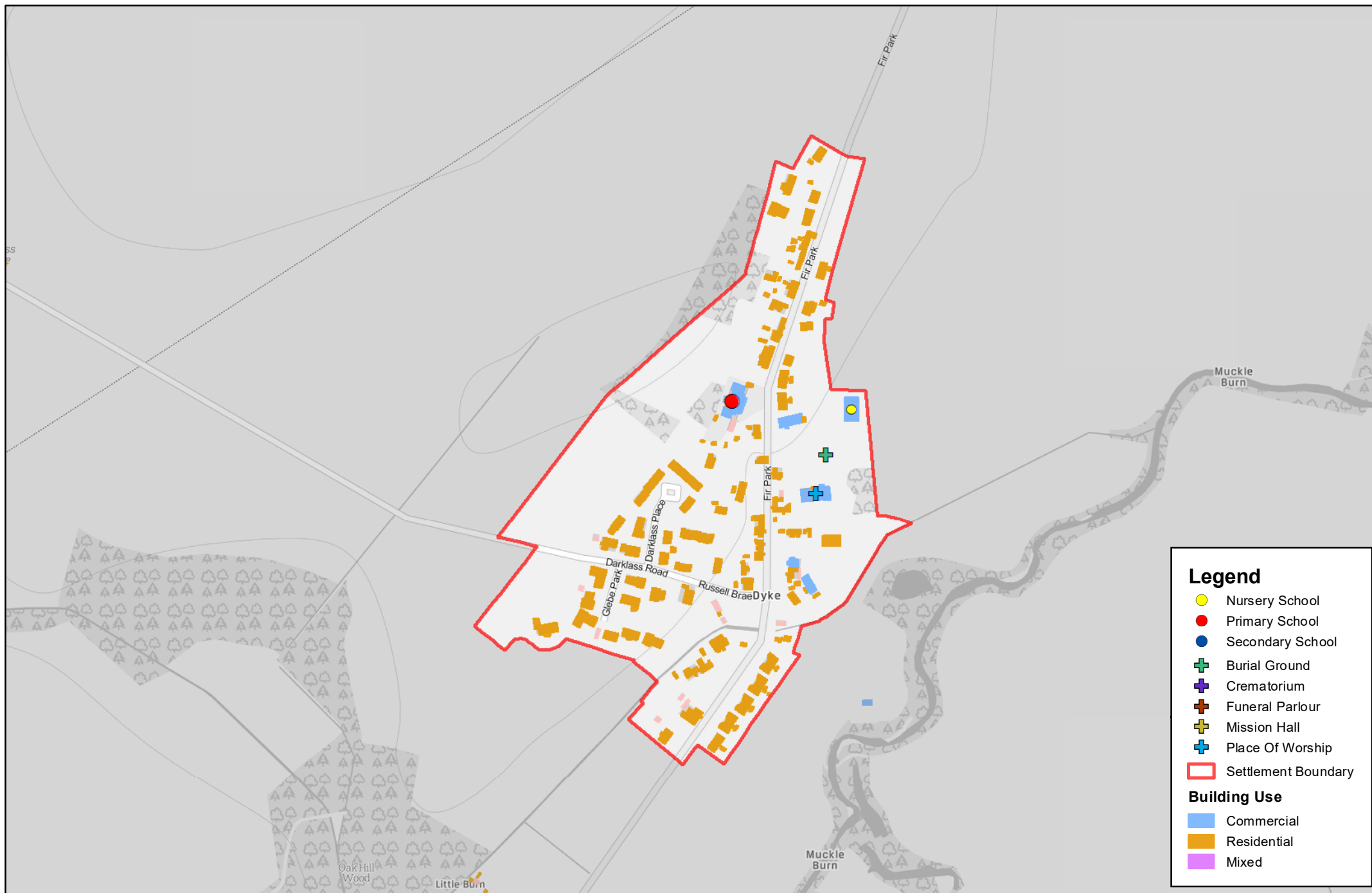




- Legend**
- Nursery School
  - Primary School
  - Secondary School
  - + Burial Ground
  - + Crematorium
  - + Funeral Parlour
  - + Mission Hall
  - + Place Of Worship
  - Settlement Boundary
- Building Use**
- Commercial
  - Residential
  - Mixed







**Legend**

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

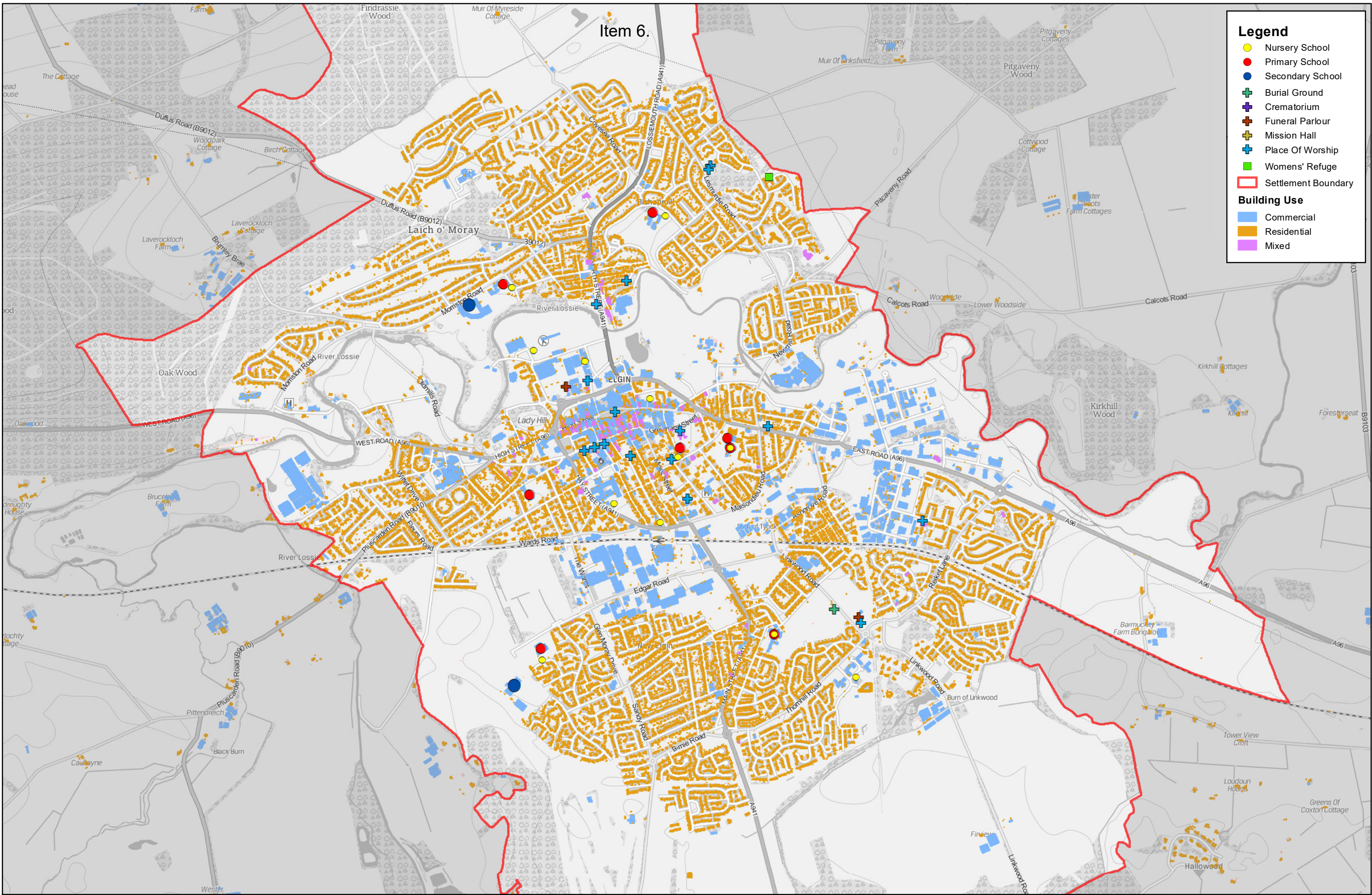
**Building Use**

- Commercial
- Residential
- Mixed









**Legend**

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

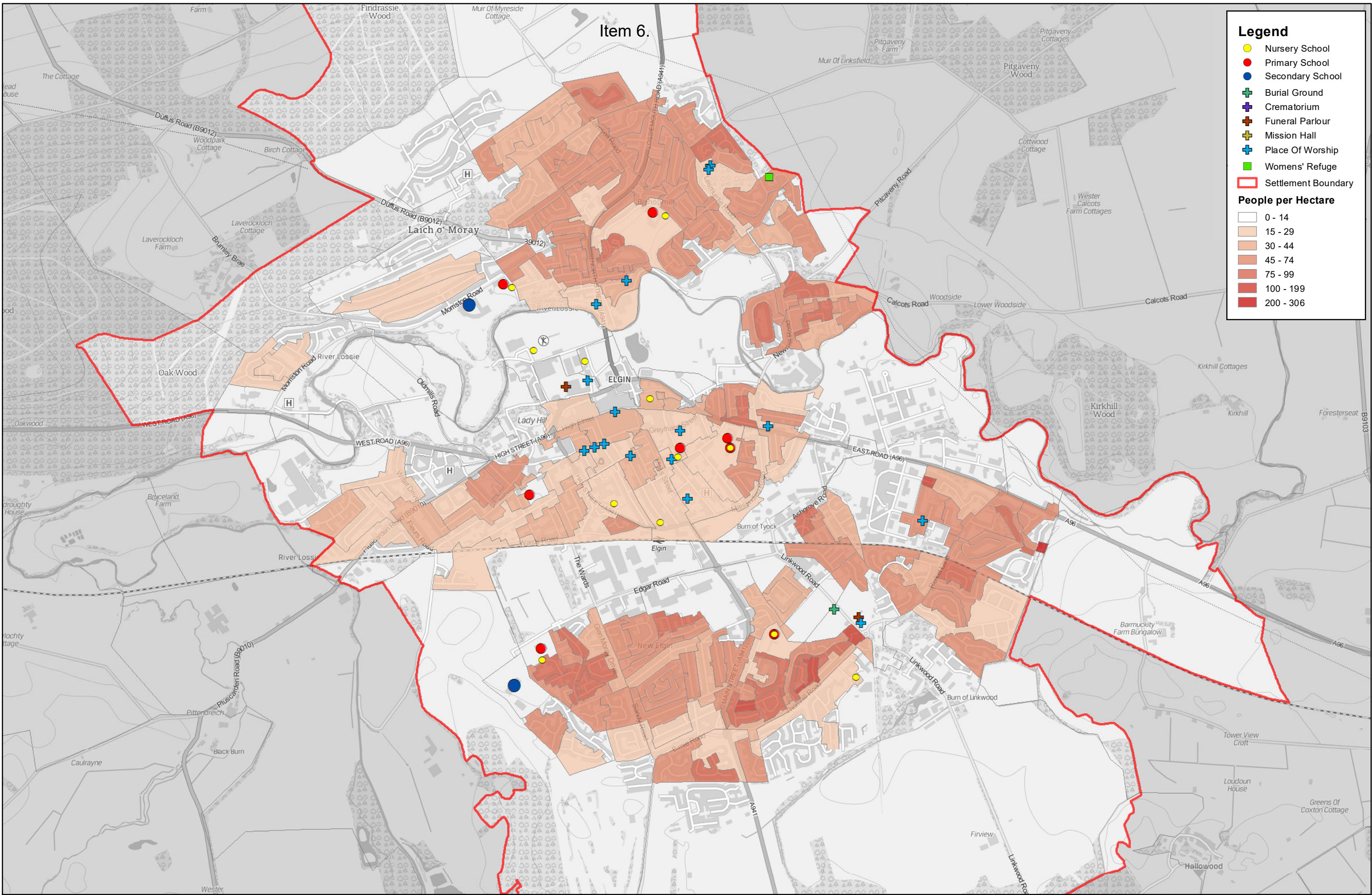
**Building Use**

- Commercial
- Residential
- Mixed









**Legend**

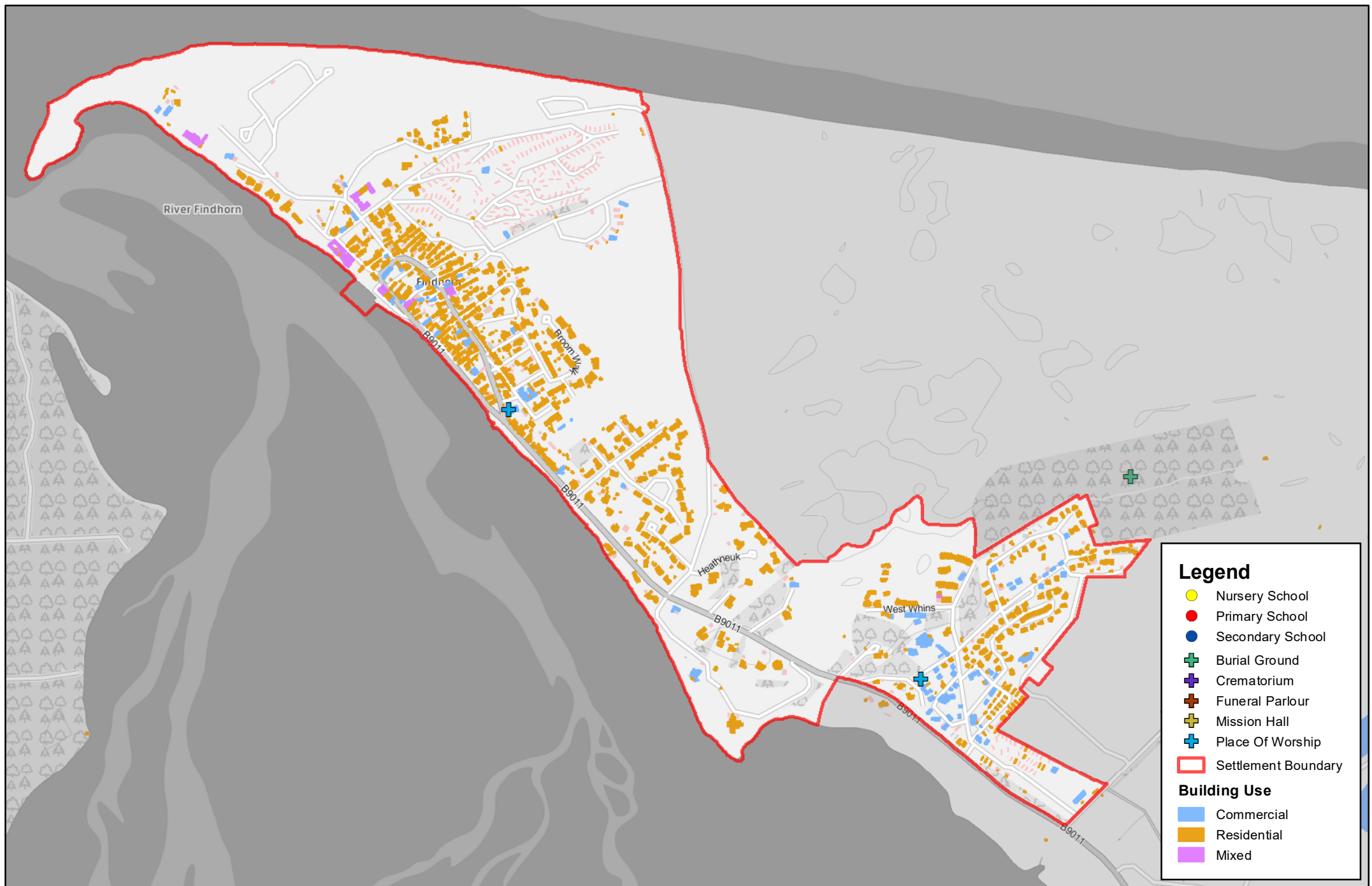
- Nursery School
- Primary School
- Secondary School
- Burial Ground
- Crematorium
- Funeral Parlour
- Mission Hall
- Place Of Worship
- Womens' Refuge
- Settlement Boundary

**People per Hectare**

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







**Legend**

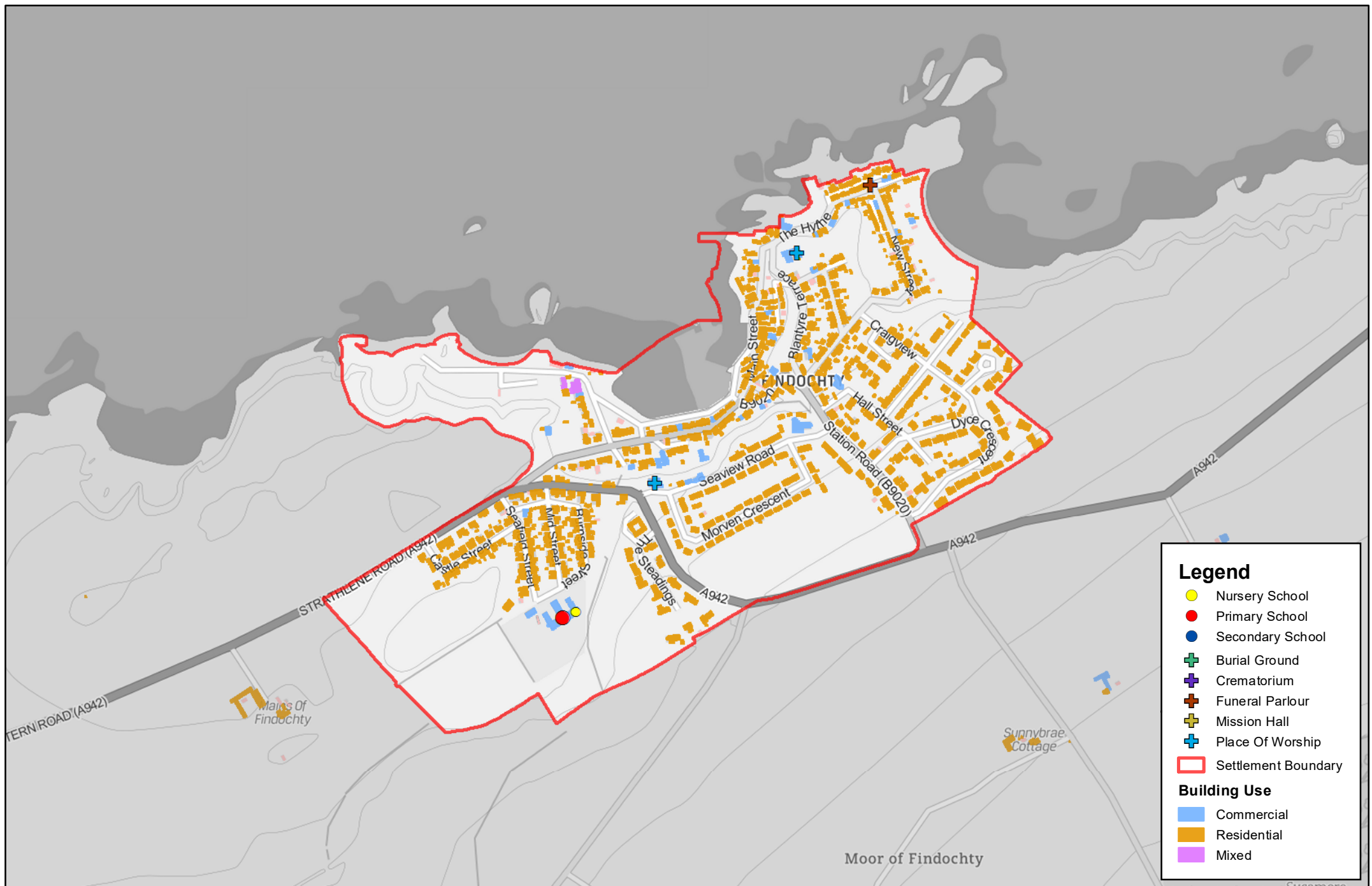
- Nursery School
- Primary School
- Secondary School
- + Burial Ground
- + Crematorium
- + Funeral Parlour
- + Mission Hall
- + Place Of Worship
- Settlement Boundary

**Building Use**

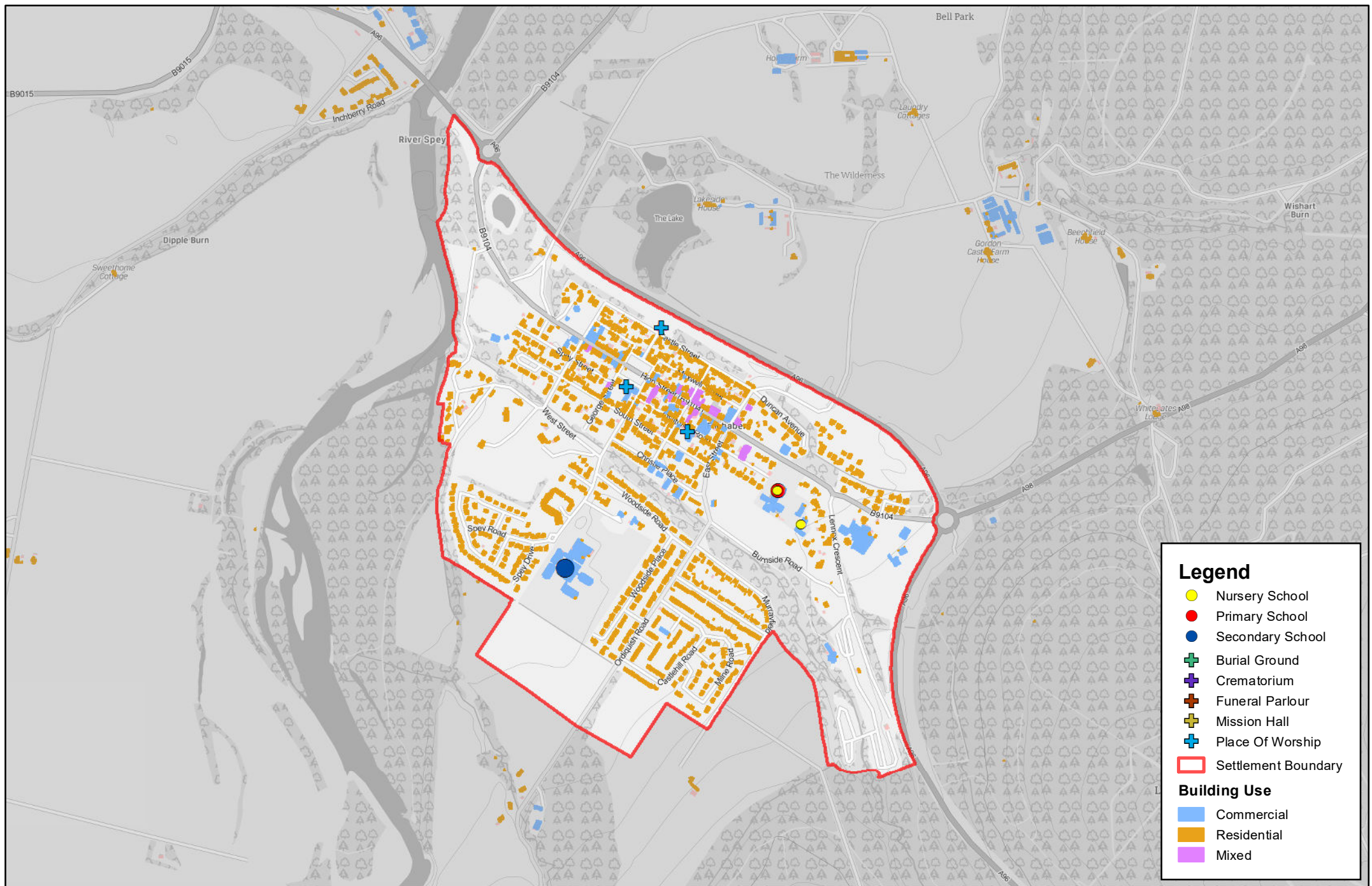
- Commercial
- Residential
- Mixed











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

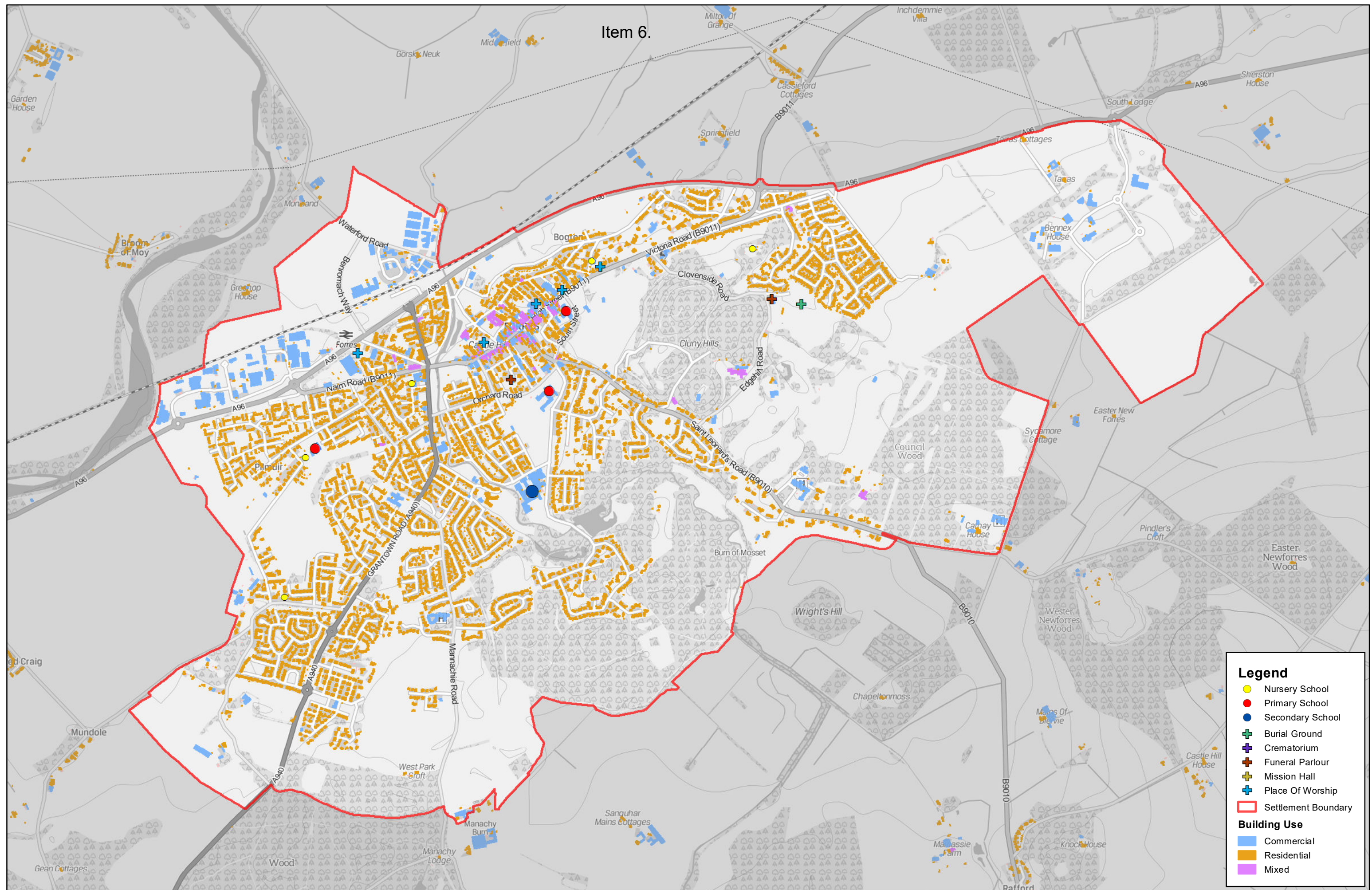






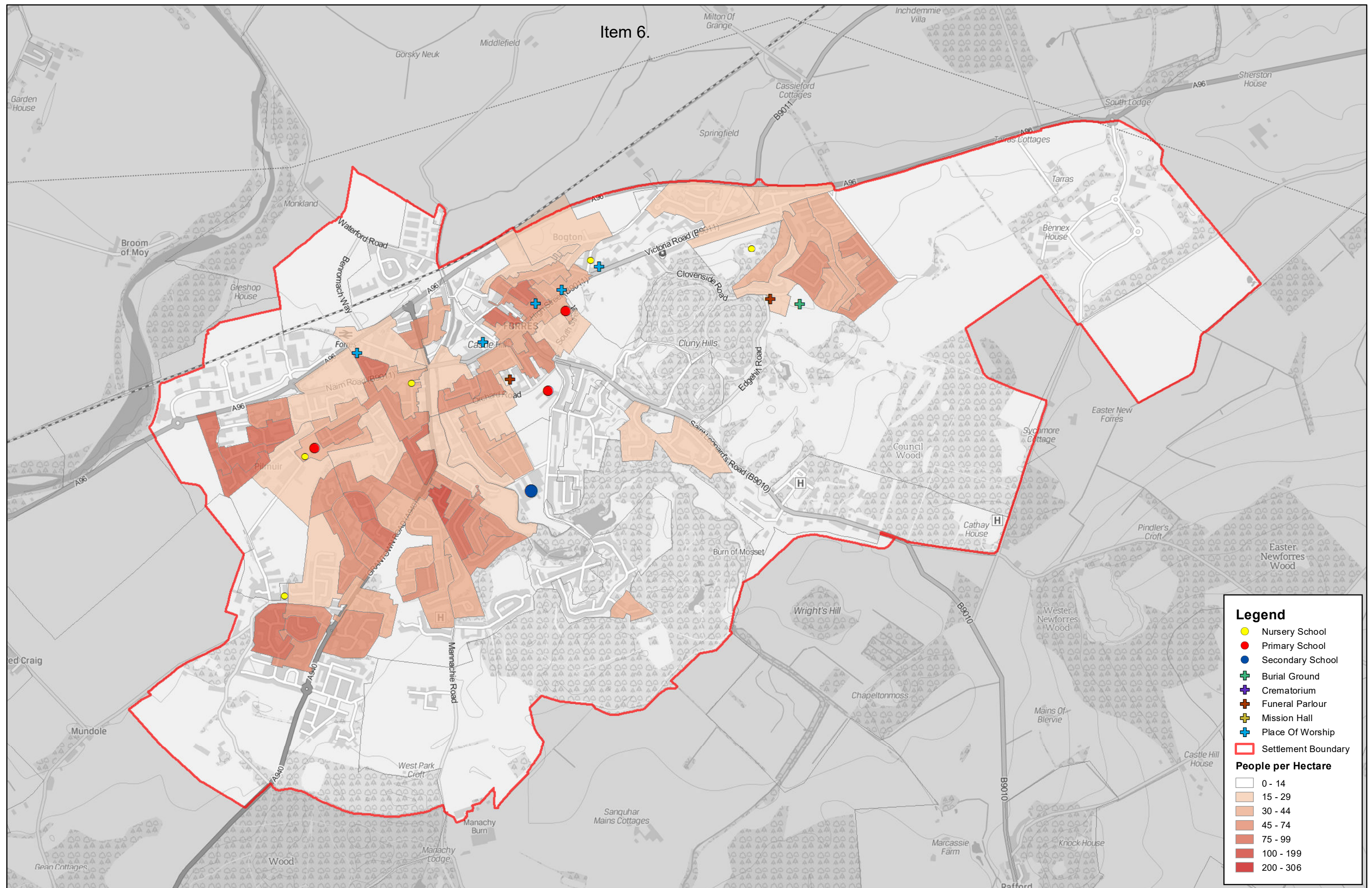


Item 6.









**Legend**

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

**People per Hectare**

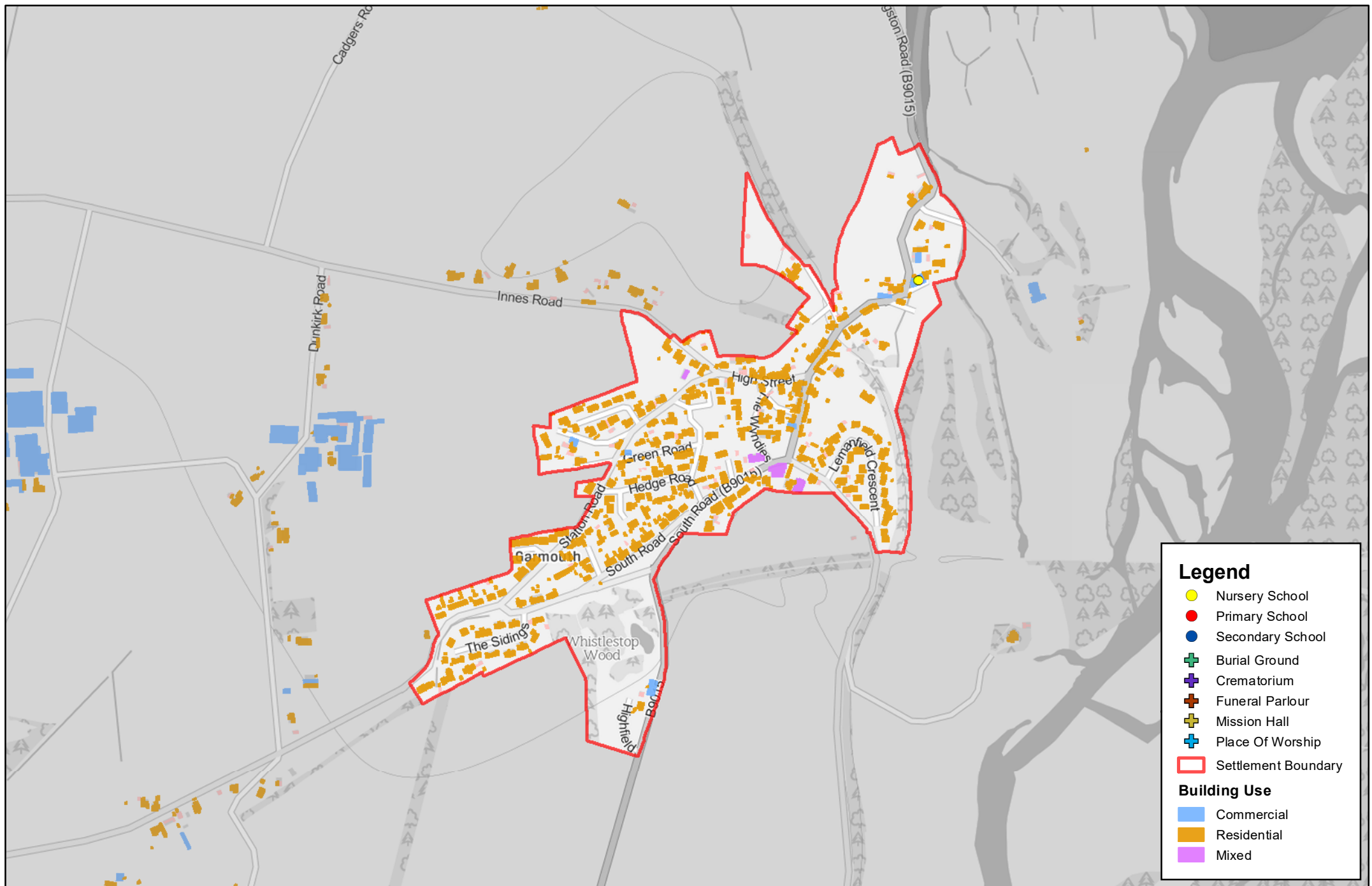
- 0 - 14
- 15 - 29
- 30 - 44
- 45 - 74
- 75 - 99
- 100 - 199
- 200 - 306



# Forres - Population Density (Census Output Areas 2011)

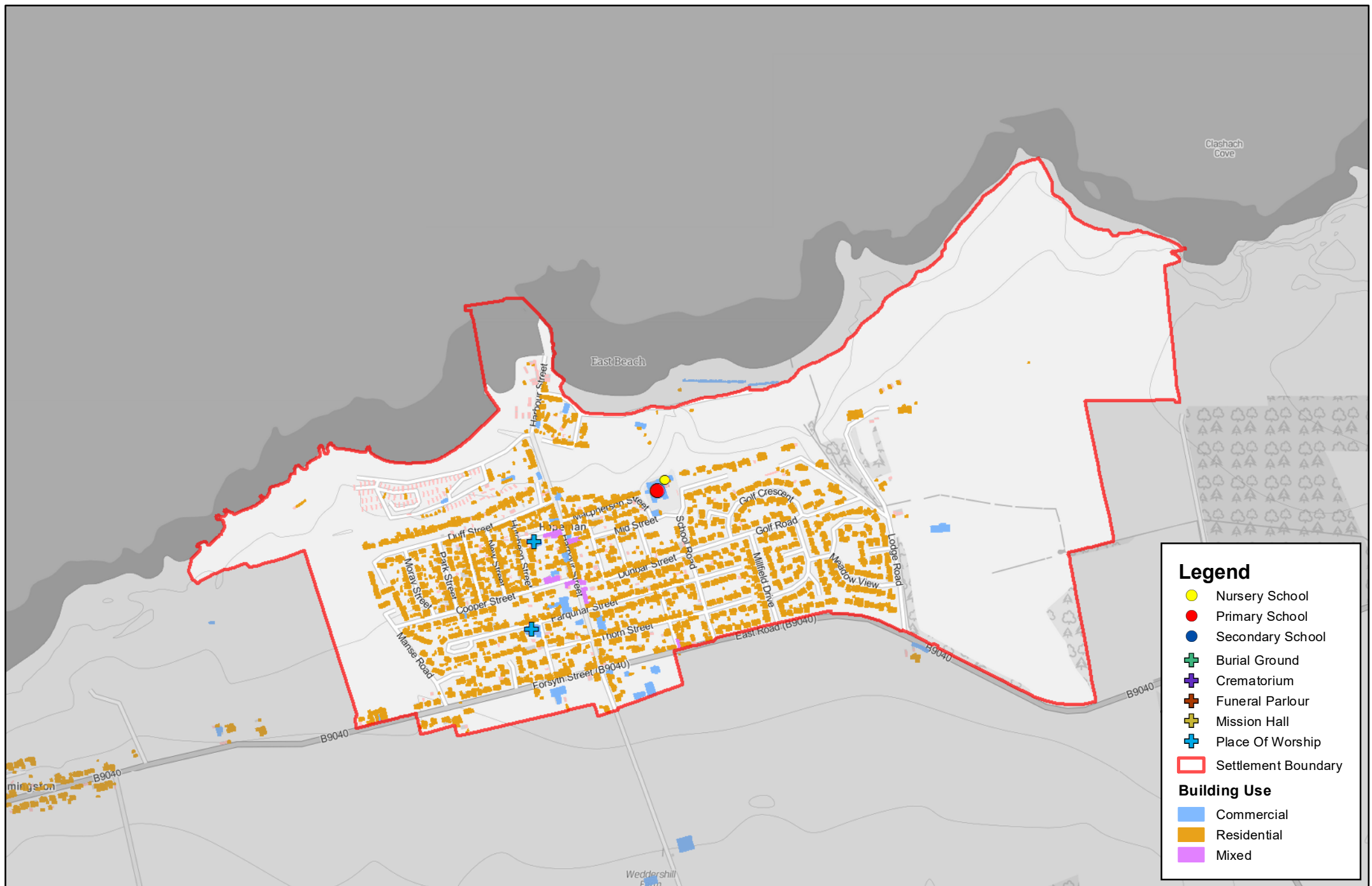












**Legend**

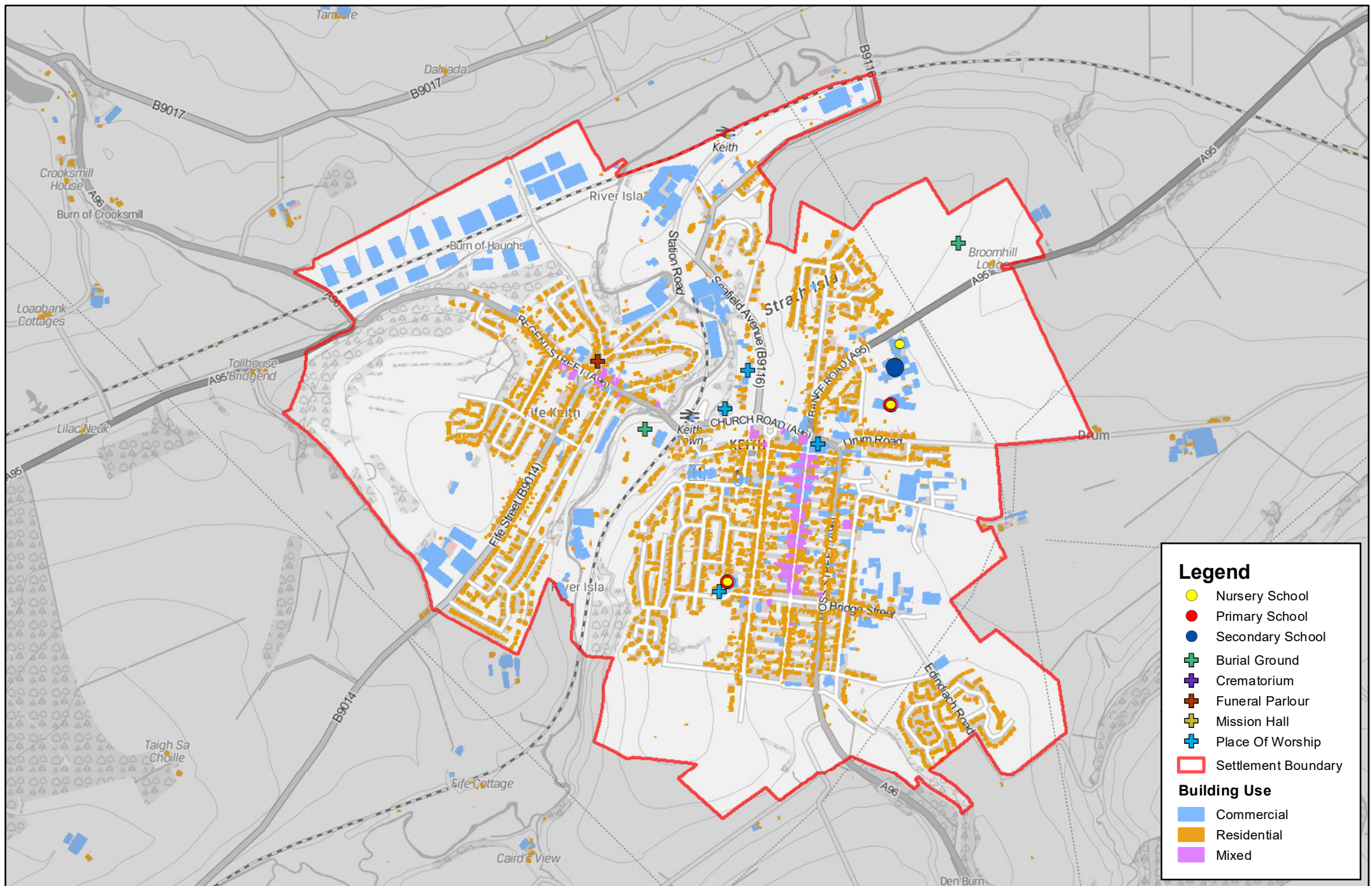
- Nursery School
- Primary School
- Secondary School
- Burial Ground
- Crematorium
- Funeral Parlour
- Mission Hall
- Place Of Worship
- Settlement Boundary

**Building Use**

- Commercial
- Residential
- Mixed

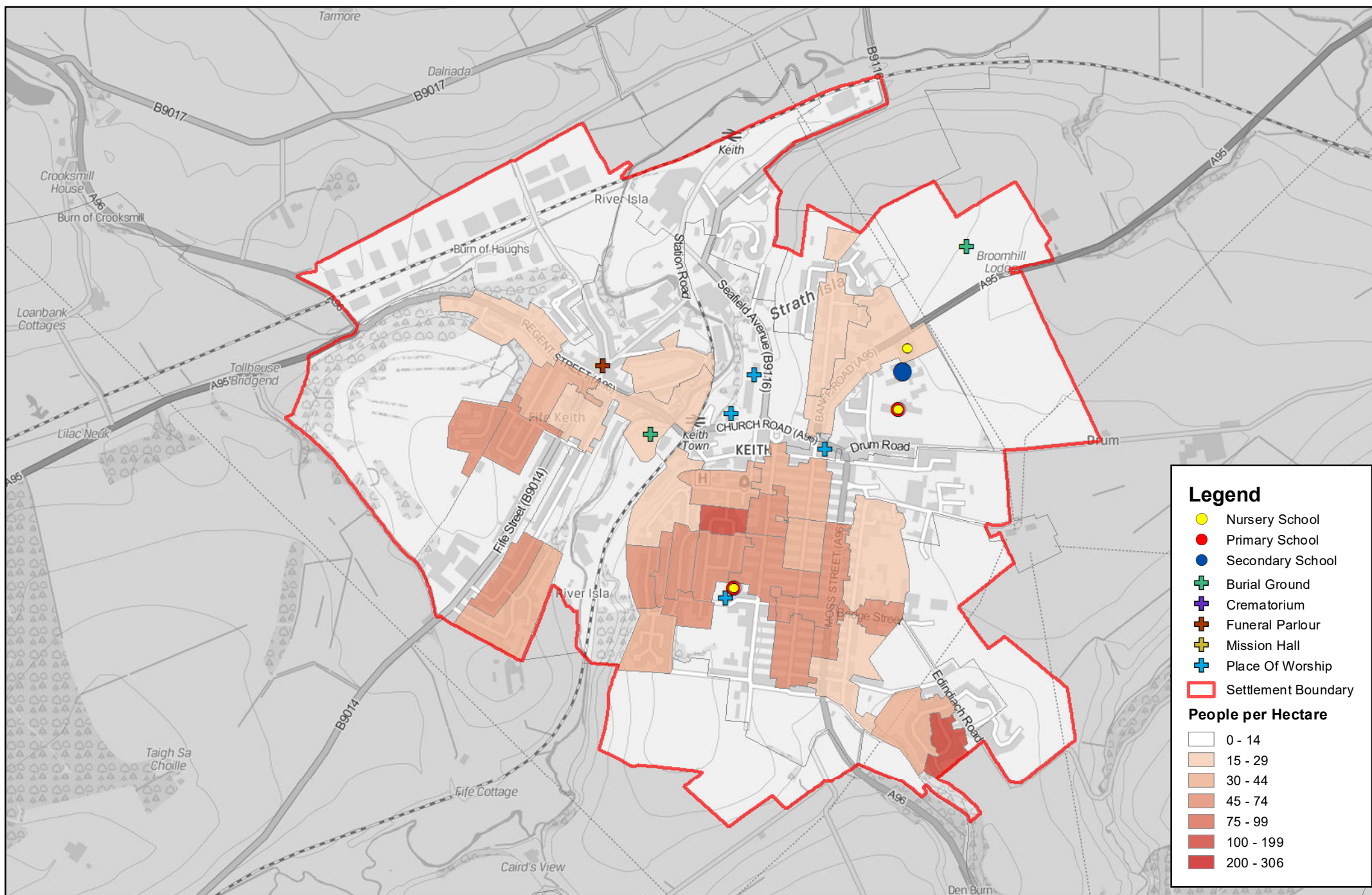












- Legend**
- Nursery School
  - Primary School
  - Secondary School
  - + Burial Ground
  - + Crematorium
  - + Funeral Parlour
  - + Mission Hall
  - + Place Of Worship
  - Settlement Boundary

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

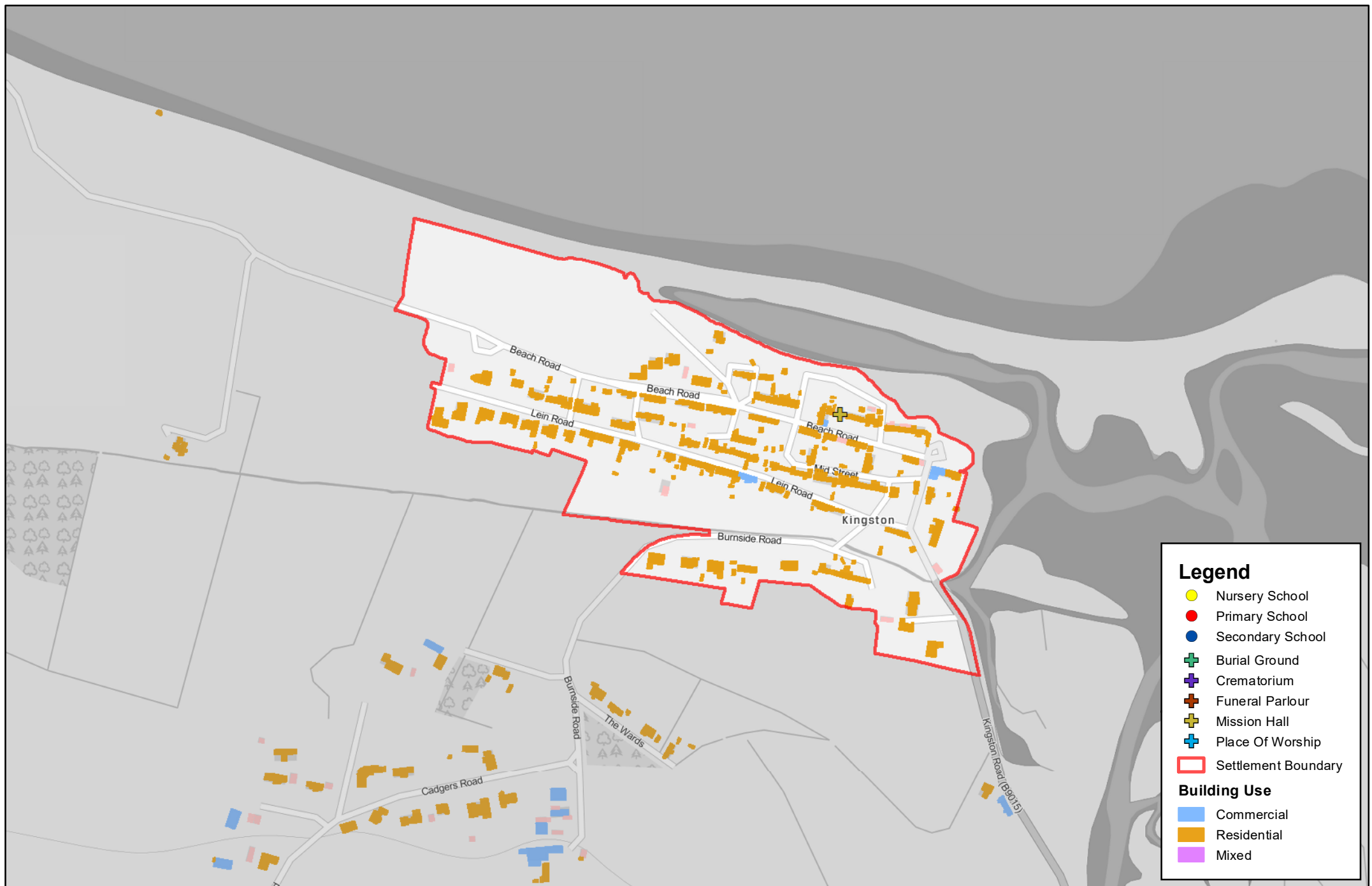
## Keith - Population Density (Census Output Areas 2011)

Page 63

1:15,000 @ A4

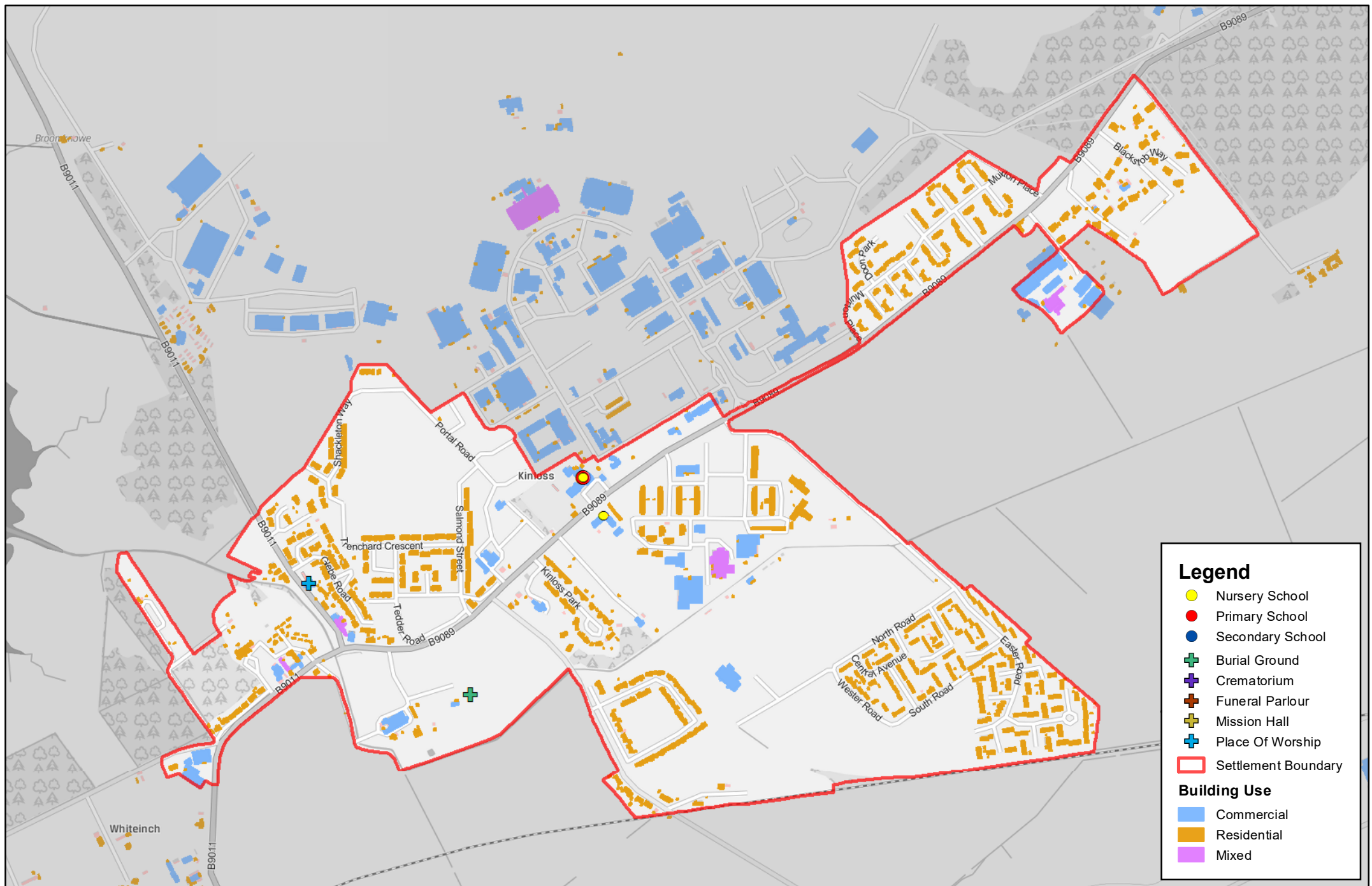




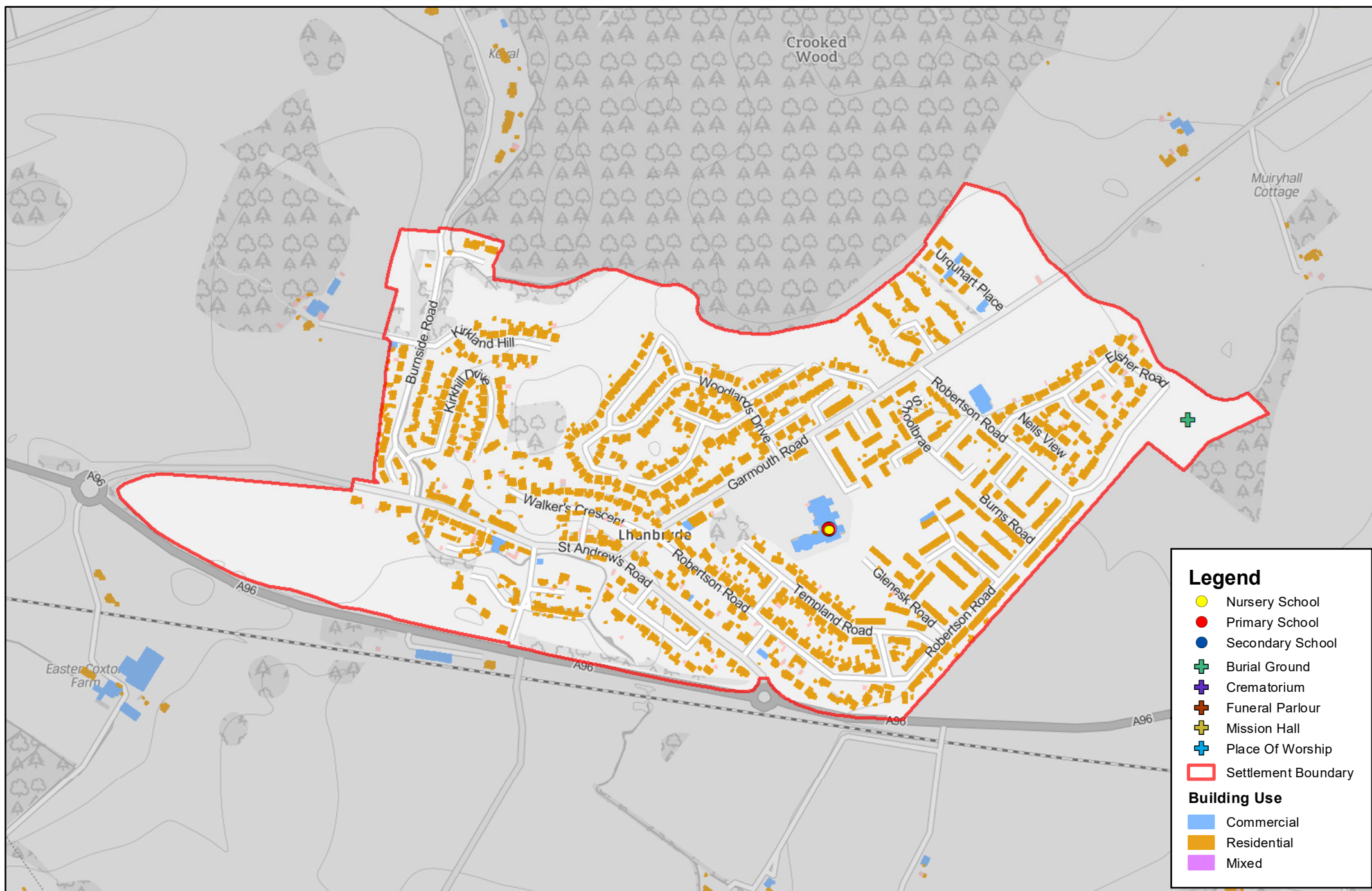






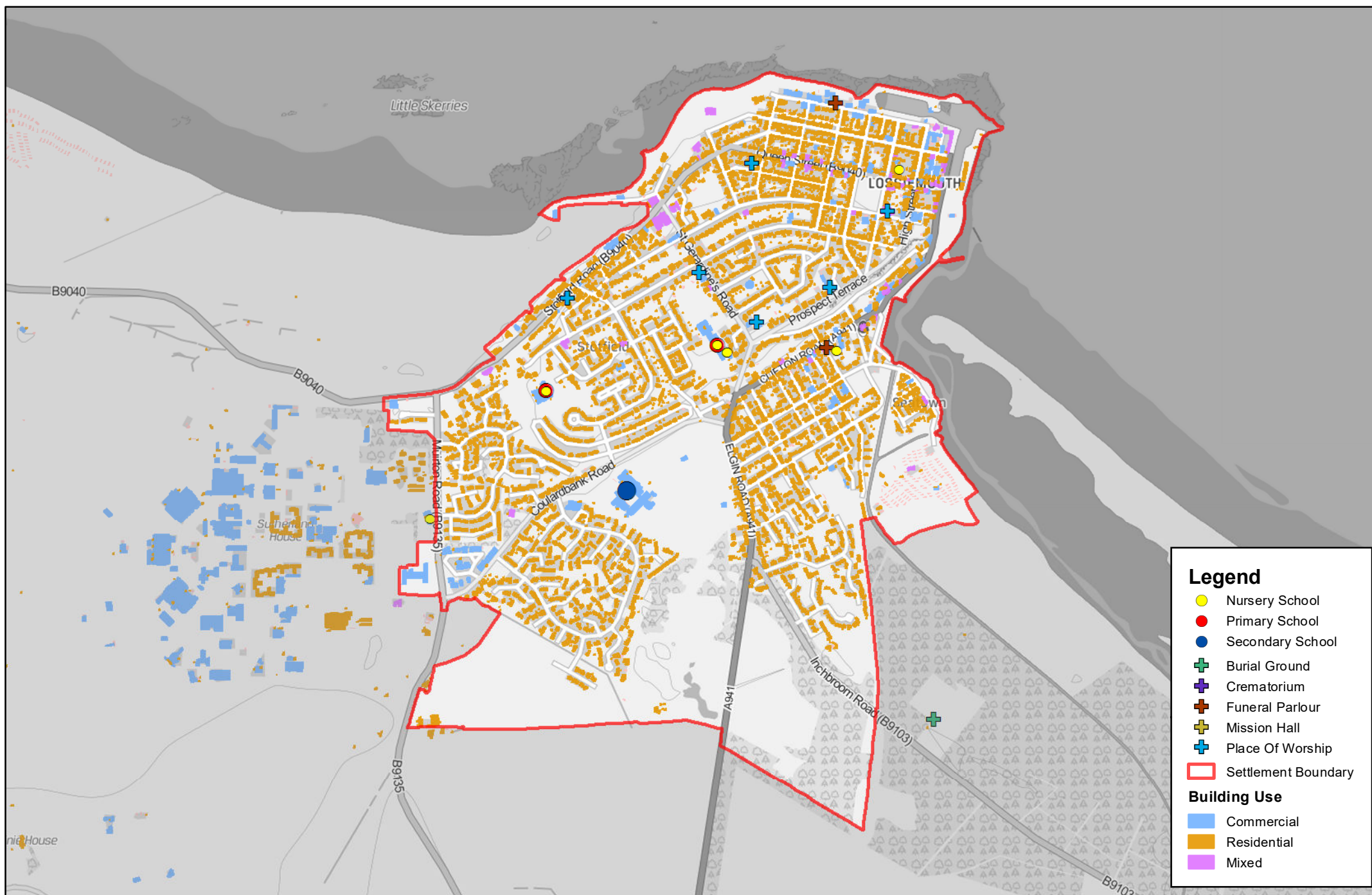












**Legend**

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

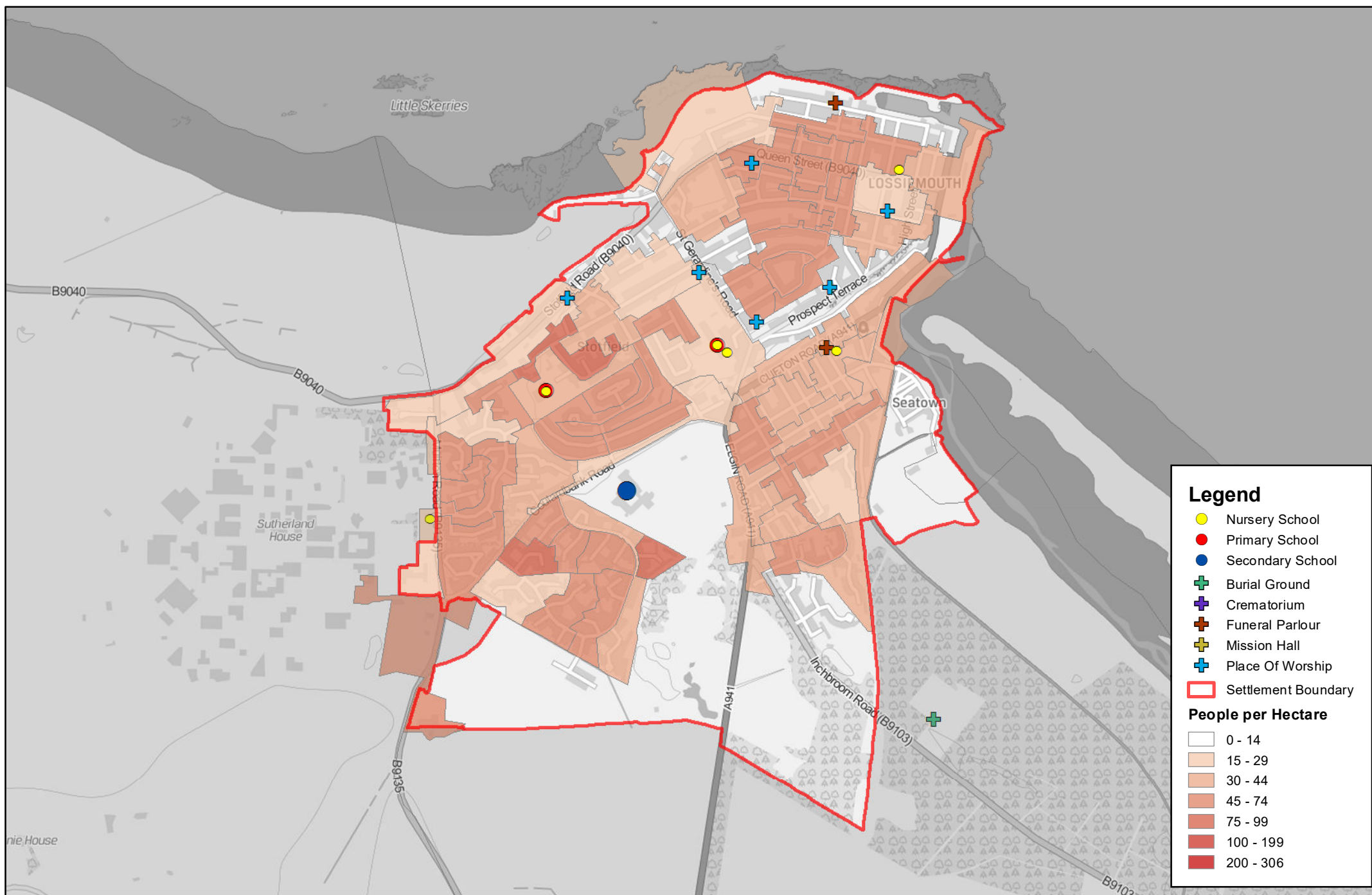
**Building Use**

- 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)

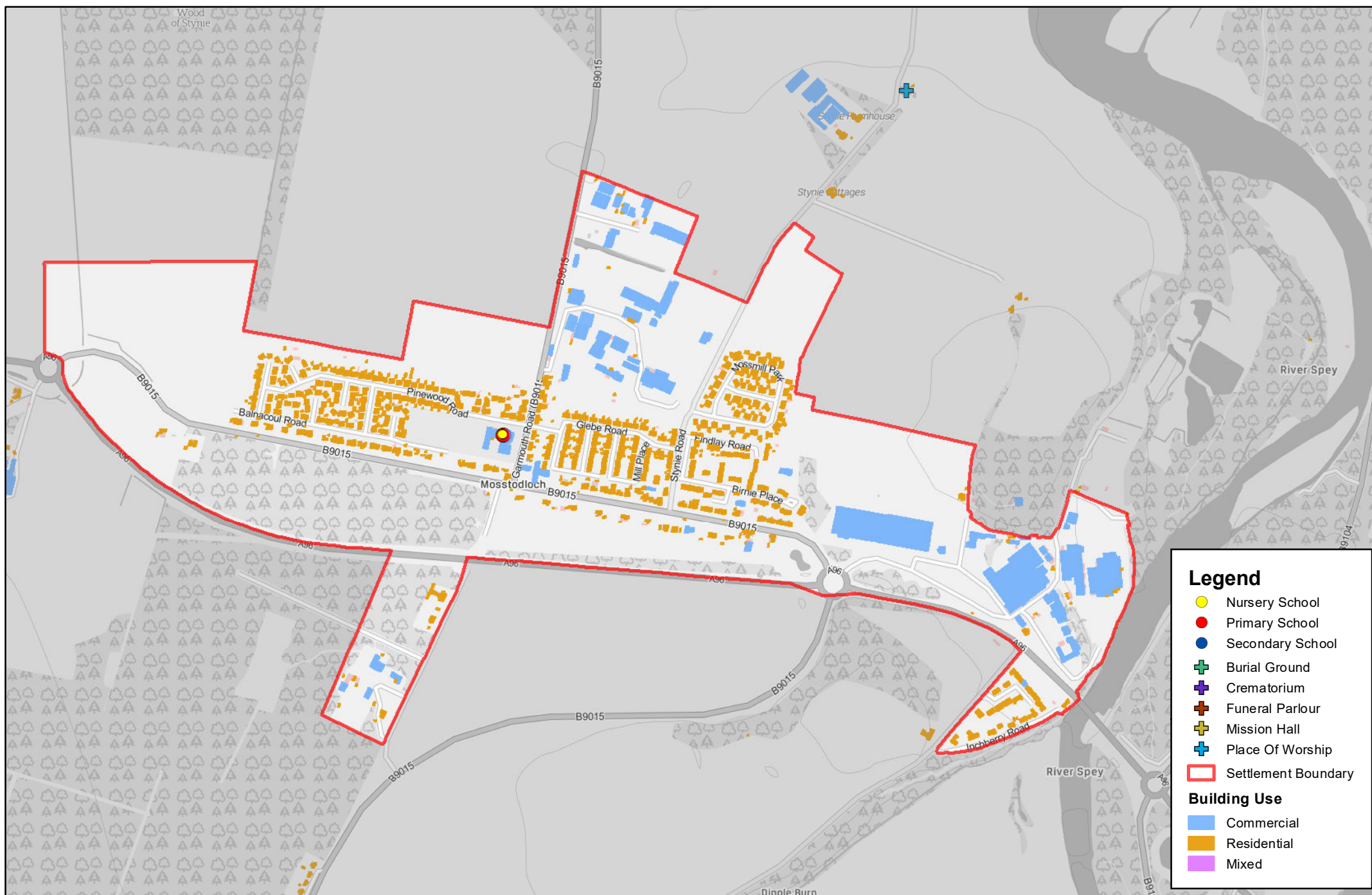
Page 73

1:15,000 @ A4









**Legend**

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

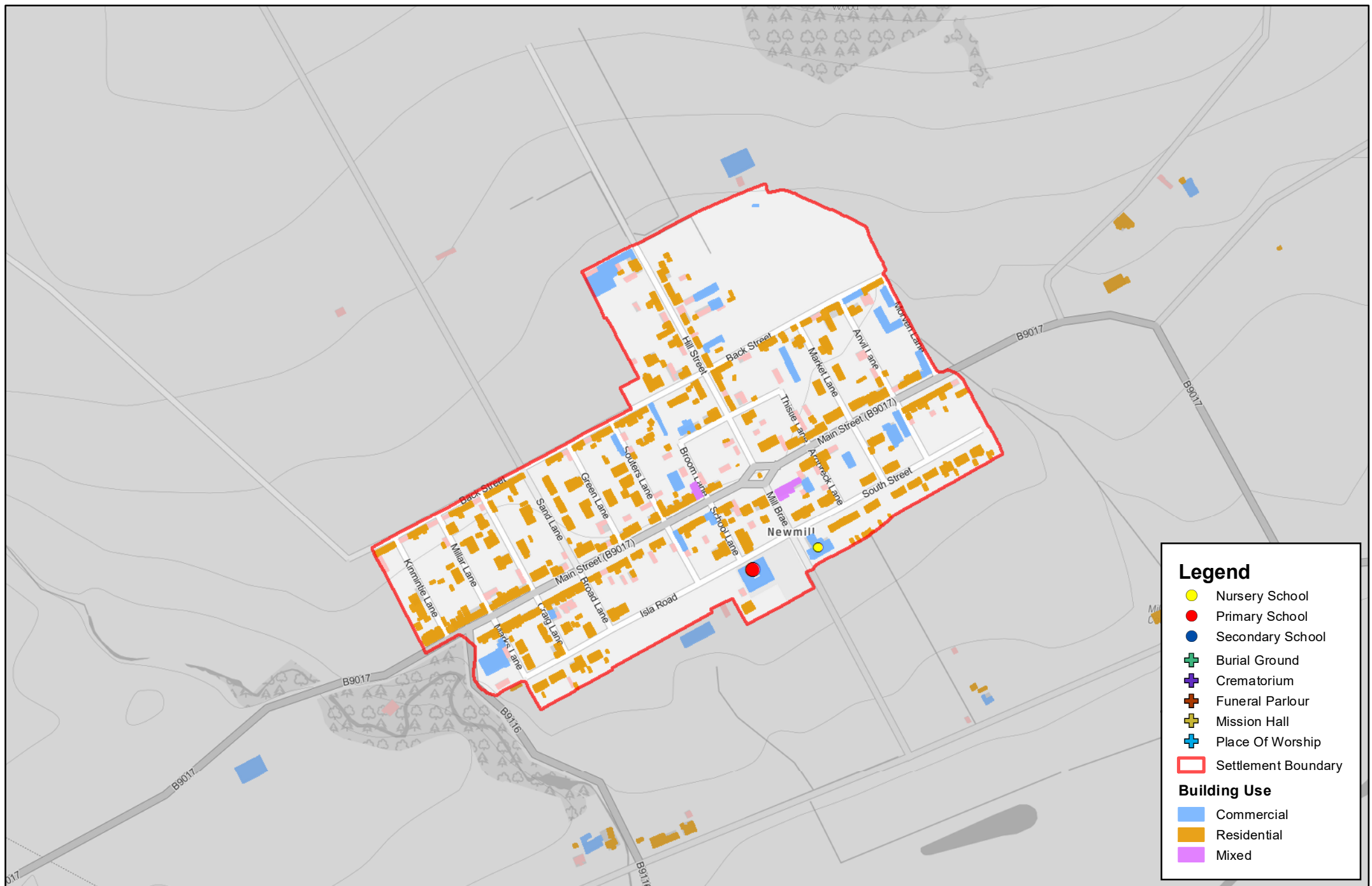
**Building Use**

- Commercial
- Residential
- Mixed









**Legend**

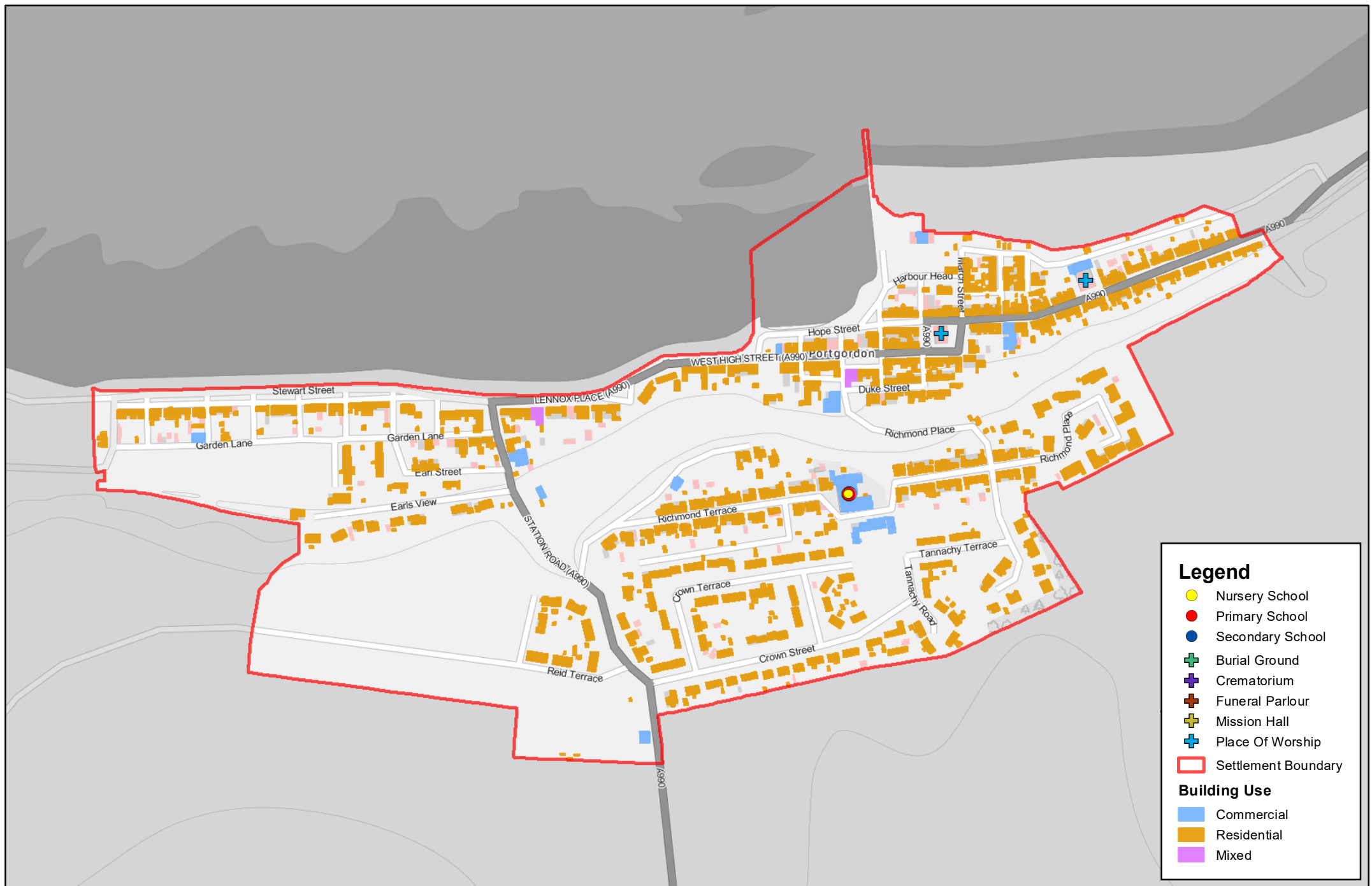
- Nursery School
- Primary School
- Secondary School
- + Burial Ground
- + Crematorium
- + Funeral Parlour
- + Mission Hall
- + Place Of Worship
- Settlement Boundary

**Building Use**

- Commercial
- Residential
- Mixed

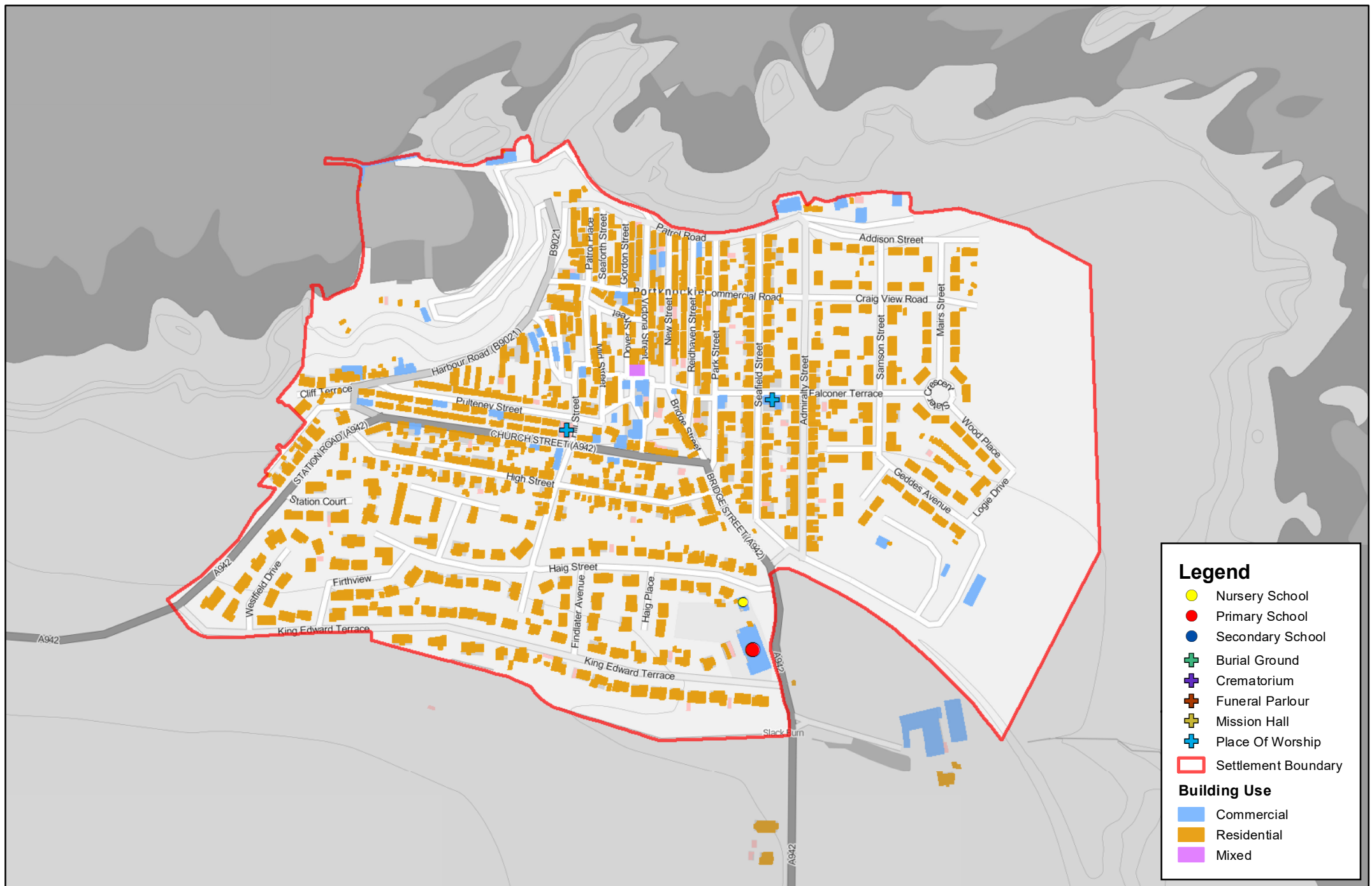




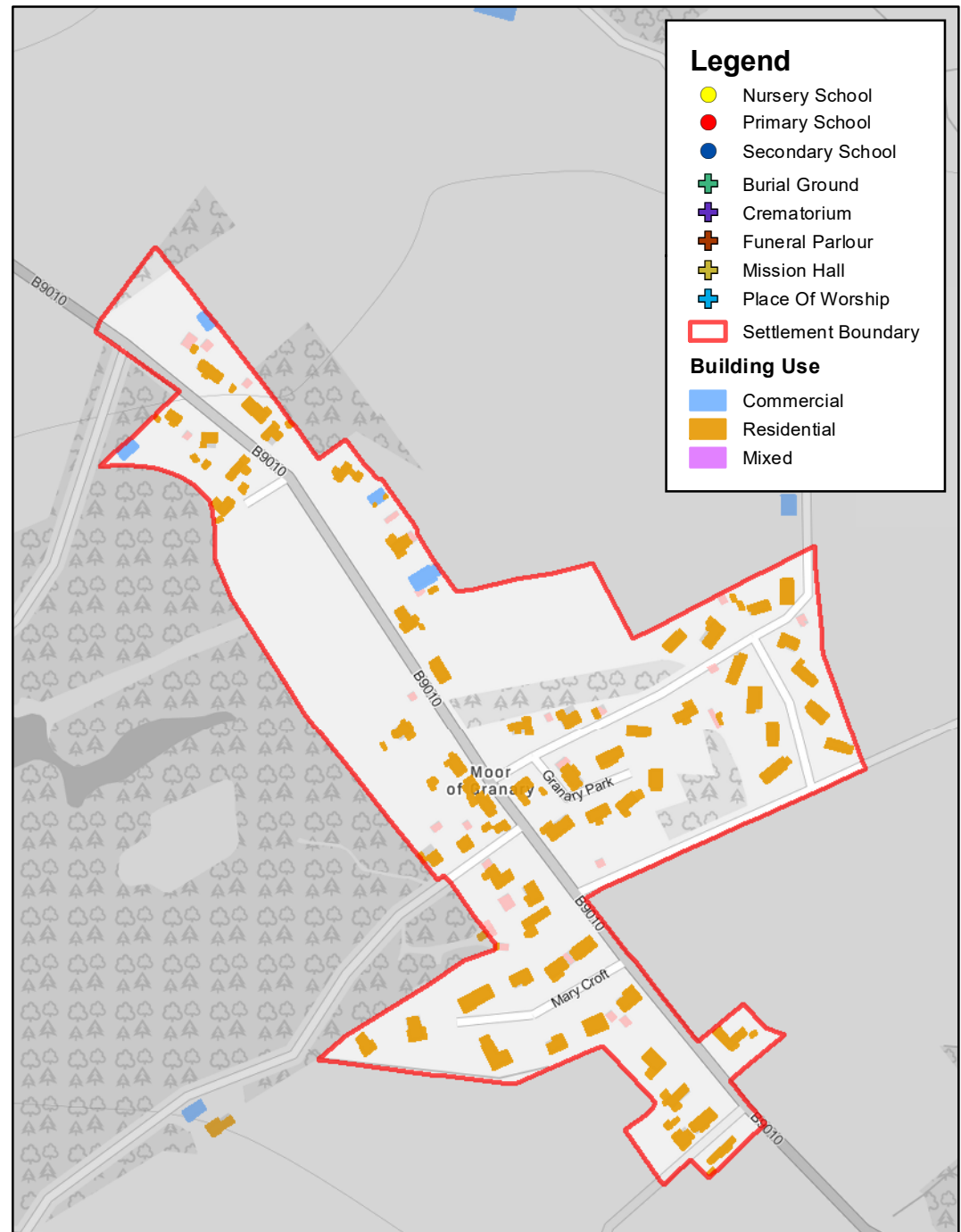
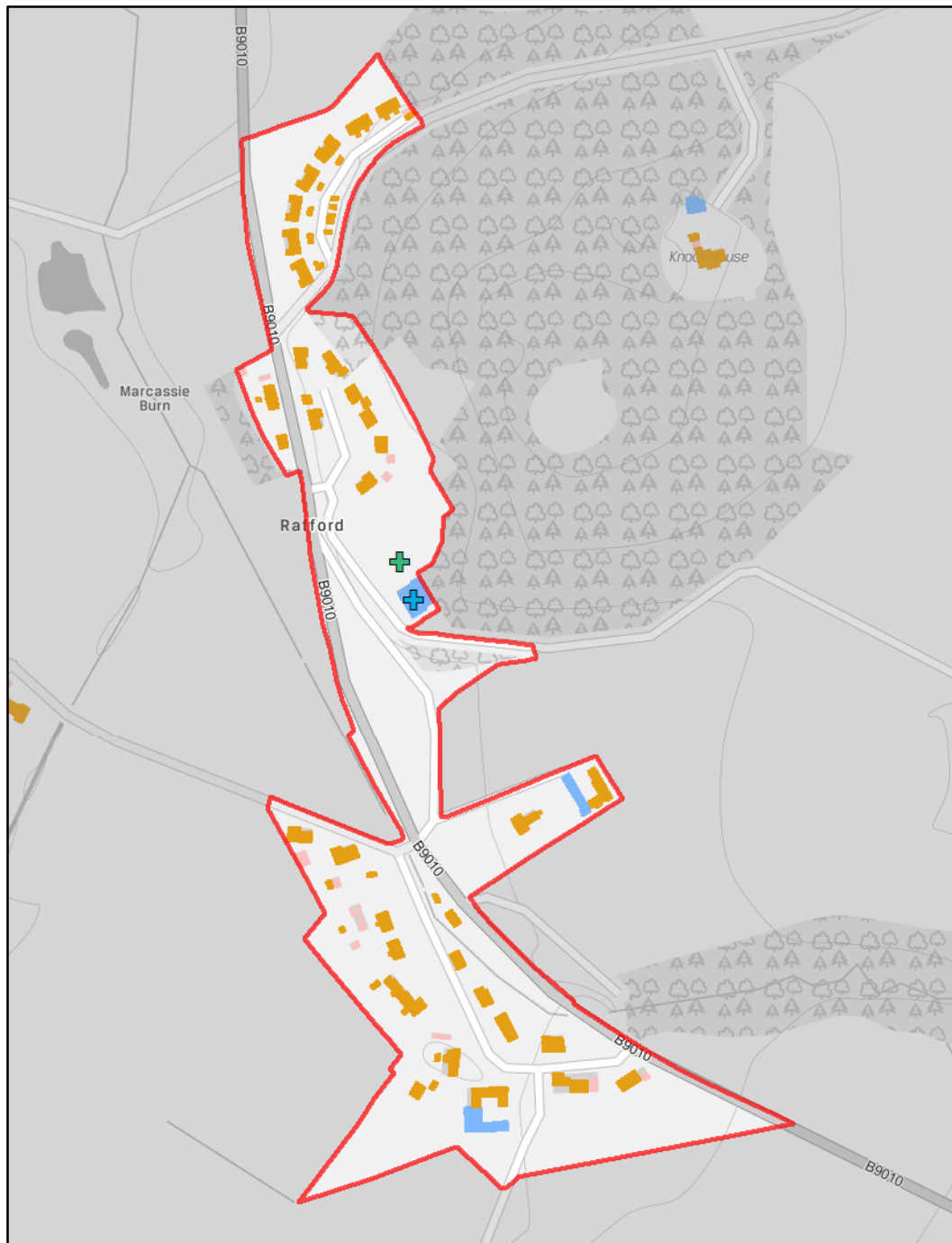












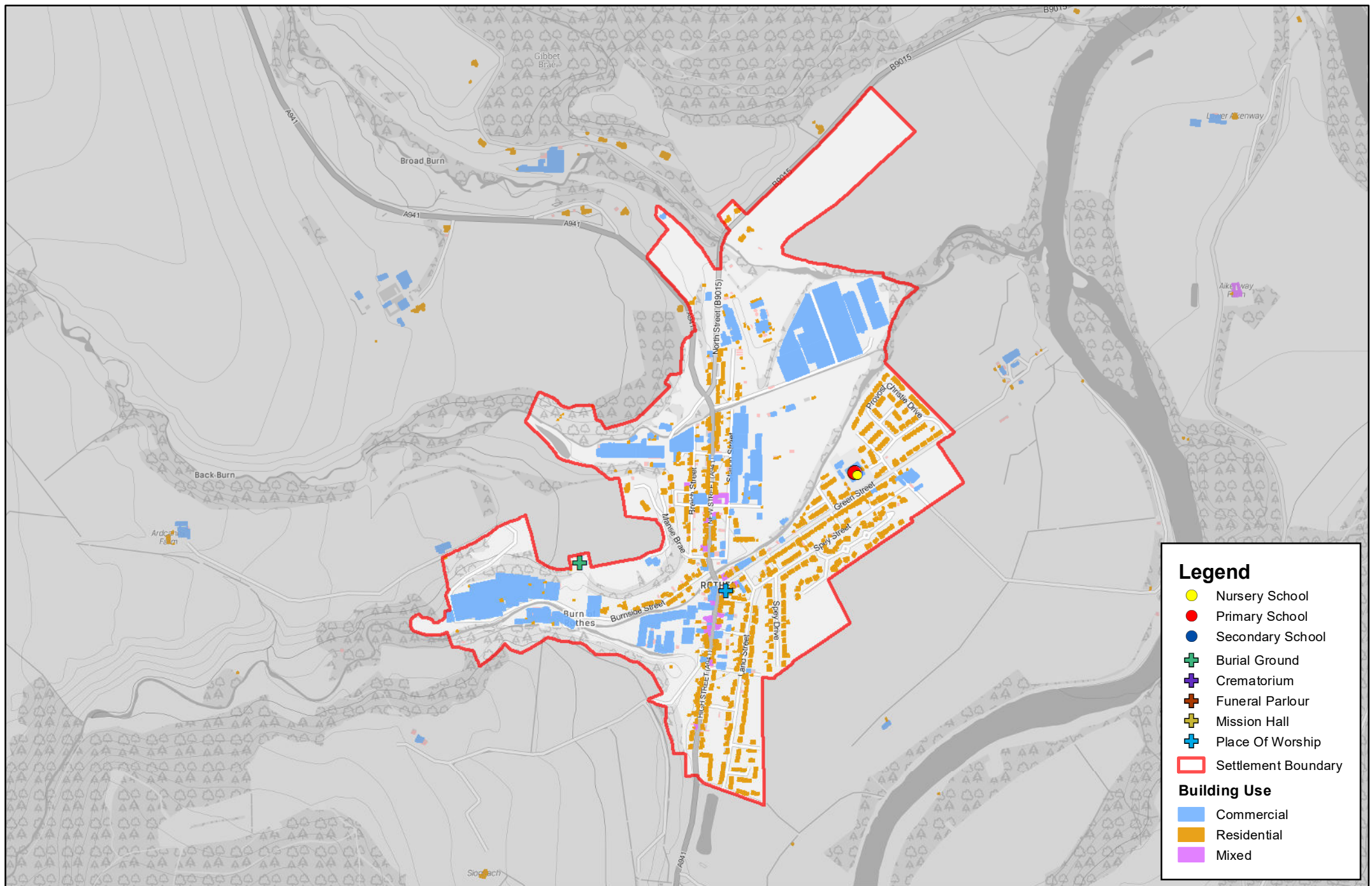
**Legend**

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

**Building Use**

- Commercial
- Residential
- Mixed

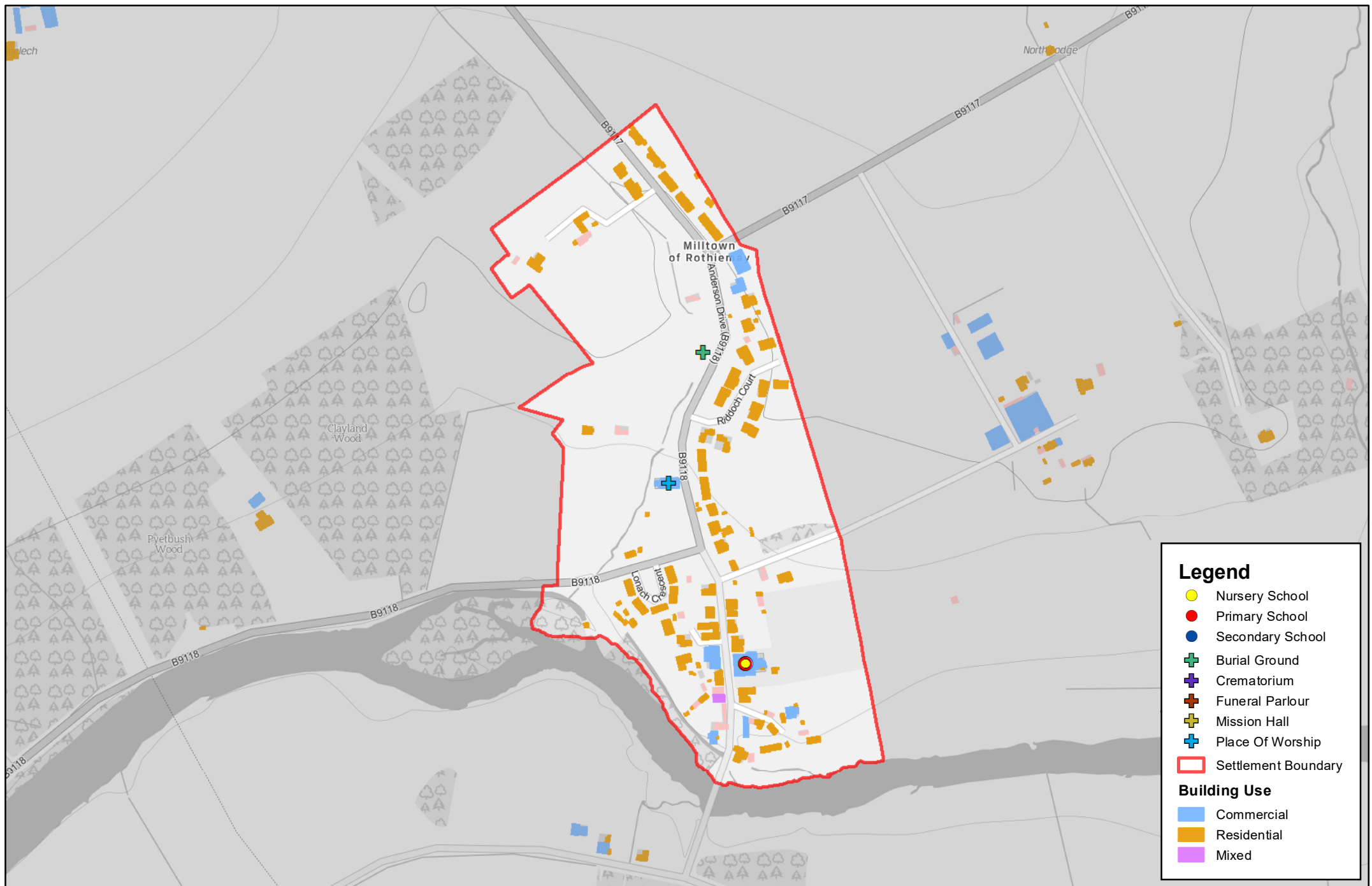




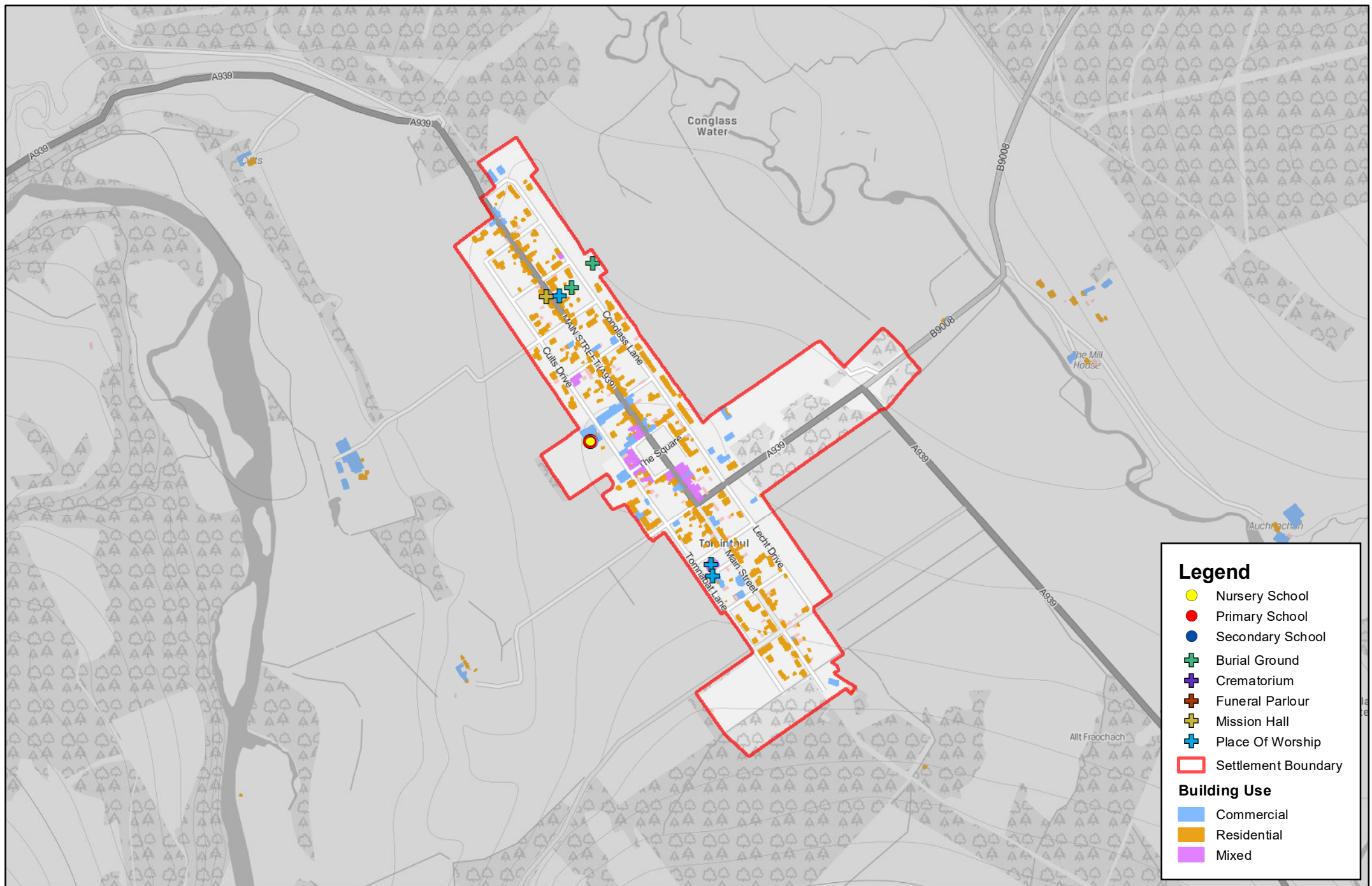
- Legend**
- Nursery School
  - Primary School
  - Secondary School
  - + Burial Ground
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  - + Funeral Parlour
  - + Mission Hall
  - + Place Of Worship
  - Settlement Boundary
- Building Use**
- Commercial
  - Residential
  - Mixed





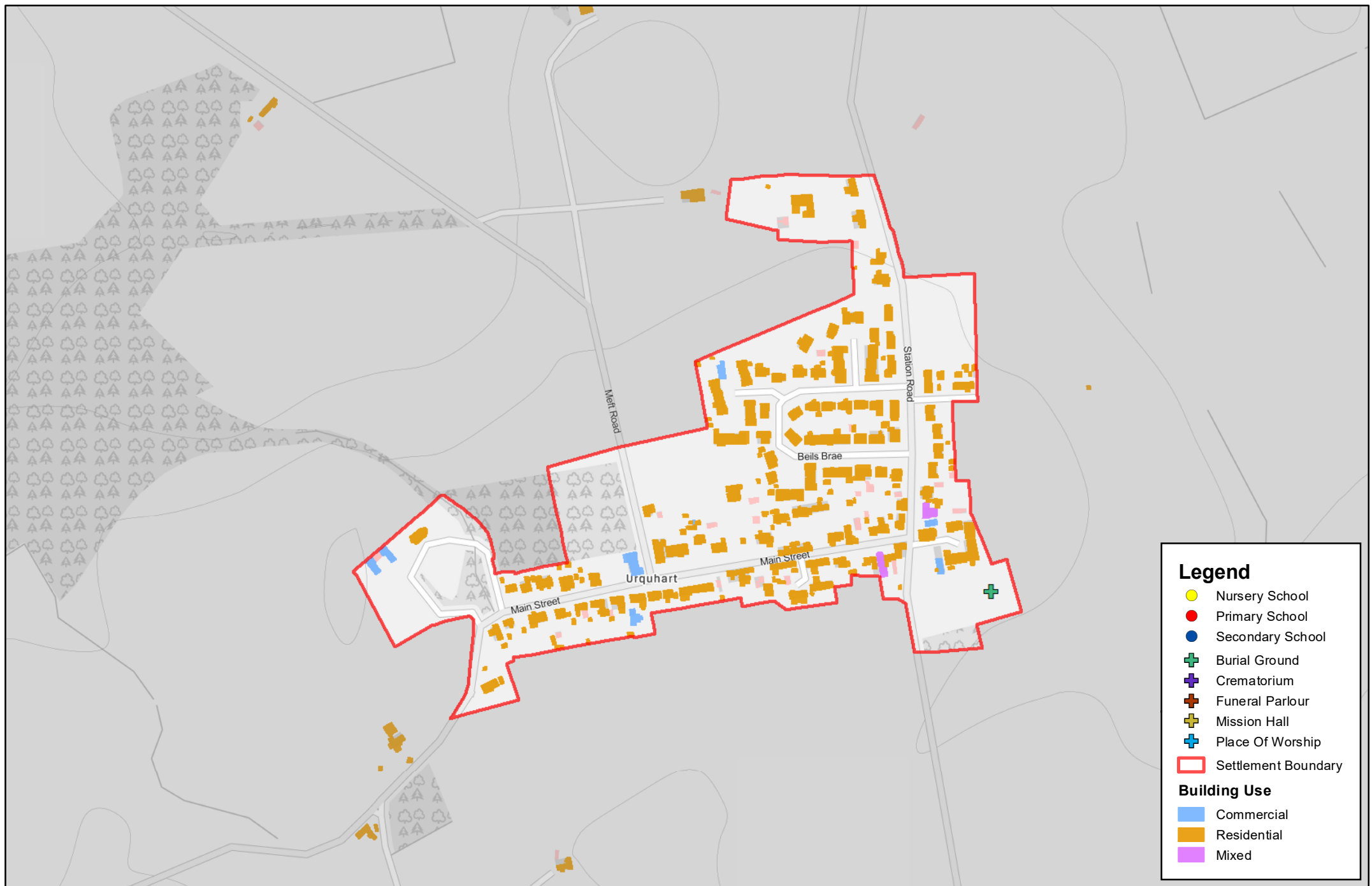












**Legend**

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

**Building Use**

- Commercial
- Residential
- Mixed







## Legal and Democratic Services

Moray Council  
PO Box 6760  
Elgin IV30 9BX  
Telephone: 01343 543451  
Fax: 01343 563169  
DX: 520666 ELGIN

**For the attention of:**  
Moray Council Services

Contact: Rhoda Banfro  
Direct Dial: (01343) 563029  
[LicensingConsult@moray.gov.uk](mailto:LicensingConsult@moray.gov.uk)  
[www.moray.gov.uk](http://www.moray.gov.uk)

Our Reference: EDOC-653-3368  
Your Reference:

9 July 2019

Dear Sir or Madam,

### **LICENSING REGIME FOR SEX ENTERTAINMENT VENUES**

The Air Weapons Licensing (Scotland) Act 2015 has provided local authorities the power to regulate Sex Entertainment Venues (SEVs). Sex Entertainment Venues are defined as commercial venues offering live performance or stripping, pole dancing, peep shows, live sex shows, lap and/or table dancing which are designed for the purpose of sexually stimulating the audience.

Moray Council is considering whether such SEVs should be licensed within Moray. Presently, Moray does not have any SEVs. However, with the introduction of this new licensing regime, Moray Council now has the opportunity to consider whether there would be any merit in licensing SEVs to ensure the appropriate control and regulation over the operation of any such venues in the future. This would include considering where the most appropriate locations would be for any proposed SEVs as well as whether a limit should be set (including nil) for such venues, should such a venue choose to operate in Moray in the future.

We value your views and welcome all comments in relation to whether SEVs should be licensed in Moray. In order to inform the Licensing Committee's decision, please complete the questionnaire below. Please note that all views must be received no later than **10 August 2019**.

If you have any queries relating to the above please contact:

Rhoda Banfro

Solicitor (Licensing and Regulatory)

Please select the answers that reflect your views.

1. Should Moray Council license SEVs?

Yes

☐

No

☐

2. If Moray Council chooses to Licence SEVs and adopts an SEV policy, please indicate below which issues the policy should address:

	Yes	No	Don't Know
The suitability of the applicant and those connected to them to own and manage a SEV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Detailed operating rules for the management of a SEV if a licence is granted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The interior layout of the premises and the facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The character of the localities and their compatibility with SEV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compatibility of SEVs with particular neighbourhood uses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. In general, are there any localities within Moray that you consider to be appropriate for Sexual Entertainment venues?( the term "localities" refers to local areas or neighbourhoods, which you might think of as areas such as Keith, Fochabers, Garmouth etc.)

☐

Yes (go to Q4)

☐

No (go to Q7)

☐

Don't know (go to Q7)

4. Which localities within Moray do you consider appropriate for Sexual Entertainment Venues? Please be as specific as possible.

5. **Moray Council has the power to set a maximum number of Sexual Entertainment Venues for individual localities within Moray. This number could be zero. Do you think that the Council should set a figure for the maximum number of SEVs within any particular locality?**

☐

Yes

☐

No, there should be no limits set

*If yes, state which locality or localities, and how many. Please be as specific as possible.*

6. **Are there any localities within Moray that you consider to be inappropriate for Sexual Entertainment Venues?**

☐

Yes

☐

No

*If yes, please state which locality or localities. Please be as specific as possible.*



7. **We would like your views on whether SEVs should be allowed to open near particular areas and types of building. Please state how compatible an SEV would be near to the following types of area or building.**

	<i>Highly compatible</i>	<i>Quite compatible</i>	<i>Neither</i>	<i>Quite incompatible</i>	<i>Highly incompatible</i>
Mainly residential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic buildings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family leisure facilities/ children's play areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mainly retail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Areas with lots of night-time entertainment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural facilities such as galleries and museums	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Youth facilities e.g. youth hostels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Places of worship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. **How important are each of the following features in deciding whether or not to grant a licence for a Sexual Entertainment Venue?**

	<i>Very important</i>	<i>Fairly important</i>	<i>Neither</i>	<i>Fairly unimportant</i>	<i>Very unimportant</i>
The quality of the venue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The ability to supervise activities in the premises	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety and treatment of the men and women working in SEVs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community safety issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Safety and treatment of customers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## PERSONAL INFORMATION

Please state whether you are a:

Local Business

☐

Educational Institution

☐

Religious Group/Organisation

☐

Other Organisation

☐

*Moray Council is keen to ensure that all sections of the local community are well represented in this survey. It will help us to do this if you provide the following information. This information will be treated in the strictest confidence, will only be processed on an anonymous basis and will never be passed onto third parties. Sharing your personal information is optional but we would strongly encourage you to do so, as this will help us to make sure everyone's voice is heard.*

Please provide the first half of your postcode:-

What was your age last birthday?

☐

16-24

☐

35-44

☐

55-64

☐

25-34

☐

45-54

☐

65+

Are you male or female?

☐

Male

☐

Female

Do you consider yourself to be disabled?

☐

Yes

☐

No

**Ethnicity: To which of these groups do you consider you belong?**

**Asian or Asian British**

- ☐ *Indian*  
☐ *Pakistani*  
☐ *Bangladeshi*

*Any other Asian background (please specify)*

**Black or Black British**

- ☐ *Caribbean*  
☐ *African*

*Any other Black background (please specify)*

**Chinese**

- ☐ *Chinese*

**Irish**

- ☐ *Irish*

**Mixed heritage**

- ☐ *Asian & White*  
☐ *Black & White*

*Any other mixed heritage (please specify)*

**White**

- ☐ *White British*  
☐ *White European*

*Any other White background (please specify)*

**Other Ethnic Group (please specify)**

**Sexual orientation: Which of the following best describes your sexual orientation?**

- ☐ *Bisexual*                      ☐ *Gay woman/lesbian*                      ☐ *Prefer not to say*  
☐ *Gay man*                      ☐ *Straight/heterosexual*

*Other (please specify)*

**Faith: What is your religion, faith or belief even if you are not currently practising?**

- ☐ *Atheist*                      ☐ *Hindu*                      ☐ *Sikh*  
☐ *Buddhist*                      ☐ *Jewish*                      ☐ *Prefer not to say*  
☐ *Christian*                      ☐ *Muslim*

*Any other religion (please specify)*

**Thank you for your time!**

## Q4 Which localities within Moray do you consider appropriate for Sexual Entertainment Venues? Please be as specific as possible.

Answered: 108 Skipped: 69

#	RESPONSES	DATE
1	None	8/22/2019 11:42 AM
2	None	8/21/2019 5:25 PM
3	anywhere near a school, a nursery or place of care such as residential care home or hospital for example.	8/21/2019 4:00 PM
4	None	8/21/2019 1:07 PM
5	None	8/21/2019 12:36 PM
6	<b>Elgin Only</b> elgin	8/14/2019 3:30 PM
7	<b>Elgin Only</b> If in Elgin, away from residential properties	8/7/2019 11:19 AM
8	<b>Elgin Only</b> The new market bar in the high street a	8/7/2019 9:24 AM
9	<b>None</b> None	8/6/2019 6:17 PM
10	<b>None</b> None	8/6/2019 2:37 PM
11	<b>Elgin Only</b> Elgin high street	8/6/2019 11:01 AM
12	<b>Elgin and other areas</b> Major towns	8/5/2019 10:51 PM
13	<b>Elgin Only</b> Elgin	8/5/2019 9:12 PM
14	<b>Elgin Only</b> Elgin	8/5/2019 7:12 PM
15	<b>None</b> None!!!!	8/5/2019 7:03 PM
16	<b>Any areas</b> anywhere	8/5/2019 1:35 PM
17	<b>None</b> NONE	8/5/2019 11:34 AM
18	<b>Elgin and other areas</b> Elgin, Buckie, Keith	8/5/2019 11:24 AM
19	<b>Any areas</b> Any where that there is an identifiable market and no overwhelming objection	8/5/2019 9:39 AM
20	<b>None</b> None	8/4/2019 12:34 PM
21	<b>None</b> None	8/4/2019 10:16 AM
22	<b>None</b> None	8/4/2019 12:31 AM
23	<b>None</b> None. This is totally inappropriate for the area, especially considering the current 'feminism' movement	8/4/2019 12:15 AM
24	<b>Elgin and other areas</b> Elgin, Fochabers, Forres,	8/3/2019 11:09 PM
25	<b>Elgin Only</b> Elgin - Town Centre. The Jailhouse for example	8/3/2019 10:05 PM
26	<b>Elgin Only</b> Elgin	8/3/2019 9:21 PM
27	<b>Any areas</b> Anywhere residential in any of Moray . Anywhere that is connected to children's activities/shopping areas	8/3/2019 8:40 PM
28	<b>Any areas</b> All towns and high streets, there could be an opening restriction on them, say after 6pm, if necessary	8/3/2019 7:22 PM
29	<b>Elgin Only</b> Elgin	8/3/2019 1:46 PM
30	<b>Any areas</b> Anywhere large enough to support one. Elgin, buckie, keith for example	8/3/2019 12:50 PM
31	<b>Elgin Only</b> Elgin	8/3/2019 12:38 PM
32	<b>None</b> None. Moray isn't that sort of place	8/3/2019 12:07 PM
33	<b>None</b> None	8/3/2019 11:52 AM
34	<b>Any areas</b> Any of them	8/3/2019 11:27 AM

## Sex Entertainment Venues Consultation

35	<b>None</b> None, residential areas would have a negative impact, where as industrial and rural areas would put the staff at risk. Our local high streets look bad enough as it is, without adding in strip bars, gentlemen's clubs or sex shops!	8/3/2019 10:23 AM
36	<b>None</b> None	8/3/2019 8:27 AM
37	<b>Elgin and other areas</b> Elgin, Buckie, Keith, Forres,	8/3/2019 4:24 AM
38	<b>Elgin and other areas</b> Elgin Keith and Forres	8/3/2019 2:34 AM
39	<b>Elgin and other areas</b> Elgin town centre, forres town centre, lossie town Center.	8/3/2019 2:18 AM
40	<b>Elgin and other areas</b> Elgin Keith Buckie	8/3/2019 1:27 AM
41	<b>Any areas</b> If properly managed and monitored any area would be appropriate	8/3/2019 12:21 AM
42	<b>None</b> None	8/3/2019 12:09 AM
43	<b>Elgin Only</b> Elgin	8/3/2019 12:05 AM
44	<b>Other</b> Unsure	8/2/2019 11:55 PM
45	<b>Any areas</b> Any	8/2/2019 11:51 PM
46	<b>Elgin Only</b> elgin	8/2/2019 11:43 PM
47	<b>None</b> None, I do not wish this to be supported in Moray.	8/2/2019 11:31 PM
48	<b>Any areas</b> All areas. If there is a market for it, and it is done within the correct regulations, then why not.	8/2/2019 11:24 PM
49	<b>Elgin Only</b> Elgin, somewhere up town	8/2/2019 11:16 PM
50	<b>None</b> None	8/2/2019 11:01 PM
51	<b>Other</b> Any applications should be considered on an individual basis rather than having "areas" or "localities"	8/2/2019 10:49 PM
52	<b>None</b> None	8/2/2019 10:44 PM
53	<b>Elgin Only</b> Town centre	8/2/2019 10:43 PM
54	<b>Elgin Only</b> Elgin	8/2/2019 10:32 PM
55	<b>None</b> None	8/2/2019 10:21 PM
56	<b>Elgin Only</b> None	8/2/2019 10:10 PM
57	<b>Elgin Only</b> Elgin	8/2/2019 10:04 PM
58	<b>Other</b> The council offices	8/2/2019 9:43 PM
59	<b>Other</b> The Cabrach	8/2/2019 9:29 PM
60	<b>Elgin Only</b> Elgin. Buckie	8/2/2019 9:26 PM
61	<b>None</b> None	8/2/2019 9:21 PM
62	<b>Elgin Only</b> Elgin	8/2/2019 9:20 PM
63	<b>Elgin Only</b> Elgin	8/2/2019 8:46 PM
64	<b>Elgin Only</b> Elgin	8/2/2019 8:15 PM
65	<b>None</b> None	8/2/2019 8:12 PM
66	<b>None</b> None	8/2/2019 8:09 PM
67	<b>None</b> None	8/2/2019 8:07 PM
68	<b>Other</b> I don't think one can be specific, it depends on the business and its application.	8/2/2019 8:05 PM
69	<b>Elgin Only</b> I don't consider any localities appropriate, elgin if you absolutely have to	8/2/2019 8:00 PM
70	<b>Any areas</b> All. There is zero reason for an area to not be suitable.	8/2/2019 7:58 PM
71	<b>None</b> None that I can think of	8/2/2019 7:54 PM
72	<b>Elgin and other areas</b> Town centre locations	8/2/2019 7:45 PM
73	<b>Any areas</b> Anywhere	8/2/2019 7:30 PM
74	<b>Elgin Only</b> Elgin	8/2/2019 7:28 PM
75	<b>Elgin Only</b> Centre of Elgin	8/2/2019 7:22 PM



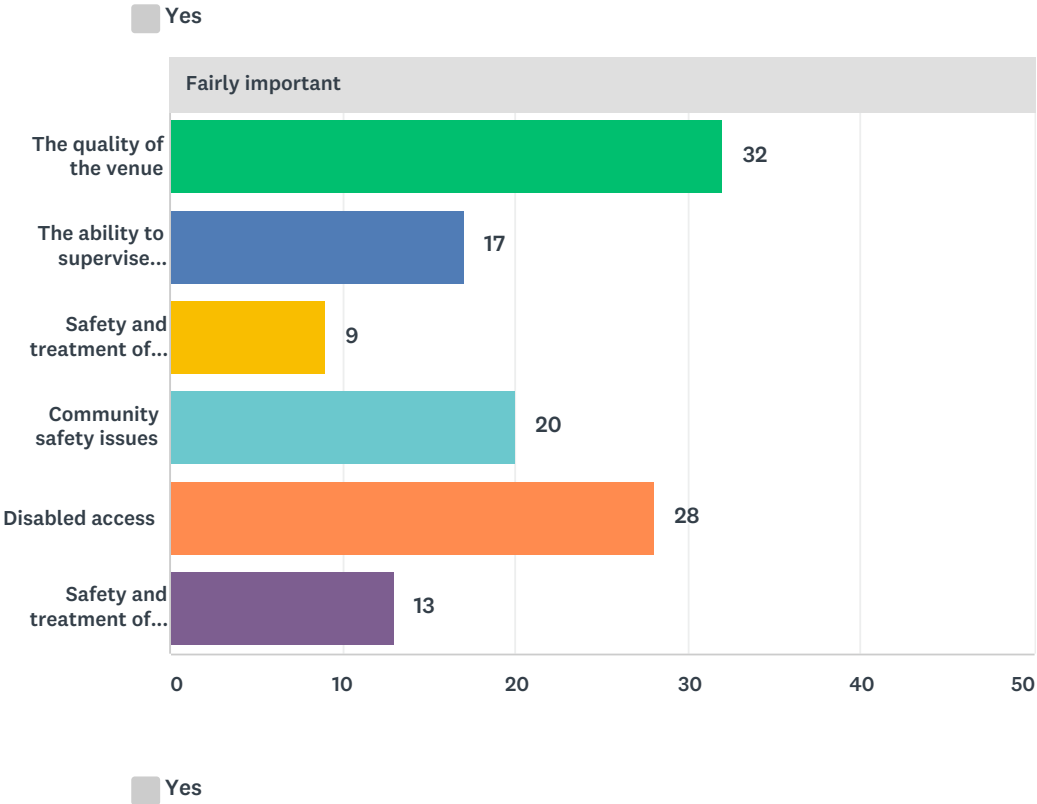
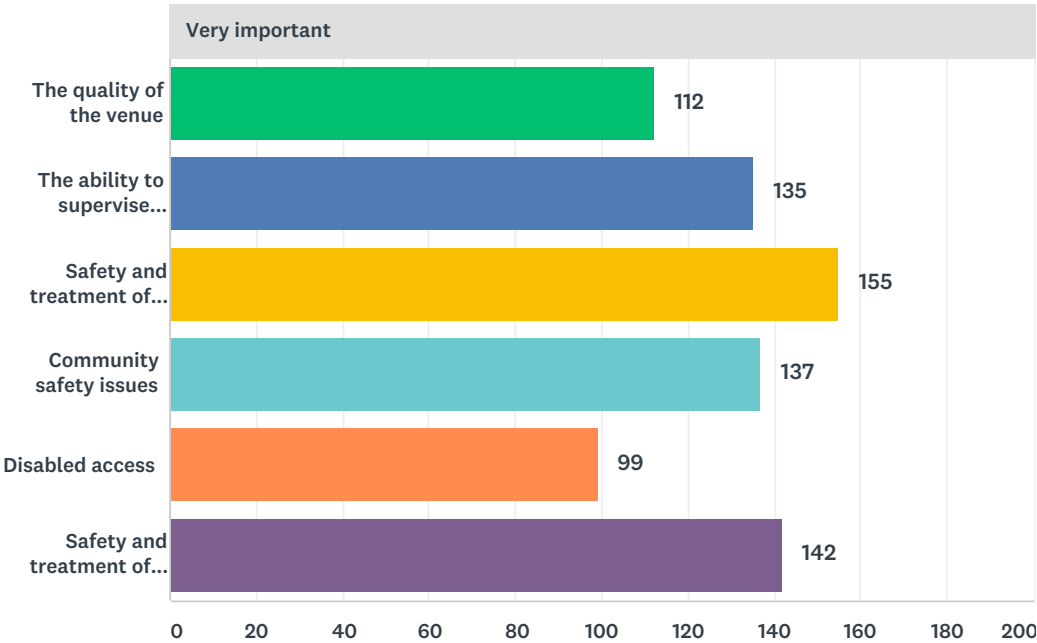
## Sex Entertainment Venues Consultation

76	Elgin Only	Elgin town centre	8/2/2019 7:19 PM
77	None	None!!!	8/2/2019 7:16 PM
78	Elgin Only	elgin	8/2/2019 7:15 PM
79	Elgin Only	Elgin	8/2/2019 7:05 PM
80	None	None	8/2/2019 7:04 PM
81	None	None	8/2/2019 7:02 PM
82	Elgin and other areas	Elgin, Forres, Keith, Buckie	8/2/2019 6:18 PM
83	None	None. It's disgusting maybe cut the grass instead of doing a strip club	8/2/2019 6:14 PM
84	Elgin Only	Elgin	8/2/2019 5:54 PM
85	Elgin and other areas	Elgin, Buckie	8/2/2019 5:53 PM
86	Elgin Only	Elgin	8/2/2019 5:48 PM
87	Elgin Only	Probably Elgin but I certainly wouldn't want it in my neighbourhood	8/2/2019 5:44 PM
88	Elgin Only	Elgin,	8/2/2019 5:43 PM
89	Elgin Only	Elgin town centre.	8/2/2019 5:35 PM
90	Elgin Only	joannas	8/2/2019 5:33 PM
91	None	None	8/2/2019 5:30 PM
92	None	None	8/2/2019 5:30 PM
93	Elgin and other areas	Elgin, Keith,	8/2/2019 5:30 PM
94	None	None	8/2/2019 5:19 PM
95	Elgin Only	Elgin	8/2/2019 5:15 PM
96	None	None!	8/2/2019 5:14 PM
97	None	I think as long as discreet any of the larger towns in moray could accommodate. Elgin certainly	8/2/2019 5:13 PM
98	None	None	8/2/2019 5:01 PM
99	Elgin and other areas	Elgin, Buckie, Keith & Forres	8/2/2019 5:01 PM
100	None	None	8/2/2019 4:59 PM
101	Elgin and other areas	Centres of bigger towns	8/2/2019 4:56 PM
102	None	None.	8/2/2019 4:54 PM
103	None	None	8/2/2019 4:50 PM
104	Elgin Only	Elgin , the old boxing club / old jail house venue	8/2/2019 4:49 PM
105	Elgin Only	Forres	8/2/2019 4:48 PM
106	Elgin and other areas	Elgin, Forres, Buckie ,Keith	8/2/2019 4:47 PM
107	Elgin and other areas	Elgin Buckie	8/2/2019 4:46 PM
108	Elgin and other areas	Elgin, Buckie	8/2/2019 4:42 PM

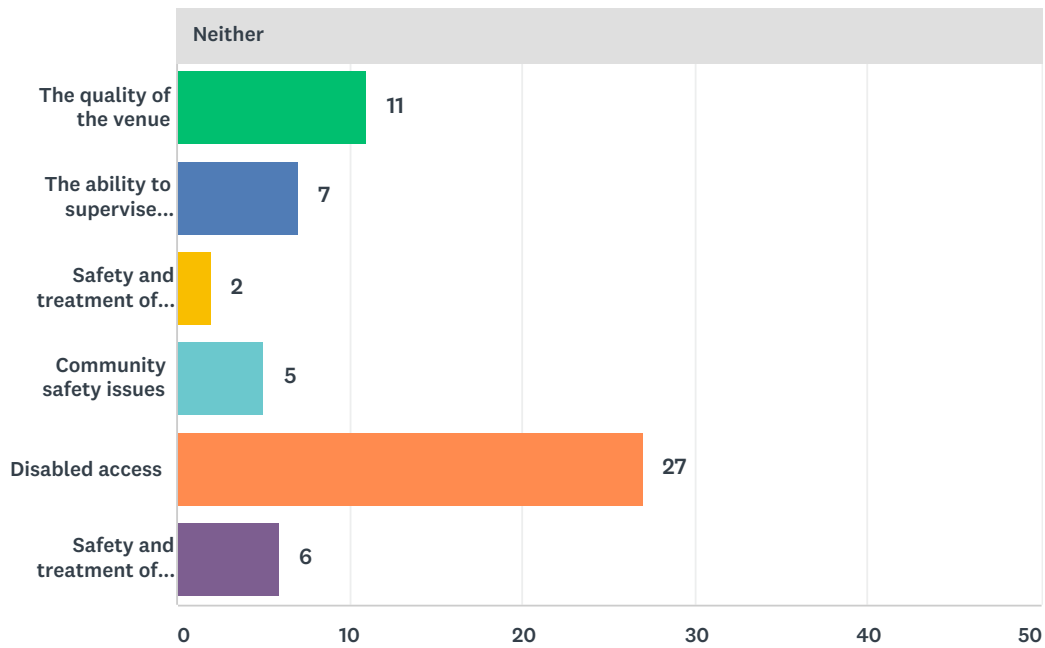


Q8 How important are each of the following features in deciding whether or not to grant a licence for a Sexual Entertainment Venue?

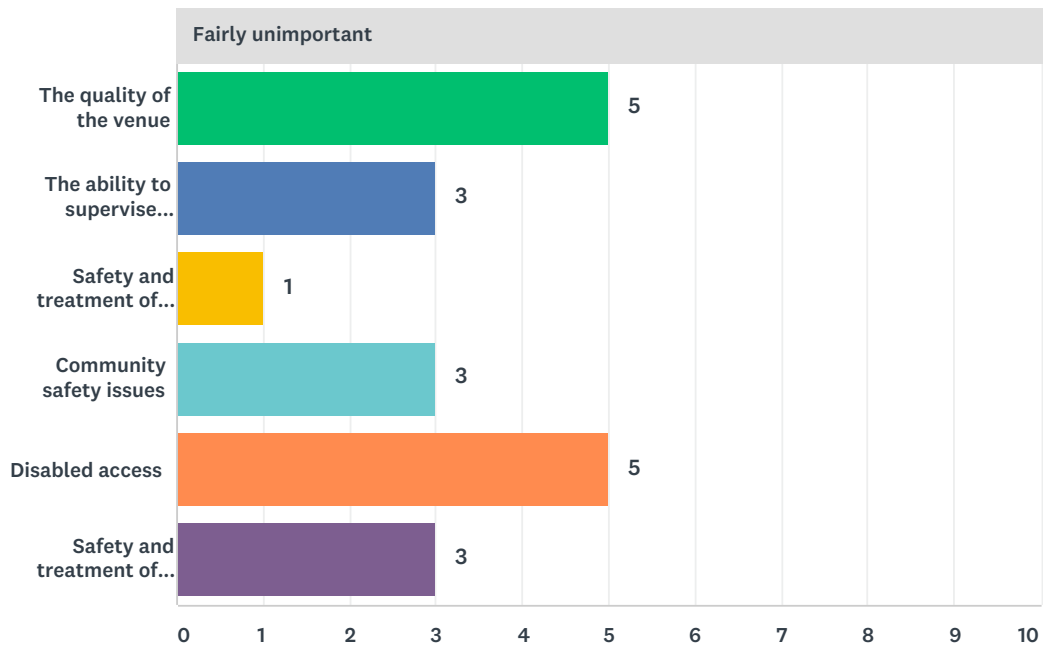
Answered: 169 Skipped: 8



## Sex Entertainment Venues Consultation

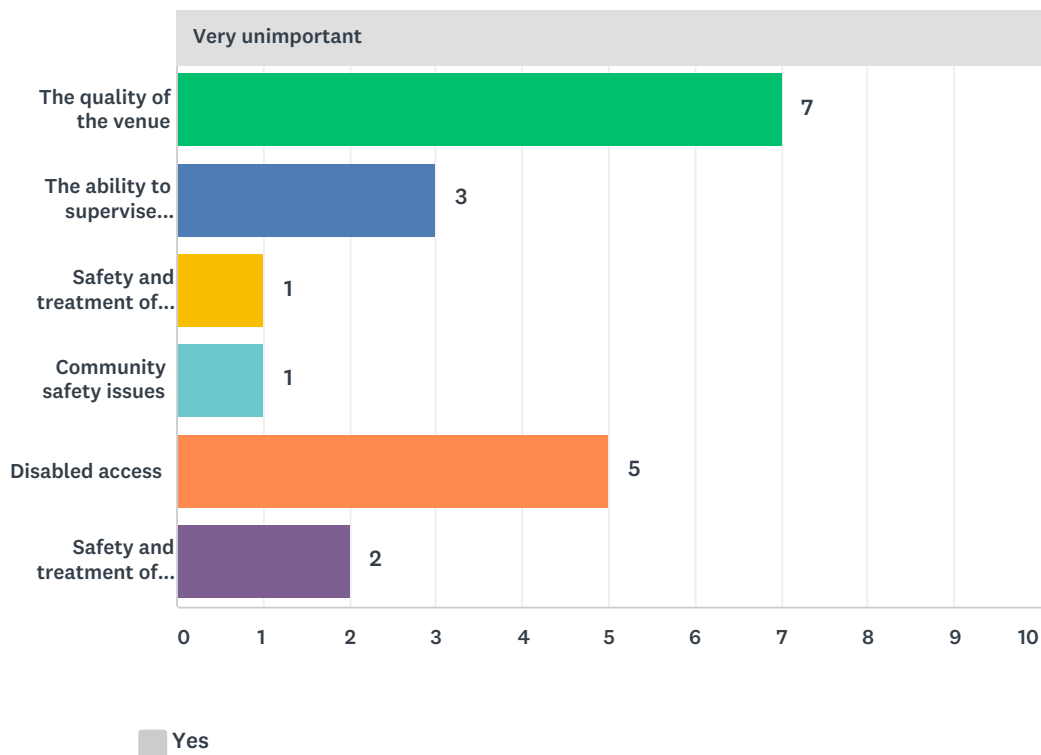


Yes



Yes

## Sex Entertainment Venues Consultation



Very important		
	YES	TOTAL
The quality of the venue	100.00% 112	112
The ability to supervise activities in the premises	100.00% 135	135
Safety and treatment of the men and women working in SEVs	100.00% 155	155
Community safety issues	100.00% 137	137
Disabled access	100.00% 99	99
Safety and treatment of customers	100.00% 142	142
Fairly important		
	YES	TOTAL
The quality of the venue	100.00% 32	32
The ability to supervise activities in the premises	100.00% 17	17
Safety and treatment of the men and women working in SEVs	100.00% 9	9
Community safety issues	100.00% 20	20
Disabled access	100.00% 28	28
Safety and treatment of customers	100.00% 13	13
Neither		
	YES	TOTAL
The quality of the venue	100.00% 11	11

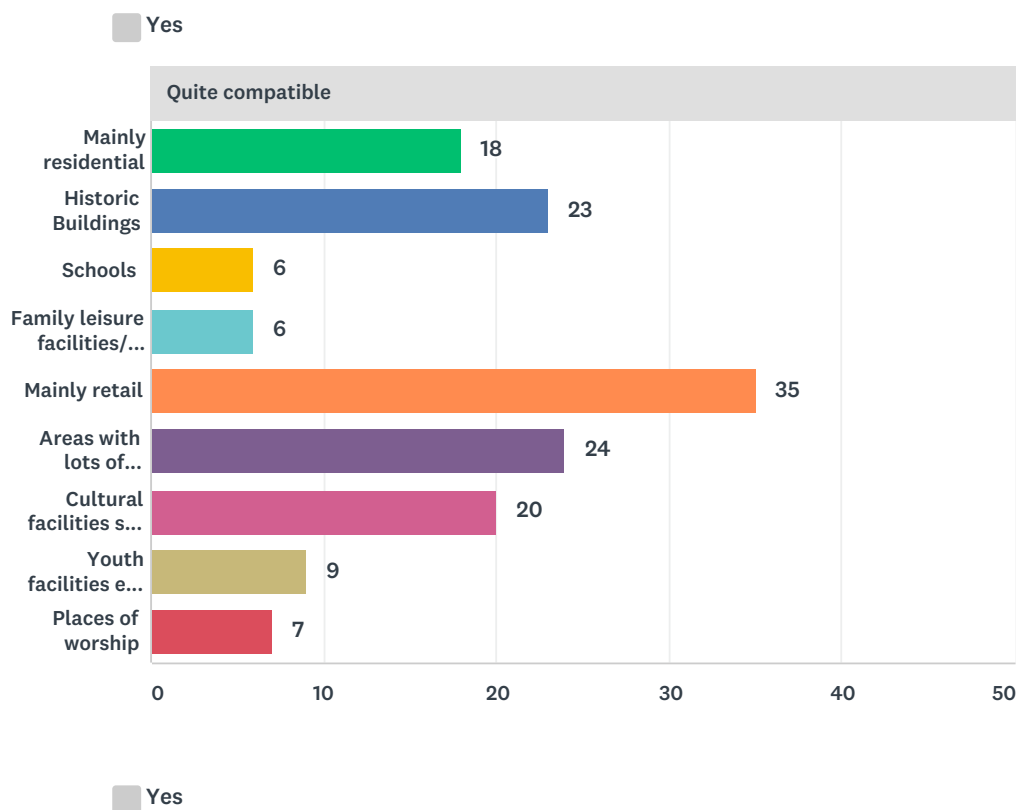
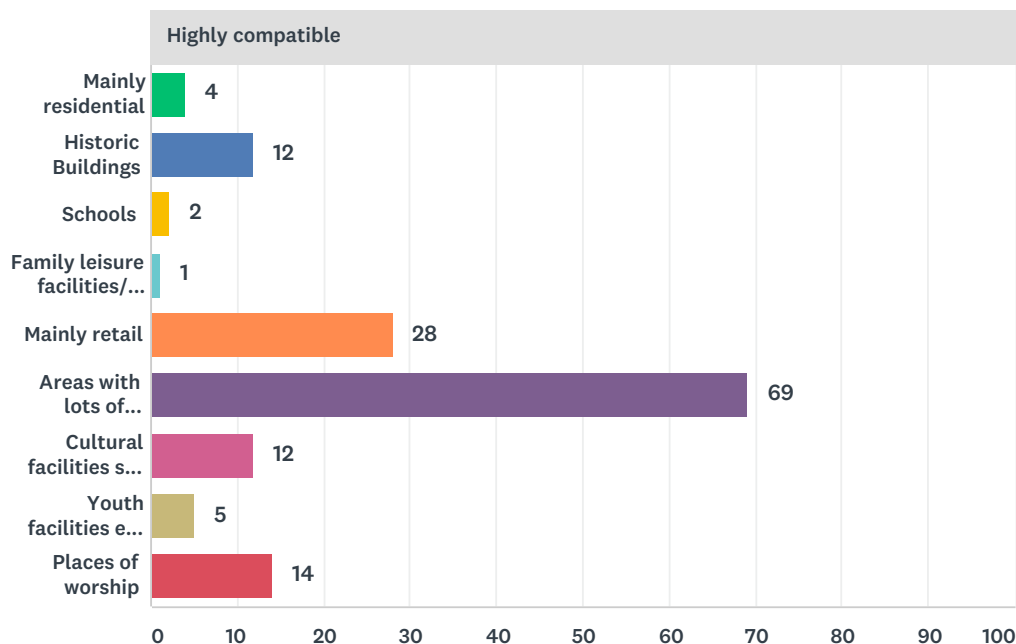


## Sex Entertainment Venues Consultation

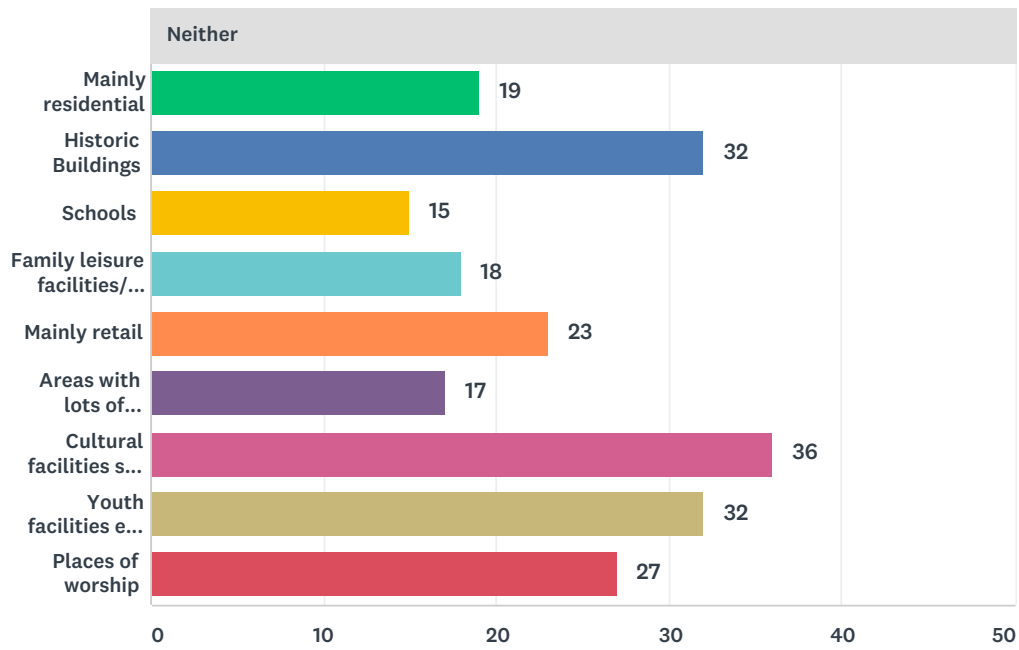
The ability to supervise activities in the premises	100.00%	7	7
Safety and treatment of the men and women working in SEVs	100.00%	2	2
Community safety issues	100.00%	5	5
Disabled access	100.00%	27	27
Safety and treatment of customers	100.00%	6	6
Fairly unimportant			
	YES	TOTAL	
The quality of the venue	100.00%	5	5
The ability to supervise activities in the premises	100.00%	3	3
Safety and treatment of the men and women working in SEVs	100.00%	1	1
Community safety issues	100.00%	3	3
Disabled access	100.00%	5	5
Safety and treatment of customers	100.00%	3	3
Very unimportant			
	YES	TOTAL	
The quality of the venue	100.00%	7	7
The ability to supervise activities in the premises	100.00%	3	3
Safety and treatment of the men and women working in SEVs	100.00%	1	1
Community safety issues	100.00%	1	1
Disabled access	100.00%	5	5
Safety and treatment of customers	100.00%	2	2

**Q7 We would like your views on whether SEVs should be allowed to open near particular areas and types of building. Please state how compatible an SEV would be near to the following types of area or building.**

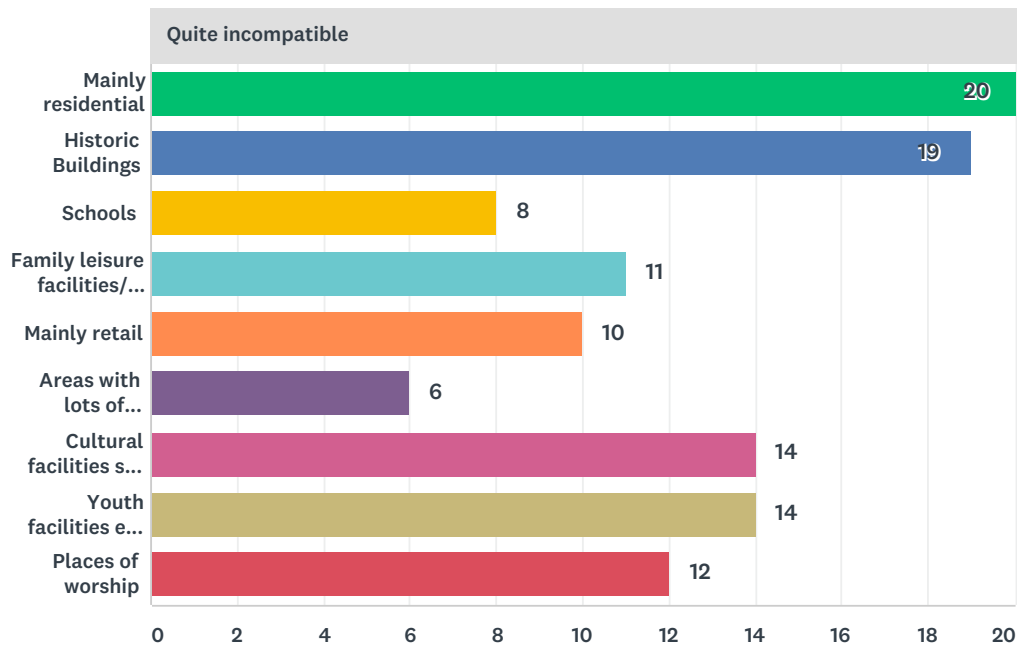
Answered: 169 Skipped: 8



## Sex Entertainment Venues Consultation

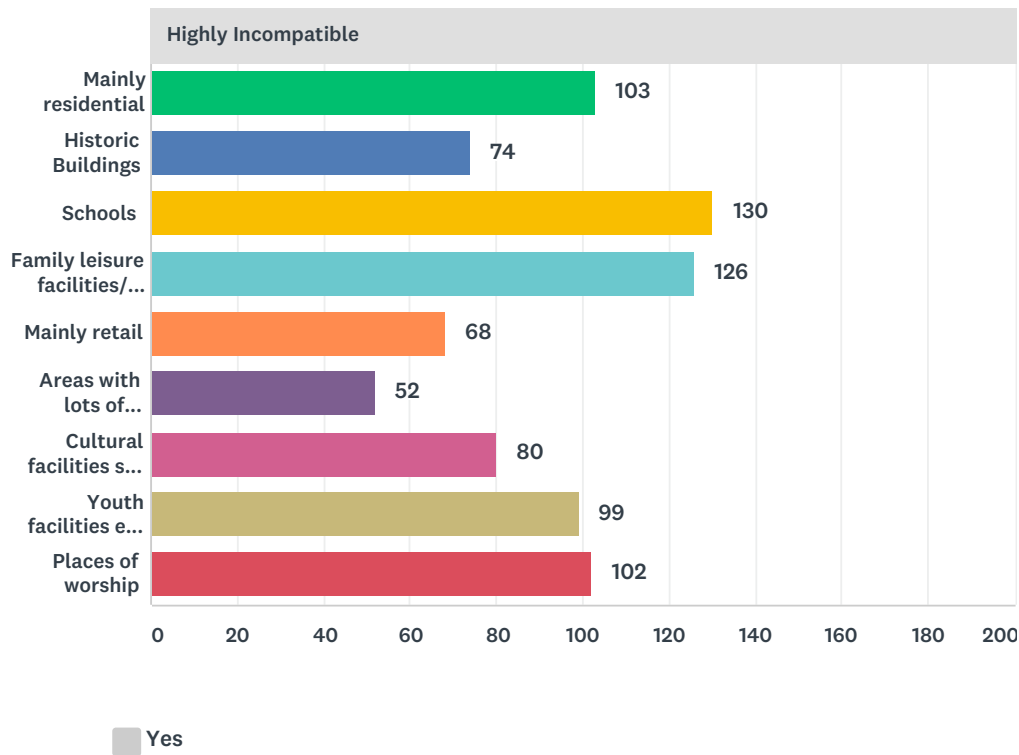


☐ Yes



☐ Yes

## Sex Entertainment Venues Consultation



Highly compatible			
	YES		TOTAL
Mainly residential	100.00%	4	4
Historic Buildings	100.00%	12	12
Schools	100.00%	2	2
Family leisure facilities/ children's play areas	100.00%	1	1
Mainly retail	100.00%	28	28
Areas with lots of night-time entertainment.	100.00%	69	69
Cultural facilities such as galleries and museums	100.00%	12	12
Youth facilities e.g. youth hostels	100.00%	5	5
Places of worship	100.00%	14	14
Quite compatible			
	YES		TOTAL
Mainly residential	100.00%	18	18
Historic Buildings	100.00%	23	23
Schools	100.00%	6	6
Family leisure facilities/ children's play areas	100.00%	6	6
Mainly retail	100.00%	35	35

## Sex Entertainment Venues Consultation

Areas with lots of night-time entertainment.	100.00%	24	24
Cultural facilities such as galleries and museums	100.00%	20	20
Youth facilities e.g. youth hostels	100.00%	9	9
Places of worship	100.00%	7	7
Neither			
	YES	TOTAL	
Mainly residential	100.00%	19	19
Historic Buildings	100.00%	32	32
Schools	100.00%	15	15
Family leisure facilities/ children's play areas	100.00%	18	18
Mainly retail	100.00%	23	23
Areas with lots of night-time entertainment.	100.00%	17	17
Cultural facilities such as galleries and museums	100.00%	36	36
Youth facilities e.g. youth hostels	100.00%	32	32
Places of worship	100.00%	27	27
Quite incompatible			
	YES	TOTAL	
Mainly residential	100.00%	20	20
Historic Buildings	100.00%	19	19
Schools	100.00%	8	8
Family leisure facilities/ children's play areas	100.00%	11	11
Mainly retail	100.00%	10	10
Areas with lots of night-time entertainment.	100.00%	6	6
Cultural facilities such as galleries and museums	100.00%	14	14
Youth facilities e.g. youth hostels	100.00%	14	14
Places of worship	100.00%	12	12
Highly Incompatible			
	YES	TOTAL	
Mainly residential	100.00%	103	103



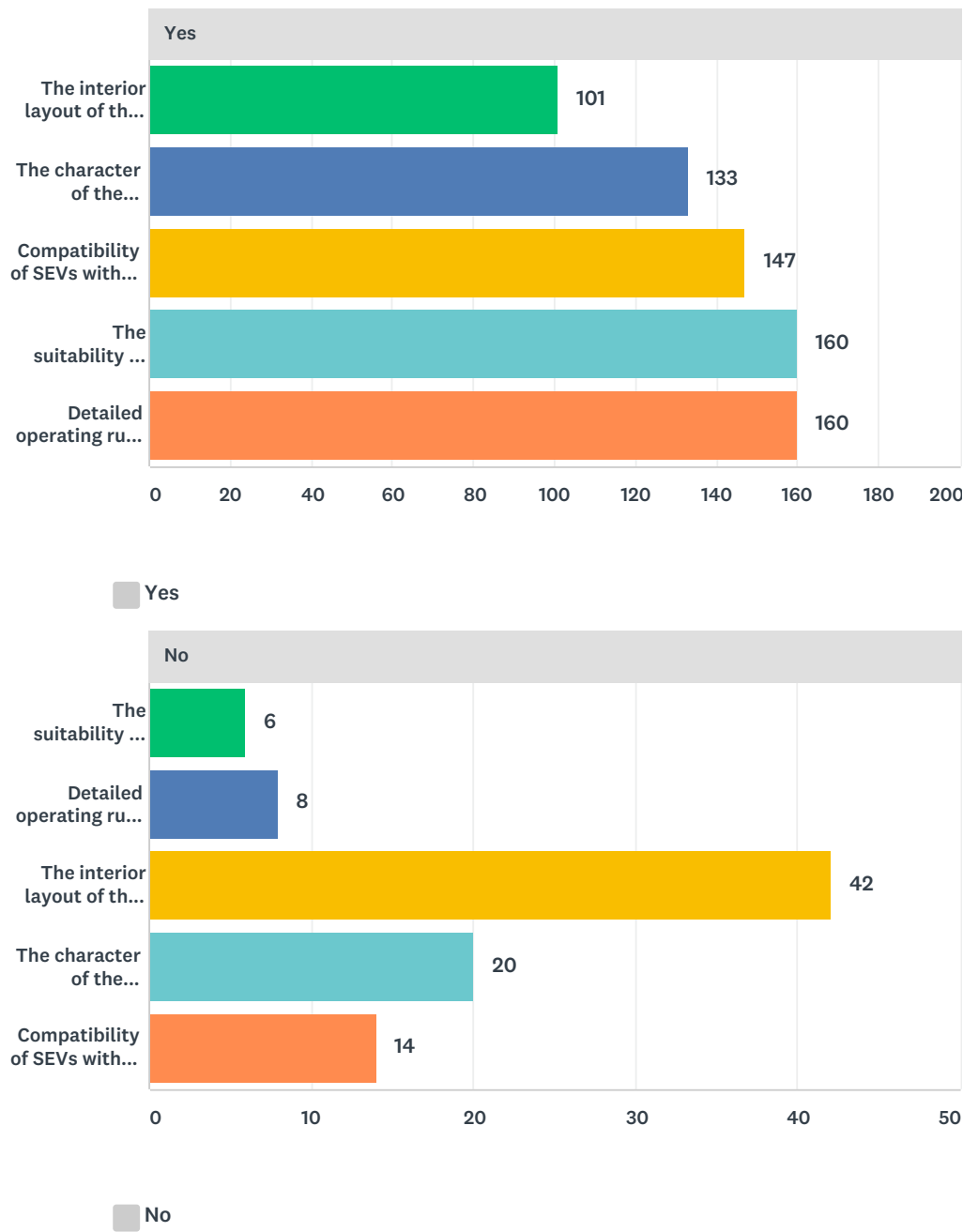
## Sex Entertainment Venues Consultation

Historic Buildings	100.00% 74	74
Schools	100.00% 130	130
Family leisure facilities/ children's play areas	100.00% 126	126
Mainly retail	100.00% 68	68
Areas with lots of night-time entertainment.	100.00% 52	52
Cultural facilities such as galleries and museums	100.00% 80	80
Youth facilities e.g. youth hostels	100.00% 99	99
Places of worship	100.00% 102	102

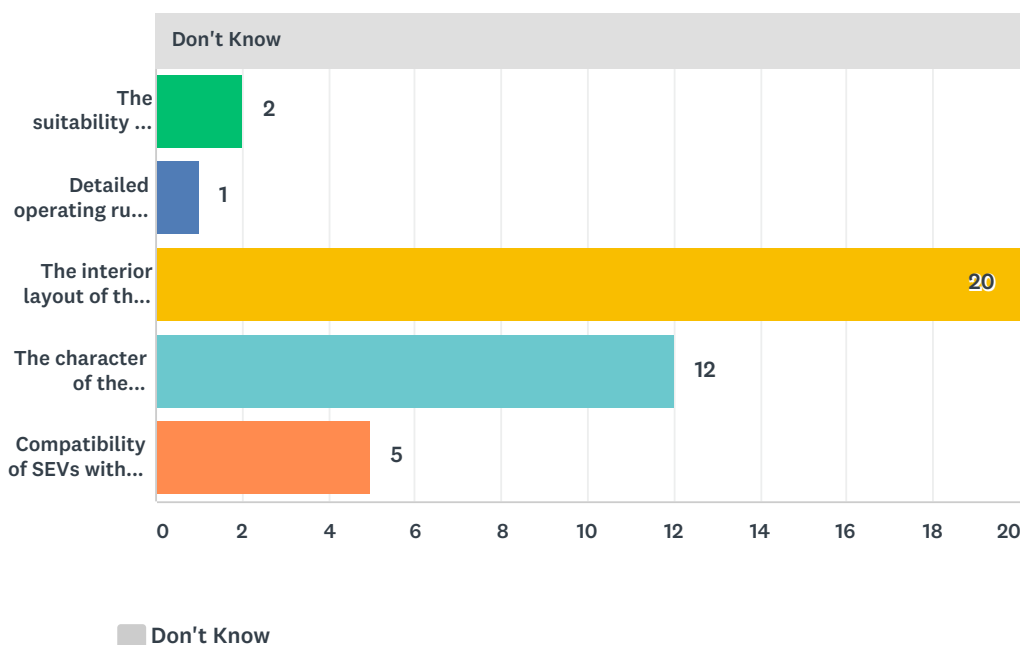


Q2 If Moray Council chooses to Licence SEVs and adopts an SEV policy please indicate below which issues the policy should address:

Answered: 169 Skipped: 8



## Sex Entertainment Venues Consultation



Yes		
	YES	TOTAL
The interior layout of the premises and the facilities	100.00% 101	101
The character of the localities and their compatibility with SEV	100.00% 133	133
Compatibility of SEVs with particular neighbourhood uses	100.00% 147	147
The suitability of the applicant and those connected to them to own and manage a SEV	100.00% 160	160
Detailed operating rules for the management of a SEV if a licence is granted	100.00% 160	160
No		
	NO	TOTAL
The suitability of the applicant and those connected to them to own and manage a SEV	100.00% 6	6
Detailed operating rules for the management of a SEV if a licence is granted	100.00% 8	8
The interior layout of the premises and the facilities	100.00% 42	42
The character of the localities and their compatibility with SEV	100.00% 20	20
Compatibility of SEVs with particular neighbourhood uses	100.00% 14	14
Don't Know		
	DON'T KNOW	TOTAL
The suitability of the applicant and those connected to them to own and manage a SEV	100.00% 2	2
Detailed operating rules for the management of a SEV if a licence is granted	100.00% 1	1
The interior layout of the premises and the facilities	100.00% 20	20
The character of the localities and their compatibility with SEV	100.00% 12	12

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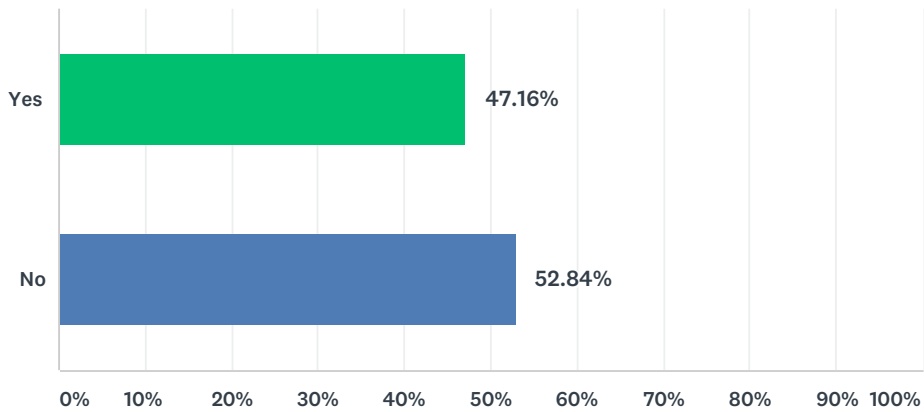
Compatibility of SEVs with particular neighbourhood uses	100.00%	5
	5	5





Q1 Should Moray Council license SEVs?

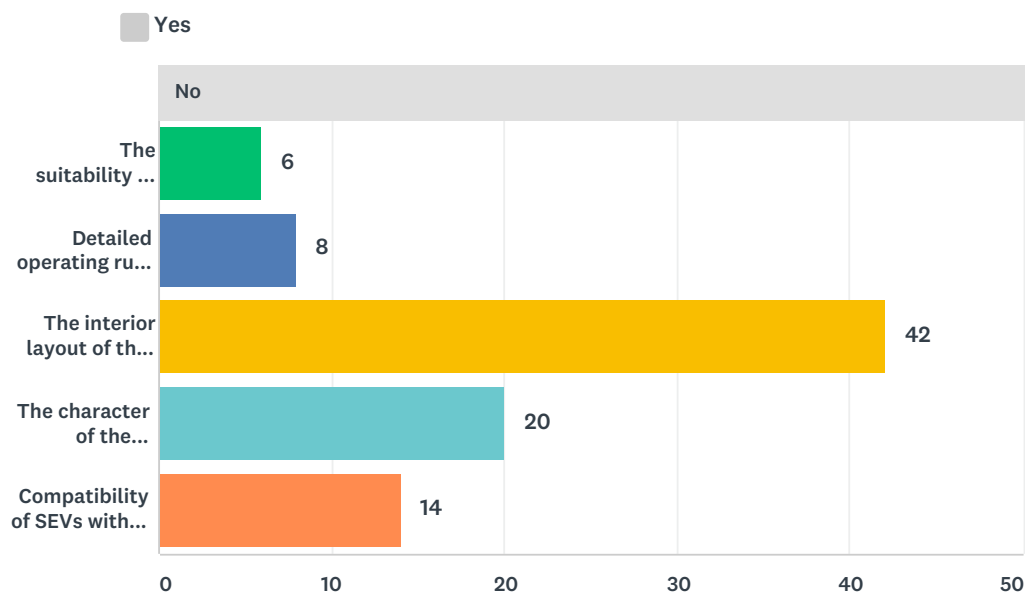
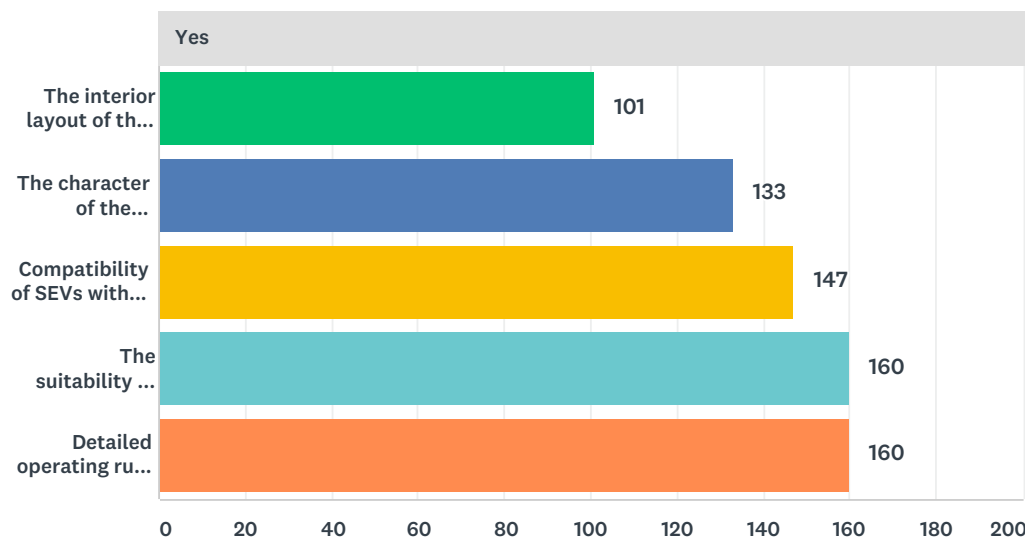
Answered: 176 Skipped: 1



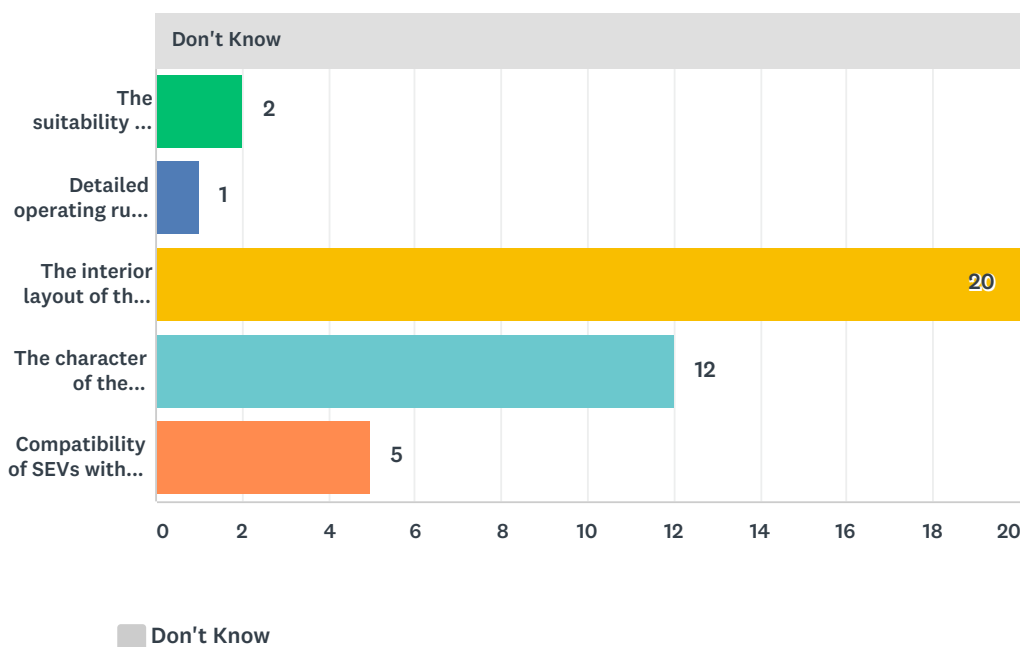
ANSWER CHOICES		RESPONSES	
Yes		47.16%	83
No		52.84%	93
TOTAL			176

## Q2 If Moray Council chooses to Licence SEVs and adopts an SEV policy please indicate below which issues the policy should address:

Answered: 169 Skipped: 8



## Sex Entertainment Venues Consultation



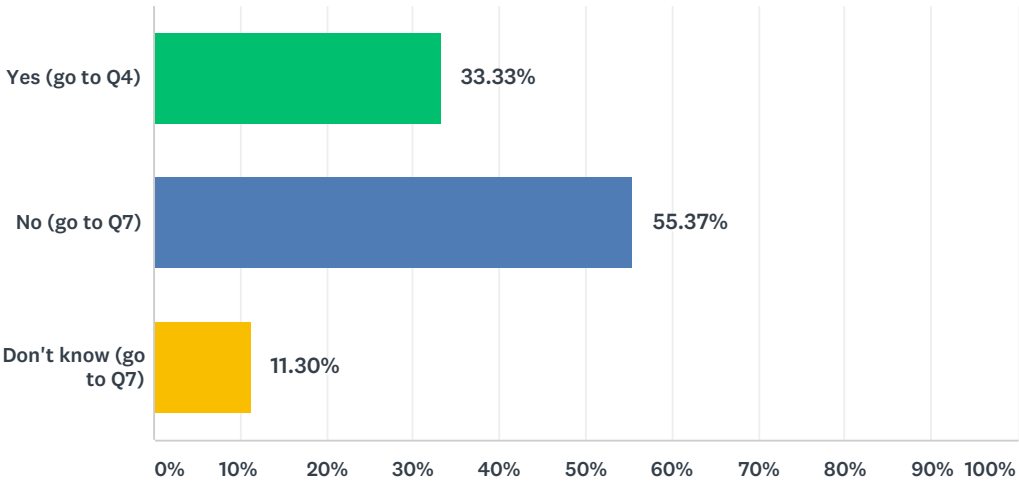
Yes		
	YES	TOTAL
The interior layout of the premises and the facilities	100.00% 101	101
The character of the localities and their compatibility with SEV	100.00% 133	133
Compatibility of SEVs with particular neighbourhood uses	100.00% 147	147
The suitability of the applicant and those connected to them to own and manage a SEV	100.00% 160	160
Detailed operating rules for the management of a SEV if a licence is granted	100.00% 160	160
No		
	NO	TOTAL
The suitability of the applicant and those connected to them to own and manage a SEV	100.00% 6	6
Detailed operating rules for the management of a SEV if a licence is granted	100.00% 8	8
The interior layout of the premises and the facilities	100.00% 42	42
The character of the localities and their compatibility with SEV	100.00% 20	20
Compatibility of SEVs with particular neighbourhood uses	100.00% 14	14
Don't Know		
	DON'T KNOW	TOTAL
The suitability of the applicant and those connected to them to own and manage a SEV	100.00% 2	2
Detailed operating rules for the management of a SEV if a licence is granted	100.00% 1	1
The interior layout of the premises and the facilities	100.00% 20	20
The character of the localities and their compatibility with SEV	100.00% 12	12

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Compatibility of SEVs with particular neighbourhood uses	100.00%	5
	5	5

Q3 In general, are there any localities within Moray that you consider to be appropriate for Sexual Entertainment venues? ( the term "localities" refers to local areas or neighbourhoods, which you might think of as areas such as Keith, Fochabers, Garmouth etc.)

Answered: 177    Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes (go to Q4)	33.33%	59
No (go to Q7)	55.37%	98
Don't know (go to Q7)	11.30%	20
TOTAL		177

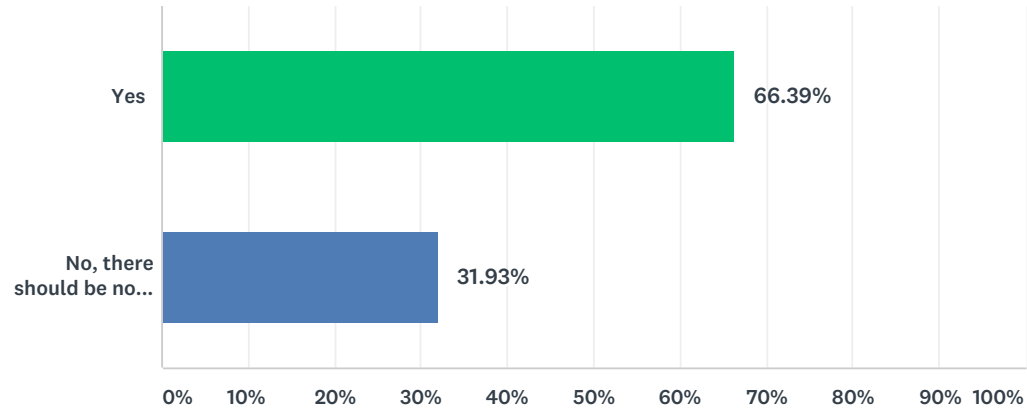
**Q4 Which localities within Moray do you consider appropriate for Sexual Entertainment Venues? Please be as specific as possible.**

Answered: 108 Skipped: 69



Q5 Moray Council has the power to set a maximum number of Sexual Entertainment Venues for individual localities within Moray. This number could be zero. Do you think that the Council should set a figure for the maximum number of SEVs within any particular locality?

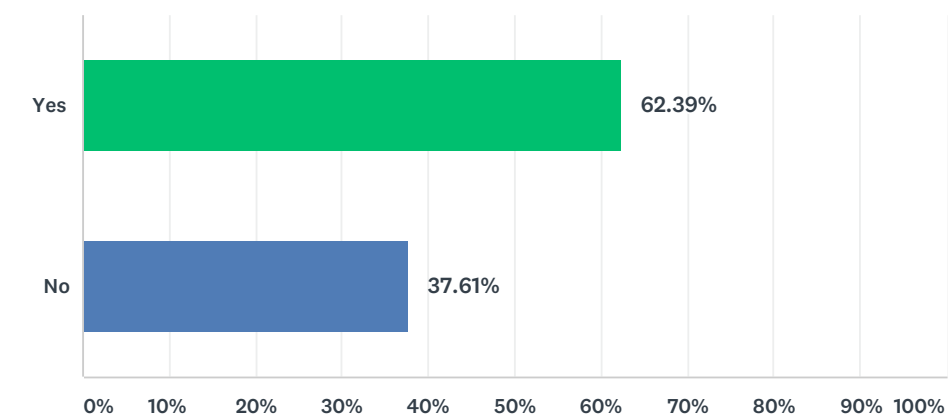
Answered: 119   Skipped: 58



ANSWER CHOICES	RESPONSES	
Yes	66.39%	79
No, there should be no limits set	31.93%	38
TOTAL		119

Q6 Are there any localities within Moray that you consider to be inappropriate for Sexual Entertainment Venues?

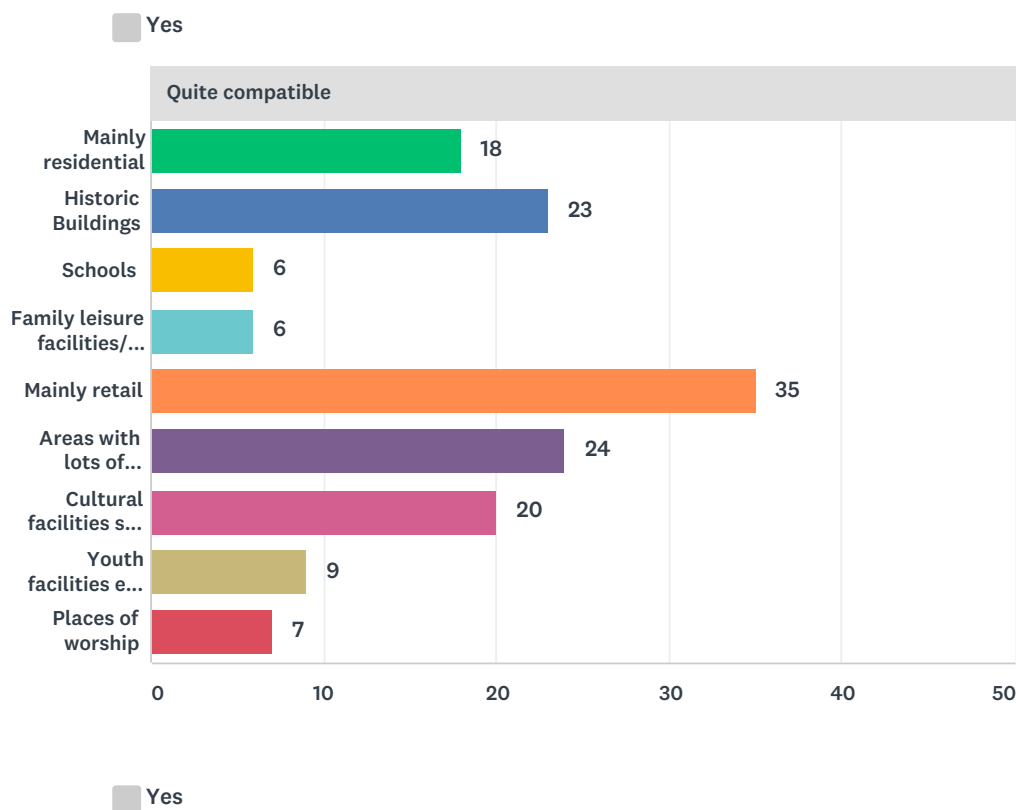
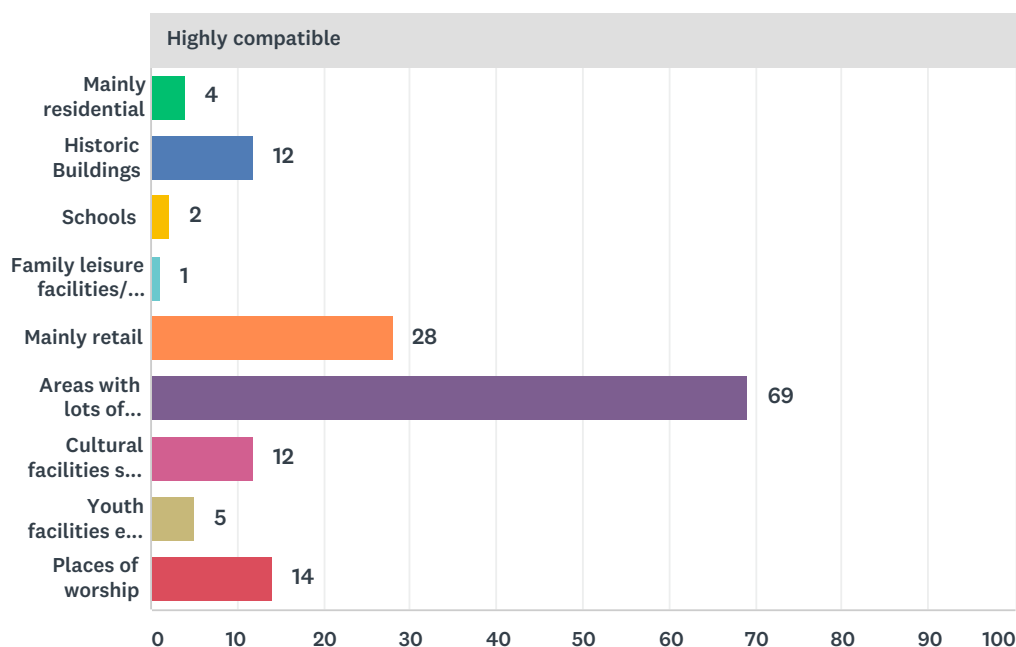
Answered: 117    Skipped: 60



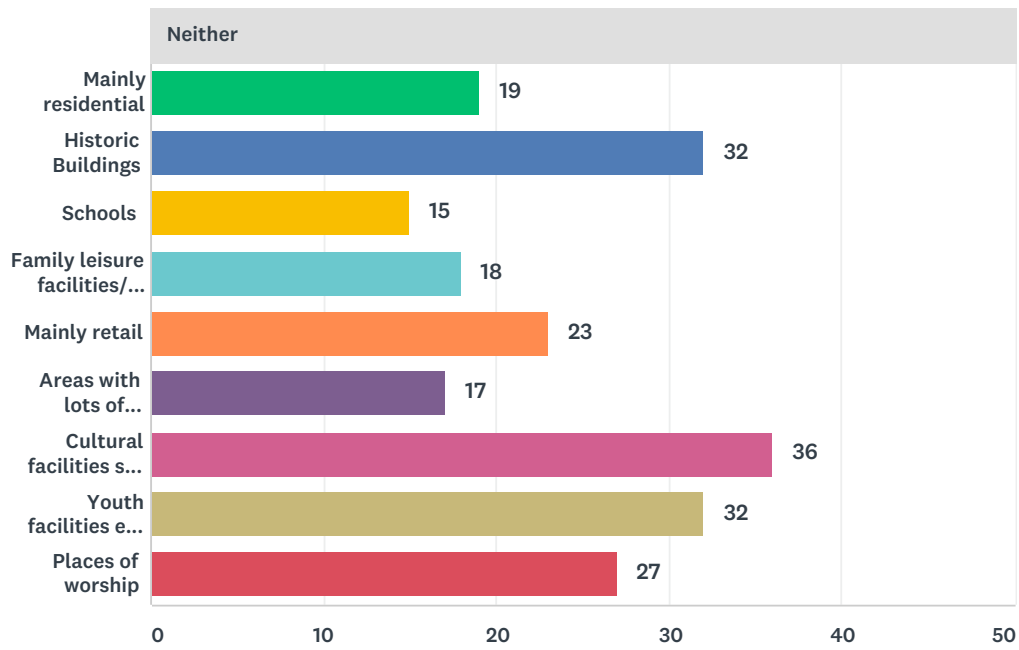
ANSWER CHOICES		RESPONSES
Yes	62.39%	73
No	37.61%	44
TOTAL		117

**Q7 We would like your views on whether SEVs should be allowed to open near particular areas and types of building. Please state how compatible an SEV would be near to the following types of area or building.**

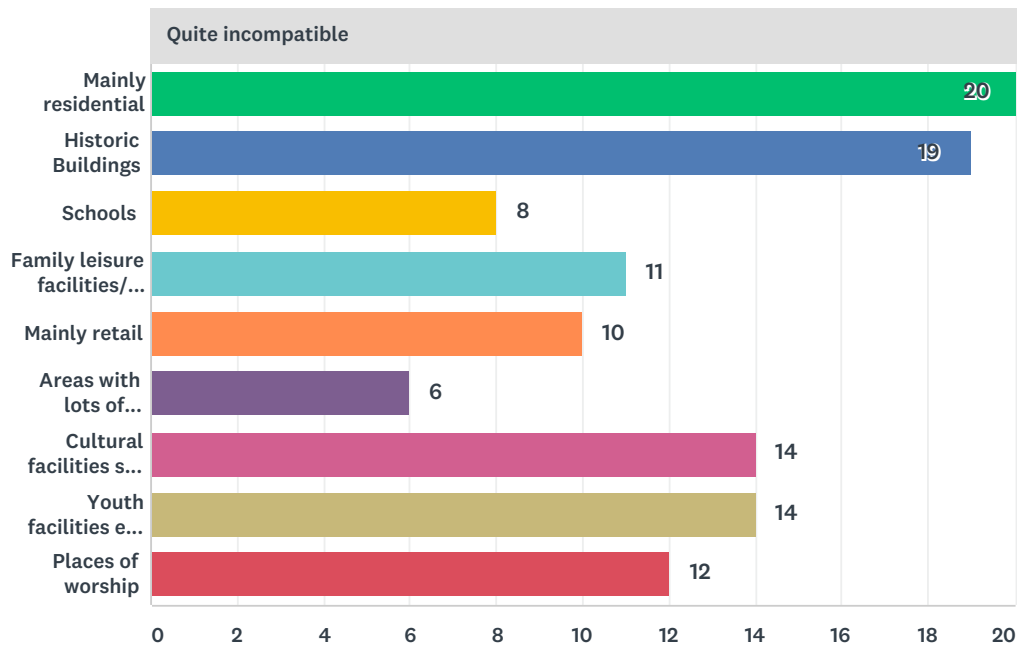
Answered: 169 Skipped: 8



## Sex Entertainment Venues Consultation

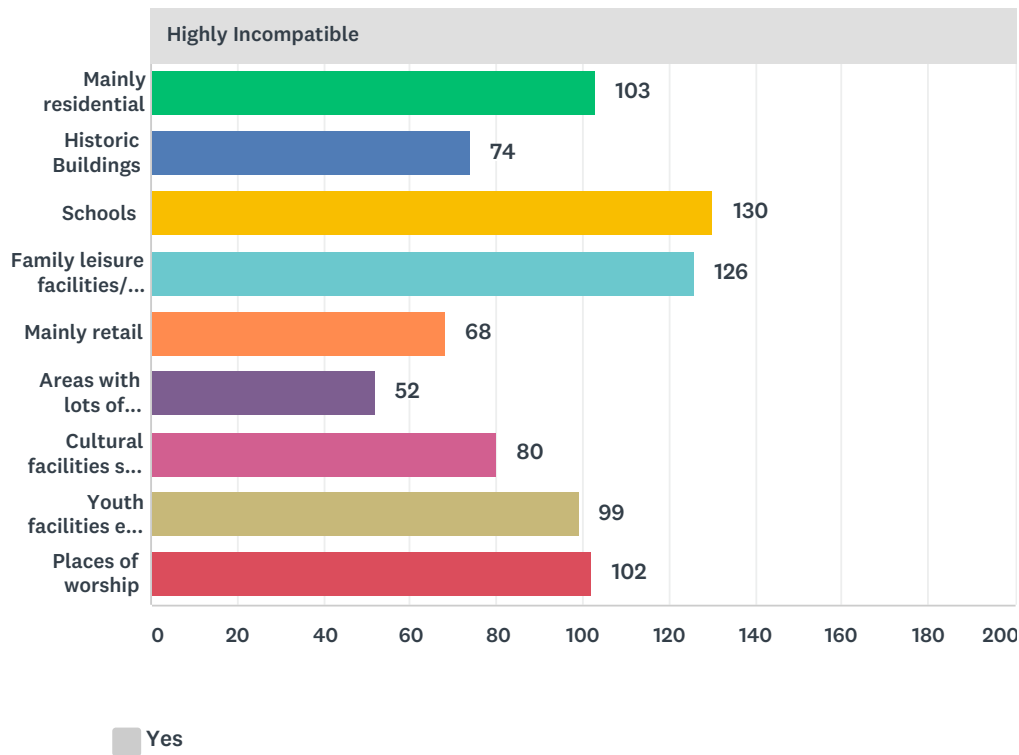


☐ Yes



☐ Yes

## Sex Entertainment Venues Consultation



Highly compatible		
	YES	TOTAL
Mainly residential	100.00% 4	4
Historic Buildings	100.00% 12	12
Schools	100.00% 2	2
Family leisure facilities/ children's play areas	100.00% 1	1
Mainly retail	100.00% 28	28
Areas with lots of night-time entertainment.	100.00% 69	69
Cultural facilities such as galleries and museums	100.00% 12	12
Youth facilities e.g. youth hostels	100.00% 5	5
Places of worship	100.00% 14	14
Quite compatible		
	YES	TOTAL
Mainly residential	100.00% 18	18
Historic Buildings	100.00% 23	23
Schools	100.00% 6	6
Family leisure facilities/ children's play areas	100.00% 6	6
Mainly retail	100.00% 35	35

## Sex Entertainment Venues Consultation

Areas with lots of night-time entertainment.	100.00%	24
	24	24
Cultural facilities such as galleries and museums	100.00%	20
	20	20
Youth facilities e.g. youth hostels	100.00%	9
	9	9
Places of worship	100.00%	7
	7	7
Neither		
	YES	TOTAL
Mainly residential	100.00%	19
	19	19
Historic Buildings	100.00%	32
	32	32
Schools	100.00%	15
	15	15
Family leisure facilities/ children's play areas	100.00%	18
	18	18
Mainly retail	100.00%	23
	23	23
Areas with lots of night-time entertainment.	100.00%	17
	17	17
Cultural facilities such as galleries and museums	100.00%	36
	36	36
Youth facilities e.g. youth hostels	100.00%	32
	32	32
Places of worship	100.00%	27
	27	27
Quite incompatible		
	YES	TOTAL
Mainly residential	100.00%	20
	20	20
Historic Buildings	100.00%	19
	19	19
Schools	100.00%	8
	8	8
Family leisure facilities/ children's play areas	100.00%	11
	11	11
Mainly retail	100.00%	10
	10	10
Areas with lots of night-time entertainment.	100.00%	6
	6	6
Cultural facilities such as galleries and museums	100.00%	14
	14	14
Youth facilities e.g. youth hostels	100.00%	14
	14	14
Places of worship	100.00%	12
	12	12
Highly Incompatible		
	YES	TOTAL
Mainly residential	100.00%	103
	103	103

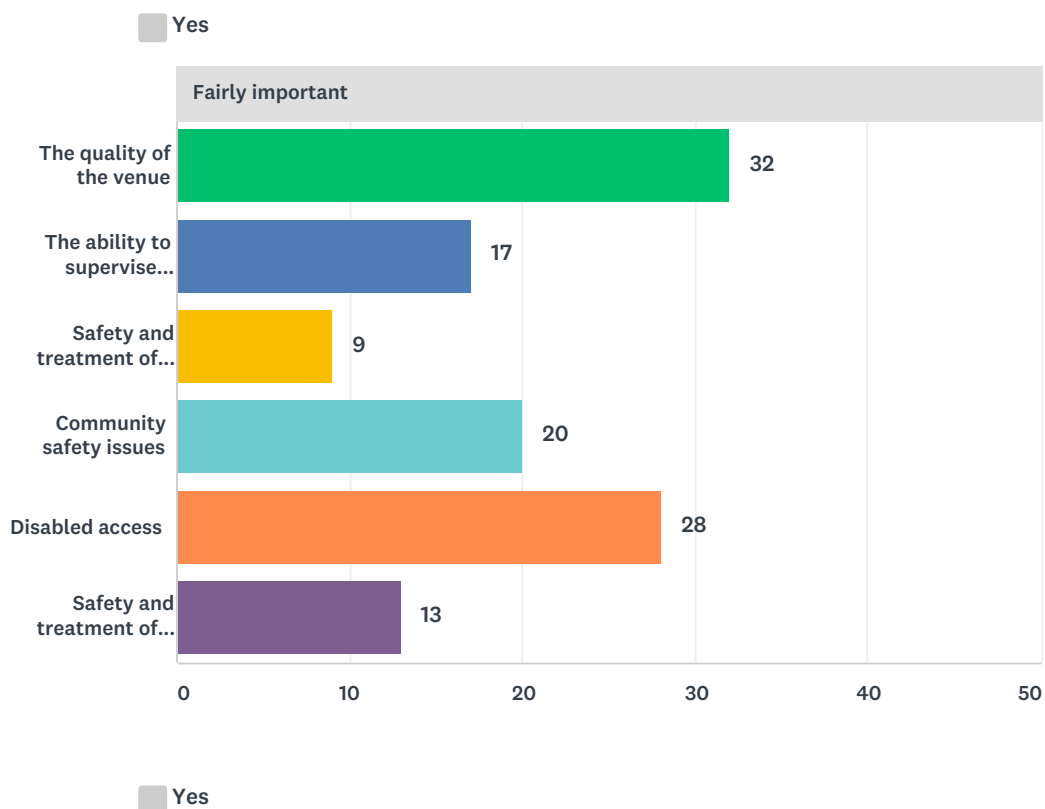
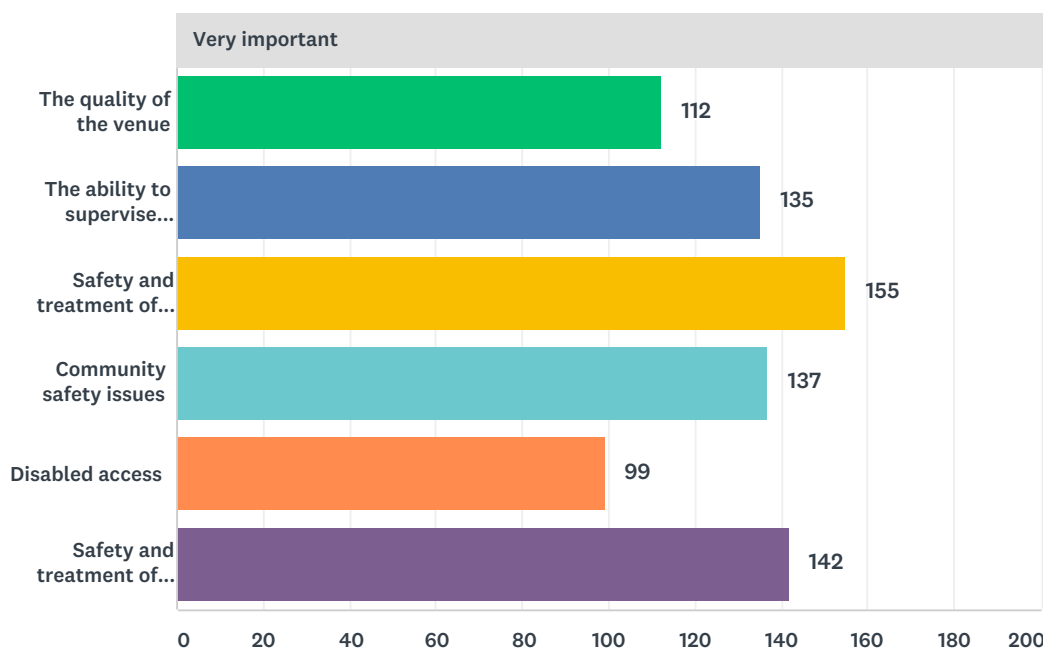


## Sex Entertainment Venues Consultation

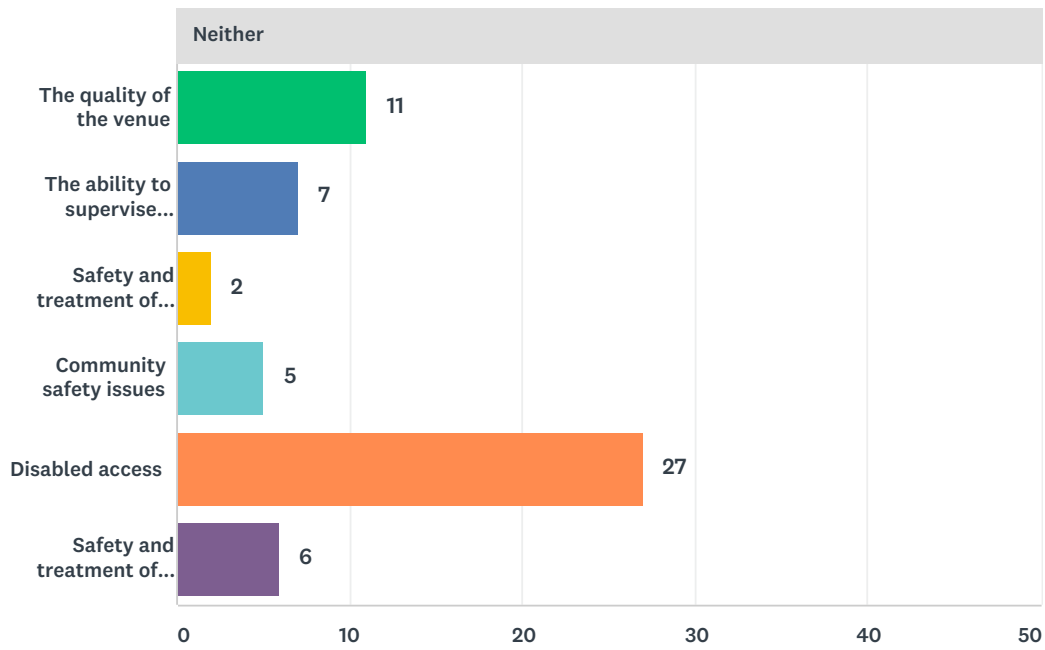
Historic Buildings	100.00% 74	74
Schools	100.00% 130	130
Family leisure facilities/ children's play areas	100.00% 126	126
Mainly retail	100.00% 68	68
Areas with lots of night-time entertainment.	100.00% 52	52
Cultural facilities such as galleries and museums	100.00% 80	80
Youth facilities e.g. youth hostels	100.00% 99	99
Places of worship	100.00% 102	102

## Q8 How important are each of the following features in deciding whether or not to grant a licence for a Sexual Entertainment Venue?

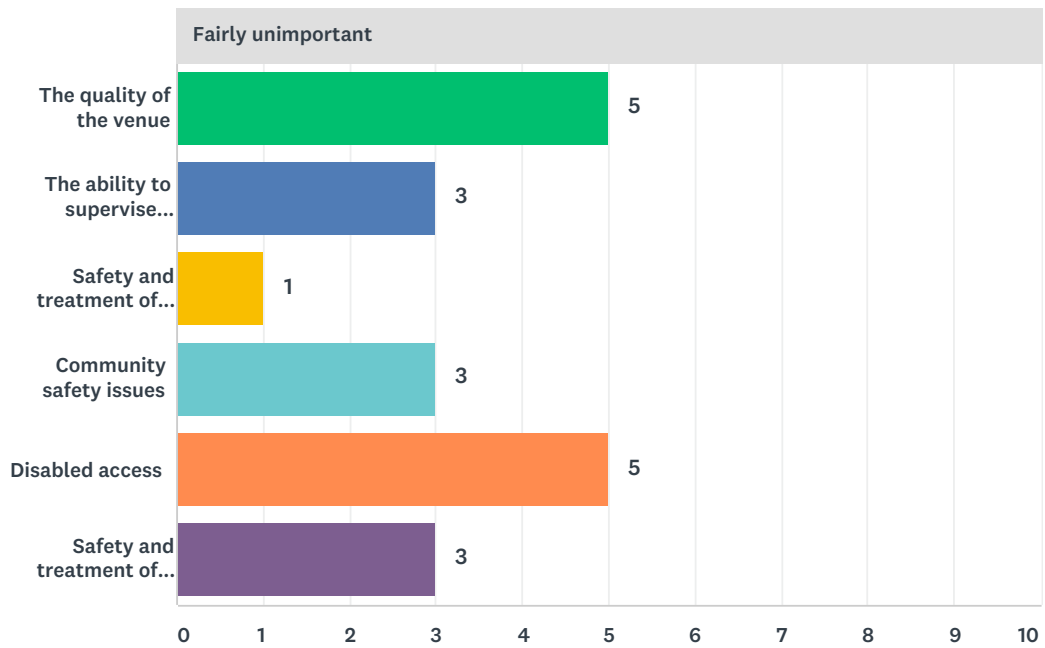
Answered: 169 Skipped: 8



## Sex Entertainment Venues Consultation

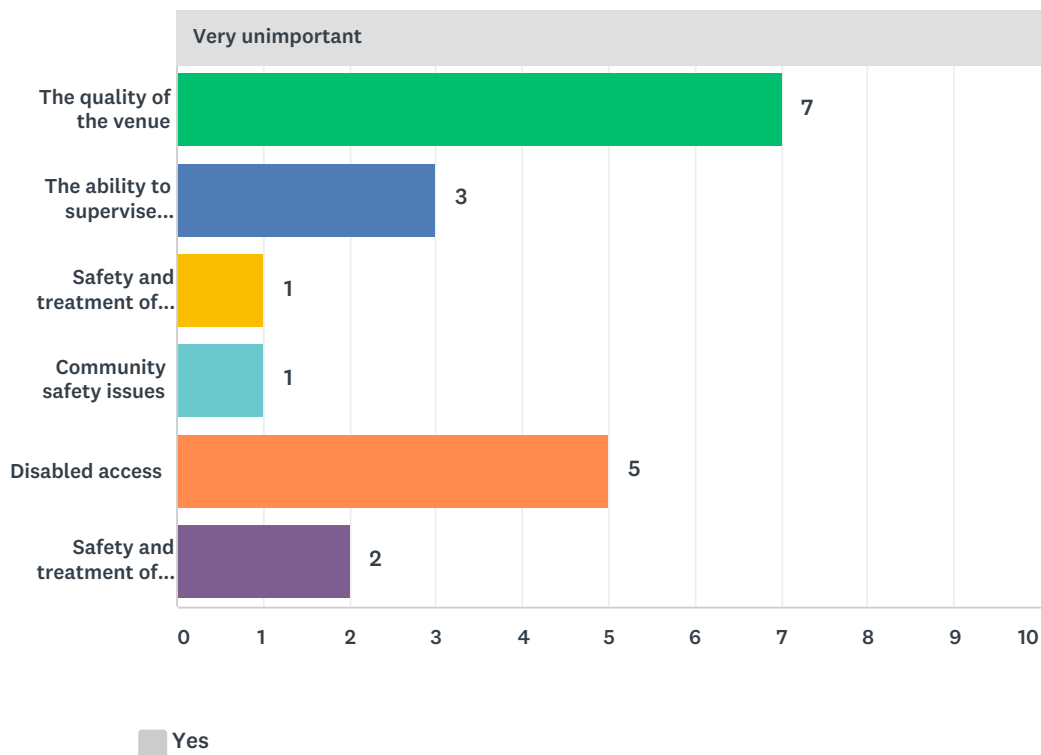


Yes



Yes

## Sex Entertainment Venues Consultation



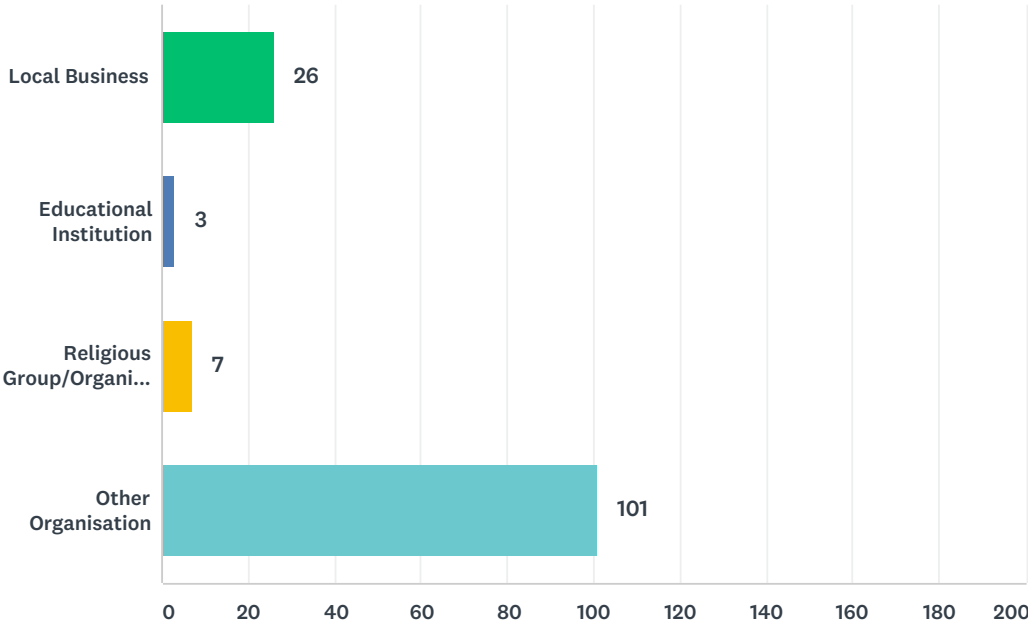
Very important		
	YES	TOTAL
The quality of the venue	100.00% 112	112
The ability to supervise activities in the premises	100.00% 135	135
Safety and treatment of the men and women working in SEVs	100.00% 155	155
Community safety issues	100.00% 137	137
Disabled access	100.00% 99	99
Safety and treatment of customers	100.00% 142	142
Fairly important		
	YES	TOTAL
The quality of the venue	100.00% 32	32
The ability to supervise activities in the premises	100.00% 17	17
Safety and treatment of the men and women working in SEVs	100.00% 9	9
Community safety issues	100.00% 20	20
Disabled access	100.00% 28	28
Safety and treatment of customers	100.00% 13	13
Neither		
	YES	TOTAL
The quality of the venue	100.00% 11	11

## Sex Entertainment Venues Consultation

The ability to supervise activities in the premises	100.00%	7	7
Safety and treatment of the men and women working in SEVs	100.00%	2	2
Community safety issues	100.00%	5	5
Disabled access	100.00%	27	27
Safety and treatment of customers	100.00%	6	6
Fairly unimportant			
	YES	TOTAL	
The quality of the venue	100.00%	5	5
The ability to supervise activities in the premises	100.00%	3	3
Safety and treatment of the men and women working in SEVs	100.00%	1	1
Community safety issues	100.00%	3	3
Disabled access	100.00%	5	5
Safety and treatment of customers	100.00%	3	3
Very unimportant			
	YES	TOTAL	
The quality of the venue	100.00%	7	7
The ability to supervise activities in the premises	100.00%	3	3
Safety and treatment of the men and women working in SEVs	100.00%	1	1
Community safety issues	100.00%	1	1
Disabled access	100.00%	5	5
Safety and treatment of customers	100.00%	2	2

Q9 Please state whether you are a

Answered: 137    Skipped: 40



ANSWER CHOICES	RESPONSES	
Local Business	18.98%	26
Educational Institution	2.19%	3
Religious Group/Organisation	5.11%	7
Other Organisation	73.72%	101
TOTAL		137

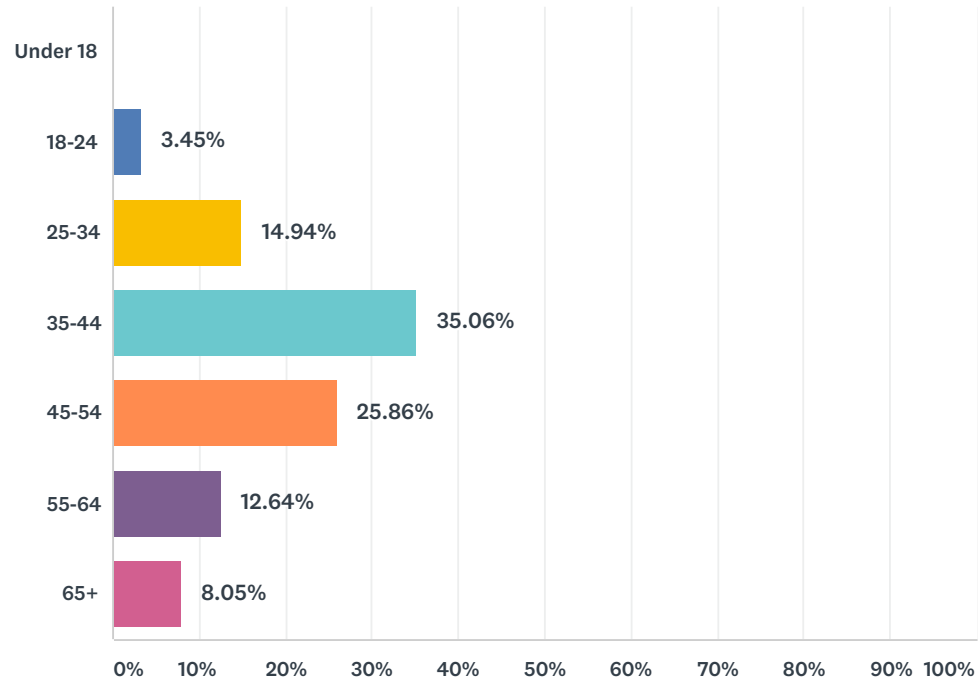
**Q10 Please provide the first half of your postcode:-**

Answered: 169   Skipped: 8



Q11 What was your age last birthday?

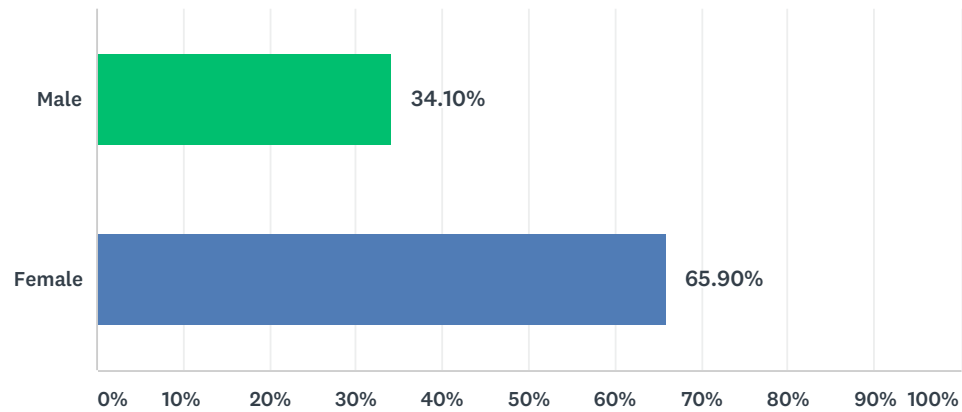
Answered: 174 Skipped: 3



ANSWER CHOICES	RESPONSES	
Under 18	0.00%	0
18-24	3.45%	6
25-34	14.94%	26
35-44	35.06%	61
45-54	25.86%	45
55-64	12.64%	22
65+	8.05%	14
TOTAL		174

Q12 Are you male or female?

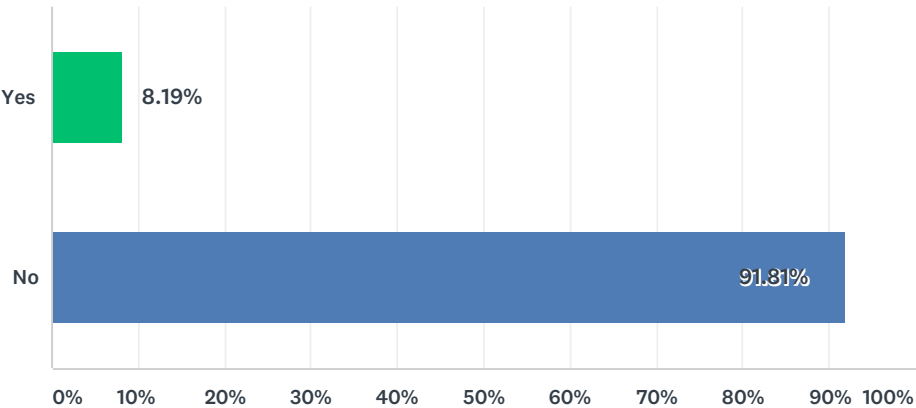
Answered: 173    Skipped: 4



ANSWER CHOICES		RESPONSES
Male		34.10%59
Female		65.90%114
TOTAL		173

Q13 Do you consider yourself to be disabled?

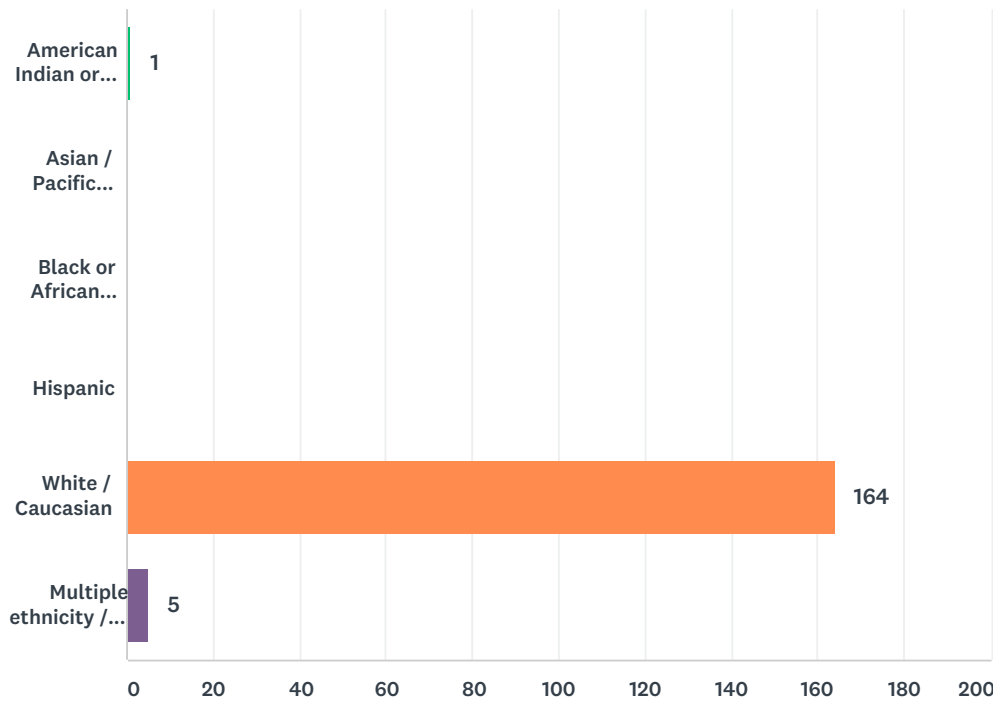
Answered: 171    Skipped: 6



ANSWER CHOICES		RESPONSES
Yes		8.19%14
No		91.81%157
TOTAL		171

Q14 Which race/ethnicity best describes you? (Please choose only one.)

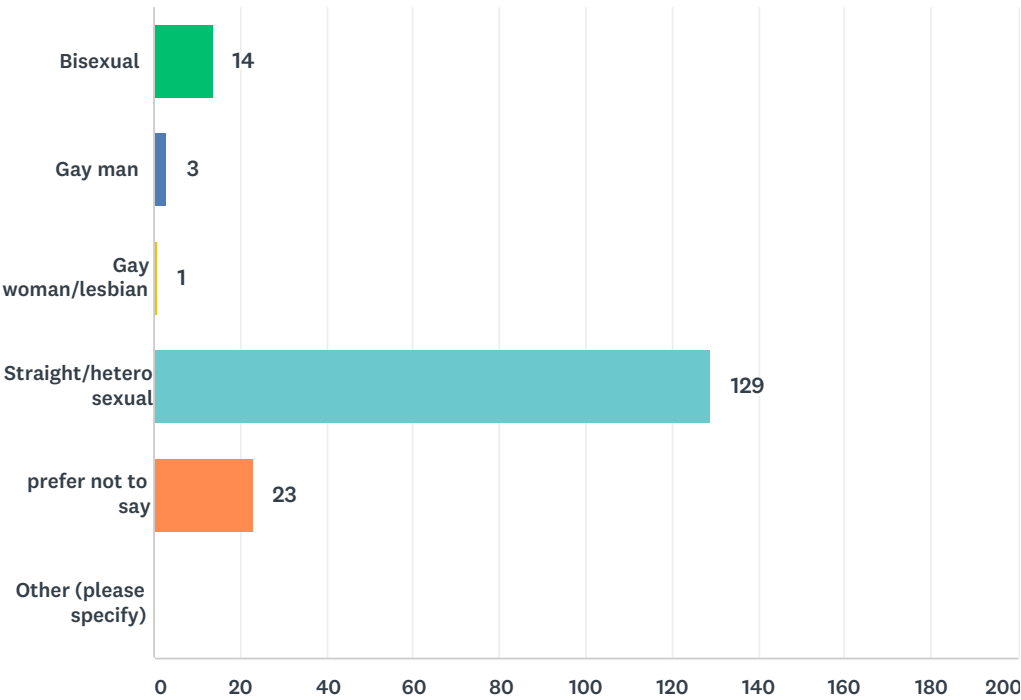
Answered: 170 Skipped: 7



ANSWER CHOICES	RESPONSES	
American Indian or Alaskan Native	0.59%	1
Asian / Pacific Islander	0.00%	0
Black or African American	0.00%	0
Hispanic	0.00%	0
White / Caucasian	96.47%	164
Multiple ethnicity / Other (please specify)	2.94%	5
TOTAL		170

Q15 Sexual orientation: Which of the following best describes your sexual orientation?

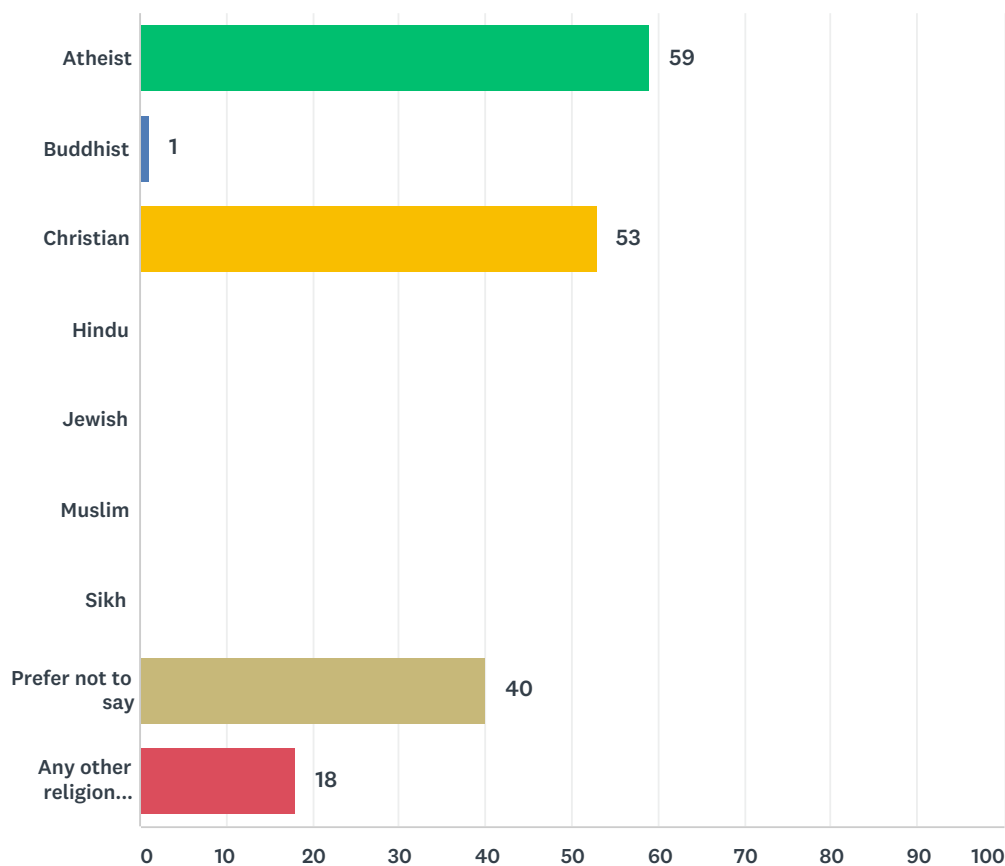
Answered: 170 Skipped: 7



ANSWER CHOICES	RESPONSES	
Bisexual	8.24%	14
Gay man	1.76%	3
Gay woman/lesbian	0.59%	1
Straight/heterosexual	75.88%	129
prefer not to say	13.53%	23
Other (please specify)	0.00%	0
TOTAL		170

## Q16 Faith: What is your religion, faith or belief even if you are not currently practicing?

Answered: 171 Skipped: 6



ANSWER CHOICES	RESPONSES	
Atheist	34.50%	59
Buddhist	0.58%	1
Christian	30.99%	53
Hindu	0.00%	0
Jewish	0.00%	0
Muslim	0.00%	0
Sikh	0.00%	0
Prefer not to say	23.39%	40
Any other religion (please specify)	10.53%	18
TOTAL		171





**THE MORAY COUNCIL**  
**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**  
**NOTICE OF MAKING OF RESOLUTION TO LICENCE**  
**SEXUAL ENTERTAINMENT VENUES IN MORAY**

NOTICE IS HEREBY GIVEN that a Resolution in terms of Section 45B of the Civic Government (Scotland) Act 1982, was passed by the Moray Council as Licensing Authority on 6 November 2019, whereby as from 6 November 2020 places and activities of sexual entertainment shall require to be licensed in accordance with the provisions of the above Act, shall be regulated by those provisions and a Sexual Entertainment Venue Licence shall be required.

**RESOLUTION**

THE MORAY COUNCIL, as the Licensing Authority for Moray, by virtue of the powers conferred on them by Section 45B of the Civic Government (Scotland) Act 1982 as amended by the Air Weapons and Licensing (Scotland) Act 2015, **DO HEREBY RESOLVE** that as from the 6 November 2020 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) is to have effect in the Moray Council area in relation to Sexual Entertainment Venues.

**GENERAL EFFECT**

This Resolution means that:

(First) as from 6 November 2020 places and activities of sexual entertainment shall require a licence in accordance with the provisions of the Civic Government (Scotland) Act 1982 as amended.

(Second) no person shall use any premises, vehicle, vessel or stall as a sexual entertainment venue unless they have a licence granted by the Moray Council under the relevant legislation and they are complying with the terms of that licence.

(Third) that any application for such a licence shall be in accordance with the provisions referred to as well as further legislative provision and forms, guidance, policies and other information published from time to time on the Moray Council website pages and as part of the application process fees will be required, there will be public notice of the application together with an opportunity for third parties to object to or make representations on the application. The licence may then be granted, granted with conditions or refused and if granted there will be means for licences to be renewed, varied, transferred, surrendered or revoked.

(Fourth) the Council as licensing authority will keep a public register of applications and licences.

(Fifth) carrying on the licensable activity without a licence where a licence is required will be an offence and knowingly or recklessly making a false statement on an application for a licence will be an offence.

(Sixth) that authorised officers of the licensing authority have the right to enter and inspect any premises to which a licence is already in force or has been applied for.

(Sixth) to adopt the “\*\*\*Standard Conditions for Sexual Entertainment Venues\*\*\*”.

*Allowing for standard conditions from the Scottish Government as well as the Committee through the licence process*

(Seventh) that the foregoing resolution is made in relation to the whole of the local government area of Moray being the area of the licensing authority.

**Application forms are available from Council Offices, High Street, Elgin and from The Moray Council’s Website.**

Head of Legal and Democratic Services

Council Headquarters,  
High Street,  
ELGIN.

## 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"> <li>It can be concluded, from the body of evidence that some lap dance club owners and managers create conditions in which prostitution is</li> </ul>

	<p>likely to occur.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Lap dancing is becoming increasingly normalised and activities within the clubs can be seen as detrimental to gender equality.</li> <li>• Working conditions and terms of employment of lap dancers are inadequate.</li> <li>• There is strong evidence that dancers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management.</li> <li>• Many dancers begin working in lap dance clubs through lack of real choice.</li> <li>• 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.</li> </ul> <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"> <li>• The researchers found no evidence or anecdotes of forced labour or the trafficking of women.</li> <li>• There was no evidence of lap dancing having connections to organised prostitution.</li> <li>• 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.</li> <li>• Many dancers didn't feel that they had access to knowledge about what the council imposed rules were.</li> <li>• Improving the conditions for dancers related to: <ul style="list-style-type: none"> <li>○ Raising awareness of the need for work related insurance (as the majority are self-employed).</li> <li>○ In order to improve security, panic alarms, more CCTV and door staff were cited as important.</li> <li>○ Concerns were raised about the operation of private booths as endangering the dancers.</li> <li>○ Understanding the potential for passing regulations which push SEVs underground which could make things worse for dancers.</li> </ul> </li> </ul>
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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"> <li>• Use of challenge 25 policy</li> <li>• Maintenance of refusals books</li> <li>• Controls on exterior advertising and signage</li> <li>• Prevention of exterior visibility into the premises</li> <li>• Control on leafleting.</li> </ul> <p><u>Protection for Performers/prevention of crime and disorder</u></p> <ul style="list-style-type: none"> <li>• Performers to be trained in code of conduct.</li> <li>• Rules of conduct for customers and display of such rules.</li> <li>• No contact between performers and audience, before, during and after performance.</li> <li>• Performers confined to stage area.</li> <li>• No audience participation.</li> <li>• No photography.</li> <li>• Controls of levels of nudity.</li> </ul> <p><u>The premise</u></p> <ul style="list-style-type: none"> <li>• Prohibition of private booths.</li> <li>• Prevention of access by customers to non-public areas.</li> <li>• No alterations to premises without consent of Council.</li> </ul> <p><u>Nuisance</u></p> <ul style="list-style-type: none"> <li>• Customer notices requesting quiet departure.</li> <li>• Dispersal policy.</li> <li>• Dedicated taxi service.</li> </ul> <p><u>Legal Compliance</u></p> <ul style="list-style-type: none"> <li>• Periodic checking of employment records and eligibility to work in the UK.</li> <li>• Retention of payment/remuneration records</li> <li>• Interview and written confirmation to ensure that performers are participating voluntarily.</li> </ul> <p><u>Management Standards</u></p> <ul style="list-style-type: none"> <li>• Presence of licensee/written delegate at all times</li> </ul>	<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"> <li>Secure retention of CCTV recorded material and disclosure only to authorised persons.</li> <li>Training of door staff in club rules.</li> <li>Drug Monitoring</li> <li>Display of notices informing customers of presence of CCTV</li> </ul> <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