

South Ayrshire Council

**Report by Head of Legal and Regulatory Services
to Cabinet
of 12 March 2024**

Subject: Civic Government (Scotland) Act 1982 - Licensing of Sexual Entertainment Venues

1. Purpose

1.1 The purpose of this report is to request that the Panel considers amending the implementation date for the Sexual Entertainment Venue (SEV) licensing regime.

2. Recommendation

2.1 It is recommended that the Cabinet:

2.1.1 notes the Resolution to introduce a licensing regime for Sexual Entertainment Venues (SEVs) agreed by the Leadership Panel on 18 February 2020; and

2.1.2 amends the date of implementation of this licensing regime to 1 May 2025.

3. Background

3.1 The Air Weapons and Licensing (Scotland) Act 2015 added new sections to the Civic Government (Scotland) Act 1982 and introduced an optional licensing scheme for local authorities to licence SEVs in their area.

3.2 An SEV is defined as any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser. The most common examples are lap dancing or strip clubs, but the definition is sufficiently wide to cover other premises where sexual entertainment is provided. Premises where sexual entertainment is provided on no more than 4 occasions in a 12-month period are exempt – for example, premises that cater for the occasional stag or hen party.

3.3 If a local authority decides to introduce SEV licensing it requires to specify a date from which this will take effect. This date requires to be at least 12 months from the date on which the resolution was passed. Not less than 28 days prior to the commencement date the Council require to publish a notice advertising that they have passed a resolution to licence SEVs in the area and the general effect of the licensing provisions.

3.4 The Scottish Government issued guidance to Local Authorities on 28 March 2019 in relation to the licensing of SEVs. Following this, at its meeting on 20 August 2019, Leadership Panel directed officers to carry out an initial public consultation

on the principle of adopting a licensing regime, and this was published on the Council's website between 30th August and 31st October 2019.

- 3.5 At its meeting on 18 February 2020, the Leadership Panel resolved to introduce a new SEV licensing scheme, and agreed an implementation date of 1 March 2021, to provide the required interim time period of 12 months (referred to in paragraph 3.3 above). During this 12 month period, the Council required to draft and publish an SEV policy statement, which would provide guidance on the details of the licensing system, including the types of premises to be licensed, and the appropriate number of premises in each locality. In order to formulate the policy, further consultation and evidence gathering exercises required to be undertaken. Scottish Government Guidance states that it is best practice for local authorities to consult with persons with an interest, and that this should include violence against women partnerships, child protection committees and community councils, as well as Police Scotland and local business communities, including any existing operators.
- 3.6 However, due to the occurrence of the Covid 19 pandemic shortly after the Leadership Panel resolution of 18 February 2020, the work regarding the SEV policy was delayed, as priorities within the Council as well as for partner organisations such as Public Health and Police Scotland had to be focussed on dealing with the pandemic. As a result, at its meeting on 9 February 2021 the Leadership Panel resolved to postpone implementation due to the impact of the Covid-19 pandemic until March 2022, and this was subsequently postponed again by the Leadership Panel of 15 February 2022 until March 2023. Unfortunately there were further delays to this process since then, as a result of a shortage of staffing in the Licensing team, and an imperative to focus limited team resources on core work to assist local businesses, such as liquor and taxi/private hire licensing, along with the licensing work required to support major events such as the Airshow and the Pavilion Festival, as well as many local events across the South Ayrshire area.

4. Proposals

- 4.1 As this is a new licensing regime it is very important that any Policy Statement is based on the best evidence possible. A further amendment to the implementation date provides officers with more time to work with partners to gather this evidence and to formulate a Policy for consideration by Cabinet. Every effort will be made to assist partner agencies with a view to completing the process for the Policy within this revised timescale
- 4.2 The date of implementation requires to be at least 12 months after the resolution. Therefore, in order to ensure compliance with the legislation, it is proposed that the effective date is at least 12 months from the date of this meeting.

5. Legal and Procurement Implications

- 5.1 It has not been possible to produce the required policy to introduce the licensing scheme for the licensing of SEVs and therefore there is a requirement to extend the date of implementation to allow sufficient time for the Council to do so.
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 There are no new financial implications at this stage. However, a fee will require to be set by Cabinet for a SEV licence in the future.

7. Human Resources Implications

7.1 Not applicable

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 Implementing policy without sufficient evidence could leave that policy open to legal challenge.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#).

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Priority Two of the Council Plan: Live, Work, Learn/ Work and Economy (Outcome 2).

13. Results of Consultation

13.1 There has been public consultation as detailed above.

13.2 Consultation has taken place with Councillor Martin Kilbride, Portfolio Holder for Buildings, Housing and Environment, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

- 14.1 If the recommendations above are approved by Members, the Head of Legal Regulatory Services will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Consultation commenced	30 August 2024	Service Lead - Legal and Licensing
Report to Cabinet on consultation	26 November 2024	Head of Legal and Regulatory Services

Background Papers [**Air Weapons and Licensing \(Scotland \)Act 2015**](#)

[**Scottish Government Guidance on Sexual Entertainment Venues**](#)

Report to Leadership Panel of 18 February 2020 – [Civic Government \(Scotland\) Act 1982 – Proposed Licensing of Sexual Entertainment Venues**](#)**

Report to Leadership Panel of 9 February 2021 – [Civic Government \(Scotland\) Act 1982 – Proposed Licensing of Sexual Entertainment Venues**](#)**

Report to Leadership Panel of 15 February 2022 – [Civic Government \(Scotland\) Act 1982 – Proposed Licensing of Sexual Entertainment Venues**](#)**

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Date: 1 March 2024

**South Ayrshire Council
Equality Impact Assessment
Scoping Template**

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Sexual Entertainment Venues Consultation
Lead Officer (Name/Position/Email)	Karen Briggs, Service Lead – Legal and Licensing – karen.briggs@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	x
Disability	-	x
Gender Reassignment (Trans/Transgender Identity)	-	x
Marriage or Civil Partnership	-	x
Pregnancy and Maternity	-	x
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	x
Religion or Belief (including lack of belief)	-	x
Sex – (issues specific to women & men or girls & boys)	-	x
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	x

Community or Groups of People	Negative Impacts	Positive impacts
Thematic Groups: Health, Human Rights & Children's Rights	-	x

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	x
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	x
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	x
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	x
Socio-economic Background – social class i.e. parent's education, employment and income	-	x

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the 'Three Key Needs' of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
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Rationale for decision:

The report is in connection only with implementing a consultation process which will lead to a further report being prepared for Cabinet which may have substantive proposals which will require to be assessed.

Signed : Karen Briggs

Service Lead

Date: 19 February 2024