

Notice of meeting and agenda

Regulatory Committee

9.30 am Thursday, 2nd December, 2021

Virtual Meeting - via Microsoft Teams

This is a public meeting and members of the public are welcome to watch the webcast live on the Council's website.

The law allows the Council to consider some issues in private. Any items under "Private Business" will not be published, although the decisions will be recorded in the minute.

Contacts

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1. Order of Business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of Interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Deputations

- 3.1 If any.

4. Minutes

- 4.1 Minute of the Regulatory Committee of 26 October 2021 – submitted for approval as a correct record 5 - 6

5. Rolling Actions Log

- 5.1 Rolling Actions Log 7 - 16

6. Business Bulletin

- 6.1 Regulatory Committee Business Bulletin 17 - 20

7. Executive Decisions

- 7.1 Review of Taxi Fare Structure – Outcome of Consultation – Report by the Executive Director of Place 21 - 34
- 7.2 Criminal Records Checks for Taxi and Private Hire Driver Licence Applicants Born Outwith the United Kingdom – Report by the Executive Director of Place 35 - 42
- 7.3 Response to Motion on Street Occupation, Trading, Licensing and Permits – Report by the Executive Director of Place 43 - 48

7.4 Air Weapons and Licensing (Scotland) Act 2015 - Sexual Entertainment Venues – Proposed Resolution, Policy and Conditions – Report by the Executive Director of Place

49 - 134

8. Routine Decisions

8.1 None.

9. Motions

9.1 None.

Nick Smith

Service Director, Legal and Assurance

Committee Members

Councillor Catherine Fullerton (Convener), Councillor Denis Dixon (Vice-Convener), Councillor Scott Arthur, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Susan Rae, Councillor Cameron Rose, Councillor Neil Ross and Councillor Donald Wilson

Information about the Regulatory Committee

The Regulatory Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council.

This meeting of the Regulatory Committee is being held virtually by Microsoft Teams.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Rachel Gentleman, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4107, email rachel.gentleman@edinburgh.gov.uk / matthew.brass@edinburgh.gov.uk.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#).

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Minutes

Regulatory Committee

9.00am, Tuesday 26 October 2021

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Booth (substituting for Councillor Rae), Mitchell, Mowat, Neil Ross.

1. Minutes

Decision

To approve the minute of the Regulatory Committee of 23 August 2021 as a correct record.

2. Taxi Fares Review 2021

The Council was required to review and fix the scale of fares and other charges which may be used by taxis licensed within the city. A report informed the Committee that the statutory review of fares had been undertaken and presented the consultant's report on the initial work on the review. Consultation with the trade had also been carried out. The report made recommendations on the remaining steps necessary to complete the review and fix taxi fares.

Decision

- 1) To note the report from Jacobs (attached at Appendix 2 to the report by the Executive Director of Place), and in particular the recommendations following consultation with representatives of the taxi trade.
- 2) To note that feedback was sought from the representatives of the taxi trade on the initial Jacobs report and, where possible, this had been incorporated in that report.
- 3) To approve the advertisement of a proposed fare scale with the following changes to the current fare scale, for reasons set out in the report, as required in terms of section 17 of the Civic Government (Scotland) Act 1982:
 - i. Increases all tariffs by 2.9%
 - ii. Increases the 'additional passenger charge' from 30p to 40p when there are more than three passengers; and
 - iii. Amends the festive tariff so that Tariff 4 should be applied to Christmas Day and New Year's Day irrespective of day of the week and notes that Tariff 4 is retained during night times on Christmas Eve

and New Year's Eve. Tariff 3 applies Monday through Friday 6am to 6pm during the defined Christmas period.

- 4) To instruct the Executive Director of Place to publish these proposed fare scales in a newspaper circulating in the Council area in the manner required under section 17(4A) (c) of the Act including the date on which the fare scale is planned to take effect, and to report back on any representation(s) received as a result of the consultation.

(Reference – report by the Executive Director of Place, submitted)

Rolling Actions Log

Regulatory Committee

2 December 2021

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
1	21.10.19	Internal Audit Findings – Timescales for Completion of Management Actions	To include expected completion dates of management actions identified in the Audit in the Committee’s rolling actions log for ongoing monitoring of progress.	Executive Directors of Place and Corporate Services			
			1. Implementation of system upgrade to APP Civica CX	Executive Director of Corporate Services	December 2021 April 2022		Project to replace APP commenced in March 2021 and is ongoing
			2. Performance assessment of system issues with APP as part of a wider performance report	Executive Director of Place	March 2021 April 2022		Project to replace APP commenced in March 2021.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			3. BACS payment reference	Executive Director of Place	March 2021 Dec 2021		Discussions are progressing with Internal Audit on accepting the residual risk associated with this action.
			4. Inspection Revisit Policy	Executive Director of Place	March 2021	March 2021	Action complete
			5. Allocation of Inspection Visits	Executive Director of Place	November 2019	March 2021	Action complete
			6. Inspection documentation	Executive Director of Place	October 2019	29 January 2020	Action complete
			7. Request Refund Policy	Executive Director of Place	October 2019	2 November 2020	Action complete
			8. Reconciliation between physical applications and APP system	Executive Director of	October 2019	2 November 2020	Action complete

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
				Corporate Services			
			9. HMO Key Performance Indicators and Performance Reporting	Executive Director of Place	March 2021 Feb 2022		Ongoing discussion with Internal Audit about whether this action should be closed.
			10. Training and Guidance documentation	Executive Director of Place	November 2020	18 January 2021	Action complete
			11. HMO application processing procedures	Executive Director of Place	December 2019	2 November 2020	Action complete
2	09.03.20	Private Hire Car Overprovision	To instruct officers to undertake the actions as detailed in section 5 of the report: <ul style="list-style-type: none"> Officers would undertake necessary actions to appoint an appropriately experienced and skilled external consultant to undertake the required research and analysis 	Executive Director of Place	Dec 2021		Procurement of consultants was delayed by the public health emergency. Report appointing consultants approved by Finance and Resources Committee in March 21.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>work on taxi demand and assessment of PHC overprovision. A full equalities impact assessment would be required with regard to any recommendations that the consultant submitted to the Council.</p> <ul style="list-style-type: none"> • In addition, officers would continue to engage directly with relevant stakeholders. • Upon conclusion of any research and analysis completed by an appointed contractor, officers would present the collected data and any supporting information to the committee. • It was intended to undertake consultation with a wider group, including making the 				Initiation meeting with consultants has taken place.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			results of the research and any recommendations brought forward by officers, available for public consultation.				
3	18.01.21	Air Weapons and Licensing (Scotland) Act 2015 – Sexual Entertainment Venues – Proposed Resolution, Policy and Conditions	Instruct that a statutory consultation on the draft resolution, policy and conditions set out in Appendices 1, 2 and 3 is carried out, with the results and recommendations to be brought back to the Committee for agreement in principle.	Executive Director of Place	Dec 2021	2 December 2021	Recommended for closure Report on the agenda for Committee consideration (2 December)
4	18.01.21	Licensing Policy Development – Street Trading Update	To agree that the Convener would write to the Executive Director of Place to request a short-term plan which would consider opportunities for street trading, including the use of vacant properties, and to consider a longer term plan to facilitate street trading.	Convener / Executive Director of Place	2022		Committee agreed to postpone this piece of work due to impact of the public health restrictions on trading activity. A further report will be brought forward in 2022.

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
5	17.05.21	Age Limitation and Emissions Standards for Taxis and Private Hire Cars – Annual Update	<p>Given changes:</p> <p>i. in regulations, recent and intended; and</p> <p>ii. in the technical specification of the supply of low emission vehicles, including retrofit options, instructs a report, as soon as reasonably practicable, assessing such changes and providing options for incorporating beneficial changes which may impact on age limit and Euro 6 in the City of Edinburgh Council standards and licensing regime.</p>	Executive Director of Place	August 2021		<p>Recommended for closure</p> <p>Report approved on 23 August with recommendation to discharge this action.</p>
6	17.05.21	Motion by Councillor Barrie – Street Occupation, Trading, Licenses and Permits	<p>In support of ‘all possible means’ Committee calls for an urgent report, within one cycle, to consider what further steps could be taken regarding permits costs, eligibility of businesses not necessarily seeking to use table and chairs as part of business recovery, to apply for and use suitable Outdoor Areas in the city</p>	Executive Director of Place	<p>August 2021</p> <p>December 2021</p>	2 December 2021	<p>Recommended for closure</p> <p>Report on the agenda for Committee consideration (2 December)</p>

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>and whether such permits would be chargeable. This report should include consideration of conditions and costs applied to market traders, street traders and outdoor space occupancy with a view to considering what amendments might take place to assist companies and organisations in their post Corvid recovery and beyond.</p> <p>Should beneficial measures be identified prior to the next Regulatory Committee that takes place on 23 August 2021, consideration should be given to see if they can be implemented if agreement can be reached with Group Spokespersons.</p>				
7	23.08.21	House in Multiple Occupation – Service Update	<ol style="list-style-type: none"> 1) To note the report. 2) To agree the change in process in relation to property inspections with the introduction of a risk-based inspections model. 	Executive Director of Place	August 2022		

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
			<p>3) To agree that decisions on whether to make one and three year grants of HMO Licences would continue to be delegated to the Executive Director of Place and that three year licences would only be suitable for properties which were fully compliant and which had had no problems in the previous licensed period.</p> <p>4) To agree that a review of the current structure for HMO application fees would be undertaken.</p> <p>5) That the Executive Director of Place report back to Committee in one year with an update on progress.</p>				

No	Date	Report Title	Action	Action Owner	Expected completion date	Actual completion date	Comments
8	23.08.21	Licensing Service – COVID-19 Recovery Plan	<ol style="list-style-type: none"> 1) To note the report. 2) That the Executive Director of Place report back to Committee in February/March 2022 with an update on progress. 3) To refer the report to the Licensing Board for information. 	Executive Director of Place	March 2022		

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Regulatory Committee

9.30am, Monday, 2 December 2021

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

Regulatory Committee

Convener:	Members:	Contact:
<p>Councillor Catherine Fullerton</p>  <p>Vice-Convenor Councillor Denis Dixon</p> 	<p>Councillor Scott Arthur Councillor Susan Rae Councillor Cameron Rose Councillor Donald Wilson Councillor Max Mitchell Councillor Neil Ross Councillor Joanna Mowat</p>	<p>Rachel Gentleman, Committee Services 0131 529 4107</p> <p>Andrew Mitchell Regulatory Services Manager 0131 469 5822</p>

Recent News	Background
<p>Short Term Lets</p> <p>The Local Government, Planning and Housing Committee of the Scottish Parliament recently held a consultation on the proposed licensing regulations for short term lets, ahead of scrutinising the legislation. The Council provided feedback to help ensure that the proposals deliver a suitable and robust licensing scheme in respect of short term lets. It is expected that the Scottish Parliament will begin consideration of the draft legislation before the end of this year and officers will closely monitor its progress.</p> <p>The Council's Planning Service has also recently conducted a public consultation on plans to designate Edinburgh as a short term let control area. If approved, a property owner who is letting out a residential property (which is not their principal home) on a short-term let basis would have to apply for 'change of use' approval through the planning application process. The Planning Committee is due to consider the responses to the consultation early next year.</p>	<p>The Council has previously expressed strong concern about the impact of certain aspects of the short term letting industry on the city and agreed a position calling for additional regulation of the sector, either through changes to planning classifications or the introduction of a licensing system. To achieve the objective of additional regulation, the Scottish Government would be required to take action to introduce legislation.</p> <p>As short term letting has no current statutory definition, the Council's existing enforcement powers are limited. The most recent research indicates that there have been over 14,000 properties operating in this manner. The operation of short term lets is having a significant effect on a wide range of areas including supply of housing, anti-social behaviour and the hollowing out of some communities.</p>

Forthcoming activities:

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Regulatory Committee

9.30am, Thursday, 2 December 2021

Review of Taxi Fare Structure – Outcome of Consultation

Executive/routine	
Wards	All
Council Commitments	N/A

1. Recommendations

- 1.1 It is recommended that Regulatory Committee:
- 1.1.1 Notes the content of this report and that the Council’s statutory duties have been met in relation to consultation;
 - 1.1.2 Considers the representations received during the statutory public consultation period, as attached at Appendix 3;
 - 1.1.3 Agrees the fare changes, as set out in paragraphs 4.2 and 4.8, to fix the taxi fare scales (shown in Appendix 4) with an effective date of 30 December 2021; and
 - 1.1.4 Note that, if the above recommendations are approved, officers will carry out the statutory notification procedures in relation to the revised taxi fare scales as fixed by Committee.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4208

Review of Taxi Fare Structure – Outcome of Consultation

2. Executive Summary

- 2.1 Jacobs was engaged to carry out initial work on the review of the current taxi fare scales and their report, together with details of further consultation undertaken with the taxi trade, was presented to the Regulatory Committee on [26 October 2021](#). Committee agreed on the proposed revised taxi fare scales for public consultation.
- 2.2 This report sets out proposed changes to the taxi fare scale to reflect the feedback received.

3. Background

- 3.1 Under section 17(2) of the Civic Government (Scotland) Act 1982 (the Act), the Council, as Licensing Authority, has a duty to review and set a taxi fare structure within the city. The taxi fare structure represents the maximum fare which a customer can be charged for a taxi journey within the city.
- 3.2 The Council engaged Jacobs to undertake the initial work in relation to the review of the fare structure, and their report and conclusions along with details of further consultation with the taxi trade, were presented to the Regulatory Committee on 26 October 2021.
- 3.3 Committee agreed the proposed revised taxi fare scales and instructed officers to advertise the changes in line with the statutory requirements of the Act.
- 3.4 There is a right of appeal against any Committee decision regarding fares. This can be exercised by any taxi licence holder or an organisation representative of taxi operators with the appeal made to the Scottish Traffic Commissioner.

4. Main report

Statutory Consultation

- 4.1 On 26 October 2021, Committee agreed proposed changes to the existing taxi fare scales. The existing fare scales are attached at Appendix 1 and the proposed revised fare scales are attached at Appendix 4.
- 4.2 Specific proposed changes are as follows:

- 4.2.1 Increase all tariffs by 2.9%;
 - 4.2.2 Increase the 'additional passenger charge' from 30p to 40p when there are more than three passengers; and
 - 4.2.3 Amend the festive tariff so that Tariff 4 should be applied to Christmas Day and New Year's Day irrespective of day of the week, noting that Tariff 4 is retained during night times on Christmas Eve and New Year's Eve.
- 4.3 As required by the Act, an advert was published in a local newspaper, namely the Edinburgh Evening News, on 27 October 2021. Interested parties were invited to submit representations in writing by 27 November 2021. The advertised tariff was as set out in Appendix 2.
- 4.4 The proposed taxi fare tariff was also advertised on the Consultation Hub on the Council's website where the public could comment.
- 4.5 Responses to the consultation are attached at Appendix 3. Broad themes are:
- 4.5.1 Respondents were broadly supportive of the general tariff increases;
 - 4.5.2 Some respondents said that taxi fares are too expensive; and
 - 4.5.3 A significant number of respondents from the taxi trade think that the permitted drop-off charge at the airport should be increased from £2 to £4.

Effect of Proposed Tariff Change

- 4.6 A trade publication ranks all Local Authorities with respect to the fares charged for a two-mile taxi journey during the day. In July 2021, the City of Edinburgh Council sat at 50 of 365 authorities (*Private Hire and Taxi Monthly* publication, July 2021).
- 4.7 Should the proposed changes be implemented, Jacobs calculate that, based on the July 2021 rankings, the City of Edinburgh Council would climb to position 25 in the ranking, as set out in the table below:

Local Authority	Current Rank
East Lothian	24
City of Edinburgh	25
Fife	40
Glasgow	41
Midlothian	120
West Lothian	262
Falkirk	272

Consultation outcome

- 4.8 The issue of a change to the airport drop-off fee was raised after the Jacobs' consultation work was completed but before the report was finalised. Trade representatives were therefore encouraged to include this request as part of the second stage of the statutory process. Having considered consultation feedback on this matter, it is recommended that Committee agrees to an increase to £4 but does not agree to having an unlimited fee passed to customers. This is consistent with

previous advice to Committee that an actual monetary fee needs to be specified in the fare tariff.

- 4.9 An updated fare scale has been prepared and is attached in Appendix 4 to reflect this proposed change.
- 4.10 The new fare scale will take effect from 30 December 2021. This will allow for the statutory 14 day period during which operators can appeal against the new fare scale.

5. Next Steps

- 5.1 If the report recommendations are approved:
 - 5.1.1 Officers will arrange to advertise the Committee's final decision;
 - 5.1.2 Officers will notify licence holders of the new tariff, including their right of appeal.

6. Financial impact

- 6.1 There is no direct financial impact to the Council of these changes.

7. Stakeholder/Community Impact

- 7.1 If the taxi trade, specifically any operator, has a concern about the Council's decision on the new fare scales, taxi licence holders may appeal that decision individually or as a group, including any decision not to implement an increase in the fare scales. Details of this process are outlined at 3.4 above.
- 7.2 Matters described in this report have no relationship to the public sector general equality duty, thus there is no direct equalities impact arising from this report.
- 7.3 There is no environmental impact arising from the contents of this report.
- 7.4 Following consultation with the trade and committee agreeing the proposed revised taxi fare scales, further public consultation was carried out. This was done in line with statutory requirements through advertisement in a local newspaper and additionally on the Council website.
- 7.5 Officers reached out to stakeholders to try to encourage responses from groups representing elderly or vulnerable people. These organisations included Age Scotland and the Equality and Rights Network.

8. Background reading/external references

- 8.1 None

9. Appendices

- 9.1 Appendix 1: Current fare card (from 7 April 2020)
- 9.2 Appendix 2: Revised example fare card as advertised
- 9.3 Appendix 3: Comments received
- 9.4 Appendix 4: Proposed fare card after consultation

Appendix 1 Current tariff (from 7 April 2020)

THE CITY OF EDINBURGH COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982

FARE TABLE FOR TAXIS

With effect from 7 April 2020

FOR UP TO 2 PASSENGERS

TARIFF 1 Monday - Friday 6am – 6pm	TARIFF 2 Monday - Friday 6pm – 6am the following day 6am Saturday – 6am Monday
TARIFF 3 Monday - Friday 6am – 6pm during Christmas and New Year	TARIFF 4 Monday - Friday 6pm – 6am the following day 6am on Saturday – 6am Monday during Christmas and New Year
Tariffs 3 and 4 shall only be charged during the following dates and times: CHRISTMAS 6pm on 24 December to 6am on 27 December NEW YEAR 6pm on 31 December to 11.59pm on 2 January	

CHARGES	TARIFF 1	TARIFF 2	TARIFF 3	TARIFF 4
<ul style="list-style-type: none"> ▪ Initial hire not exceeding 516m ▪ Initial 105 seconds of waiting time ▪ Combination of initial time and distance 	£3.00	£4.00	£4.00	£5.00
<ul style="list-style-type: none"> ▪ Each additional 168m up until 1860m and thereafter each additional 195m ▪ Each additional 36 seconds of waiting time ▪ Combination of additional time and distance 	£0.25	£0.25	-	-
<ul style="list-style-type: none"> ▪ Each additional 184m up until 1988m and thereafter each additional 213m ▪ Each additional 39 seconds of waiting time ▪ Combination of additional time and distance 	-	-	£0.35	£0.45

When more than 2 passengers		Each	£0.30
Note: Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years of age.			
Each passenger must be properly seated			
Hires ending at Edinburgh Airport Inner Drop-off Zone (See Note 4 below)			£2.00
Call Out Charge	£0.80	Airport Pickup	
Applicable when pre-booked		For hires commencing at Edinburgh airport	
Cancellation Fee	£2.20	The amount charged at the exit gate subject to a maximum of £5.00, providing it is no more than the actual amount charged.	
Applicable when taxi is pre-booked but not used			
Soiling Charge – maximum of £50.00 payable by a passenger, where a vehicle is required to be removed from service for cleaning in order for it to be restored to a usable state and condition			

EXTRA PAYMENTS

NOTES

- (1) The above Tariff is applicable only within the City of Edinburgh.
- (2) Any hire which terminates outside the City of Edinburgh area – FARE MUST BE NEGOTIATED AND AGREED WITH DRIVER BEFORE THE JOURNEY COMMENCES.
- (3) A copy of the Licensing Conditions can be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh, EH1 1YJ and downloaded from www.edinburgh.gov.uk
- (4) The Airport Extra is only payable if passenger is dropped off in the covered inner drop-off zone at Edinburgh Airport and the driver has explained to the passenger before the start of the journey - (1) He will take the passenger to the drop off point just beside the airport terminal and that there is a £2 extra for this. (2) If the passenger states he is disabled, the £2 extra still has to be paid, but the driver understands that the passenger can reclaim this from the airport at the drop-off point. (3) If the passenger wishes to avoid the £2 extra, he can be taken to an outer drop-off point. However, this is further from the airport terminal, involves the use of a free shuttle bus and will require more time for the passenger to get to the airport terminal.

COMPLAINTS

Any hirer aggrieved at the level of the fare charged for any hire or for any other reason may discuss the matter with the Taxi Licensing Officer (0131 529 4250). Any complaint must be made in writing and addressed to the Complaints Officer, Licensing Service, The City of Edinburgh Council, 329 High Street, Edinburgh EH1 1YJ, and should include the vehicle's licence number and time and date of the incident.

Appendix 2

THE CITY OF EDINBURGH COUNCIL **FARE TABLE FOR TAXIS**

FOR UP TO 2 PASSENGERS

TARIFF 1 Monday - Friday 6am – 6pm	TARIFF 2 Monday - Friday 6pm – 6am the following day 6am Saturday – 6am Monday
TARIFF 3 Monday - Friday 6am – 6pm during Christmas and New Year period	TARIFF 4 25 December – ALL DAY 1 January – ALL DAY Where Christmas period falls on Saturday and Sunday - ALL DAY Monday – Friday between 6pm and 6am during Christmas and New Year period
CHRISTMAS PERIOD	6pm on 24 December to 6am on 27 December
NEW YEAR PERIOD	6pm on 31 December to midnight on 2 January

CHARGES	TARIFF 1	TARIFF 2	TARIFF 3	TARIFF 4
<ul style="list-style-type: none"> ▪ Initial hire not exceeding 501m ▪ Initial 105 seconds of waiting time ▪ Combination of initial time and distance 	£3.00	£4.00	£4.00	£5.00
<ul style="list-style-type: none"> ▪ Each additional 163m up until 1805m and thereafter each additional 190m ▪ Each additional 35 seconds of waiting time ▪ Combination of additional time and distance 	£0.25	£0.25		
<ul style="list-style-type: none"> ▪ Each additional 179m up until 1933m and thereafter each additional 207m ▪ Each additional 38 seconds of waiting time ▪ Combination of additional time and distance 	-	-	£0.35	£0.45

EXTRA PAYMENTS

When more than 3 passengers	Each	£0.40
Note: Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years of age.		
Each Passenger must be properly seated		
Hires ending at Edinburgh Airport Inner Drop-off Zone (See Note 4 below)		£2.00
Call Out Charge Applicable when pre-booked	£0.80	Airport Pickup For hires commencing at Edinburgh airport The amount charged at the exit gate subject to a maximum of £5.00, providing it is no more than the actual amount charged
Cancellation Fee Applicable when taxi is pre-booked but not used	£2.20	
Soiling Charge – maximum of £50.00 payable by a passenger, where a vehicle is required to be removed from service for cleaning in order for it to be restored to a usable state and condition		

NOTES

- (1) The above Tariff is applicable only within the City of Edinburgh.
- (2) Any hire which terminates outside the City of Edinburgh area – FARE MUST BE NEGOTIATED AND AGREED WITH DRIVER BEFORE THE JOURNEY COMMENCES.
- (3) A copy of the Licensing Conditions can be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh, EH1 1YJ and downloaded from www.edinburgh.gov.uk

(4) The Airport Extra is only payable if passenger is dropped off in the covered inner drop-off zone at Edinburgh Airport and the driver has explained to the passenger before the start of the journey - (1) He will take the passenger to the drop off point just beside the airport terminal and that there is a £1 extra for this. (2) If the passenger states he is disabled, the £1 extra still has to be paid, but the driver understands that the passenger can reclaim this from the airport at the drop-off point. (3) If the passenger wishes to avoid the £1 extra, he can be taken to an outer drop-off point. However, this is further from the airport terminal, involves the use of a free shuttle bus and will require more time for the passenger to get to the airport terminal.

COMPLAINTS

Any hirer aggrieved at the level of the fare charged for any hire or for any other reason may discuss the matter with the Taxi Licensing Officer (0131 529 4250). Any complaint must be made in writing and addressed to the Complaints Officer, Licensing Section, The City of Edinburgh Council, 249 High Street, Edinburgh EH1 1YJ, and should include the vehicle's licence number and time and date of the incident.

Appendix 3

James Allan	Ridiculous, taxi fares are already absurdly high and if anything fares should be reduced.
Greig Cockburn	<p>On the existing tariff, 6 people travelling in a taxi together would incur an 'extras payment' of £1.20, and 3 people would incur extras of £0.30.</p> <p>On the new proposed tariff, 6 people would still pay £1.20, however 3 people would incur zero extras.</p> <p>This represents a reduction in the charges/costs to passengers when travelling in groups.</p> <p>Why?</p> <p>It is also important that the 'extras' button on taximeters is programmed to £0.20p increments, as the current £0.10p increment is tediously frustrating when adding multiple pounds of extras onto the meter while servicing airport jobs.</p>
john gray	Totally disagree with any increase for taxi's fares due to the recent budget and petrol increases. Taxi's have had it far too cushy for to long. Black cabs have been overcharging people for many decades as can be seen with their charges compared to private hire.
Michael Kelly	<p>Increase is not nearly enough.</p> <p>Price of fuel has rocketed.</p> <p>Inflation expected to hit 5% this year.</p> <p>This paltry increase will not attract much needed drivers to the profession. Who comes up with these proposals?</p>
ZAFAR Iqbal	Fair should increase because of petrol prices and inflation and daily food prices going up every day
Colin Farrer	In the current situation that the country is in at the moment, I don't think an increase in fares is a good idea
Akbar Ali	Yes
Mohammad Naseer	No need to increase any sort of the fare taxis in edinburgh already very expensive
Michelle Brunton	I'm fine with the proposed new tariff. There needs to be parity though associated with tariffs and taxi tests between public and private hire taxis in Edinburgh or this will be an unfair penalisation to public hire drivers.
Noel mathew	No need to change
Moira Savage	Unnecessarily complicated and guaranteed to bamboozle any taxi user, should they wish to delve into the minutiae of the charging system. Taxi fares in Edinburgh are outrageously high compared to other major Scottish cities. There is no good reason for this to be the case. It is so high it is prohibitive.
George Cowie	Not needed the fares are high enough as they are

	It seems fare, considering it is in line with inflation. However, there are no details on the arrangements for Christmas and the New Year
Colin Jones-Evans	
James Gray	I think the tariff should not be increased.
	Discounts should apply for passengers over 60 and/or with limited mobility conditions.
Karl Wendland	Too complicated to work out how much a journey will cost. OK if you live in Edinburgh but very confusing for visitors. Edinburgh is very congested, when you work out average journey price compared to other cities how do you compare the travel time. A two mile trip can could take 5 minutes or 20 minutes which in a taxi has a big impact on what you pay.
Suzanne Bruce	I do not agree with it. Taxi's in Edinburgh are very expensive and you will not get people out of their cars if alternatives are not affordable.
William Moore	Taxi fares are already very expensive. To increase taxi tariffs now at a time when private car use in Edinburgh is being discouraged is nothing short of grotesque.
Hamish Barrie	Compared to many cities around the world Edinburgh taxi's are amongst the most expensive in the world. They are already way too expensive. Many only take cash so they dont register the fare and pay tax.
Daniel Tebb	Agree with the increase, inflation is at a 10 year high, drivers costs for Euro 6 vehicles are high, the increase is a must!
Steve McCaffery	I think that the proposal is a fair review of the current charges.

From: Murray Fleming
Sent: 03 November 2021 13:35
To: Licensing <Licensing@edinburgh.gov.uk>
Cc:
Subject: Request to increase Airport drop-off fee from £2 to £4

FAO Regulatory Committee,

Further to the publication of the fare review report which was considered at the Regulatory meeting held on 26th October 2021.

We write to request that the airport drop off fee is increased from £2 to the current fee being charged by Edinburgh Airport which is £4.

During the consultation period trade representatives were unaware that Edinburgh Airport had increased the fee, hence the reason why this was not included in our proposals.

At the time of the consultation airport pick ups were not a regular occurrence.

The matter was raised with Jacobs in September and the trade intimated our wish for the drop off fee to be increased, we had anticipated that this would be raised in more detail at

the meeting, on reflection the trade should have requested a deputation to ensure Councillors were advised.

I have copied in the other trade representatives who have intimated their support for this request..

Kind Regards

Murray Fleming

For and on behalf of Central Taxis.

From: Andy Taylor

Sent: 03 November 2021 23:46

To: Murray Fleming

Subject: Re: Request to increase Airport drop-off fee from £2 to £4

FAO Regulatory Committee

Further to Murray Flemings attached email, Unite the Union, Edinburgh Cab Section fully support the request to increase the airport drop-off fee to £4.00, for all the same reasons detailed in his email.

We would also propose that a mechanism be put in place to allow for the automatic increase to what can be charged to the customer, every time the airport decide to increase the drop-off and pick-up fees. It is morally wrong that self employed taxi drivers should be out of pocket when dropping off and picking up at Edinburgh Airport.

Regards

Andy Taylor

On behalf of Unite the Union, Edinburgh Cab Section

Appendix 4

THE CITY OF EDINBURGH COUNCIL **FARE TABLE FOR TAXIS**

FOR UP TO 2 PASSENGERS

TARIFF 1 Monday - Friday 6am – 6pm	TARIFF 2 Monday - Friday 6pm – 6am the following day 6am Saturday – 6am Monday
TARIFF 3 Monday - Friday 6am – 6pm during Christmas and New Year period	TARIFF 4 25 December – ALL DAY 1 January – ALL DAY Where Christmas period falls on Saturday and Sunday - ALL DAY Monday – Friday between 6pm and 6am during Christmas and New Year period
CHRISTMAS PERIOD	6pm on 24 December to 6am on 27 December
NEW YEAR PERIOD	6pm on 31 December to midnight on 2 January

CHARGES	TARIFF 1	TARIFF 2	TARIFF 3	TARIFF 4
<ul style="list-style-type: none"> ▪ Initial hire not exceeding 501m ▪ Initial 105 seconds of waiting time ▪ Combination of initial time and distance 	£3.00	£4.00	£4.00	£5.00
<ul style="list-style-type: none"> ▪ Each additional 163m up until 1805m and thereafter each additional 190m ▪ Each additional 35 seconds of waiting time ▪ Combination of additional time and distance 	£0.25	£0.25		
<ul style="list-style-type: none"> ▪ Each additional 179m up until 1933m and thereafter each additional 207m ▪ Each additional 38 seconds of waiting time ▪ Combination of additional time and distance 	-	-	£0.35	£0.45

EXTRA PAYMENTS

When more than 3 passengers	Each	£0.40
Note: Only 2 children under 12 years will be reckoned as one passenger. No extra fare will be charged for one child under 5 years of age.		
Each Passenger must be properly seated		
Hires ending at Edinburgh Airport Inner Drop-off Zone (See Note 4 below)		£4.00
Call Out Charge Applicable when pre-booked	£0.80	Airport Pickup For hires commencing at Edinburgh airport The amount charged at the exit gate subject to a maximum of £5.00, providing it is no more than the actual amount charged
Cancellation Fee Applicable when taxi is pre-booked but not used	£2.20	
Soiling Charge – maximum of £50.00 payable by a passenger, where a vehicle is required to be removed from service for cleaning in order for it to be restored to a usable state and condition		

NOTES

- (1) The above Tariff is applicable only within the City of Edinburgh.
- (2) Any hire which terminates outside the City of Edinburgh area – FARE MUST BE NEGOTIATED AND AGREED WITH DRIVER BEFORE THE JOURNEY COMMENCES.
- (3) A copy of the Licensing Conditions can be inspected at the Council's Licensing Offices, 249 High Street, Edinburgh, EH1 1YJ and downloaded from www.edinburgh.gov.uk

(4) The Airport Extra is only payable if passenger is dropped off in the covered inner drop-off zone at Edinburgh Airport and the driver has explained to the passenger before the start of the journey - (1) He will take the passenger to the drop off point just beside the airport terminal and that there is a £1 extra for this. (2) If the passenger states he is disabled, the £1 extra still has to be paid, but the driver understands that the passenger can reclaim this from the airport at the drop-off point. (3) If the passenger wishes to avoid the £1 extra, he can be taken to an outer drop-off point. However, this is further from the airport terminal, involves the use of a free shuttle bus and will require more time for the passenger to get to the airport terminal.

COMPLAINTS

Any hirer aggrieved at the level of the fare charged for any hire or for any other reason may discuss the matter with the Taxi Licensing Officer (0131 529 4250). Any complaint must be made in writing and addressed to the Complaints Officer, Licensing Section, The City of Edinburgh Council, 249 High Street, Edinburgh EH1 1YJ, and should include the vehicle's licence number and time and date of the incident.

Regulatory Committee

9.30am, Thursday, 2 December 2021

Criminal Records Checks for Taxi and Private Hire Driver Licence Applicants Born Outwith the United Kingdom

Executive/routine
Wards All
Council Commitments

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee notes the contents of this report and the revised process for considering fitness of taxi and Private Hire drivers.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager
E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4042

Contact: Gordon Hunter, Regulatory Officer (Licensing)
E-mail: gordon.hunter@edinburgh.gov.uk | Tel: 0131 529 4042

Criminal Records Checks for Taxi and Private Hire Driver Licence Applicants Born Outwith the United Kingdom

2. Executive Summary

- 2.1 This report provides an update for Committee on the process for checking the previous convictions of applicants who wish to be licensed as taxi or Private Hire drivers born, or who have resided, outwith the United Kingdom.
- 2.2 As a result of the COVID-19 pandemic, it is proposed that a minor change to the application of the policy should be made for existing taxi and Private Hire drivers if they are unable to obtain the relevant criminal convictions check.

3. Background

- 3.1 In terms of Section 9 of the Civic Government (Scotland) Act 1982 ('the 1982 Act'), the City of Edinburgh Council, as the licensing authority, has previously resolved to require taxis and Private Hire Cars ('PHC'), and taxi and PHC drivers, to be licensed under the provisions of Sections 10 and 13 of the 1982 Act.
- 3.2 Having determined to license the taxi and PHC trade, the Council has a duty to ensure that a licence is not granted to a person who is not 'fit and proper', and thus to provide members of the public with confidence in the suitability of the licensed drivers.
- 3.3 In terms of Section 3 of the 1982 Act, a licensing authority must consider an application within three months of it having been made and, subject to provisions, reach a final decision on the application within the period of six months beginning with the end of the three month period (i.e. nine months).
- 3.4 As part of this process, Police Scotland provides information on an applicant's criminal history, including previous convictions, and the applicant's suitability. The system has a number of limitations, in that Police Scotland has access to criminal records held within the UK but has limited or no access to criminal records from outwith the UK. Consequently, licence applications from persons who have recently immigrated to the UK, or those who have previously resided in other countries, may not be subject to adequate checks in respect of applicable convictions.

- 3.5 UK citizens are therefore subject to more stringent checks and held to a higher standard than applicants born outwith the UK.

Declaration of Previous Convictions

- 3.6 Applicants for both taxi driver and PHC driver licences are required by law to provide details of any previous convictions, subject to the provisions of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2015 ('the 2015 Order') which created a category of 'protected convictions'. Where an applicant has no convictions, they are required to declare that this is the case. Applicants are subject to a criminal records check, carried out by Police Scotland, however this check will not reveal details of any convictions outwith the UK.
- 3.7 The Rehabilitation of Offenders Act 1974 makes certain provisions relating to convictions that are considered 'spent'. However, the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 excluded these provisions in respect of proceedings relating to the grant, renewal or cancellation of a taxi driver's licence or PHC driver's licence, and this means that spent convictions which are not protected convictions, may be considered alongside unspent convictions in such licence applications.
- 3.8 At the Regulatory Committee meeting on [19 September 2016](#), the committee agreed to introduce a new policy which would take effect from 1 November 2016, to address some previously identified concerns. Applicants for taxi driver and PHC driver licences would be required to provide the records and information of any previous non-UK criminal convictions, to enable assessment. This policy was updated by the Committee on [24 October 2017](#) and [6 February 2018](#).

4. Main report

- 4.1 The Licensing Service has continued to operate throughout the COVID-19 pandemic, but this has not been without difficulties for both the service and for applicants. Some drivers have been unable to obtain conviction documentation from their country of origin and this has been particularly problematic for existing licensed drivers.
- 4.2 The policy requires that anyone applying for the grant or renewal of a taxi or PHC driver's licence is required to provide evidence of the following:
- 4.2.1 If they were born in the UK but have lived in any other country for six months or more, they must provide a Criminal Record Check from that country; or
 - 4.2.2 If they were born outwith the UK, they must provide a Criminal Record Check from their country of origin. They must also provide a Criminal Record Check from any other country in which they have resided for six months or more; or
 - 4.2.3 If they were born outwith the UK, immigrated to the UK with their parents and have resided in the UK since childhood and are able to demonstrate this, but are unable to provide criminal record documentation relating to the period when they were a child under the age considered to be below the age of

criminal responsibility in Scotland (i.e. 12), that this is accepted as the equivalent of offending history of UK nationals and would not normally be considered by the authority.

- 4.3 In all cases, the Criminal Record Checks provided must have been obtained within the six months immediately prior to submitting an application, translated into English and verified by the relevant UK based Embassy or High Commission.
- 4.4 The current policy in relation to Criminal Record Checks is designed to assist the Council to discharge its duties in relation to public safety. It provides applicants, passengers and Council officers with a clearly defined framework against which a decision whether or not to process an application can be made.
- 4.5 A number of enquiries/complaints have been received regarding the perception that the current policy is unfair and discriminates against existing applicants who are unable to obtain relevant documentation, and that this prevents them from earning a living. There has been some ambiguity about whether renewal applications can be granted in those circumstances.
- 4.6 In light of the above, it is proposed to clarify the application of the policy so that unless an existing licence holder has been out of the country for a period of six months or more since their last licence renewal, new certification will not be required on the renewal of an existing licence. Where an existing licence holder has been unable to provide evidence after being out of the UK for six months or more these cases will be referred to committee for determination. Where a previous licence holder has failed to renew their licence and allowed it to lapse, they shall be treated as a new applicant.
- 4.7 Where an applicant for a new licence has been unable to produce the relevant Criminal Record Check, the application will be treated as incomplete, and therefore will not be processed. Whilst noting this concern that this means some applicants will be unable to progress an application, which has been raised by a small number of individuals, it is considered that this has to be balanced against the needs of the users, and in particular the fundamental duty of the licensing authority to protect public safety. Taxi and PHC drivers operate in a unique environment where they are unaccompanied in a car while providing transport for passengers, some of whom are vulnerable. Passengers have an expectation that drivers will have been suitably checked by the local authority, and it is essential that public confidence in the licensing authority is maintained.
- 4.8 It is not recommended that any further changes are made to the application process, whereby applicants will be required to obtain evidence of their right to work in the UK, and provide the records and information required to enable assessment in respect of any previous non-UK criminal convictions. Appendix 1 sets out the policy for noting.

5. Next Steps

- 5.1 The taxi trade will be notified that this process has been approved, application forms and the Council website will be updated.

6. Financial impact

- 6.1 There is no direct financial impact on the Council. All costs are contained within existing budgets

7. Stakeholder/Community Impact

- 7.1 A Licensing Authority has a duty to ensure that a licence is not granted to a person who is not 'fit and proper', and that they have a right to work and remain in the UK.
- 7.2 Continued reliance on Police Scotland providing criminal background checks in respect of foreign nationals or persons born outwith the UK increases the risk of granting a licence to an applicant who is not a fit and proper person.
- 7.3 The policy will prevent applicants who are unable to provide criminal convictions checks from their country of origin's local authority from working in the taxi and PHC trade.
- 7.4 There is a risk that an applicant may challenge this policy in the courts. It is believed that the need to protect the overall public safety mitigates against that risk.
- 7.5 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.
- 7.6 The contents and recommendations described in the report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.
- 7.7 There is no environmental impact arising from the contents of this report.

8. Background reading/external references

- 8.1 [Production of Criminal Records and Evidence of Right to Work in the UK by Taxi & PHC Driver's Licence Applicants](#) – Regulatory Committee on 19 September 2016
- 8.2 [Production of Criminal Records Checks for Taxi and Private Hire Car Driver's Licence Applicants Born Outwith the UK](#) – Regulatory Committee on 24 October 2017
- 8.3 [Criminal Records Checks for Taxi and Private Hire Car Driver's Licence Applicants Born Outwith the United Kingdom](#) – Regulatory Committee on 6 February 2018

9. Appendices

- 9.1 Appendix 1 – Policy on Criminal Records Checks

Policy on Criminal Records Checks

1. Subject to the Rehabilitation of Offenders Act 1974, as amended by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013 and the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015. All convictions must be declared on the application form, even if they are otherwise “spent” for the purposes of the Rehabilitation of Offenders Act 1974, unless they are “protected” convictions.
2. In addition, anyone applying for the grant of a taxi or PHC driver’s licence is required to provide evidence of the following:
 - 2.1 If they were born in the UK but have lived in any other country for six months or more, they must provide a Criminal Record Check from that country; or
 - 2.2 If they were born outwith the UK they must provide a Criminal Record Check from their country of origin. They must also provide a Criminal Record Check from any other country in which they have resided for six months or more; or
 - 2.3 If they were born outwith the UK, immigrated to the UK with their parents and have resided in the UK since childhood and are able to demonstrate this, but are unable to provide criminal record documentation relating to the period when they were a child under the age considered to be below the age of criminal responsibility in Scotland (i.e. 12), that this is accepted as the equivalent of offending history of UK nationals and would not normally be considered by the authority.
3. In all cases, the Criminal Record Checks provided must have been obtained within the six months immediately prior to submitting an application, translated into English and verified by the relevant UK based Embassy or High Commission.

Information on how to obtain criminal record checks overseas can be found on the GOV.UK web site:
www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants
4. Where an applicant for a renewal of a taxi or PHC driver’s licence has been outwith the UK for a period of six months or more since the last renewal criminal records certificates shall be provided. If an applicant is unable to do so then their application will be accepted, processed and referred to the committee to determine whether the application should be considered an exception to the policy.
5. Where an applicant for a new licence has been unable to produce the relevant Criminal Record Check, the application will be treated as incomplete, and therefore will not be processed. In addition, following the statutory amendments introduced by the Immigration Act 2016, applications will not be accepted from an applicant who cannot demonstrate the right to work in the UK.

6. Where a previous licence holder has failed to renew their licence and allowed it to lapse they shall be treated as a new applicant and paragraph 4 above shall not apply.

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Regulatory Committee

9.30am, Thursday, 2 December 2021

Response to Motion on Street Occupation, Trading, Licensing and Permits

Executive/routine	
Wards	All
Council Commitments	

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 Notes the contents of this report; and
 - 1.1.2 Discharges the outstanding remit from Committee on 17 May 2021 on Street Occupation, Trading, Licensing and Permits.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager
E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4042

Response to Motion on Street Occupation, Trading, Licensing and Permits

2. Executive Summary

- 2.1 This report provides an update on the measures taken to help the hospitality sector and explains the practical difficulties of introducing further short-term measures for other types of licence holders.

3. Background

- 3.1 The Council has been working closely with the business community to support hospitality business recovery as restrictions relating to the COVID-19 pandemic are relaxed. The restrictions implemented by the Scottish Government to reduce the transmission of COVID-19 have disproportionately affected the hospitality sector, with a requirement to remain closed for an extended period, and thereafter restrictions on the number of customers that venues are permitted to accommodate.
- 3.2 On [6 August 2020](#) the Policy and Sustainability Committee agreed to waive fees for road occupation permits for tables and chairs from 1 July 2020 – 31 October 2020.
- 3.3 In March 2021, as the city emerged from the second period of lockdown, the Council Incident Management Team (CIMT) approved the suspension of parking/kerbside restrictions to accommodate outdoor hospitality space where this was possible (with the associated costs not passed on to the applicants) and the suspension of charges for tables and chairs permits until 30 September 2021 at the earliest. These suspensions applied across the city.
- 3.4 The Council budget includes provision for charges to be levied for permits for Tables and Chairs. The cost is calculated per square metre (with a slightly higher charge in the World Heritage Site (WHS) than elsewhere in the city). The Council would normally seek to recover income from parking charges (and generally seeks to recover these costs when parking suspensions are applied for events).
- 3.5 In addition, certain businesses require licences for the sale of alcohol and some outdoor construction requires planning consent.
- 3.6 The application process for using outdoor spaces for tables and chairs was streamlined in 2020 as part of a drive to support Edinburgh's economic recovery. The aim was to help businesses to safely make use of outside space and, even

though there have been no associated charges, businesses were required to follow this process so that the Council is fully aware of what is being placed on the city's roads and pavements.

- 3.7 The decision to suspend parking/kerbside restrictions charges and charging for tables and chairs permits, as well as the relaxation of planning enforcement, has been welcomed by hospitality businesses across the city and has led to an increased number of businesses utilising space outside for hospitality purposes.

4. Main report

Outdoor Hospitality Permits

- 4.1 The suspension of parking/kerbside restrictions and charges for tables and chairs permits was due to end on 30 September 2021.
- 4.2 On 6 September 2021, CIMT agreed the following recommendations - following discussion/feedback with business community representatives:
- 4.2.1 Extend the suspension of parking/kerbside restrictions to 31 October 2021;
 - 4.2.2 Continue to take a relaxed approach to planning enforcement until 31 October 2021. Thereafter planning consent would be required for any structures;
 - 4.2.3 Extend the suspension of charges for outdoor hospitality permits (tables and chairs) to 31 December 2021; and
 - 4.2.4 Review the process for outdoor hospitality permits and to improve/streamline the process by 31 March 2022. Any new approach would come into effect from 1 April 2022.
- 4.3 Council officers have worked closely with local businesses to support the recovery of businesses.
- 4.3 This decision was retrospectively reported to the Policy and Sustainability Committee on [5 October 2021](#) as part of the Adaptation and Renewal report.

Street Occupation, Trading, Licensing and Permits

- 4.4 The motion agreed by Committee asked for information on further measures that could be taken to help street traders and other licence holders. The flexibility that the Council has is limited by financial and legal restrictions on what a licensing authority can do.
- 4.5 As previously reported to Committee, the financial impact of COVID-19 on licensing income has been significant. For the financial year 2020/21 the income from Civic licences dropped by £0.780m. The Council was given one off monies by the Scottish Government to cover some of this loss (£0.450m).

Financial Measures

- 4.6 In 2021/22, the current income forecast is down by approximately £0.380m. It remains unknown how income from Civic licences will recover over the remainder of the financial year. Any further fee reductions or waivers cannot be met from existing budgets and would need to be approved by the appropriate committee. There is also an issue of fairness, in that offering any targeted fee reductions to licence applicants would inevitably create pressure from holders of other types of licences who would seek similar reductions.

Alternative Measures

- 4.7 The alternative to waiving fees would be to consider whether there is an option to amend policies to allow additional trading space. Committee will be aware that within the City Centre most spaces which are suitable for trading have been occupied by long term licence holders for many years, with several applications for new spaces refused by the Licensing Sub-Committee as not being suitable.
- 4.8 Where possible temporary licences have been issued, assuming that there is sufficient space. However, Committee will be aware that the space in the city centre is often used for events, civic processions and hospitality. There is a danger that granting additional licences or relaxing policies could have the unintended consequence of limiting the ability to stage these events.
- 4.9 As a result, there are practical difficulties in granting permanent licences for these additional pitches, as the licence holder would have protections under the legislation. In those circumstances, bringing the use of this space to an end exposes the council to the risk of legal challenge. At the very least, the process would be protracted if there was an appeal against any decision to refuse or suspend a licence.
- 4.10 Finally, members will be aware that policy changes would normally be subject to public consultation. If changes were implemented without such consultation, there is a risk that the Council would be vulnerable to legal challenges if an objection was received or a licence applicant were to appeal the decision in the courts.

5. Next Steps

- 5.1 Committee agreed to postpone work on reviewing the street trading policy until the city had recovered sufficiently from the disruption caused by COVID-19. It is intended to review this in 2022 and to keep Committee updated on progress.

6. Financial impact

- 6.1 It is anticipated that the further suspension of parking to 31 October 2021 will result in approximately £7,000 of lost revenue for the Council. Waiving the fee for tables and chairs permits to 31 December 2021 is also likely to result in approximately £125,000 in lost revenue.

7. Stakeholder/Community Impact

- 7.1 The contents and recommendations neither contribute to, nor detract from, the delivery of the three Public Sector Equality Duties.
- 7.2 The contents and recommendations described in the report do not deliver any outcomes relating to the ten areas of rights, nor do they enhance or infringe them.
- 7.3 There is no environmental impact arising from the contents of this report.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 – Motion from Regulatory Committee on 17 May 2021

The following motion by Councillor Barrie was submitted in terms of Interim Standing Order 32.1:

“Committee will be aware of question 18 at Council on 29 April 2021 and the response provided:

‘Question (1) What support is being made available by CEC to walking tours to ‘get businesses back on their feet’ and will their licensing fees be similarly waived or discounted?’

Answer (1) The majority of walking tours do not require a licence under the current provisions of the relevant licensing legislation, as either payment is made on-line or the tour is free of charge and relies on tips. Walking tours are encouraged to engage with and participate in the Forever Edinburgh recovery campaign. They have also had access to similar financial support as other businesses, in particular the discretionary fund in the event that they were ineligible for the Visit Scotland tour guide fund. If walking tours can evidence income drop as an eligible business, they would also have been eligible for discretionary support funding. We are aware some walking tour guide guides qualified for the tour guide support, which was administered by Visit Scotland, businesses which received this funding would have been ineligible for additional payments through the discretionary support.

Question (2) Will Council consider favourably allowing walking tours to apply for Outdoor Area Occupation Permits to allow them on street visibility to aid their business recovery?

Answer (2) While the Council is taking all possible means to support business recovery, Outdoor Area Occupation Permits are specifically for businesses who want to provide tables and chairs on the pavement and therefore could not be used for the purpose of increasing on-street visibility.’

Committee will be aware that the discretionary financial support described in answer (1) was very likely available to the licensed premises that have had their outdoor area occupation permits waived by Council. Answer (2) suggests that ‘Council is taking all possible means to support business recovery.’

In support of ‘all possible means’ Committee calls for an urgent report, within one cycle, to consider what further steps could be taken regarding permits costs, eligibility of businesses not necessarily seeking to use table and chairs as part of business recovery, to apply for and use suitable Outdoor Areas in the city and whether such permits would be chargeable. This report should include consideration of conditions and costs applied to market traders, street traders and outdoor space occupancy with a view to considering what amendments might take place to assist companies and organisations in their post Covid recovery and beyond. Should beneficial measures be identified prior to the next Regulatory Committee that takes place on 23 August 2021, consideration should be given to see if they can be implemented if agreement can be reached with Group Spokespersons.

Regulatory Committee

9.30am, Thursday, 2 December 2021

Air Weapons and Licensing (Scotland) Act 2015 – Sexual Entertainment Venues – Proposed Resolution, Policy and Conditions

Executive/routine

Wards

All

Council Commitments

1. Recommendations

- 1.1 The Regulatory Committee is asked to:
- 1.1.1 Note the contents of this report and the responses to the second round of public consultation on the licensing of sexual entertainment venues;
 - 1.1.2 Agree to adopt a scheme to license SEVs and adopt the resolution set out at Appendix 11;
 - 1.1.3 Agree to determine a numbers limitation on the number of Sexual Entertainment Venues within the City of Edinburgh and to fix that number at four, unless Committee is minded to fix an alternative number of zero;
 - 1.1.4 Agree that the policy shall include a statement that generally any area in the city other than in the city centre ward will not be considered suitable for the operation of a Sexual Entertainment Venue;
 - 1.1.5 Agree to the proposed policy set out at Appendix 9 and licensing conditions set out at Appendix 10 for Sexual Entertainment Venue Licences; and
 - 1.1.6 Note that, if recommendations 1.1.2 – 1.1.5 are approved, officers will advertise the resolution as necessary, noting in accordance with the legislation that 3 December 2022 is the specified date on which the licensing resolution is to take effect.

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager

E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 469 5822

Air Weapons and Licensing (Scotland) Act 2015 – Sexual Entertainment Venues – Proposed Resolution, Policy and Conditions

2. Executive Summary

- 2.1 The Air Weapons and Licensing (Scotland) Act 2015 adds new sections to the Civic Government (Scotland) Act 1982, enabling local authorities to introduce a discretionary licensing system for sexual entertainment venues (SEVs). In October 2019, Committee agreed the principle of introducing a licensing system for SEVs and instructed officers to prepare draft licensing conditions and a policy for consultation. In March 2021, Committee agreed to consult on these draft conditions and policy. This report provides an update on the consultation about the possible implementation and changes to the licensing regime as a result of the 2015 Act.
- 2.2 A public consultation on a proposed resolution, policy and licensing conditions framework has now been completed, and this report details the responses received. The report recommends that Committee agrees to adopt a sexual entertainment venue licensing resolution, policy and standard licensing conditions.

3. Background

- 3.1 Section 76 of the Air Weapons and Licensing (Scotland) Act 2015 adds new sections (45A to 45C) to the Civic Government (Scotland) Act 1982 ('the 1982 Act'), in order to introduce a discretionary licensing regime for SEVs. Section 76 also amends section 41 of the 1982 Act to specifically exclude SEVs from the definition of 'places of public entertainment', meaning that a public entertainment licence cannot also be required for those venues. A SEV licence will only be required where a local authority makes a resolution in these terms under the new section 45B of the 1982 Act.
- 3.2 On 21 March 2019, a Commencement Order was laid before the Scottish Parliament which provided local authorities with the necessary powers to introduce a discretionary licensing regime for SEVs.
- 3.3 The key aims of civic licensing are the preservation of public safety and the prevention of crime and disorder. A specific licensing regime for SEVs will allow local authorities to consider local circumstances and to exercise appropriate control and regulation of these venues in setting the number of venues able to operate within their area. A published SEVs policy statement would be required to provide the local authority's Page 50 examples of licensing conditions, along with enforcement details. The policy should demonstrate how the local

authority intends to help protect the safety and wellbeing of performers, customers and the wider public.

- 3.4 Where a local authority opts to license SEVs, the provisions at section 45A of the 1982 Act require a licence for premises operated as a SEV where the sexual entertainment is operated live, is for the direct or indirect financial benefit of the organiser and is for the sole or principal purpose of sexual stimulation of members of the audience. However, the legislation exempts any premises where sexual entertainment is provided on no more than three occasions in a twelve-month period.
- 3.5 The Scottish Government has indicated that local authorities are best placed to reflect the views of the communities they serve, to determine whether sexual entertainment establishments should be licensed within their areas, and if so under what conditions and whether a limit on the numbers is necessary. The statutory guidance requires licensing authorities to balance this consideration against other legal duties and guidance.
- 3.6 A local authority licensing SEVs will have to publish a SEV policy statement, developed in consultation with relevant interest groups (including violence against women partnerships, trade organisations and other similar groups), which will provide local communities with a clear indication of the local authority's policy. On 18 January 2021, Committee instructed officers to carry out public consultation in respect of a proposed SEV licensing resolution, policy and licensing conditions. This further consultation also addressed the risk that the previous consultation had taken place prior to the pandemic and the delay compromised the results of that consultation. In particular for businesses most directly affected, it recognised that they may wish to further comment given the impact of the restrictions during the period between the first consultation and the further consideration of this piece of work.
- 3.7 Prior to the pandemic, Committee had held an initial consultation on whether to license SEVs and also held a series of evidence sessions with relevant stakeholders and interested parties.

4. Main report

- 4.1 As directed by Committee on 18 January 2021, a consultation on the proposed changes was published on the Council's Consultation Hub between 9 April and 2 July 2021 (Appendix 1).
- 4.2 A brief summary and the full set of results are attached at Appendix 2. In addition, the written responses submitted to the consultation are included in Appendices 3 to 8.

Adopting a licensing system

- 4.3 Having reviewed the responses to this consultation, as well as those received in the initial consultation, it is clear that there is support for the introduction of a licensing system for SEVs. Committee will be aware that Police Scotland and performers have been supportive of this, arguing that it would make venues better regulated and safer.

- 4.4 It is also clear that there is support from parties who are generally against the operation of these venues and who wish to see the Council adopt a scheme and to fix the number operating at zero. It is therefore recommended that a licensing system is introduced for the purpose of preventing crime and disorder and improving public safety.

Adopting a limit on the number of licensed SEVs

- 4.5 Should Committee adopt a resolution to introduce a licensing scheme for SEVs, the Council will have the ability to set a limit on the number of SEV premises permitted in the city. There is a broad range of views with regards to the setting of limits on SEV premises in the city generally, and in certain localities. Some responses argue that there should be no SEVs, and that the limit should thus be set to zero. Others argue that there is no need for a limit.
- 4.6 A limit would give the Council an element of control in relation to the scale of SEV activity, both now and in the future. The consultation responses demonstrated that views on what any limit should be are polarised. Some have advocated that a zero limit should be introduced, which would in effect ban SEVs from operating. Other respondents clearly favour no limit being introduced on the number of premises. For example:
- 4.6.1 44.5% agreed or strongly agreed that there should be a limit on the number of SEVs;
 - 4.6.2 37% agreed or strongly agreed that there should be no limit on the number of SEVs;
 - 4.6.3 When asked what number any limit should be set at, 20% said zero but 40% said that there should be no limit;
 - 4.6.4 When asked what the limit should be, no option other than 'zero' and 'no limit' received more than 8% support.

- 4.7 Having considered the consultation responses, it is recommended that Committee agrees to introduce a limit in respect of the number of SEV premises permitted to operate in Edinburgh. This would allow the Council to regulate the numbers of SEVs operating in the city and is a proportionate response to respondents raising concerns about the impact SEVs have on a community. It would specifically give the Council an element of control with regard to any future applications to increase the numbers of SEVs in the city.
- 4.8 Committee will be aware of evidence about the operation of the SEVs currently in the city, and have heard from Police Scotland and Licensing Standards Officers that these premises are generally operating without issues from the perspective of these officers.

Determining whether a limit on the number of SEVs is necessary

- 4.9 Committee members will recall some of the evidence that they have heard, including responses to the latest consultation, which argued strongly that the limit should be set at zero as sexual entertainment contributes directly to gender inequality and is contrary to the policy objectives set out in the Equally Safe Strategy.
- 4.10 The tension between potentially licensing SEVs, including permitting a number to operate, and these concerns are specifically addressed in the guidance to

licensing authorities which states; *'Whilst recognising the conflict between this definition and the licensing of SEV, this guidance will help to ensure that such activities take place in safe and regulated environments. When deciding whether to licence, and whether to limit, SEV in their area, local authorities will need to consider the interaction with their own local policies and strategies, as well as the legal implications around limiting a legitimate business activity to minimise the risk of legal challenge'*.

- 4.11 Therefore, Committee will have to balance the competing views and determine whether it is, on balance, necessary and proportionate to set a limit of zero. If Committee is not persuaded that a limit of zero is necessary, it is recommended that a limit of four SEVs should be introduced. This would allow the Council to control numbers of SEVs beyond any limit agreed and would allow the Licensing Sub-Committee to reflect on any potential concerns raised, should applications be received in future which would increase the number of SEVs beyond four. As with any licensing policy, new operators would be entitled to make a case for being an exemption to that number limitation and the Licensing Sub-Committee can therefore determine where the balance should be struck.
- 4.12 The limit of four reflects the number of premises currently operating in Edinburgh. A fifth SEV premises has previously been known to operate and hold a licence under the Licensing (Scotland) Act 2005. However, it has not operated for some considerable time. The Council would of course have the option of periodically reviewing the policy and any numbers limitation if it was felt that these required to be updated.

Suitability of areas of the city in which to locate a SEV

- 4.13 The Committee will be able to set a limit of SEVs in any locality. Responses have shown that the only area of the city in which there is any level of support for SEVs to be located is the City Centre, and that is consistent with the previous consultation. It is therefore recommended that SEV premises operating outwith the city centre should be considered inappropriate, and the draft policy reflects this.
- 4.14 The consultation responses indicated that there would be some support for SEV premises to operate in a commercial or industrial area. However, given that there are currently no SEVs in industrial areas and that the classification of these areas can alter through regeneration and development, it is considered that this type of area is not suitable for this type of activity. It is also recommended that these areas are not suitable as they can sometimes be isolated or quiet after normal business hours, and thus would not be appropriate locations having regard to the safety of the performers.
- 4.15 In summary, it is recommended that the Committee agrees to adopt a SEV licensing resolution and licensing policy and determine that there will be a maximum limit of four SEV premises. It is further recommended that the policy should clearly state that only the city centre ward would be considered a suitable location for a SEV. For the avoidance of doubt, any application may be made or objected to notwithstanding the terms of policy and any number limitation.

Suitability of Applicants

- 4.16 As part of the consultation process, Committee has been provided with oral and written evidence from performers that SEV premises operators sometimes impose arbitrary fines on performers which could result in them losing significant income. Furthermore, it was explained that house fees in SEV premises could sometimes increase at short notice for performers through various circumstances, such as sporting events taking place in the city, which negatively affects the performers' income. Accordingly, the SEV policy has been drafted to make it clear that the Council does not expect the practice of fining performers to take place, and that any fees charged to performers are transparent and agreed in advance. These should not be subject to change at short notice.
- 4.17 Where examples of fining or issues with house fees are brought to the attention of the Council, the Committee could take this into account when considering whether an applicant is or remains fit and proper to hold a SEV licence.
- 4.18 Appendix 9 sets out the proposed policy for the licensing of SEVs and Appendix 10 details the proposed set of standard conditions for the licensing and regulation of SEVs, following consideration of the consultation responses. Appendix 11 sets out the proposed SEVs resolution.
- 4.19 In deciding whether to pass a resolution, a local authority should consider whether it will wish to control SEVs either now or in the future. If there is no resolution in place, then no licence is required to operate a SEV. If the Council does not adopt this discretionary power, SEVs will continue to operate without any direct influence from the Council in relation to sexual entertainment. Each of the four premises currently operating in the city which would be defined as a SEV hold Premises Licences under the Licensing (Scotland) Act 2005 for the sale of alcohol, and are overseen by the Edinburgh Licensing Board in that regard.

Appeals process for SEVs

- 4.20 If the Committee agrees to pass the resolution, applicants will have the opportunity to challenge decisions made by the Licensing Sub-Committee in relation to their applications. In many cases, this will be by raising an appeal in the Sheriff Court.
- 4.21 Additionally, it is likely that the two most contentious issues that the Committee will consider in relation to applications made for SEVs, and therefore most likely to result in a legal challenge, will be setting an appropriate number of SEV licensed premises and determining the locality in which they operate. In both circumstances, any legal challenge would be the subject of court action by way of judicial review in the Court of Session. Such an action could be complex to defend and would result in significant legal costs for the Council. Any challenge to the policy itself would also be made by way of judicial review.

5. Next Steps

- 5.1 Council officers have reviewed the comments made during the consultation process and have developed the draft statement of policy, resolution and standard conditions for the licensing of sexual entertainment venues.

- 5.2 It is recommended that Committee adopts the proposed resolution, licensing policy and standard conditions framework.
- 5.3 Where a local authority passes a resolution, it must specify a date from when it is to take effect in their area. This must be at least one year from the date the resolution is passed. The local authority must also publish notice that it has passed a resolution not less than 28 days prior to the date the resolution is to take effect. The notice must state the general effect of the licensing procedure and provisions at Schedule 2 of the 1982 Act, as modified for SEVs, and be published either electronically or in a local newspaper.
- 5.4 If Committee approves the recommendations in this report, the date on which this resolution would come into effect would be 3 December 2022.

6. Financial impact

- 6.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2019. Any costs incurred by implementing policy are, at present, not included within the service budget.
- 6.2 If Committee agrees to adopt a licensing scheme for SEVs, officers will carry out work to devise a new fee structure for SEVs to ensure that all costs are fully recovered, and will bring this back to Committee for approval.

7. Stakeholder/Community Impact

- 7.1 It is recognised that concerns have been raised previously that SEV activity may be commercial sexual exploitation and encourages unhealthy attitudes towards women, and therefore damages society as a whole.
- 7.2 The Scottish Government stated during the passage of the 2015 Act that it acknowledges, through the introduction of this legislation, the freedom of adults to engage in legal activities and employment. Nevertheless, it continues to promote gender equality and actions that tackle out-dated attitudes that denigrate or objectify particular groups or individuals, through all relevant means.
- 7.3 A methodical and robust approach to obtaining evidence and information on the subject was carried out in order to minimise the risk of legal challenge to any policy or Committee decision. Evidence sessions were webcast in order to aid transparency and to provide a record of the evidence received.
- 7.4 All premises which could be affected by a SEV policy were written to and advised of the consultation. The Committee consulted with the trade and other interested parties throughout this process to ensure that all views are taken into account when forming a draft policy statement and licensing conditions framework.
- 7.5 Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls was first published in 2014 and updated in 2016. It sets out a definition of violence against women and girls which includes 'commercial sexual exploitation, including prostitution, strip dancing, stripping, pornography, and human trafficking.' Whilst recognising the conflict between this definition

and the licensing of sexual entertainment venues, the Scottish Government intends that it will help to ensure that such activities take place in safe and regulated environments.

- 7.6 At the Regulatory Committee meeting on 3 February 2013, following a period of consultation the Committee agreed to amend the Public Entertainment Resolution to remove premises used as 'saunas or massage parlours' from the requirement to obtain a public entertainment licence. Any new regulatory regime which is introduced will not apply to such premises.
- 7.7 A full equalities impact assessment has been completed as part of the statutory consultation process and is attached at Appendix 12.

8. Background reading/external references

- 8.1 [Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls](#)
- 8.2 [The Trafficking and Exploitation Strategy](#)
- 8.3 [Air Weapons and Licensing \(Scotland\) Act 2015 – Commencement of Sexual Entertainment Venues licensing provisions](#)

9. Appendices

- 9.1 Appendix 1 - Sexual Entertainment Venue's (SEVs) Consultation
- 9.2 Appendix 2 - Brief Summary and Full Results of SEVs Consultation
- 9.3 Appendix 3 - Police Scotland Consultation Response
- 9.4 Appendix 4 - Scot PEP Consultation Response
- 9.5 Appendix 5 - Equally Safe Edinburgh Committee Consultation Response
- 9.6 Appendix 6 - Comments on Proposed SEVs - Written Responses
- 9.7 Appendix 7 - Comments on SECs Conditions - Written Responses
- 9.8 Appendix 8 - Any Other Comments – Written Responses
- 9.9 Appendix 9 - Proposed SEV Policy
- 9.10 Appendix 10 - Proposed SEV Licence Conditions
- 9.11 Appendix 11 - Proposes SEV Resolution
- 9.12 Appendix 12 - Integrated Impact Assessment

Licensing of Sexual Entertainment Venues 2021

Overview

In October 2019, the Regulatory Committee agreed in principle to introduce a licensing scheme for Sexual Entertainment Venues (SEVs) in Edinburgh following the introduction of new legislation which allows local authorities to license such venues and an initial public consultation exercise. The definition of a SEV is provided by legislation and is aimed at premises providing sexual entertainment often referred to as 'lap dancing'.

The effects of the COVID-19 pandemic have resulted in a delay to the Committee further considering the implementation of a licensing scheme for SEVs. Accordingly, the Committee have instructed that a further consultation take place on this issue to allow stakeholders another opportunity to engage. This approach recognises that businesses most directly affected by a new licensing regime have been closed since March 2020 and may require further support to effectively engage with the consultation.

This consultation asks for views on a proposed licensing policy and proposed set of licensing conditions for Sexual Entertainment Venues, should the Committee agree to implement a licensing scheme. It is important to note at the outset that if the Council chooses not to adopt these powers, premises which offer this type of entertainment can continue to operate as they do currently.

Adoption of the powers to license SEVs does not imply approval of these premises by the Council.

Premises used as massage parlours or saunas are not included in this legislation or in the definition of sexual entertainment and will not be affected by these proposals.

Why are we consulting?

The aim of the consultation is:

- To seek community and business views on the proposed licensing policy and conditions framework in respect of Sexual Entertainment Venues in Edinburgh.

Controlling the Number of SEVs

If the Council chooses to adopt this licensing scheme, it can choose a limit to the number of SEVs in any locality. The Council will still be required to consider individual licence applications even if it adopts a number limit.

Currently, the city centre has four premises which offer services which would fit within the definition of sexual entertainment venues. There are currently no SEVs operating in localities outside of the city centre.

Question 1

Do you agree that the Council should limit the maximum number of SEVs for any localities in Edinburgh?

Strongly agree – Agree – Neither agree nor disagree – Disagree – Strongly disagree

Question 2

If a licensing scheme is approved for SEVs, the Council could set limit for the number of SEV premises in a locality. What number do you think the Council should set for the following localities?

	0	1	2	3	4	5	6	7	8	8+	No limit
The city centre <i>Please select only one item</i>	<input type="radio"/>										
A rural area <i>Please select only one item</i>	<input type="radio"/>										
A busy late night economy area e.g. George Street, Grassmarket <i>Please select only one item</i>	<input type="radio"/>										
A town centre/high street e.g. South Queensferry, Portobello, Kirkliston <i>Please select only one item</i>	<input type="radio"/>										
A residential area <i>Please select only one item</i>	<input type="radio"/>										
An industrial or commercial area <i>Please select only one item</i>	<input type="radio"/>										

Question 3

Please consider the type of areas where a SEV might operate, and tell us whether you agree that the following areas would normally be suitable for SEVs to operate:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
The city centre <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A rural area <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A busy late night economy area e.g. George Street, Grassmarket <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A town centre/high street within the city e.g. South Queensferry, Portobello, Kirkliston <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A residential area outwith the city centre <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
An industrial or commercial area <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Question 4

Do you have any comments on the proposed Sexual Entertainment Policy? The proposed policy is attached below.

Question 5

Do you have any comments on the proposed set of conditions for Sexual Entertainment Venues? The proposed set of conditions for SEVs is attached below.

Question 6

Would you like to make any further comments on these proposals?

Results of SEVs Consultation

Brief Summary

- There were 87 responses in total. 74% of respondents were from residents and 9% classified themselves as 'other', giving descriptions including 'dancer', 'performer', 'tourist', and 'trade representative', among others.
- 35% of respondents either agreed or strongly agreed that the Council should set a maximum number of SEV licences in Edinburgh. 31% disagreed or strongly disagreed.
- 40% of respondents thought there should be no limit on the number of SEV premises based within a city centre locality. 20% thought that a zero limit should be introduced for this locality.

Licensing of Sexual Entertainment Venues 2021: Summary report

This report was created on Monday 05 July 2021 at 11:18 and includes **84** responses.

The consultation ran from 09/04/2021 to 02/07/2021.

Contents

Question 1: What is your name?	2
Name	2
Question 2: What is your email address?	2
Email	2
Question 3: What is your organisation (if relevant)?	2
organisation	2
Question 4: Please choose which of the following applies to you.	2
Respondent organisation	2
Further details	2
Question 5: Do you agree that the Council should set a maximum number of SEVs for any localities in Edinburgh?	3
Agree set max no. SEVs?	3
Question 6: If a licensing scheme is approved for SEVs, the Council could set a limit for the number of SEV premises in a locality.	3
What number do you think the Council should set for the following localities?	
how many where? - The city centre	3
how many where? - A rural area	4
how many where? - A busy late night economy area e.g. George Street, Grassmarket	5
how many where? - A town centre/high street e.g. South Queensferry, Portobello, Kirkliston	6
how many where? - A residential area outwith the city centre	7
how many where? - An industrial or commercial area	8
Question 7: Do you have any comments on the proposed Sexual Entertainment Policy? The proposed policy is attached below.	9
Please give us your comments.	9
Question 8: Do you have any comments on the proposed set of conditions for Sexual Entertainment Venues? The proposed set of conditions is attached below.	9
comments on conditions?	9
Question 9: Would you like to make any further comments on these proposals?	9
further comments?	9
Question 10: What is your ethnic group? (Choose ONE section from A to E, then tick ONE box which best describes your ethnic group or background)	9
Ethnicity (A - White)	9
Other white ethnic group, please write in	10
Ethnicity (Mixed or multiple ethnic group)	10
Any mixed or multiple ethnic groups, please write in	10
Ethnicity (Asian, Asian Scottish, Asian British)	10
Other, please write in	10
Ethnicity (D - African, Caribbean or Black)	11
Other, please write in	11
Ethnicity (E - Other)	11
Other, please write in	11
Question 11: What is your sexual orientation?	11
Sexuality	11
Question 12: What is your age?	12
How old are you?	12
Question 13: How would you describe your national identity? (Please tick all that apply)	13
National Identity	13
Other, please write in	13
Question 14: What is your gender?	13
Gender	13
Question 15: What religion, religious denomination or body do you belong to?	14
Religion	14
Another religion (please specify)	14

Question 1: What is your name?

Name

There were **74** responses to this part of the question.

Question 2: What is your email address?

Email

There were **68** responses to this part of the question.

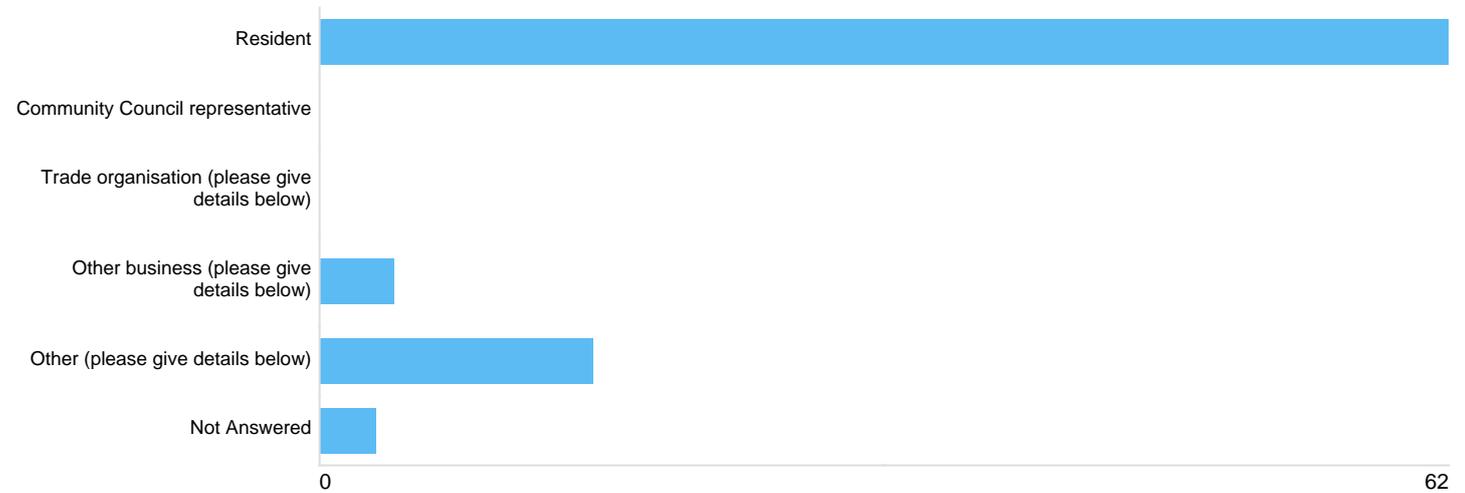
Question 3: What is your organisation (if relevant)?

organisation

There were **19** responses to this part of the question.

Question 4: Please choose which of the following applies to you.

Respondent organisation



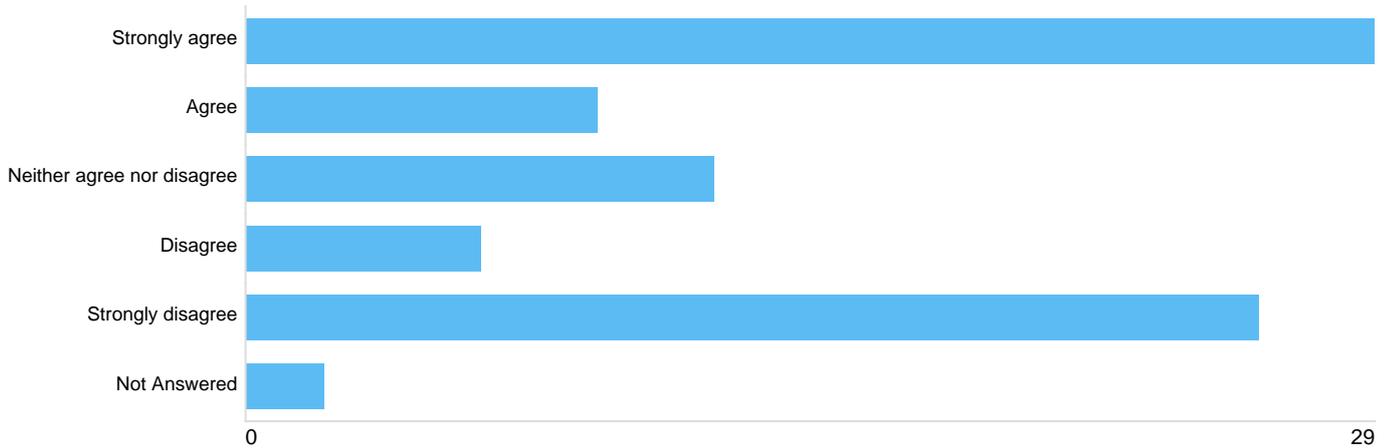
Option	Total	Percent
Resident	62	73.81%
Community Council representative	0	0.00%
Trade organisation (please give details below)	0	0.00%
Other business (please give details below)	4	4.76%
Other (please give details below)	15	17.86%
Not Answered	3	3.57%

Further details

There were **21** responses to this part of the question.

Question 5: Do you agree that the Council should set a maximum number of SEVs for any localities in Edinburgh?

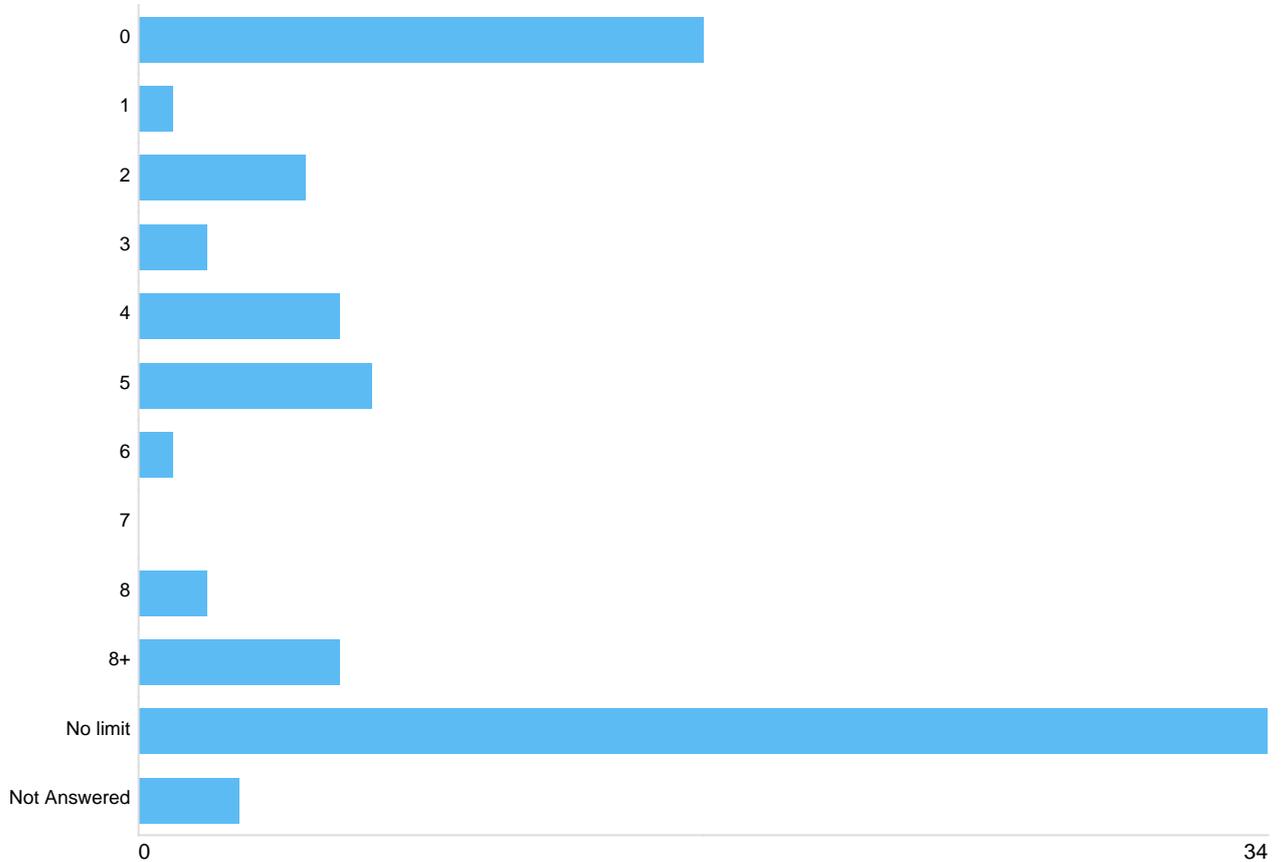
Agree set max no. SEVs?



Option	Total	Percent
Strongly agree	29	34.52%
Agree	9	10.71%
Neither agree nor disagree	12	14.29%
Disagree	6	7.14%
Strongly disagree	26	30.95%
Not Answered	2	2.38%

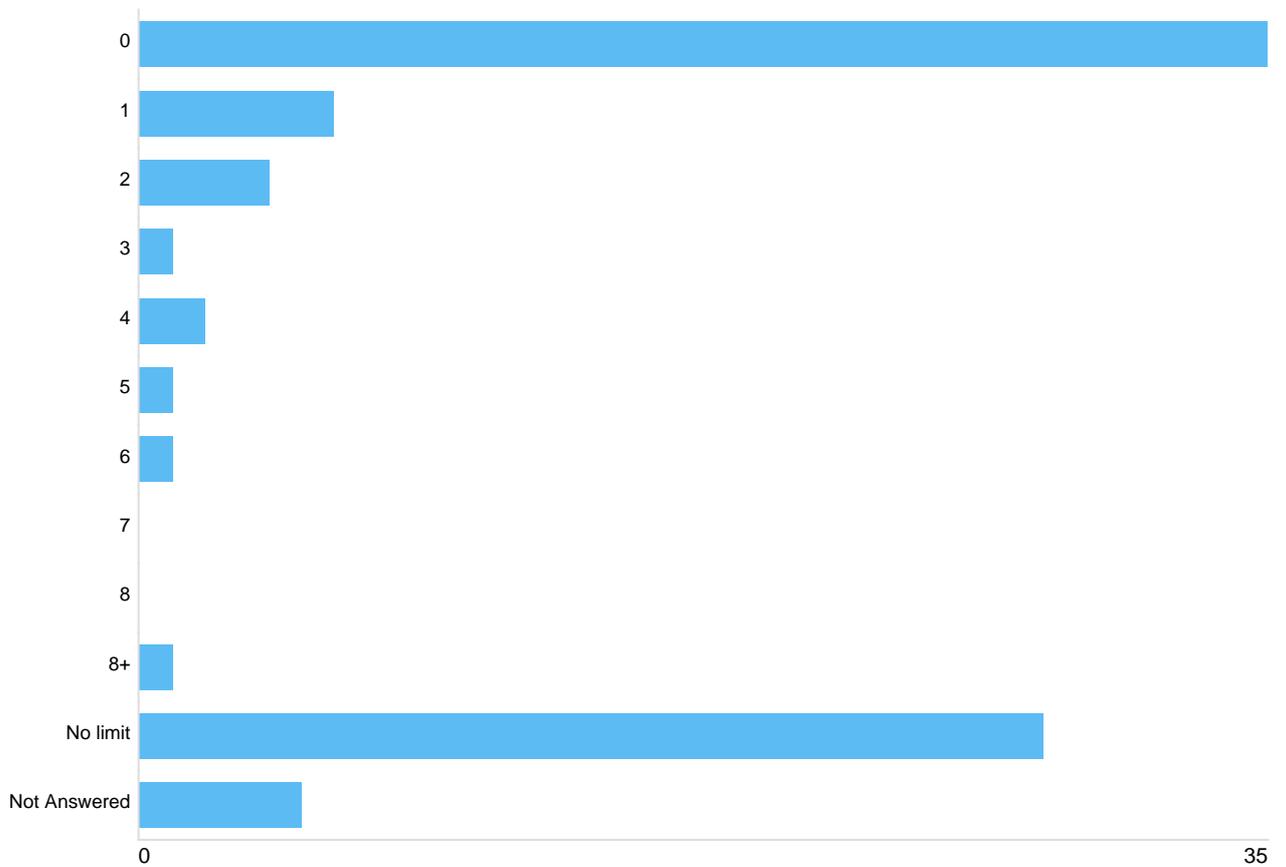
Question 6: If a licensing scheme is approved for SEVs, the Council could set a limit for the number of SEV premises in a locality. What number do you think the Council should set for the following localities?

how many where? - The city centre



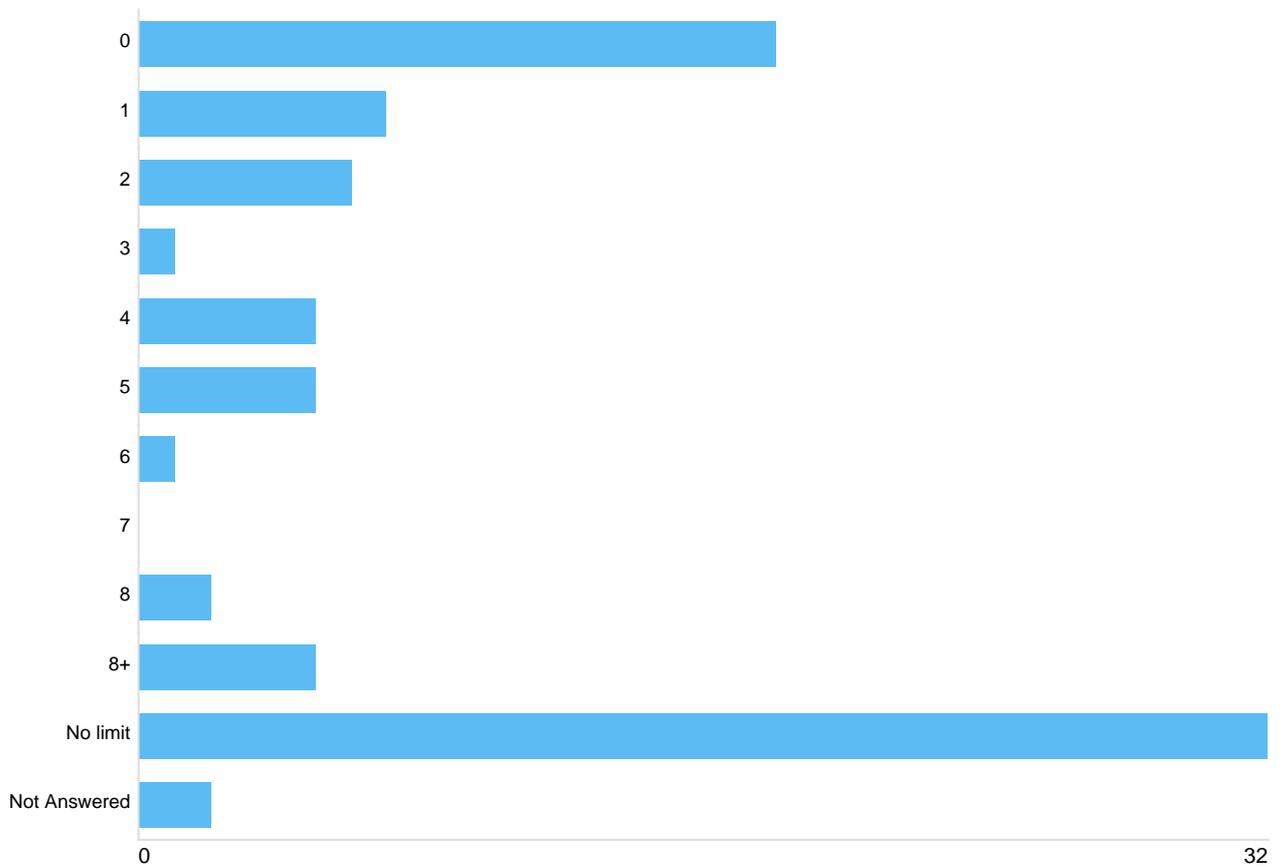
Option	Total	Percent
0	17	20.24%
1	1	1.19%
2	5	5.95%
3	2	2.38%
4	6	7.14%
5	7	8.33%
6	1	1.19%
7	0	0.00%
8	2	2.38%
8+	6	7.14%
No limit	34	40.48%
Not Answered	3	3.57%

how many where? - A rural area



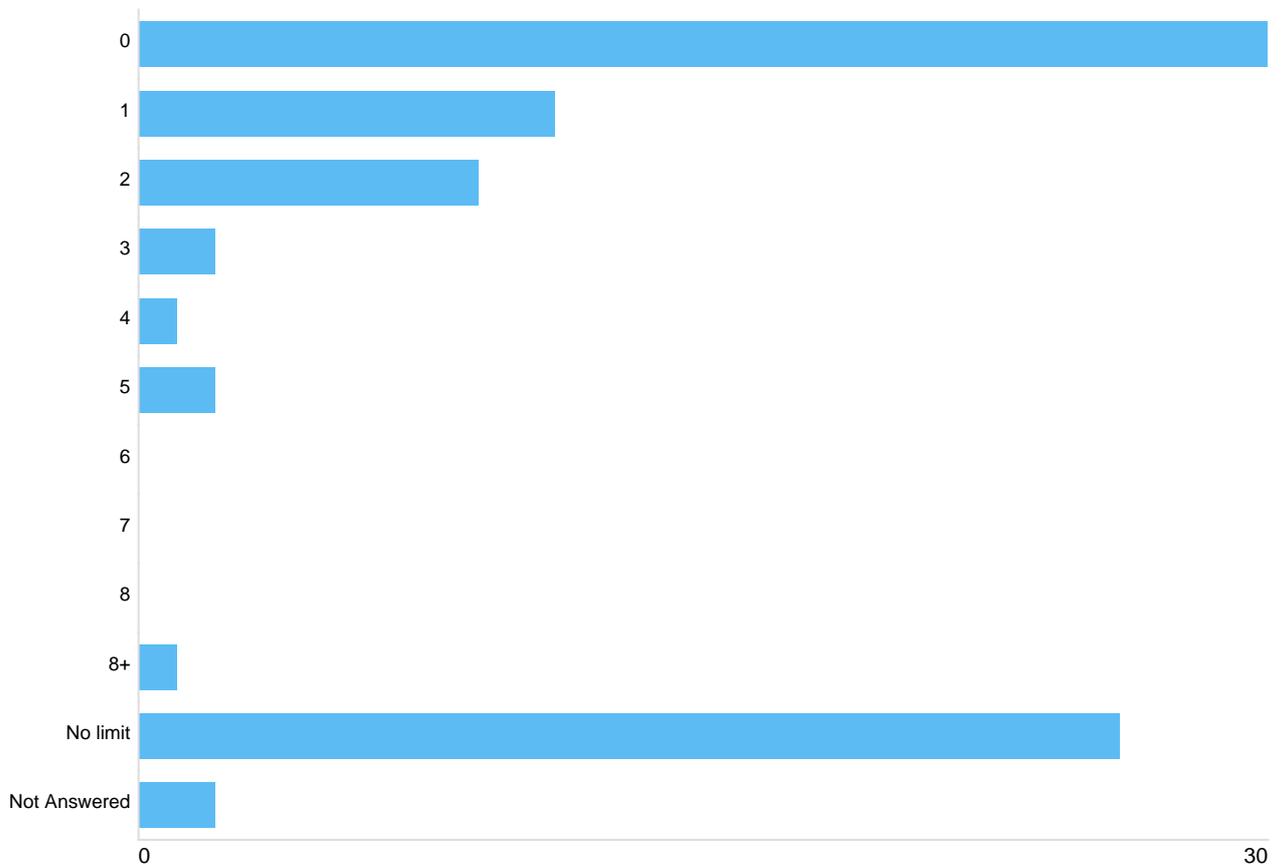
Option	Total	Percent
0	35	41.67%
1	6	7.14%
2	4	4.76%
3	1	1.19%
4	2	2.38%
5	1	1.19%
6	1	1.19%
7	0	0.00%
8	0	0.00%
8+	1	1.19%
No limit	28	33.33%
Not Answered	5	5.95%

how many where? - A busy late night economy area e.g. George Street, Grassmarket



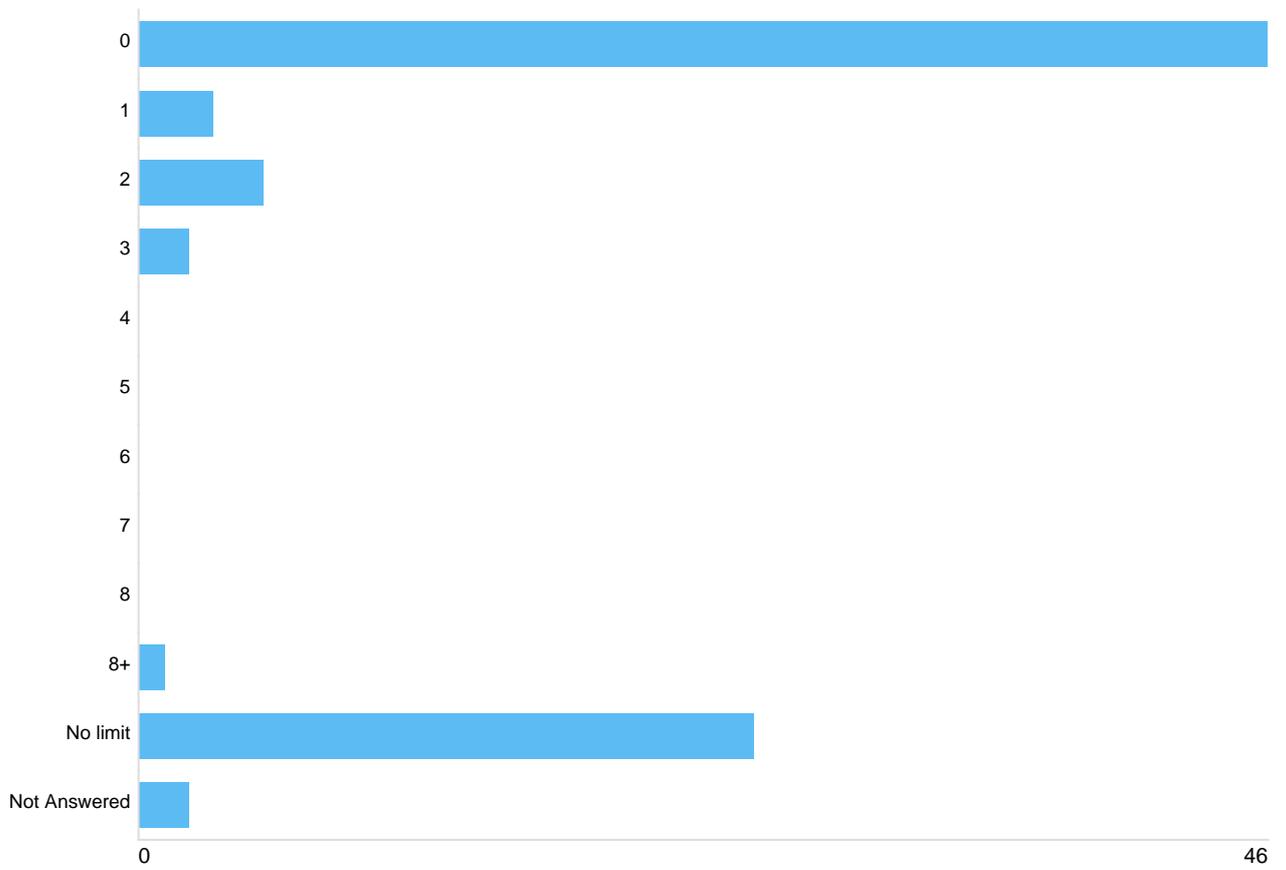
Option	Total	Percent
0	18	21.43%
1	7	8.33%
2	6	7.14%
3	1	1.19%
4	5	5.95%
5	5	5.95%
6	1	1.19%
7	0	0.00%
8	2	2.38%
8+	5	5.95%
No limit	32	38.10%
Not Answered	2	2.38%

how many where? - A town centre/high street e.g. South Queensferry, Portobello, Kirkliston



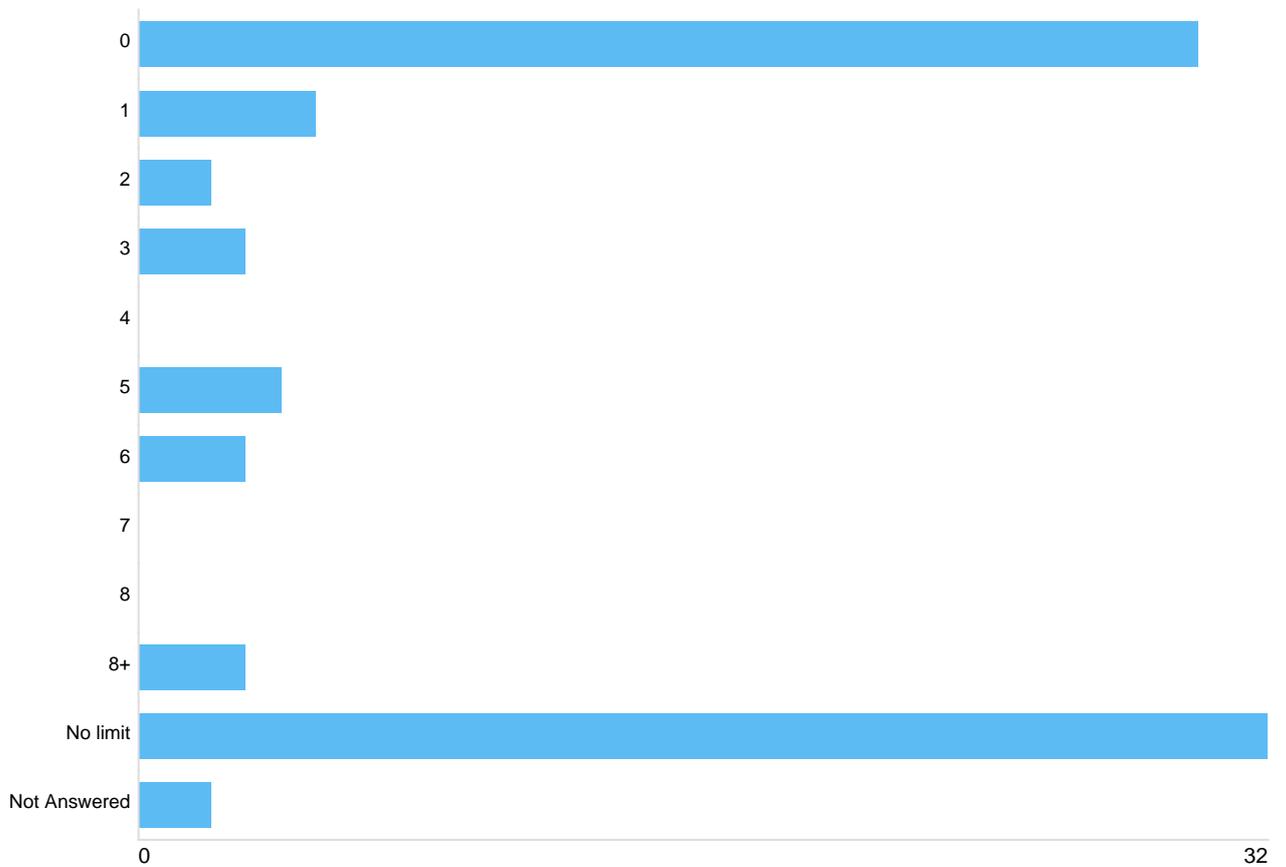
Option	Total	Percent
0	30	35.71%
1	11	13.10%
2	9	10.71%
3	2	2.38%
4	1	1.19%
5	2	2.38%
6	0	0.00%
7	0	0.00%
8	0	0.00%
8+	1	1.19%
No limit	26	30.95%
Not Answered	2	2.38%

how many where? - A residential area outwith the city centre



Option	Total	Percent
0	46	54.76%
1	3	3.57%
2	5	5.95%
3	2	2.38%
4	0	0.00%
5	0	0.00%
6	0	0.00%
7	0	0.00%
8	0	0.00%
8+	1	1.19%
No limit	25	29.76%
Not Answered	2	2.38%

how many where? - An industrial or commercial area



Option	Total	Percent
0	30	35.71%
1	5	5.95%
2	2	2.38%
3	3	3.57%
4	0	0.00%
5	4	4.76%
6	3	3.57%
7	0	0.00%
8	0	0.00%
8+	3	3.57%
No limit	32	38.10%
Not Answered	2	2.38%

Question 7: Do you have any comments on the proposed Sexual Entertainment Policy? The proposed policy is attached below.

Please give us your comments.

There were **46** responses to this part of the question.

Question 8: Do you have any comments on the proposed set of conditions for Sexual Entertainment Venues? The proposed set of conditions is attached below.

comments on conditions?

There were **40** responses to this part of the question.

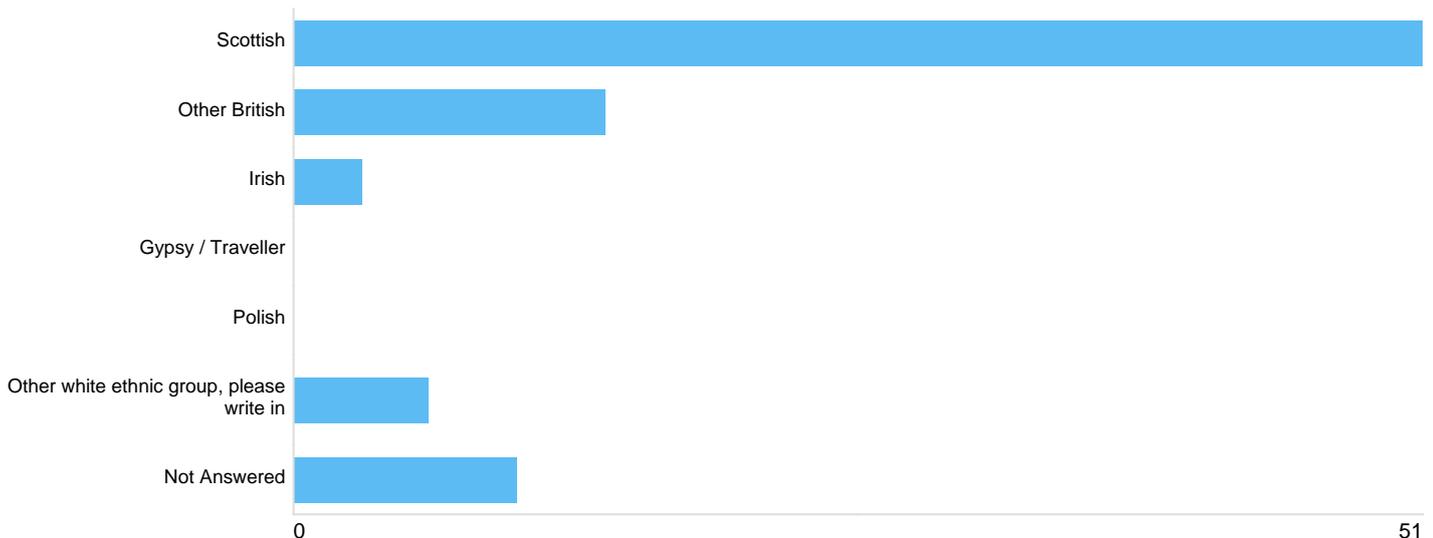
Question 9: Would you like to make any further comments on these proposals?

further comments?

There were **34** responses to this part of the question.

Question 10: What is your ethnic group? (Choose ONE section from A to E, then tick ONE box which best describes your ethnic group or background)

Ethnicity (A - White)



Option	Total	Percent
Scottish	51	60.71%
Other British	14	16.67%
Irish	3	3.57%
Gypsy / Traveller	0	0.00%
Polish	0	0.00%
Other white ethnic group, please write in	6	7.14%
Not Answered	10	11.90%

Other white ethnic group, please write in

There were 7 responses to this part of the question.

Ethnicity (Mixed or multiple ethnic group)

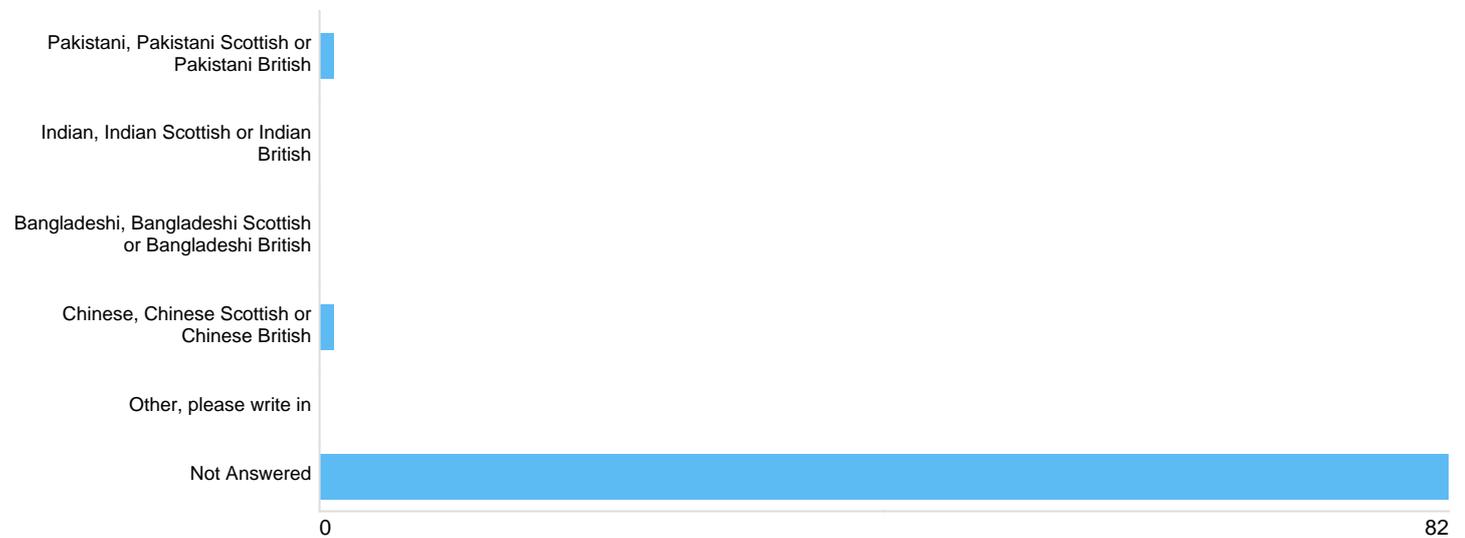


Option	Total	Percent
Any mixed or multiple ethnic groups, please write in	0	0.00%
Not Answered	84	100.00%

Any mixed or multiple ethnic groups, please write in

There was 1 response to this part of the question.

Ethnicity (Asian, Asian Scottish, Asian British)

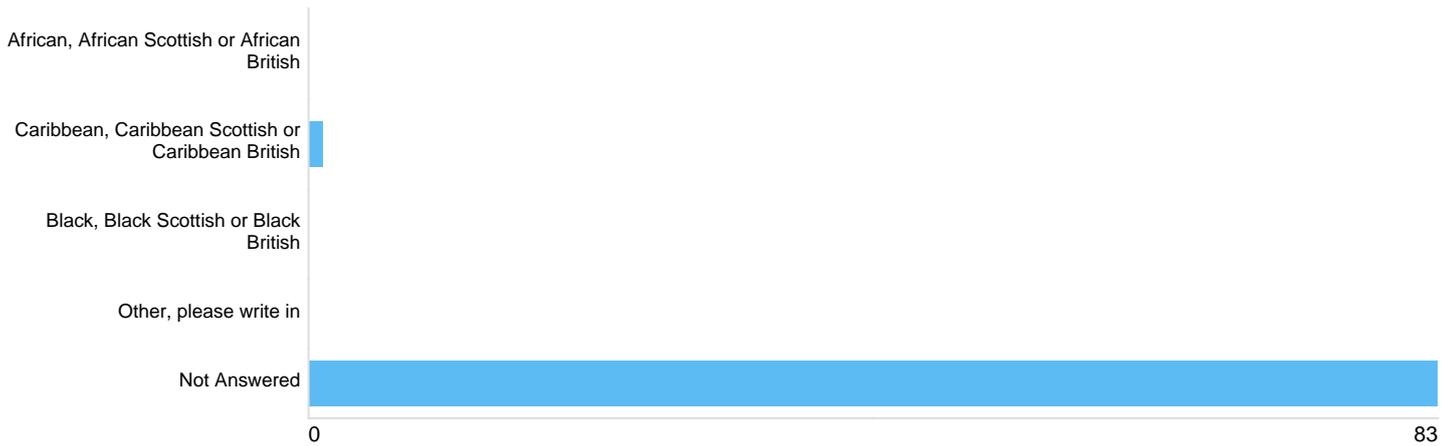


Option	Total	Percent
Pakistani, Pakistani Scottish or Pakistani British	1	1.19%
Indian, Indian Scottish or Indian British	0	0.00%
Bangladeshi, Bangladeshi Scottish or Bangladeshi British	0	0.00%
Chinese, Chinese Scottish or Chinese British	1	1.19%
Other, please write in	0	0.00%
Not Answered	82	97.62%

Other, please write in

There were 0 responses to this part of the question.

Ethnicity (D - African, Caribbean or Black)



Option	Total	Percent
African, African Scottish or African British	0	0.00%
Caribbean, Caribbean Scottish or Caribbean British	1	1.19%
Black, Black Scottish or Black British	0	0.00%
Other, please write in	0	0.00%
Not Answered	83	98.81%

Other, please write in

There were 0 responses to this part of the question.

Ethnicity (E - Other)



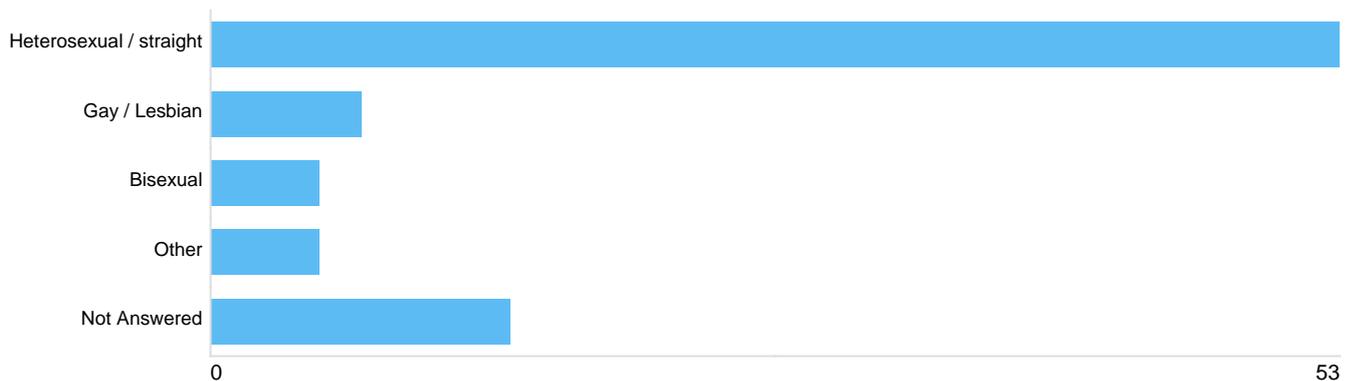
Option	Total	Percent
Arab	0	0.00%
Other, please write in	1	1.19%
Not Answered	83	98.81%

Other, please write in

There were 2 responses to this part of the question.

Question 11: What is your sexual orientation?

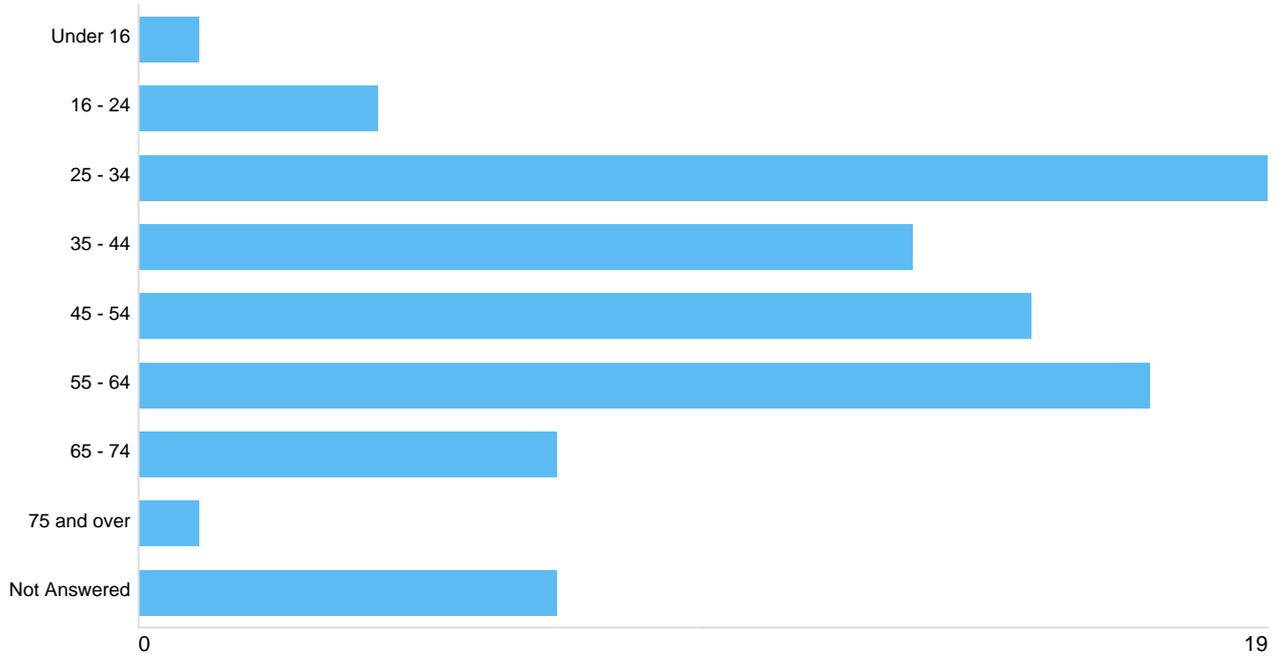
Sexuality



Option	Total	Percent
Heterosexual / straight	53	63.10%
Gay / Lesbian	7	8.33%
Bisexual	5	5.95%
Other	5	5.95%
Not Answered	14	16.67%

Question 12: What is your age?

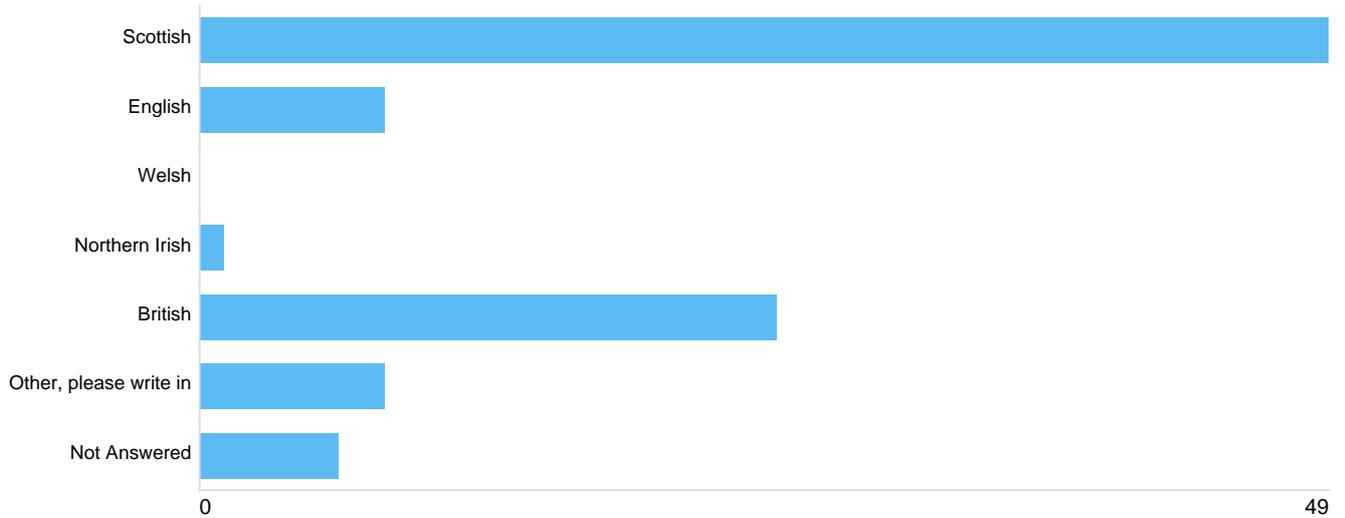
How old are you?



Option	Total	Percent
Under 16	1	1.19%
16 - 24	4	4.76%
25 - 34	19	22.62%
35 - 44	13	15.48%
45 - 54	15	17.86%
55 - 64	17	20.24%
65 - 74	7	8.33%
75 and over	1	1.19%
Not Answered	7	8.33%

Question 13: How would you describe your national identity? (Please tick all that apply)

National Identity



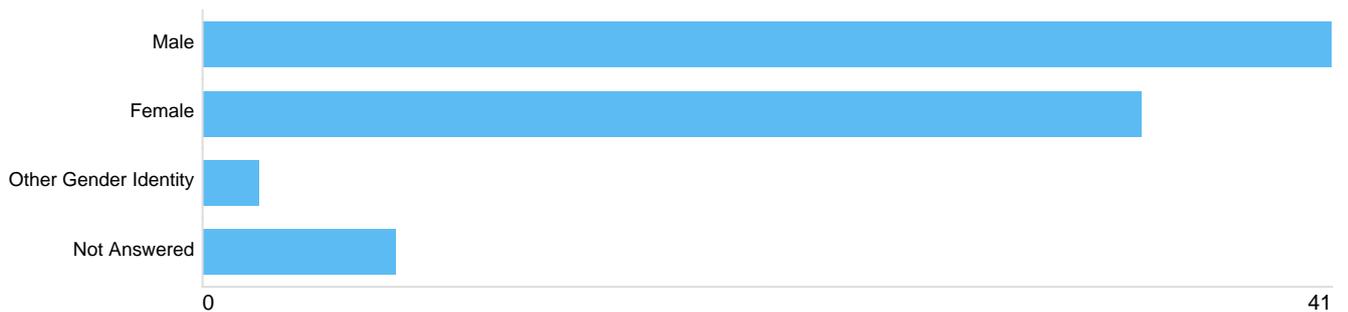
Option	Total	Percent
Scottish	49	58.33%
English	8	9.52%
Welsh	0	0.00%
Northern Irish	1	1.19%
British	25	29.76%
Other, please write in	8	9.52%
Not Answered	6	7.14%

Other, please write in

There were 9 responses to this part of the question.

Question 14: What is your gender?

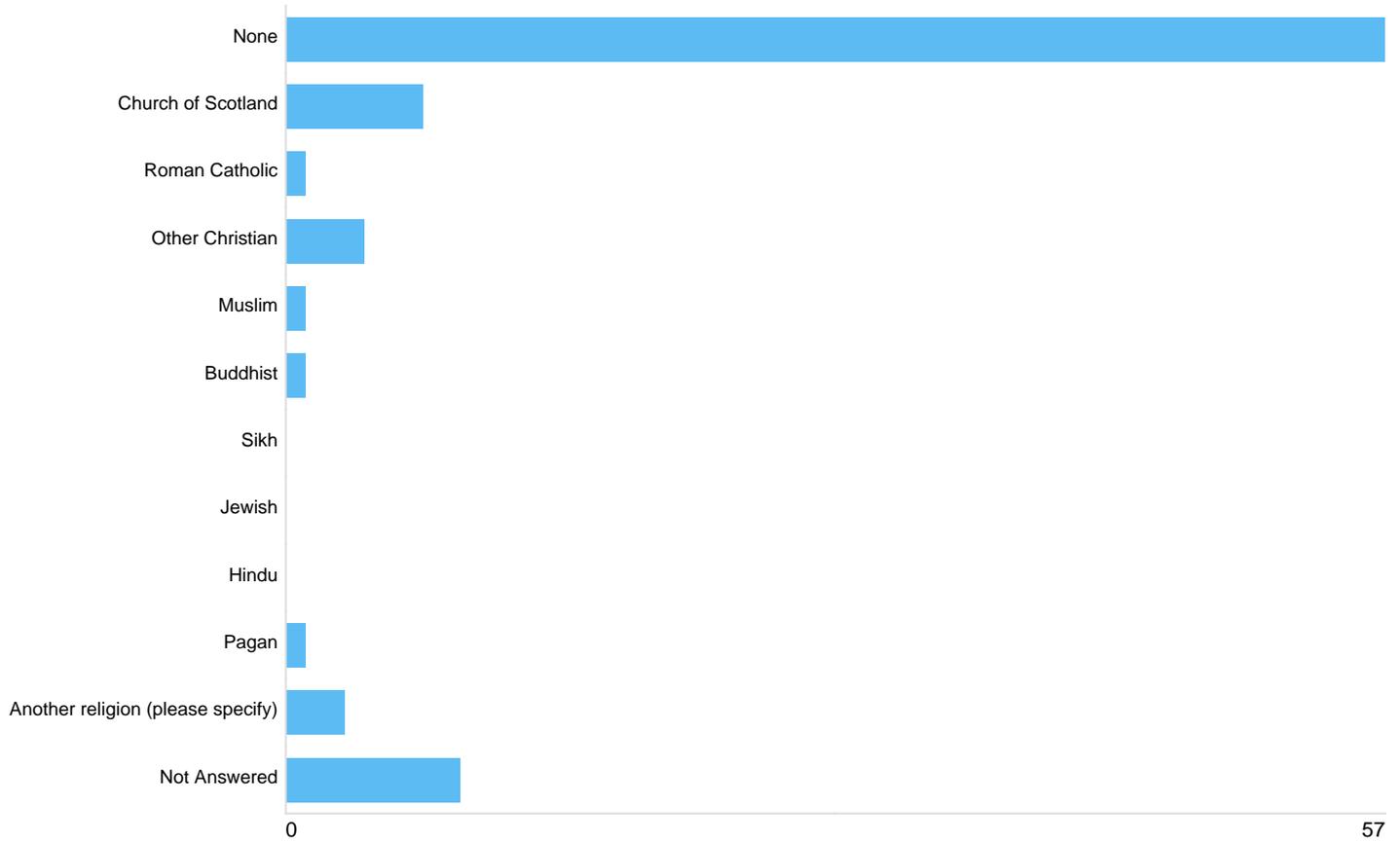
Gender



Option	Total	Percent
Male	41	48.81%
Female	34	40.48%
Other Gender Identity	2	2.38%
Not Answered	7	8.33%

Question 15: What religion, religious denomination or body do you belong to?

Religion



Option	Total	Percent
None	57	67.86%
Church of Scotland	7	8.33%
Roman Catholic	1	1.19%
Other Christian	4	4.76%
Muslim	1	1.19%
Buddhist	1	1.19%
Sikh	0	0.00%
Jewish	0	0.00%
Hindu	0	0.00%
Pagan	1	1.19%
Another religion (please specify)	3	3.57%
Not Answered	9	10.71%

Another religion (please specify)

There were 3 responses to this part of the question.

Police Scotland Response to SEVs Consultation

30/06/21



City of Edinburgh Council
249 High Street
EDINBURGH
EH1 1YJ

David Happs
Licensing Chief Inspector

St Leonard's Police Station
14 St Leonard's Street
Edinburgh
EH8 9QW

Dear Sir/Ma'am,

PUBLIC CONSULTATION ON LICENSING OF SEXUAL ENTERTAINMENT VENUES – DRAFT CONDITIONS AND POLICY

In response to the public consultation on the licensing of Sexual Entertainment Venues (SEV's), I am encouraged to see that the recommendations submitted by Police Scotland in response to the initial consultation have been included in the draft Policy and Conditions.

The Policy and Conditions proposed are imperative to ensure the safety of staff and customers attending SEV's, and allow City of Edinburgh Council and Police Scotland to ensure compliance with the licensing regime.

I would respectfully request that in relation to proposed condition 10, the word 'Police' is replaced with the words 'Chief Constable'. Whilst this is a minor amendment, it brings this type of condition in line with a similar condition for licenses issued under Licensing (Scotland) Act 2005.

Police Scotland have a policy where a definition is provided of 'The satisfaction of the Chief Constable' in relation to CCTV within licensed premises, which provides clarity to Police Officers, City of Edinburgh Council and SEV operators and staff as to exactly what is expected of CCTV systems, and ensures compliance with the condition can be ensured.

I have no further requests or recommendations in relation to the draft Policy or Conditions.

Yours faithfully

David Happs
Chief Inspector

For enquiries please contact the Licensing Department on 0131 662 5775.

Scot Pep response to SEV licensing consultation

Scot-Pep is a national sex worker-led charity, established in 1989. We advocate for the safety, rights and health of everyone who sells sex in Scotland, and we take a human rights-based approach to sex work. We welcome the opportunity to respond to the consultation on the Licensing of Sexual Entertainment Venues 2021.

Scot-Pep's priority is that workers within SEVs are protected, their rights upheld, and that no workers are made more precarious by changes to SEV licensing.

Considerations within the Draft Sexual Entertainment Policy

Our concern about SEV licences being denied or revoked is borne of our concern for the workers' rights, safety, wellbeing and financial security of the people who work in these venues. The last 18 months have caused significant upheaval and increased precarity for workers across Scotland (in all sectors), and the priority for the next 12 months should be supporting people's income/employment to remain as stable as possible.

Scot-Pep does not believe setting a formal upper limit for the maximum number of SEVs is a useful approach. Instead we believe that every application should be taken on its individual merit and quality. Reviewing licenses should prioritise the views and needs of the workers at the venue and those who live and work nearby, rather than based on moralising arguments and outrage.

Scot-Pep does not have a strong viewpoint on the suggestion that the city centre is the only area suitable for SEVs to be located, and we note that trade union groups such as United Voices of the World (UVW) have previously noted that venues in industrial areas are less safe for the workers than those in city centre areas with higher footfall. Internal conversations within Scot-Pep's network confirm this, with workers who have previously worked in premises and venues based in industrial areas reporting feeling less safe both at work, and travelling to and from work.

We are concerned at the potential for licensing decisions being made every 12 months, as this creates a sense of instability and precarity for workers at these venues. The more stable their employment can be, the more likely they are to be able to access workplace protections and feel able to access trade union resources as well as remaining financially secure without heightened financial anxiety. As a result, we would argue that the ability to make maximum license lengths up to 5 years would be more appropriate; with an in-built ability for early termination on certain grounds, which could include factors such as degrees of security for workers, and other factors which would help to empower and secure workers' rights in these venues. Scot-Pep notes that the sex industry has a specific ability to transition to working 'underground' in unlicensed venues, which are unlikely to have workplace protections. In light of this we urge the council to ensure licensing is an option to avoid underground venues opening.

Paragraph 3.3 of the Draft Sexual Entertainment Policy sets out an overly broad set of criteria for the 'character and function' of the locality around proposed SEVs that can be used to deny a licence. These criteria can be used to deny a licence almost anywhere at the sole discretion of the committee. In practice, this will create 'zoning laws', which have been proven to exacerbate gentrification and push SEVs into

industrial areas, resulting in a lack of safety for performers and a decrease in clientele¹. A decrease in clientele means a decrease in resources for the workers. Making strippers poorer will reduce their bargaining power with both management and clientele.

The draft policy says it will take into account whether there “have been incidents involving anti-social behaviour, sexual assaults or more minor harassment reported in that area” when considering an SEV licence. This is overly broad, but more concerning is the linking of sexual entertainment venues to sexual assault happening in the vicinity. It is often the case that SEVs are located in hotspots of local nightlife, and that the areas surrounding them have higher levels of sexual assault crimes reported when compared to areas that are more residential. It is more important to prioritise reports from workers about what happens inside the club than to hypothesise on the reasons for crimes committed in the local area when evidence has shown that there is no link between SEVs and violence in England. For example, following the closure of the Platinum Lounge in Chester in 2015, violent crime and sexual offence rates showed an upward trend since².

To our knowledge there have not been any instances of trafficking in the UK taking place in a licenced SEV. To link licences to general figures on trafficking ‘in the area’ is overly broad, and conflates trafficking with SEVs where there is no proven link. This contributes to the commonly-held misconception³ that the sex industry has a stronger connection with trafficking than any other industry, which in turn contributes to greater stigma against workers.

This consultation presents an opportunity for City of Edinburgh Council to protect the rights of workers in SEVs and take steps to uphold safety and protection under the law. We note several points in the Draft Sexual Entertainment Conditions that seek to uphold the rights of workers within SEVs, including ensuring they are able to access information on trade unions, which is very welcome.

Link with Equally Safe strategy

We strongly disagree with the Scottish Government’s categorisation of sex work as a form of violence against women as laid out in Equally Safe. This definition obfuscates the various and diverse forms of sexual labour that exist and make it extremely difficult for workers to engage with SG on the topic of violence *within* the sex industry, as their entire experience is defined as violence (and sometimes towards themselves/each other under brothel-keeping laws which criminalise two sex workers working together). We are pleased to see this consultation focus on keeping the environment safe [for workers] and regulated under this complicated framework. It is our position that this definition should be scrapped from the next violence against women strategy, and advocate for SG/local authorities to work with peer-led organisations to combat violence and exploitation within the sex industry.

Contact: voice@scot-pep.org.uk

¹ See for example: Phil Hubbard and Rachela Colosi. "Sex, crime and the city: Municipal law and the regulation of sexual entertainment." *Social & Legal Studies* 22.1: 67-86. 2013.

² <https://www.ukcrimestats.com/Neighbourhood/9887>

³ <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2020/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2020>

Equally Safe Edinburgh Committee Consultation Response

SEV Consultation

Overview

In October 2019, the Regulatory Committee agreed in principle to introduce a licensing scheme for Sexual Entertainment Venues (SEVs) in Edinburgh following the introduction of new legislation which allows local authorities to license such venues and an initial public consultation exercise. The definition of a SEV is provided by legislation and is aimed at premises providing sexual entertainment often referred to as 'lap dancing'.

The effects of the COVID-19 pandemic have resulted in a delay to the Committee further considering the implementation of a licensing scheme for SEVs. Accordingly, the Committee have instructed that a further consultation take place on this issue to allow stakeholders another opportunity to engage. This approach recognises that businesses most directly affected by a new licensing regime have been closed since March 2020 and may require further support to effectively engage with the consultation.

This consultation asks for views on a proposed licensing policy and proposed set of licensing conditions for Sexual Entertainment Venues, should the Committee agree to implement a licensing scheme. It is important to note at the outset that if the Council chooses not to adopt these powers, premises which offer this type of entertainment can continue to operate as they do currently.

Adoption of the powers to license SEVs does not imply approval of these premises by the Council.

Premises used as massage parlours or saunas are not included in this legislation or in the definition of sexual entertainment and will not be affected by these proposals.

Why are we consulting?

The aim of the consultation is:

- To seek community and business views on the proposed licensing policy and conditions framework in respect of Sexual Entertainment Venues in Edinburgh.

Controlling the Number of SEVs

If the Council chooses to adopt this licensing scheme, it can choose a limit to the number of SEVs in any locality. The Council will still be required to consider individual licence applications even if it adopts a number limit.

Currently, the city centre has four premises which offer services which would fit within the definition of sexual entertainment venues. There are currently no SEVs operating in localities outside of the city centre.

Question 1

Do you agree that the Council should limit the maximum number of SEVs for any localities in Edinburgh?

Strongly agree

Question 2

If a licensing scheme is approved for SEVs, the Council could set limit for the number of SEV premises in a locality. What number do you think the Council should set for the following localities?

	0	1	2	3	4	5	6	7	8	8+	No limit
The city centre <i>Please select only one item</i>	<input type="radio"/>										
A rural area <i>Please select only one item</i>	<input type="radio"/>										
A busy late night economy area e.g. George Street, Grassmarket <i>Please select only one item</i>	<input type="radio"/>										
A town centre/high street e.g. South Queensferry, Portobello, Kirkliston <i>Please select only one item</i>	<input type="radio"/>										
A residential area <i>Please select only one item</i>	<input type="radio"/>										
An industrial or commercial area <i>Please select only one item</i>	<input type="radio"/>										

The Equally Safe Edinburgh Committee supports that the number of licenses approved for SEVs should be 0 in all settings.

Question 3

Please consider the type of areas where a SEV might operate, and tell us whether you agree that the following areas would normally be suitable for SEVs to operate:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
The city centre <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A rural area <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A busy late night economy area e.g. George Street, Grassmarket <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A town centre/high street within the city e.g. South Queensferry, Portobello, Kirkliston <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A residential area outwith the city centre <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
An industrial or commercial area <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The Equally Safe Edinburgh Committee strongly disagrees that any of the above areas are suitable for SEVs to operate.

Question 4

Do you have any comments on the proposed Sexual Entertainment Policy? The proposed policy is attached below.

The Equally Safe Edinburgh Committee (ESEC – ‘The Committee’) agrees with provision 1.4 that SEVs in Edinburgh should be licensed and that the number of licenses should be set to nil. It is the Committee’s view that, in any discussion around eradicating Violence Against Women and Girls (VAWG), sexual entertainment must be viewed as a cause and consequence of male power and privilege and subsequently of pervasive gender inequality in society. The Committee will refer to particular areas within the proposed policy to raise specific considerations that are problematic in regard to the licensing of SEVs.

Initially, the very definition of a SEV (section 2.1) clearly states that in a SEV, the purpose of sexual entertainment is the financial gain of the organiser. Given that the organiser is the proprietor of the venue, this raises the question of the conditions of employment of the performers, who are overwhelmingly women. The majority of performers in SEVs are self-employed, and in order to perform, they are required to pay a fee to the venue. This fee is arbitrary and, given the precarious nature of the sex industry, can often leave women with a financial loss at the end of a shift. This is a clear indication that women’s employment rights are not protected in SEVs, which contributes to further inequality.

The Committee would further highlight concerns under point 2.5 regarding the provision of occasional sexual entertainment at a particular venue. It is stated that SEV licenses will not be required for venues that do not provide sexual entertainment more

than 3 times per 12 months. However, this raises the question of how this is going to be regulated, especially if this entertainment takes place in a private space within a business such as a hotel, a short-term let flat or a Festival venue. There needs to be more clarity as to where the onus of monitoring sexual entertainment in such venues and the subsequent requirement of a license application lies.

This, together with item 4.1 relating to the length of license terms and the option of a short-term license are of concern to the Committee as we would opt for consistency in the proposed licensing scheme. We propose that the Council should have licensing powers over SEVs and that the number of licenses should be nil in order to convey a strong message that our local authority does not condone the objectification of women for male pleasure. If licenses are able to be obtained for shorter time periods, then this message becomes diluted.

The Committee would further like to highlight that, when considering an application for a SEV license, expert opinion should be sought from a relevant women's organisation and a trade union. This would provide an expert view of the experiences of women performing/working in SEVs from a gendered perspective. Further, it would ensure that the employment rights of staff are taken into consideration when an application is made, including pay and safety.

Another concern highlighted by the Committee is the incongruence between the proposed policy and the Public Sector Equality Duty (PSED). The PSED specifies that public local authorities are required to have due regard to the following objectives in relation to the Equality Act (2010):

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant paper for Scotland, [‘The Fairer Scotland Duty: Interim Guidance for Public Bodies’](#) further explicitly names two key requirements for public bodies:

- *‘To actively consider how they could reduce inequalities of outcome in any major strategic decision they make; and*
- *To publish a written assessment, showing how they have done this.’ (p.5)*

The Committee notes that this will likely require the City of Edinburgh Council to carry out an Equality Impact Assessment prior to any decision to license SEVs; however, no mention is made of any such assessment having taken place or being planned for the future. Further, the [Review of the Operation of the Public Sector Equality Duty in Scotland](#) specifically reports that *‘we know that despite significant efforts to comply with the PSED and an increasing commitment across the public sector to equality and human rights, outcomes for people who share protected characteristics are still not where they should be. Inequality persists. We are not seeing progress go as far and fast as is needed to realise the ambition in the National Performance Framework (NPF) that we protect, respect and fulfil human rights and live free from discrimination. Now that this ambition is translated into a specific NPF outcome, it is right that we take stock and reflect on what needs to change to ensure our ambitions are better realised’* (p.1). Sex is defined as a protected characteristic under the Equality Act 2010, and the

decision to continue the operation of SEVs is at odds with Edinburgh's compliance with the Fairer Scotland Duty, the PSED, and on a larger scale, Scotland's effort to improve outcomes related to the [National Performance Framework](#).

Lastly, the Committee would like to highlight the final section of the Policy titled 'Relationship with Other Strategies'. Although the Policy document identifies a conflict between the licensing of SEVs and the Equally Safe strategy, it should be made clearer that SEVs directly contravene the Equally Safe Strategy. Specifically, the statement that the Scottish Government 'intends that [licensing] will help to ensure that such activities take place in safe and regulated environments' does not represent the aspirations of Equally Safe. Equally Safe aims to 'prevent and eradicate' violence against women and girls; not to regulate it. If we are to accept the definition that lap dancing, stripping and other forms of sexual entertainment are a form of violence against women, then this is something we must seek to end-not to legitimise or regulate.

Question 5

Do you have any comments on the proposed set of conditions for Sexual Entertainment Venues? The proposed set of conditions for SEVs is attached below.

The Committee would like to offer views on the proposed conditions for SEVs from a gendered and practical perspective. The Committee's main concern around the proposed conditions is around enforcement of safety for performers, the possibility for abuse/malicious use of conditions and the publicity and advertising of SEVs.

Firstly, the Committee would like to highlight that simple measures such as CCTV and panic alarms are not in themselves adequate in preventing violence against women, or indeed any performer or staff member in any establishment. There needs to be clarity as to what the response to a panic alarm would be, as well as to any security staff member in charge of monitoring CCTV footage.

With particular regard to record-keeping, the Committee would raise concerns about the potential abuse of performers' information, compromising their privacy. Women involved in the sex industry, whether in a SEV setting, online, or indoors, can be victims to doxing (ie. malicious sharing of their personal details), stalking, harassment, sexual abuse, rape and femicide either during or outside their performance hours. There have been various instances of women who lost jobs and career prospects as a direct result of their involvement in the sex industry being revealed to their current/future employers (for example, [Demi Hunziker](#) and [Kirsten Vaughn](#) both lost jobs due to creating OnlyFans content).

Although most employers across different industries maintain identity records of their employees, the sex industry continues to be heavily stigmatised and tends to be associated with assumptions about a woman's character. The risk therefore of a woman's current/prior employment at a SEV affecting her future career prospects is therefore quite high, should this information not be adequately protected.

In line with the risks associated with performing at a SEV for women, is the precarious nature of the employment. This needs to be of particular concern when there is onus on the performers themselves (for example under point 1.24.6) to report any breach of license conditions by the SEV in which she is employed. Similar to other crimes (for example hate crime and sexual violence), it is a well-known fact that there is considerable underreporting. As a result, it would be hard to imagine that female

performers would risk their precarious livelihoods by speaking up against their contracted employer or risk retribution by other staff members (including the proprietor) for blowing the whistle.

The Committee would like to raise a further concern around the safety of performers following the closing of premises each night. Item 34 clearly forbids performers from exchanging personal contact information with clients and any information provided to performers by clients is to be surrendered to the premises manager as soon as possible. However, this does not go far enough to ensure the safety of performers after exiting the premises, particularly after they may have been approached by a client during/after a performance. The Committee would highlight that this increases the risk of stalking/harassment, with the possibility of more serious crimes being committed including sexual assault of performers following the end of their shift.

Similarly, explicit mention needs to be made for the price lists of sexual entertainment available in a SEV (point 1.43.5) that any performer has the right to refuse to perform any type of entertainment without the need to provide a reason. This should also not impact her employment at the SEV, and this should be clearly stated as a condition to ensure that women are not under pressure to perform types of entertainment that they either feel uncomfortable performing or that would push their boundaries for consent.

Lastly, the Committee would like to raise the issue of touting for business and advertising. Although the conditions and policy documents are clear that there should be no touting for business on street near the premises, that the inside of the premises should not be visible from the street and that there should not be any explicit advertising, this does not prevent any of this activity taking place online. Advertising is often done anonymously, referring to the location where sexual entertainment is to take place as simply 'a gentlemen's club' ([for example in this advert](#)), while it can also include explicit imagery (such as [this website](#), advertising Edinburgh 'stag parties', or [this stag party organiser](#), advertising the 'Barcrawl Babes' activity, which includes entry to 'a hot strip club').

The Committee would use those examples to highlight that even with the best efforts to regulate SEVs, not only does advertising remain explicit online, but it also remains anonymous-ensuring that without knowledge of which venue(s) sexual entertainment will take place, regulation will become even more challenging. Further, the advertisements cited above portray an image of Edinburgh that directly undermines our efforts to promote equality for women and girls. The Committee believes that we live in a city that has so much more to offer in terms of education, entertainment, culture and history, and we would urge for sexual entertainment and violence against women and girls not to be what we promote to the world.

Question 6

Would you like to make any further comments on these proposals?

The Equally Safe Edinburgh Committee (ESEC- 'the Committee') is a partnership of professionals and organisations working to ensure the implementation of Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls. The Committee consists of senior staff and managers from the City of Edinburgh Council, Police Scotland, NHS Lothian as well as specialist voluntary sector organisations such as Edinburgh Women's Aid, Shakti Women's Aid, Victim Support Scotland, and Edinburgh Rape Crisis among others.

It is the position of the Committee that the City of Edinburgh Council should hold licensing powers over Sexual Entertainment Venues (SEVs) and the number of licences should be set to 0 (nil). This response outlines the Committee's arguments for this position beyond the proposed policy and conditions documents.

The Scottish Government's Equally Safe Strategy clearly defines sexual entertainment as a form of Violence Against Women and Girls (VAWG) alongside commercial sexual exploitation, prostitution, pornography and trafficking among others⁴. Taking into consideration both the Equally Safe strategy as well as the fact that there are currently only three SEVs operating in Edinburgh with female performers, the Committee recognises that sexual entertainment is a heavily gendered issue which requires a gendered viewpoint to inform any future decisions.

The Committee's concerns focus on sexual entertainment as a key contributing factor to wider gender inequality in society, reinforcing the view that women are 'goods' or 'products' for the sexual entertainment of men, rather than whole persons beyond their external appearance. The very wording of the Draft Sexual Entertainment Venue Policy and the Standard Conditions on the Licensing and Regulation of Sexual Entertainment Venues (SEVs) implicitly recognises the wider risks and potential harms associated with SEVs: the special consideration of the existing character and function of the area, particularly the vicinity of schools, places of worship, charities and other landmarks or facilities demonstrates the recognition of the possible harms that can be caused by SEV to the local community. Further, the requirement for constant monitoring of the premises, and the monitoring of any increases in incidents of trafficking or sexual or other crimes in the vicinity is an alarming reminder of the risks associated with sexual entertainment and the wider impact on gender equality in society.

There is a very real concern with any new regulation or legislation that it will likely push the activity it seeks to outlaw or regulate 'underground'. However, the Committee would argue that over time, there tend to be longer-term benefits to legislation and regulations that aim to promote women's equality, regardless of how they affect the present status quo. For example, prior to the criminalisation of the purchase of sex and sexual services in Sweden in 1999, there were concerns that this would put women at risk by driving prostitution underground and lead women to more dangerous practices and locations in order to sell sex. However, less than 20 years later, a 2017 study⁵ found that 63% of the Swedish population now agree that purchasing sex is wrong and should in fact be illegal. Compared to countries like Germany and the Netherlands, where prostitution and sexual entertainment are legal and regulated, fewer than 20% of the population agrees with the above statement. This finding is particularly concerning as there is further research demonstrating that men who purchase sex and sexual services are also more likely to abuse women through tricking or coercing them into sexual activity and to believe that 'when women say 'no', they really mean 'yes'⁶.

Further, the Committee would argue that sexual entertainment and prostitution are already happening underground, similar to human trafficking and other forms of abuse and violence against women. There are numerous anecdotal reports that informal arrangements are held for sexual entertainment/sale of sex in Edinburgh hotels and

⁴ Equally Safe: Scotland' Strategy for Preventing and Eradicating Violence Against Women and Girls, p. 12 (<https://bit.ly/3bdBZke>, accessed on 26 October 2021)

⁵ Johnsson, S. and Jakobsson, N. (2017): Is buying sex morally wrong? Comparing attitudes toward prostitution using individuallevel data across eight Western European countries. Women's Studies International Forum, Vol. 61, March-April 2017, pp.58-69

⁶ Farley, M.; Bindel, J.; and Golding, J.M. (2009): **Page 86** *Men who Buy Sex: Who they buy and what they know*. Eaves, London. Available at: <https://lastradainternational.org/Isidocs/Mensex.pdf> as accessed on 27 October 2021

AirBnB's as reported on the [AirBnB website](#), on [the BBC website](#) and in [the Scotsman](#) over a number of years. The fact that these reports span a decade, prior to the [Covid 19 pandemic which pushed a lot more women towards the sex industry](#), demonstrates that this is not a new issue, and unlikely to change if the Council proceeds with a requirement to license SEVs.

In terms of the views of women who work as performers in SEVs, it is very important that their views are taken into consideration. [One performer who took part in the consultation](#) with the Council around the licensing of SEVs highlighted the need for the protection of performers' employment rights. She proceeded to describe exploitative practices by SEV proprietors such as arbitrary fees for performers that are liable to unexpected change, which further demonstrates the inherently exploitative nature of this work against women.

A number of other women who have performed as erotic dancers in SEVs throughout the world and since retired, have also spoken of the demeaning nature of the job. Leigh Hopkinson, speaking to [The Guardian](#), stated that *'I thought I was subjugating existing power structures; it didn't occur to me that I might have been playing into them [...] Even though it was totally acceptable for men to visit strip clubs, it wasn't ok for women to work in them. [...] I don't think [stripping or sex work] can ever be unequivocally empowering when it places the pleasure of men above the equality of women'*.

In a similar vein, 'Liza' (not her real name), speaking to [The Atlantic](#) stated that: *[There's no respect for what we do. [...] What we do could potentially be very dangerous. We could potentially have stalkers; someone could follow us home; we could have a customer who comes in to see us all the time and thinks he's in love with us and you don't know what he could do]*. These are only two of many examples of former performers in SEVs highlighting both the risks that women are subject to while employed by the venue, but also the wider implications for equality for women. If we can accept that violence against women exists in a continuum, then we need to accept that an 'innocuous' visit to a SEV is on the same continuum as sexual violence, rape and the murder of women.

The same can be echoed in the reviews provided by men who visit SEVs in Edinburgh. One user stated that *'the girls were ugly, annoying, coked up and stinky'*⁷; another reviewer stated that *'The women themselves were a mixed bag. Some were objectively attractive, but others were not to my discerning taste to say the least. They can also be incredibly brusque, possibly as a way to appeal to the banter loving lad culture they are surrounded by. I found this very off-putting as I prefer to be wooed by ladies I am paying to dance on me.'*⁸

These are just two examples of the continuum of sexual violence, demonstrating how SEVs serve to perpetuate oppressive cultural and societal norms perceiving women as 'objects' for the sexual gratification of men. They further demonstrate how the sex industry overall serves to enforce traditional male power and privilege over women, further obstructing the achievement of true gender equality in society.

The Committee further wishes to highlight the contradictions between the proposed licensing of SEVs and other Council plans and proposals for future development. The [Council Business Plan](#) recognises the importance of creating and sustaining women's

⁷ Review available at <https://www.designmynight.com/edinburgh/bars/baby-dolls-no-1-showbar> as accessed on 27 October 2021.

⁸ Review available at <https://restaurantguru.com/Western-Bar-Edinburgh/reviews?bylang=1> as accessed on 27 October 2021.

and girls' safety in public spaces. However, according to the Royal Town Planning Institute (2007)⁹ 'in certain locations, lap dancing and exotic dancing clubs make women feel threatened and uncomfortable'. Indeed, the Lileth Project reported that in three London boroughs, there was a 50% increase in reported rapes in the vicinity of the clubs, as well as in harassment and fear of violence (Eden, 2007, as cited in Patiniotis and Standing, 2012¹⁰).

Patiniotis and Standing's (2012) findings further provide support to the claim that sexual violence exists in a continuum rather than in isolated incidents. This means that instead of violence and abuse seen as discrete issues in isolation of less violent behaviours such as unwanted comments and 'catcalling', they both exist within a continuum of male power and control. The strongest evidence for this continuum comes from the fact that SEVs normalise behaviours and interactions between men and women that would normally be considered as sexual harassment, violence and gender discrimination in any other setting. This only serves to consolidate traditional perceptions of masculinity and power that directly contravene gender equality.

Further, both [The Edinburgh Partnership Community Plan 2018-2028](#) and the [Council Equalities, Diversity and Inclusion Framework](#) recognise that women, and particularly Black, Asian and Minority Ethnic Women are at particular risk of harm due to poverty and deprivation, hate crime, discrimination and violence against women. They further state that the places people live, work and frequent have a significant impact on their quality of life and wellbeing and assert a commitment to create good places to live in Edinburgh-including accessible open spaces connected to health, childcare and other services. These commitments would be severely undermined by the presence of SEVs, which cause women to experience fear and alarm, to the extent that they may avoid frequenting or accessing those areas altogether.

Lastly, the Committee would like to draw attention to Iceland as an example of a country that outlawed SEVs in 2010. Iceland has a similar population to Edinburgh (366,424 according to 2020 Icelandic data; compared to 482,005 according to the 2011 Scottish census). This has not affected the Icelandic economy, while the number of foreign visitors has more than quadrupled between 2010 and 2019¹¹ (from just under 460,000 to just over 2.3 million per year respectively). Further, Iceland has been titled 'the most gender-equal country in the world' by the World Economic Forum's Global Gender Gap Report 2021¹².

The Equally Safe Edinburgh Committee works towards an Edinburgh that values women and girls equally to boys and men, gives them equal opportunities and works tirelessly to prevent violence and abuse against them. We believe that the proposal to license SEVs setting the number of licenses to nil across the city will be a significant step towards helping us to promote the values of the Equally Safe Strategy and to send a strong message that the exploitation of women and girls in any setting and under any circumstances is never acceptable.

⁹ Royal Town Planning Institute (2007): *Gender and Spatial Planning*, RTPI Good Practice Note 7; London: Royal Town Planning Institute.

¹⁰ Patiniotis, J. and Standing, K. (2012): License to cause harm? Sex entertainment venues and women's sense of safety in inner city centres. *Criminal Justice Matters* 88(1), pp.10-12.

¹¹ Ferdamalastofa (the Icelandic Tourist Board): Number of Foreign Visitors. Data available for download at: <https://bit.ly/3mftewn> as accessed on 26 October 2021.

¹² Report available at: <https://bit.ly/3jy1O4g> as accessed on 26 October 2021.

Do you have any comments on the proposed Sexual Entertainment Policy? The proposed policy is attached below. - Please give us your comments. Written Responses.

I do not believe there is any need to change from the current license. The proposed changes really are not much different to how they currently operate. Introducing an SEV license means extra expense which could also mean a rise in house fees. Please bear in mind that we are still in a pandemic & Scotland is yet to see any light at the end of the tunnel. Lap dancing has now been closed for more than one year, businesses are in their arse & this is going to incur further fees for them. Dancers have also been out of work for more than one year & facing financial hardship. I'm sure you are aware of the palaver with the SEISS grants with so many delays etc

In principle, these types of venues should always be in a busy city centre location, away from residential areas, particularly those with families. At present the vast majority of these places seem to be around the Lothian Road area, and this would seem a sensible location for them given that it is low on residential units, while been a busy street, so therefore less susceptible to noise pollution, while also providing a busy environment where the seedier aspects of this industry can hopefully be diminished. There should be legislation as to appropriate signage so that Those who might be offended by such activity do not have this brazenly displayed in front of them

These places devalue the area in which they operate.

They attract people of unfavorable character as both legal and illegal operations are associated with the type of people who would frequent an establishment which has a lap dance.

a Lap dance would be the appetiser for a much more destructive and unhealthy interaction for society.

A well considered policy.

I think the proposed licensing policy, from a community point of view make good sense. (I give no opinion on the health or ethical point of views and leave those for professionals on both sides of the argument to comment on). I think the increased discretion is to be welcomed. I think though that the name and the signage should not be such as it flouts the spirit of increased discretion/lack of promotion etc. and that there should be some guidance in the policy on this. In other words, the name and manner of the signage on the outside should not make it clear what is happening inside. To prevent innocent passers by from accidentally coming in a manned door entry system should be in place.

Closing SEV venues will only drive the industry underground and therefore put workers at risk and loss of jobs, also causing workers into more dangerous jobs in order to make ends meet.

The clubs operate under strict working conditions in order to keep everyone safe and happy.

As a dancer of 6 year, I can strongly argue I have always been genuinely safer in a lap dancing club than I am fully clothed in a nightclub. As security guards, cameras and management support measures are firmly in place to ensure our safety and well-being at all times. While nightclubs also offer CCTV and security, harassment is never taken seriously by security and staff and is usually dismissed as "that's just the way it is" approach.

Lap dancing allows workers a safe comfortable and flexible place of work with better support options than most "normal" jobs despite being stricter.

Closing clubs or limiting sev venues to 0 would only put workers at risk.

Public should determine numbers as in public demand through footfall.

Allowing any sexual entertainment goes against the Scottish Government Equally Safe policy, it's definition of violence against women clearly states 'commercial sexual exploitation including prostitution, lapdancing, stripping, pornography and human trafficking' as violence against women.

It contravenes the Council's own policy 1.5.1 prevent public nuisance, crime and disorder 1.5.2 securing public safety, 1.5.3 protecting young people and children from harm and 1.5.4 reducing violence against women.

Where these premises exist, prostitution is encouraged. Children and girls are taught that there

self worth is only in sex. Men in these areas treat all women and girls as being for sale or their use and not as people.

I believe that a licensing scheme for these SEV's is a good idea, it will allow the premises to be managed and open for inspection to ensure the workers are not being exploited and the working environs are safe and secure. If SEV's are unlicensed then there is a risk that the industry will be driven underground and the risks of organised crime becoming involved in the operation. Not licensing these premises will not stop SEV's operating.

If the numbers are too few then it is likely that large numbers of people will visit and congregate in the areas of the ones that are licensed with the risks of noise and antisocial behaviour. If sufficient are licensed for the number of users then the users will be spread around and not concentrated into one area.

The policy should be regulated independently of the council who have already shown lack of thought and knowledge when it comes to making business decisions.

How is the CEC going to build in consideration for the safety and comfort of women living and working in the vicinity, or simply passing by the venues. Answering as a female resident of Edinburgh I can say that it can feel extremely uncomfortable passing by these places. There must be controls on minimising groups of men and bouncers hanging around outside - and the exterior of such venues must not be explicit. There are only a couple of locations in the city centre that such venues might conceivably be acceptable in Edinburgh but even then the concept feels old-fashioned and out of place.

- There should be no additional restrictions on SEV's in localities than are in place for other entertainment venues such as bars or restaurants. I agree with restrictions near schools. However, I fail to see why religious institutions need specific mention, business should not be curtailed in order to protect religious interests.

- I strongly disagree with any move to set limits at nil. Sex workers should be able to go about their lawful business without the judgment of the council. SEV's are often much safer for these workers than alternative locations. This city has a fairly progressive record in these matters regarding the tolerance zones, which were sadly ended by Police Scotland, we should return to that evidence based empowerment model rather than moralisation.

- Referring to Equally Safe a document which ignores the views of many sex workers is inappropriate. Sex Worker groups maintain that this strategy denies individual agency and makes situations more dangerous rather than the opposite.

I'm not in favour of SEVs at all.

I absolutely hate seeing these venues in the city and I think it really ruins the tone of the city which is an historic and welcoming city for tourists. I think the council should adopt a strong stance against sexual entertainment as it continues to support an unhealthy sexual view of women in society. A policy is required to enable the council to prevent these establishments from operating in the city area at all.

There should be an acknowledgement that concentrating these premises in central areas does mean other businesses may seek to locate elsewhere and that tourists, other than those interested in such premises, will not want to stay in these areas. A good reason to limit them.

Massage parlours and/or saunas should also be tightly regulated.

Students, particularly females, will not want to frequent areas where sex clubs are located because these will be perceived as unsafe. Sexual harassment of young females in the city is already a problem (ask the student associations/unions). They should not be near purpose-built student accommodation.

Edinburgh should be a family friendly city where women feel safe. This should be the main focus of your policy.

<p>Wherever the council decided it was appropriate to grant a license will harm that area to a greater or lesser degree for residents or people passing through. AS most of these premises operate in the evening this also has an impact as residents will more likely to be at home or returning home so the impact on them is unacceptably high.</p>
<p>They are safe spaces for men and woman. Leave them as they are with a later licence on par with nightclubs.</p>
<p>Such venues degrade women and should not exist</p>
<p>I strongly welcome these sex venues, I would rather see them busy than prowlers walking the streets</p>
<p>We need to move away from this in our City. I understand Glasgow has taken a strong stance against these types of venues in their city.</p>
<p>There is no place for this in Edinburgh.</p>
<p>I think that any legislation made about sex work must protect sex workers above all else.</p> <p>It would be helpful if strip clubs had to employ their dancers - rather than making them pay to work - and require that strip clubs pay the dancers minimum wage at least.</p> <p>Strip clubs must also be safe from immigration raids.</p>
<p>N/A</p>
<p>It's ludicrous and will turn people to the streets instead of a safe controlled environment like a venue.</p>
<p>I totally disagree to granting these licences for moral and health reasons to the general public who are affected by these policies</p>
<p>Not sure about allowing venues with only a few performances a year not to have to register. This will be abused.</p>
<p>How can a licence be suspended quickly following serious complaints and how can it be revoked.</p>
<p>I don't think live sex shows benefits anyone</p>
<p>My primary contention would be with the apparent adoption of the "nordic model" paradigm, which has been shown to put sex workers in harm's way and is near-universally opposed by sex workers of every capacity. This directly acts against point 1.5.4, in the service of a view of sex work which is as paternalistic as it is puritanical.</p> <p>I would further argue against 3.3, which frames these services as dangerous or morally reprehensible and ultimately only serves to drive the sector away from "respectable" areas. On point c in particular, I would hope that due consideration is given that we may *want* these venues to be within reach of many of the services listed, who provide vital assistance to sex workers.</p>
<p>By licensing these premises the Council is condoning the sexual exploitation of woman and girls. The existence of Sexual Entertainment Venues sounds gender neutral and innocuous when they affect women and girls. They are owned by men, used by men to sexually exploit women.</p> <p>The Council's Policy - 1.5.3 Protect children and young people from harm 1.5.4 Reduce violence against women</p> <p>Equally Safe policy updated in 2016 to eradicate violence against women and girls defines violence against women as including "commercial sexual exploitation and prostitution, lap dancing, stripping, pornography and human trafficking."</p> <p>The selling of women in any form should not be tolerated.</p>
<p>I'm completely opposed to such premises, SEVs, because of the likelihood that many of the women working there may have been trafficked, or there because of some other form of abuse or coercive control.</p>

To licence such premises will make it safer for participants and public alike. If left al fresco it could put performers in danger
I dont think any additional regulation is required
Very restrictive
It is important to not force these activities underground, which could prove a huge risk to the people who work in this industry.
In my past experience these venues were run well and effectively self regulated. Supply of venues will not exceed demand and demand is not particularly high. They tend to have a relatively low profile and I do to recall many, if any, issues with local residents.
As a sex worker in the UK, it hurts to see other workers who are in the same industry as me about to lose their jobs and livelihoods. The workers themselves would've chosen their profession and would be completely happy with it. Sex work is work - let them work !
In the section on the character and vicinity of the relevant locality, there appear to be a number of unnecessary articles: 3.3b requires clarification. "Other places of education" is sufficiently broad that it could encompass University or adult education facilities, which do not have the same relevance to the licensing of these establishments as a primary school would. Also, consideration should be given to the fact that the hours of operation of the entertainment venues would not coincide with that of educational establishments. 3.3c is inappropriate, as there should not be any special consideration for places of worship within an equal and secular society such as modern Scotland. Places of worship should be able to dictate the standards of behaviour for their adherents on their property, but not a centimetre beyond. I am concerned that Item 3.7 is being set up as a justification to deny licences to existing SEV's by setting a limit of nil for the entire city, which would force the closure of existing businesses which have never breached the conditions laid out in the rest of these documents. I would contend that this number should not be set below the number of existing venues so that this arbitrary and high-handed course of action is avoided. If the council comes to the conclusion that there is an undue concentration of SEVs within a specific area, then there should be a good-faith attempt to allow existing premises to relocate and be licensed in their new locations, rather than using this as an excuse to destroy existing businesses.
This looks like a solution in search of a problem, the existing SEVs in Edinburgh do not seem to me to cause any more issues than other licenced premises. Supply will to a large extent be determined by demand and I can think of a number of venues that have closed over the last decade or so due to lack of demand. So no problem, no need for the legislation.
1.5.1Preventing public nuisance, crime and disorder: - this is already required for alcohol licensed premises 1.5.2Securing public safety: this is already required for alcohol licensed premises 1.5.3Protecting children and young people from harm: this is already required for alcohol licensed premises 1.5.4Reducing violence against women - Dancers in these venues are self employed and are very well protected by management and stewarding and approved regulations for the safety of individuals

No evidence has been produced to indicate these premises are not well run safe premises.

1.7 The key aims of civic licensing are the preservation of public safety and order and the prevention of crime. A specific licensing regime allows the Council to consider local circumstances in setting the number of venues able to operate within their areas and to exercise appropriate control and regulation of those venues - there is no evidence to indicate any legitimate adult entertainment premises are causing harm to public safety nor that there are issues with criminality

Believed there are no peep shows or live sex shows in Scotland in legitimate venues

Character & Vicinity of Relevant Locality 3.3 In considering whether the grant, renewal or variation of the licence would be inappropriate given the vicinity in which the SEV premises operates, the Committee shall consider the existing character and function of the area. Due regard will be given to the following:

a. Whether the premises are situated in a residential area - no nightclub/late night premises would be likely to be situated in a residential area due to the fact that residents might be disturbed by late night coming and going of patrons or staff or in the case of adult entertainment venues self employed dancers

b. Whether there are any schools and other places of education near the vicinity of the premises - it would be normal for schools to be closed when entertainment premises of this nature operate

c. Whether there are any places of worship in that vicinity - it would be normal for most places of worship to be closed when entertainment premises of this nature operate

d. Whether there are other relevant businesses or charities operating in the area e.g. homelessness shelters, women's refuges, supported accommodation, recovery units - there is no evidence of increase in criminality in and around premises of this nature in fact the high levels of stewarding within and outwith the premises would tend to make areas safer

e. Whether there are certain landmarks or facilities in the vicinity (e.g. historic buildings, sports facilities, cultural facilities, family leisure facilities, play areas or parks, youth facilities, retail shopping areas, and places used for celebration of commemoration - there is no evidence of increase in criminality in and around premises of this nature in fact the high levels of stewarding within and outwith the premises would tend to make areas safer and it would be normal for premises referred to be closed when entertainment premises of this nature operate

f. Whether there have been incidents involving anti-social behaviour, sexual assaults or more minor harassment reported in that area - there is no evidence of increase in criminality or human trafficking linked to premises of this nature and in and around premises of this nature in fact the high levels of stewarding within and outwith the premises would tend to make areas safer - the high levels of care taken by operators on advice from police Scotland and in compliance with conditions set by licensing boards for dancers to ensure their safety is one of the reasons so many women chose to take up dancing as a way of earning their living

g. Whether there have been incidents of human trafficking or exploitation in that area - there is no evidence of increase in criminality in and around premises of this nature in fact the high levels of stewarding within and outwith the premises would tend to make areas safer the high levels of care taken by operators on advice from police Scotland and in compliance with conditions set by licensing boards for dancers to ensure their safety is one of the reasons so many women chose to take up dancing as a way of earning their living

3.4 Suitability of Premises - all legitimate premises are already subject to this proposal and none have been deemed unsuitable in over 25 years of operation

3.8 Under the 1982 Act the Council has the discretion to refuse applications relating to SEVs if it is considered that the grant or renewal of the licence would be unsuitable, having regard to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.9 It is expected that when an application for a SEV licence is made, that the applicant will be able to demonstrate that the layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises. This is already a requirement

I am writing on behalf of the National SEV Coalition, of which I am a member, to give our views on the matter. The coalition was set up by dancers who work or have worked in SEVs, and of their allies. We include dancers from the Bristol Sex Workers Collective, the Northern Sex Workers Collective, the East London Strippers Collective, and the United Sex Workers Branch of the union United Workers of The World.

The coalition represents the often overlooked dancers who work in SEVs. We are working against increasing concerns that SEVs nationwide may lose their licenses. We are committed to keeping these venues open to ensure dancers have safe, regulated places to work. This is of utmost importance, as without licensed venues dancers will lose their workers rights, and many will be forced to work in dangerous, unregulated conditions.

I have looked over the proposed strategy and have some concerns:

Para 3.3 allows for restriction of location on the basis of other nearby uses. The list of uses in (a) to (e) is extensive and could be used to justify a refusal pretty much anywhere. Many of these proposed restrictions are questionable, and fall far outside the current English guidelines for SEV licencing. These guidelines are underpinned by legislation, which has been informed by research and public consultation. We fail to see evidence that justifies a decision to deviate from these accepted restrictions. We ask that you revise this list and drastically cut it down to align with English legislated practice. SEVs are discreet venues and evidence (detailed further down this letter) shows that they do not increase violent crime or sexual offences in the surrounding area. Refusing a license because the venue is in the vicinity of a retail shopping centre, for example, is unreasonable.

Para 3.3 (f, g) refers to consideration of anti-social behaviour, harassment, exploitation and human trafficking. We ask that you make it clear that cases should be linked directly, with evidence, to the venue being considered, not just to things that happen in the general area.

Para 3.7 sets out to restrict the number of licenses granted. It identifies the City Centre Ward as the only appropriate location for SEVs so in effect it is a nil policy for the rest of Edinburgh. We ask that you consider whether any venues are currently operating outside of the City Centre Ward. If they are, we ask that you remove the nil policy for the rest of Edinburgh to avoid putting the dancers in these clubs into unemployment or danger by removing their licensed workplace.

There is currently an agenda being pushed countrywide by Sex-Worker Exclusionary Radical Feminists (SWERFS) that SEVs contribute to violence against women. This is completely false, and is a dangerous and terrifying viewpoint that blames dancers for violence committed by men. There is currently NO evidence of any link between the operation of SEVs and violence against women occurring. In fact, much evidence points to the opposite.

Take, for example, the case study of Platinum Lounge in Chester, North West England. Platinum Lounge, Chester's only SEV, closed in 2015. Since its closure, violent crime and sexual offence

rates in the city have shown an upward trend. I am going to now cover research, undertaken by coalition member Toni Mansell, into violent crime and sexual offence rates in the city of Chester before and after the closure of Platinum Lace.

Using the month of December as a sample, you can see that in Dec 2013, two years before Platinum Lounge closed, there were 46 recorded violent crimes in Chester City centre, In Dec 2014 there were 58 recorded violent crimes in Chester city centre. In December 2015, the year the Platinum Lace closed this went up to 63. In 2016 there were 70, 2017 there were 127, 2018 there were 101, and in 2019, 5 years after the closure of Platinum Lounge, there were 99 recorded violent crimes in Chester city centre.

These statistics can be fact checked from the source
<https://www.ukcrimestats.com/Neighbourhood/9887>

To ensure this data is not an outlier for the month of December, you can see the violent crime rates for June.

June 2013 – 44
June 2014 – 34
June 2015 – 40
June 2016 - 58
June 2017 - 49
June 2018 - 70
June 2019 - 72

In both samples you can see that the numbers of violent crimes in Chester City centre have had an upward trend AFTER Platinum Lounge's closure. This is even more interesting as the numbers had actually dropped for 2014 and 2015. It is in the years following the closure that violence rose, suggesting that Platinum Lounge may have in fact kept the rates of violent crime down.

<https://www.police.uk/pu/your-area/cheshire-constabulary/chester-city/?tab=Statistics> further confirmed that in the last 3 years, violence and sexual offences in Chester City Centre had increased by 22.2% (percentages true as of 23/03/2021).

These statistics include violent crime as one encompassing bracket of violence and sexual assault. While I can not access sexual assault statistics for the city centre individually for these date periods, further research follows Chester and Cheshire West from Cheshire West and Chester Community Safety Partnership Strategic Assessment 2015 to see if the trends followed the same pattern. This is a larger geographical scope of the partnership area, but gives a good indication if we can consider the figures above to accurately reflect the trends of sexual violence.

The number of sexual offences recorded in Cheshire West and Chester increased by 21% from 317 in 2014 to 383 in 2015. This is a continued increase from 218 in 2012 and 279 in 2013.

In 2016, the total number of recorded sexual offences in this Chester and Cheshire West was 461. For the year 2019, this number had risen to 800 recorded cases (source:
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/recordedcrimedatabycommunitysafetypartnershiparea>).

While this look at data and figures is only a brief investigation, it strongly implies that closing the city's only SEV did not reduce the numbers of violent crimes in any way, in fact they have shown an upward trend after the clubs closure. Even taking into account influencing factors such as the change in the way certain crimes were recorded, which contributed to a rise in statistics for crimes such as anti-social behaviour in 2016, there is zero evidence to prove that removing SEVs reduced

violence against women in Chester.

These findings are also supported by peer-reviewed research and statistics from other cities. Evidence submitted to the last zero cap review in Bristol 2019 included a summary of the findings from the largest study conducted to date into the UK strip club industry by Leeds University in 2015. This suggested that one in four SEV performers had a degree and there was no evidence of forced labour, trafficking of women or connections to organised prostitution. The report also stated there was no local evidence of a rise in crime in the vicinity of Bristol's SEVs, and banning the clubs was likely to have a negative impact on the livelihood of predominantly female employees.

So we ask that you consider hard evidence when making decisions about the placement of SEVs in the community.

We ask that you reach out to local dancers, to local venue owners and to local customers to give their views, as part of your public consultation on introducing a new licensing scheme. This is imperative and an implicit part of your responsibility to your local community as a whole.

You say that businesses may require further support to give their views on the legislation and we want to ask that you provide that support. Please reach out directly to SEVs and also provide the necessary support to the dancers who work in these venues so they can have their say.

It is especially important that you speak to the dancers, as they are often overlooked and not given a voice in these issues, and but rather are spoken for by SWERFs and politicians without any lived experience of the industry. Professor Teela Sanders at the University of Leicester produced work on this very issue - 'Regulating Strip-Based Entertainment: Sexual Entertainment Venue Policy and the Ex/Inclusion of Dancers' Perspectives and Needs - in which she states that "community and campaign group voices were heard over that of the dancers themselves". To this end, we ask you to clearly outline what steps you are actively taking to consult with the affected dancers and the venue owners. We also ask you to outline how you will consult with the customers of these venues, who are also part of the local community and deserve to have their say.

We would like to emphasise that any evidence of anti-social behaviour or crime being used to refuse a license should demonstrate objective proof that the SEVs are responsible. Any incidents must be traced back to the actual venue otherwise it is subjective evidence. Crime in city centres is driven far more by drugs and alcohol so nightclubs, pubs and off-licences are much more likely to be the cause of crime spikes than a small number of well-run SEVs. However SEVs are often scapegoated and discriminated against when blamed for unrelated crimes. It is of utmost importance that this will not happen.

We ask that no changes be considered without having done proper due diligence with these stakeholders. It is important that those who will be most affected by the proposed changes are involved in making decisions. We also ask that you provide some likely potential outcomes to the proposed change, so stakeholders can make an informed decision on where they stand.

We are concerned that new legislation may leave room for local authorities to try and abolish SEVs based on unfair and illegal grounds, such as subjective moralistic grounds. This has been seen to happen in other cities, such as Bristol and Blackpool. We ask that you provide reassurance that this will not occur under any proposed licensing scheme.

We want to thank you for extending the public consultation, and we ask that it is not completed until stakeholders have had their say. In 'Flexibility: Labour, regulation and the political economy of the stripping industry' Sanders and Hardy conclude "Dancers occupy a privileged

position for understanding and critiquing their own conditions of existence... Dancers can speak, if only we will listen". We hope that in the case of Edinburgh, we will be fairly heard.

Please don't hesitate to get in touch with us at the Coalition to discuss this further.

Many thanks

Emer Lily Cowley, of the National SEV Coalition and the Northern Sex Workers Collective

I am a graduate from the University of Manchester who is now working full time as a stripper/exotic dancer.

I believe that there is currently an agenda being pushed across the U.K., by SWERFS, that strip clubs contribute to violence against women. This is completely false, and is a dangerous and terrifying viewpoint that blames sex workers for violence committed by men. There is currently NO evidence of any link between strip clubs operating and violence against women occurring. In fact, much evidence points to the opposite.

For example, the case study of Platinum Lounge in Chester. Platinum Lounge, Chester's only strip club, closed in 2015. Since the closure violent crime and sexual offence rates in the city have shown an upward trend. I am going to now refer to research into violent crime and sexual offence rates in the city before and after the closure of Platinum Lace which I will cover below. This research was undertaken by Toni Mansell.

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In both samples you can see that the numbers of violent crimes in Chester City centre have had an upward trend AFTER Platinum Lounge's closure. This is even more interesting as the numbers had actually dropped for 2014 and 2015. It is in the years following the Strip Club closure that violence rose, suggesting that Chesters strip club may have in fact kept the rates of violent crime down.

<https://www.police.uk/pu/your-area/cheshire-constabulary/chester-city/?tab=Statistics> further confirmed that in the last 3 years, Violence and Sexual Offences in Chester City Centre had increased by 22.2% (percentages true as of 23/03/2021).

These statistics include violent crime as one element of a broad bracket of violence and sexual assault. While I can not access sexual assault statistics for the city centre individually for these date

periods, further research follows Chester and Cheshire West from Cheshire West and Chester Community Safety Partnership Strategic Assessment 2015 to see if the trends followed the same pattern. This is a larger geographical scope of the partnership area, but gives a good indication if we can consider the figures above to accurately reflect the trends of sexual violence.

The number of sexual offences recorded in Cheshire West and Chester increased by 21% from 317 in 2014 to 383 in 2015. This is a continued increase from 218 in 2012 and 279 in 2013.

In 2016, the total number of recorded sexual offenses in this Chester and Cheshire West was 461. For the year 2019, this number had risen to 800 recorded cases. (source - <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/recordedcrimedatabycommunitysafetypartnershiparea>)

While this look at data and figures was only a brief investigation, it strongly implies that closing the city's only strip club did not reduce the numbers of violent crimes in any way, in fact they have shown an upward trend after the clubs closure. Even taking into account influencing factors such as the change in the way certain crimes were recorded which contributed to a rise in statistics for crimes such as anti social behaviour in 2016, there is zero evidence to prove that removing strip clubs reduced violence against women in Chester.

The idea that men will attend a strip club and then go on to commit sex crimes is completely absurd. There is no evidence of this happening, and we need to move past blaming women for the actions of men. If we are closing down businesses based off of their relationship to violence against women, why are we not looking at football. Figures show that when England loses a football match domestic violence incidents increase by 38%, so why aren't we closing down football stadiums? The facts show that the desire to close down strip clubs is a hatred for female sexuality disguised as an attempt to help women.

Stripping allows for flexible hours and financial stability that is a major lifeline. It allows people who cannot work typical hours (whether that's due to childcare responsibilities, caring responsibilities, mental health, disability ect) the ability to choose their own hours and work when they are capable of working. It's a huge lifeline for working class women as it allows them to fund higher education opportunities such as masters degrees that they would otherwise not be able to fund. It's a hugely positive experience for a lot of people, and also gives women a lot of transferable skills (such as sales skills) which are starting to be taken more seriously by other kinds of employers.

I can absolutely say, without a doubt, that starting stripping was the best decision I ever made. I went from being a heavy drinker with no direction to a motivated and healthy person. My passion for stripping inspired me to get healthy, reduce my drinking and focus on dance and fitness. It gave me confidence and assertiveness and improved my mental health ten fold. It's given me hope to undertake a masters degree and further my education, which, as a working class woman, I would not be able to afford otherwise. I am terrified of what will happen to my colleagues and myself if strip clubs were to close.

I have worked in a total of 6 strip clubs, and every single one has been a safe and controlled environment. We have no strictly enforced no touching policies staff do not tolerate any sexual harassment, and CCTV is constantly monitored. The staff ensure we get home safely and are willing to arrange taxis or escort us to cars. Staff look out for us to make sure we are not drunk or put in vulnerable positions. I can say that I feel so much safer in my workplace than I do in other environments such as nightclubs, where sexual harassment is rife.

If strip clubs were to be banned, it will push the industry underground, making it so much more dangerous. Currently, council approved strip clubs are run with strict safety measures as I

mentioned above, such as no touching policies, constantly monitored cctv, and strict security. If the clubs were to go underground, all of the safety measures will disappear. Even if underground clubs did not open up, the industry would move to unregulated private parties that would put dancers in danger.

I demand that you provide reassurance that strip clubs will be allowed to operate as they currently are in Edinburgh, and you won't take away a safe place for women to work.

I disagree with this policy as this can cause danger to workers in SEVs such as forcing underground and unsafe work. Limiting this will cause further damage to this community

Reducing the amount of clubs that can operate will seriously put women in danger, licensed clubs are a way for women to work safely and securely. There is a misconception that these clubs are seedy or bad for society but this is not the case at all these clubs have strict rules that keep the women protected while they work and stop bad things from happening to them, placing a limit on these clubs only leads to women working in unlicensed venues or in different avenues of the field that that can be life threatening

There shouldn't be a cap on the number of sexual entertainment venues in the area. This will help bring employment to many people and help the economy.

United Voices of the World (UVW) appreciate the invitation to be consulted about Edinburgh Council's Sexual Entertainment Venue (SEV) licence policy. As a union representing strippers in clubs across Scotland we would like to focus our response upon the unique opportunity the Council has to enshrine workers rights in their SEV policy. We note that the Council's aims are to preserve public safety and the prevention of crime and disorder however we feel that worker safety should be given equal importance within the drafting of this policy. The majority of strippers are women and as such they should be included in the consideration of 'reducing violence against women' (draft sexual entertainment policy 1.5.4). We feel that enshrining strong worker rights in any council policy will preclude any illegal activity and any potential threat of exploitation and violence.

Whilst we would like it to be noted that the Council did not directly contact the UVW to advise upon working conditions and worker safety when drafting this policy, we would like to comment upon specific issues that would affect our members if they were working within Edinburgh and will work through the policy document with our comments and recommendations.

Our main concern is with Edinburgh Council focusing so much on setting a cap to the appropriate number of SEVs. We are worried that this will result in the minimisation of future opportunity for an SEV business to operate or open within Edinburgh, which in turn may affect employment opportunities for women. This will result in the more worrying effect of driving the stripping industry underground. This, in turn, precludes any worker in illegal workplaces from accessing representation in order to bargain for better working conditions. In addition, unregulated stripping venues are likely to run without appropriate working conditions, which could otherwise be written into the Standard Conditions of SEV licences. We therefore question the need to set any limit to the number of SEVs in the first place.

Lastly, one of the hurdles that SEV applicants in England have passed onto performers are the arbitrarily high licence application fees. We would therefore like the fee to be appropriately set so that excessively high fee rises will not occur in the future.

The SEV licensing regime in England and Wales was created in response to the false claim that lapdancing clubs/SEVs have led to increased levels of violence against women and girls (Eden, I, 2003. Lilith Report Lap dancing and strip-tease in the borough of Camden). This claim has since been disproven (Magnanti, B. 2011, The Impact of Adult Entertainment on Rape Statistics in Camden: A Re-Analysis). There is no evidence that strip clubs lead to violence against women elsewhere in society, and so to create policy on that basis is a moral argument, rather than an evidence based one. I would like to ask Edinburgh City Council to carefully consider the basis on which they are creating their SEV policy.

SEVs have been scapegoated, stigmatised and blacklisted by many interest groups - this has had a detrimental impact on the women who work in them. In Scotland, the Encompass Network of women's rights organisations have assumed a public voice of authority in regards to the sex industry. However, the Encompass Network makes an ideological argument that the selling of sex and sexual services is a form of violence against women, and must therefore be criminalised. But there are many other organisations led by sex workers, such as Umbrella Lane, United Sex Workers, ELSC, National SEV Coalition, Bristol Sex Workers Collective, and SWARM, who take a different approach - these organisations take an evidence based, harm-reduction approach i.e. the criminalisation of sex work does not have positive social outcomes. I would like Edinburgh City Council to include voices and perspectives from sex worker led organisations as much as possible, when considering any regulation of the sex industry, and wherever possible to consider a harm-reduction analysis of sex work.

The SEV licensing regime has failed to safeguard and protect the women who work in them from workplace abuses, in fact the regime has led to further levels of exploitation and coercion for workers. This is because licensing conditions are more difficult and more costly to uphold (for example, if a club has to go through an expensive licensing renewal process every year) these costs are usually passed on to workers, since the business model relies on charging dancers unfair house fees, fines and commissions. The typical business model of an SEV has grown out of a gig-economy culture, dancers are frequently misclassified as self-employed, when in actual fact they almost always meet the legal criteria for worker status. Since 2018, the sex workers trade union branch (United Sex Workers) have been bringing claims against workplace abuses for dancers in the UK and in 2020 won a landmark case, setting a legal precedent and opening the door for dancers all over the UK to begin bringing similar claims against club bosses. USW have won more than £100k combined compensation for members of the union, who are all sex workers demanding justice and standing up against exploitation in the sex industry. Trade union activism is proving a vital and powerful tool for turning back the culture of exploitation within the sex industry - strip clubs are an essential component to this, since we can only bring claims against workplace abuses when there is an actual, legal workplace. Our concern is that SEV licensing results in club closures, which means workers are unable to pursue legal claims and hold business owners accountable.

you can't give a number of premises per area unless the size of the area, population of the area or number of businesses in the area is shown

Do you have any comments on the proposed set of conditions for Sexual Entertainment Venues? The proposed set of conditions is attached below. Written Responses.

1. Number 37 is of great concern to me- it is unclear whether you want to have an open plan room for private dances or an area in the club that is sectioned off;

“the booth or area will not have a door, curtain or other similar closure”

If this means that there is no partition for the private dances it means that any customer in the building can watch other customers receiving a private dance and see all of the girls undressed for free. This could create the following problems for the dancers;

1) There would be less incentive for someone to pay for a dance when they can see someone else get one for free.

2) As a dancer of 15 years who has worked all over the UK, I have chosen never to work in a table dance club (meaning the dance is given in the bar area rather than in private)

If you mean an open plan dancing room that is partitioned off I also have a problem with this mainly because of CONSENT.

To give a dance in a private booth I have the power to dance for who I want & equally NOT dance for anyone I don't want to dance for.

To give a dance in an open plan booth/in the club with no partitions I have lost the power to decide who sees my body.

Example 1;

My neighbour walks in. I don't know him but I know he's my neighbour. So I carry on working, I can avoid him, pretend I don't know him, turn him down for a dance etc. I can also continue going for dances & earning money because I have the comfort of knowing he cannot see me performing in a private booth. What would happen in an open plan room? He could take another girl for a dance at the same time I'm in there, see me performing without my consent & see me performing for FREE. If I'm not willing to let a neighbour pay me to dance for him I'm certainly not ok with him watching me dance for someone else for free.

Example 2;

A colleague from my day job walks in, no one there knows I dance- I slip off to the staff room before I'm noticed & use that time to take a break, have some food, then I can go back & continue working after he leaves. What if I'm in an open plan dance room giving a dance when he arrives? Too late, he's seen me AND without my clothing! What if the only place to hide is a dance booth? I can't hide from him in an open plan dance room, he could come on for a dance!

Obviously there are many different examples I could give but there will be some people you would want to hide from, sometimes you may decide to go home for the night or there could be some people who you don't mind knowing you work there but you wouldn't give them a dance. Working in a public place knowing anyone could come in is my choice & I have mentioned my options above. Some girls wouldn't bat an eyelid & would dance for any of these people. Money's money & business is business. Which is also fine. But removing booths or curtains also removes CONSENT to who sees MY body.

To be clear- I have no problem doing this job, showing my body or dancing. The examples above are not a regular occurrence but they do happen & consent is extremely important.

2.	I agree with the limitations on signage, but would suggest that visual representations of the female form be also banned as this makes all too evident the activities inside, and creates a Seedy atmosphere
3.	I disagree with the banning on touting and flyering. After Covid SEV's should be allowed to market their business and if that includes filtering on a Friday and Saturday night to get customers then so be it.
4.	<p>If you look at the number of "SEVs" in an area, and the average crime statistic, I think you will find that there are often a connection.</p> <p>I think these places should absolutely be regulated, but rather by the police. I find this a deplorable notion that it is healthy for society. It opens the door to other situations that abuses and depraves vulnerable women into prostitution.</p> <p>I.e. what is the general lifecycle for a woman who chooses a career in Lap Dancing? what motivated her to start that? Rather become a model if anything... I feel the conditions of these places allow much worse things to happen.</p> <p>Rather society should look to protect their citizens and not create spaces for them to be abused.</p>
5.	Well considered conditions. Very pleased to see the council have included conditions on external advertising.
6.	My comments as above.
7.	<p>The current venues are mostly in one specific area of Edinburgh, therefore are not too close to schools/places of worship where residents may not want us. We are in an area that people must specifically travel to to find and use our services.</p> <p>I have also noticed that this consultation does not involve full service sexual entertainment services such as saunas, which are much less behind the scenes than lap dancing clubs yet have been allowed to remain open as normal, yet lap dancing clubs with no physical contact allowed is not? Even at tier 0.</p>
8.	I've no issue with conditions set out.
9.	The council should not be profiting from the sexual exploitation of women.
10.	They seem comprehensive,.
11.	How is the CEC going to build in consideration for the safety and comfort of women living and working in the vicinity, or simply passing by the venues. Answering as a female resident of Edinburgh I can say that it can feel extremely uncomfortable passing by these places.
12.	<ul style="list-style-type: none"> •Layout conditions seem far too stringent. I do not see any reason other than moralisation for putting additional restrictions on SEV's than on nightclubs. •Again the restrictions on the performers seem to achieve nothing but applying someone else's moral standards. Individual agency for performers should be maximised. At the very least the absurd requirement to put 'the same clothes back on' should be dropped. There is no reason for this to be in place. •Touting restrictions are not in place for nightclubs and restaurants. The only reason for additional restrictions is to pass moral judgement which is not the council's place.
13.	No
14.	<p>The conditions seem reasonable except that:</p> <p>Private entertainment in booths is likely to be abused and should be specifically excluded (potential exploitation);</p> <p>There should be a commitment to frequent monitoring on the part of the council/police.</p>
15.	Premises may well intend to control the immediate area outside entrances/ exits but this does not extend very far away from the premises and thus the public are not adequately protected.

16.	Yes, they are a pile of bureaucratic bullshit. Leave the SEV's alone to make money for the people that work in them.
17.	Better to have non at all
18.	Ransom inspections by plain clothed officers to heck on staff welfare and human trafficking
19.	We need to move away from this in our City. I understand Glasgow has taken a strong stance against these types of venues in their city. There is no place for this in Edinburgh.
20.	These seem good, but would be better if included a requirement for businesses to pay performers a minimum wage.
21.	Na

Would you like to make any further comments on these proposals?

Written Responses.

1)	<p>One year ago I signed a petition for dancers to remain self employed. From your proposed changes there are a number of “control measures” put in place which could make the dancers “workers” rather than self employed. As a self employed contractor I have all of the power. As a worker I am treated more like an employee & have less control. It is very clear to me that UVW have played a part in some of the proposed changes. Let me be clear. I have worked in 3 UK clubs where this “union” have tried to interfere. They do not have the dancers best interests at heart, they are looking to build their reputation & to get membership money. Most dancers DO NOT want worker status! This will affect them massively! Please reach out to every dancer in Edinburgh & give them a voice on this. The girls bringing claims are extreme “undesirables” of society & out for revenge- not justice! Please look into this. This union & most of the people involved in it are bad news.</p> <p>To give an example- a price list must be on show- the girls are self employed & offer their own prices. To make a price list would make them workers. Please look into this. I should also highlight that GMB in Glasgow are fighting for SELF EMPLOYMENT for strippers. Please look into this! I have attached a link for the petition for your information.</p> <p>http://chnng.it/cHWFGYnCTy</p>
2)	<p>I believe allowing the council to have power over Sexual Entertainment venues is a form of removing body autonomy from women in the industry. It is misogynistic to believe the council should be entitled to say how, when and where women are allowed to profit in this legal industry. It would be doing a disservice to the progressive image of Scottish politics, A modern day 'witch burning' mentality against sex workers is harmful to all women.</p>
3)	<p>I would strongly agree the need to regulate the industry as a whole.</p>
4)	<p>No</p>
5)	<p>Please consider the safety and well-being of all those working in SEV environments, closing the clubs and venues will be simply oppressing women’s rights by taking away the freedom to do as they please with their own bodies and lives and puts their safety and futures at high risk.</p>
6)	<p>Let’s limit the number through public demand/footfall, I fear snobbery will play its part here, any establishment not meeting the conditions set out should lose their licence, I’d applaud it, what I don’t wish to see is limits set based on snobbery.</p>
7)	<p>Edinburgh has large student population. Very few places to hear it see live bands.</p>
8)	<p>The venues to be licensed should be in areas where people already visit for entertainment, no proposed venue should be in an area where there isn't already entertainment venues (pubs and clubs) and should not be in residential areas where people would be encouraged to visit when there are no other reasons for prospective customers to visit the area.</p>
9)	<p>Just be sensible to remember if these places are forced underground then it cannot be regulated for safety of the workers in these establishments.</p> <p>These businesses have given employment to many and also form part of the attraction with tourism that comes to Edinburgh ie. stag/hen parties on a weekly basis.</p>
10)	<p>Gender inequality anywhere causes violence against women. As such, I wish to make clear my strong support of a resolution to licence Sexual Entertainment Venues (SEVs) and, crucially, to set the limit at zero.</p> <p>The failure to instigate licensing will enable SEVs to operate unlicensed, unregulated and</p>

	<p>night and in the early hours of the morning.</p> <p>Obligations under the Public Sector Equality Duty must be considered as well as the stated position on violence against women. An equality impact assessment must be carried out on how their existence impacts on the freedom of movement of women and girls and the right of all women and girls to freedom, respect and dignity.</p> <p>The use of private booths is common place in SEVs, and in that environment of one-to-one performances, women are at significantly more risk of sexual harassment and sexual assault or to be manipulated or coerced into unwanted sexual activity. The safety and wellbeing of the women involved should be of paramount concern here. Research shows that women who are involved in lap dancing and other such similar activities experience verbal, physical and sexual assault from male customers, managers, owners and staff on an alarmingly frequent basis.</p> <p>Sexual entertainment is not a human right. It is sexual exploitation. Sexual exploitation is a practice by which a person or persons receive sexual gratification, financial gain, or advancement, through the abuse of another person’s sexuality, by removing that person’s human right to dignity, equality, autonomy, and physical and mental well-being. The rights of a minority of individuals (for example, customers, club owners and managers) should never take precedence over the systematic exploitation of the majority (for example, those who are being harmed through sexual entertainment and other forms of sexual exploitation). Under Article 1 of the European Convention of Human Rights, the UK is required to convey the Convention Rights and fundamental freedoms of “everyone within their jurisdiction.” Given this, a failure to protect a woman from sexual exploitation may breach:</p> <ul style="list-style-type: none"> • Article 2 (her right to life); • Article 3 (her right to be free of inhuman and degrading treatment); • Article 4 (her right to be free of slavery and servitude). <p>The only “choices” in these situations lie with those men who seek to use their economic power and male privilege to buy sexual entertainment. In Scotland, the majority of women involved in commercial sexual exploitation are affected by poverty, welfare cuts, substance misuse, homelessness and involvement in the criminal justice system. These are not causes of sexual exploitation, but secondary symptoms that underscore women’s inequality and together compound their lack of choice. While some women say it is their ‘choice’ to dance in clubs, the vast majority are involved through the very lack of choice and economic alternatives.</p> <p>If the Edinburgh City Council choose to set the number of SEVs at zero, there are no legitimate negative consequences for men, but there will be countless positive consequences for women across the city and beyond, in the long term. In the short term, they must ensure that assistance is given to the women involved to find an alternative income source to enable this change to be made without those exploited being subject to additional hardship.</p> <p>In order to stop violence against women we must change the attitude of some men – the men who believe they are entitled to sex and superior to the women who must provide it. Enabling men to buy sexual entertainment reinforces this sense of entitlement and maintains the lesser status of women. If we want a truly equal and safe society for women, we must tackle these issues.</p>
11)	This entire approach to licensing is fundamentally judgemental. Restrictions should match other entertainment venues as much as practicable. It is not the council's job to pass moral judgement.
12)	I’m not sure why there is a need to have these premises at all. Whenever I have come across them they always appear seedy.
13)	A good idea so long as the venues and operators are closely monitored.
14)	Councils should place more consideration on the reasons not to grant a license and, as these premises are no doubt very profitable, should impose far greater checks and curbs and penalties that are actually enforced before even considering a license.

	Residential areas should be exempt from such premises and licenses banned.
15)	Yes open all bars and clubs until 5am
16)	Edinburgh is a city of culture - time to do away with sexual entertainment venues
17)	I wouldn't allow anyone with a criminal record to own, operate, or work in such a business. Now would I allow anyone who is on the sex offenders list.
18)	na
19)	I don't think three locations should be concentrated in one place like currently at Main Point, West Port
20)	Yes, they should be voted out instantly.
21)	NO
22)	I've already been pretty extensive, but if possible I'd like to see some mandate supporting the presence of worker unions - I have no idea if the council has the power to include anything like that, though.
23)	Women feel unsafe and uneasy in and around venues such as these because the men who go there and men in general thanks to pornography freely available on electronic devices tend to treat all women as objects.
24)	I'm concerned that it's not clear what provision there will be for local residents to comment or object to an SEV being located in their neighbourhood. Many local people, particularly women, will have concerns about personal safety should such premises be located near to their homes. I would be very upset to have an SEV nearby.
25)	I dont think any additional regulation is required
26)	Just leave that industry as it's been here for so long, your going to drive the workers back into the streets.
27)	A lot of extra admin for a problem that may not really exist
28)	<p>It has been widely reported that these plans are merely a cover for the plans of a small minority of activists who wish to ban SEVs, under cover of setting licensing requirements. I do not wish for the licensing process to be abused in such a manner, and I hope that this consultation does not capitulate to this vocal minority.</p> <p>If this process is unfairly used to close the existing SEVs, then the impact of the closure of these venues will be felt most keenly by their employees, who will have lost an income opportunity after the hugely disruptive events of the coronavirus pandemic and the collapse in the hospitality trade. It seems grossly unfair for workers made vulnerable by the pandemic to lose their livelihoods due to the machinations of a few comfortable, middle class activists.</p>
29)	Failure to permit these premises of this nature to exist in Scotland will drive the activity underground and place the dancers in the hands of persons unknown - to the dancers certain harm. It is already alleged that girls are being engaged by unregulated unscrupulous persons to perform in private houses and other venues. The legitimate operators of whom there are 11 in Scotland condemn such behaviour.
30)	<p>Please make sure you do the extra work required to ask *customers* what they think. There is lots of misinformation about who customers are: they are normal people and going to a strip club can fulfill many mental and emotional health needs as much as be a bit of titillation. You yourself might be a customer, so might your family, friends, colleagues, neighbours. But because of the old-fashioned taboos around erotic entertainment, the misguided and misinformed rhetoric from extremist anti-strip club feminists and the stifling of any intelligent conversation about a) sexual wellness and b) how to prevent the toxic masculinity and other issues that actually do cause the social damage often falsely attributed to the presence of strip clubs in a location, they don't speak up.</p>
	<p>Page 107</p> <p>If we were talking about the closing of any other facility: a swimming pool, a pool hall, a</p>

	<p>pub, the management, the surrounding community, the workers and the service users would be consulted. So please do the same here.</p> <p>In addition, please know that the dancer community is a mobile workforce and issues that affect dancers in Scotland impact the rest of the UK's strippers. In addition, dancers in Scotland often work in other venues too. So please take the time to really do the digging that might be required to make sure you reach this key group of stakeholders too.</p> <p>Finally, don't be under any illusions. If you close licensed strip clubs you won't stop striptease. It will be pushed underground where client and worker safety is jeopardised. And if you make licensing impositions even harder, you'll only lessen the amount of money and time that venue management have to maintain and invest in their venues.</p> <p>It's also important to remember that strip clubs teach boundaries and about real women in a way that porn does not. They provide a valuable in-person counterweight to online sexuality which is even more vital now than ever when you have teens and even pre-teens finding sexually explicit content online.</p>
31)	No
32)	<p>As a trade union representing workers within all aspects of the Adult Entertainment Industry, we categorically disagree with the Scottish Government's 'Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls'. It sets out a definition of violence against women and girls which includes 'commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and human trafficking'. We dispute the link between SEVs and "prostitution and trafficking". No evidence has been found of this link and therefore we regard it as inflammatory and evidence of an ideological stance taken by the Council. Indeed, we feel that enshrining strong worker rights in any council policy will preclude any illegal activity and any potential threat of trafficking. We would also like to point out that prostitution is currently not a crime in Scotland.</p>
33)	<p>Criminal marketplaces are more violent and coercive than regulated workplaces - we therefore beseech Edinburgh City Council to consider very carefully your approach to SEV policy, and remind you that working towards a future in which sex work "is a thing of the past" is an impossibility. Banning sex work will not end the supply or the demand, closing safe, legal workplaces and criminalising the sex industry will only serve to drive sex workers into unsafe work environments where they cannot access justice and labour rights.</p>
34)	<p>We would be more than happy to set up a meeting should you wish to discuss any of these matters further, perhaps you may also wish to have a chat to some of the performers. We would welcome this.</p>

Draft Sexual Entertainment Venues Licensing Policy**Draft Sexual Entertainment Venue Licensing Policy****Introduction**

- 1.1 The City of Edinburgh Council (“the Council”) is able to regulate sexual entertainment venues through the Civic Government (Scotland) Act 1982.
- 1.2 Section 76 of the Air Weapons and Licensing (Scotland) Act 2015 added new sections 45A to 45C to the 1982 Act in order to introduce a discretionary licensing regime for sexual entertainment venues (SEVs). Section 76 also amends section 41 of the 1982 Act to specifically exclude sexual entertainment venues from the definition of places of public entertainment to ensure that a public entertainment licence cannot also be required for those venues.
- 1.3 The Council’s Regulatory Committee resolved on 3 December 2021 to pass a resolution under section 45B(1) to gain regulatory control of SEVs through a licensing regime with effect from 3 December 2022. Consequently, this SEV policy applies to the whole of Edinburgh.
- 1.4 The adoption of the resolution under section 45B(1) of the 1982 Act allows the Council to prescribe standard conditions and fees for the grant, variation, renewal and transfer of SEV licences and the appropriate number of premises to be licensed in a relevant locality, which may be nil.
- 1.5 The Council must prepare a statement of its policy with respect to the exercise of its functions in relation to the licensing of SEVs. The policy will have regard as to how it will affect the objectives of:
 - 1.5.1 Preventing public nuisance, crime and disorder
 - 1.5.2 Securing public safety
 - 1.5.3 Protecting children and young people from harm
 - 1.5.4 Reducing violence against women
- 1.6 The policy will also provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing Sub-Committee when determining an application. This policy will be reviewed regularly and revised when necessary.
- 1.7 The key aims of civic licensing are the preservation of public safety and order and the prevention of crime. A specific licensing regime allows the Council to consider local circumstances in setting the number of venues able to operate within their areas and to exercise appropriate control and regulation of those venues.

Definitions

- 2.1 A SEV is defined in the 1982 Act 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.
- 2.2 For the purposes of that definition, “sexual entertainment” means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). An audience can consist of just one person.
- 2.3 This definition would apply to the following forms of entertainment as they are commonly known:
 - 2.3.1 Lap dancing
 - 2.3.2 Pole dancing
 - 2.3.3 Table dancing
 - 2.3.4 Strip shows
 - 2.3.5 Peep shows
 - 2.3.6 Live sex shows
- 2.4 This list above is not intended to be exhaustive and should only be treated as indicative. The decision to licence premises as SEVs shall depend on the content of the relevant entertainment rather than the name given to it.
- 2.5 Premises at which sexual entertainment is provided on a particular occasion will not require to obtain a SEVs licence if the sexual entertainment has not been provided on more than 3 occasions within a 12-month period.

Locality

- 3.1 The Council considers that the character of the relevant locality, the use to which premises in the vicinity are put, and the layout, character or condition of the venue in respect of which the application is made, are relevant considerations when determining the grant of a SEV licence.
- 3.2 With reference to paragraph 9(7) of Schedule 2 of the 1982 Act, “relevant locality” means:
 - a. In relation to the premises, the locality where they are situated;

- b. In relation to a vehicle, vessel or stall, any locality where it is desired to use it as a SEV.

Character & Vicinity of Relevant Locality

- 3.3 In considering whether the grant, renewal or variation of the licence would be inappropriate given the vicinity in which the SEV premises operates, the Committee shall consider the existing character and function of the area. Having regard to Scottish Government guidance, due consideration will be given to the following:
 - a. Whether the premises are situated in a residential area
 - b. Whether there are any schools and other places of education near the vicinity of the premises
 - c. Whether there are any places of worship in that vicinity
 - d. Whether there are other relevant businesses or charities operating in the area e.g. homelessness shelters, women's refuges, supported accommodation, recovery units
 - e. Whether there are certain landmarks or facilities in the vicinity (e.g. historic buildings, sports facilities, cultural facilities, family leisure facilities, play areas or parks, youth facilities, retail shopping areas, and places used for celebration of commemoration
 - f. Whether there have been incidents involving anti-social behaviour, sexual assaults or more minor harassment reported in that area and/or in connection with the premises
 - g. Whether there have been incidents of human trafficking or exploitation in that area and/or in connection with the premises
- 3.4 The Council will consider relevant locality on a case by case basis, taking into account the particular circumstances of each application.

Appropriate Number of SEVs in a Relevant Locality

- 3.5 As set out within paragraph 9(5)(c) of Schedule 2 of the 1982 Act, the Council may refuse an application for a SEV if it is satisfied that the number of SEVs in the relevant locality at the time the particular application is made is equal to or exceeds the number which the local authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.
- 3.6 The Council may choose to set a maximum limit on the number of SEVs which it considers appropriate in any area within the Council's control. That

being the case, each application will be considered on its own merits at the time the application is submitted to the Council.

- 3.7 The Council considers the appropriate maximum limit on the number of SEVs within Edinburgh is four. The Council considers that the city centre ward 11 (as shown appendix 1) is the only area of the city where it is appropriate to have SEVs located. It is considered that no other Council wards are appropriate to have any SEVs operating within them given the predominantly residential nature and character of those wards.
- 3.8 Notwithstanding the terms of paragraph 3.7 above, the Council does not consider any commercial or industrial areas in the city appropriate locations for SEVs. At the time of passing the resolution there were no SEVs operating in these areas. Further it is possible that the classification of such areas can change through regeneration or development to become residential in character. Finally, these areas are not considered suitable as they can be isolated or quiet after normal business hours and these would not be appropriate locations having regard to the safety of performers.

Suitability of Premises

- 3.9 Under the 1982 Act the Council has the discretion to refuse applications relating to SEVs if it is considered that the grant or renewal of the licence would be unsuitable, having regard to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 3.10 It is expected that when an application for a SEV licence is made, that the applicant will be able to demonstrate that the layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises.

SEV Application Process

- 4.1 The 1982 Act allows the Council to issue a licence for a maximum period of one year. A licence can also be issued for a shorter period, if it is deemed appropriate.
- 4.2 An application for the grant, variation, renewal or transfer of a licence must be made in writing to the Council together with the appropriate fee, layout plan as well as complying with the following requirements:
- a. Within seven days of the application being lodged with the Council, the applicant must publish an advertisement of the application in a local newspaper within Edinburgh. A suggested form of advertisement is available from the Licensing Service website. A copy of the newspaper in which the advertisement appears must be lodged with the Licensing Service within 3 days of the publication.

- b. The applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days from the date the application is lodged with the Council. A copy of a display notice can be downloaded from the Licensing Service website. As soon as possible after the expiry of the period of 21 days, the applicant shall submit to the Council a certificate (available online) which states that a notice was duly exhibited for the required period.
 - c. Applicants will be required to provide pictures or sketches of the exterior design of the premises for consideration, in order to ensure that it complies with the standard conditions of licence.
 - d. Application packs must include a copy of the premises 'house rules' for performers and proposed code of conduct of patrons.
- 4.3 Applicants should note that the application fee is non-refundable in the event of the licence being refused or the application being withdrawn prior to determination. To view the Council's policy on refunds, click [here](#).

Making an Objection

- 4.4 It is possible to lodge an objection against the grant of an application for a SEV licence. Objections must be made in writing (emails are accepted) and sent to the Licensing Service (licensing@edinburgh.gov.uk) within 28 days of the application being advertised. If an objection is lodged out with this period, it must explain why it has been lodged late. It would then be a matter for the Licensing Sub-Committee to consider if it is satisfied that there is sufficient reason why it was not made in the time required.
- 4.5 To be considered as competent, objections should include the following information:
- a. The name and address of the person or organisation making the objection
 - b. The premises to which the objection relates
 - c. The objection must be signed by the objector, or on their behalf
- 4.6 Objections to a SEV application will be considered by the Licensing Sub-Committee when determining the application. A copy of the general terms of the objection will be sent to the applicant, however certain contact details such as telephone numbers, email addresses and signatures will be removed. The name and address of any objector will not be provided to the applicant without the objectors consent.

Determining an Application

- 4.7 Every application for a SEV licence will be scrutinised and determined at a meeting of the Licensing Sub-Committee. As stated above, if any objections are received in relation to an application, they will be considered at the Committee meeting.
- 4.8 Objectors will be given the opportunity to speak to their written objection at a meeting of the Committee. Similarly, applicants will be given the opportunity to speak to their application and address any questions that the Committee may have.
- 4.9 Under the terms of the 1982 Act, there are mandatory and discretionary grounds for refusal of a SEV licence. The specific mandatory grounds for refusal are set out in section 9(3) of Schedule 2 of the 1982 Act.
- 4.10 Section 9(5) of Schedule 2 of the 1982 Act sets out the terms of the discretionary grounds on which a SEV application can be refused. They are as follows:
- a. That the applicant is unsuitable to hold a licence by reasons of having been convicted of an offence or for any other reason;
 - b. That if the licence were to be granted or renewed, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be otherwise refused the grant/renewal of a licence if they made the application themselves.
 - c. That the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the Council considers appropriate;
 - d. That the grant or renewal of the licence would be inappropriate having regard:
 - i. To the character of the relevant locality; or
 - ii. To the use to which any premises in the vicinity are put; or
 - iii. To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

Suitability of Applicant

- 4.11 In determining an application, the Committee will consider whether the applicant is or remains fit and proper to hold a licence. The Council does not expect any fines, arbitrary or otherwise, to be in place for performers, which could result in their loss of income. Additionally, the Council expect that house fees for performers will be transparent and agreed in advance. The Council

does not expect that these would be subject to change at short notice, resulting in a loss of income to the performer. Where examples of fining or issues with house fees are brought to their attention, the Committee could take this into account when considering whether an applicant is or remains fit and proper to hold a SEV licence.

Variation of a SEV Licence

- 4.12 The licence holder of a SEV licence may apply to vary any term, condition or restriction placed upon the licence. The statutory requirements for advertising, giving notice and timeline for the consideration of the application are the same as those for initial grants or renewals as set out at section 4 of this policy.
- 4.13 Variation applications will be considered by the Licensing Sub-Committee where the applicant will be given an opportunity to speak to their application and answer any questions that Committee members may have. When determining an application, the Committee can either:
- a. Grant the variation as requested;
 - b. Make such variations as it thinks fit;
 - c. Refuse the application.
- 4.14 In the event of the Committee agreeing a condition or restriction other than the one sought in the original variation application, the decision will not take effect until the time for bringing an appeal has expired, or if an appeal is lodged, the abandonment of the appeal or the conclusion of the appeal, if found in favour of the Council.

Renewal Application

- 4.15 Provided an application for renewal has been accepted and deemed competent by the Licensing Service prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal application has been determined.
- 4.16 The statutory requirements for advertising and giving notice are the same as those applying to initial grants. Furthermore, renewal applications will be considered by the Licensing Sub-Committee.

Right to Appeal

- 4.17 An appeal against the decision of the Licensing Sub-Committee in respect of the grant, renewal, variation or refusal of a licence must be made to the Sheriff Court within 28 days of the decision being made.
- 4.18 Where an application for a licence is refused on the under paragraph 9(5)(c) or (d) of Schedule 2 of the Civic Government Act 1982, the applicant can only challenge the refusal by way of judicial review.

Conditions

- 5.1 The Licensing Sub-Committee is able to grant or renew a SEV licence on such terms and conditions as it considers appropriate. This will typically take the form of standard conditions which are applicable to all SEV licences. Additional conditions may also be placed on the licence which are specific to the applicant or premises.
- 5.2 The Committee agreed a set of standard conditions on (dd/mm/yyyy) and these shall apply to every licence granted, varied or renewed by the Committee, unless they have been expressly excluded or varied. The standard conditions are found at appendix 1 of this policy.
- 5.3 It is an offence to operate a SEV without a licence or contravene a condition of any granted licence. Licence holders found to breaching the terms of their licence may be referred to the Licensing Sub-Committee for suspension or revocation of the SEV licence.

Relationship with Other Strategies

- 6.1 Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls was first published in 2014 and updated in 2016. It sets out a definition of violence against women and girls which includes 'commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography, and human trafficking.' Whilst recognising the conflict between this definition and the licensing of sexual entertainment venues, the Scottish Government intends that it will help to ensure that such activities take place in safe and regulated environments

Related Documents

- 7.1 [Air Weapons & Licensing \(Scotland\) Act 2015 – Sexual Entertainment Venues– Update After Initial Consultation – Regulatory Committee – 21 October 2019](#)
- 7.2 [Civic Government \(Scotland\) Act 1982 – Sections 45A-45C](#)
- 7.3 [Provisions for Licensing of Sexual Entertainment Venues: Guidance – Scottish Government](#)

Review

- 8.1 This policy will be reviewed annually or more frequently, if required.

Draft Standard Conditions on the Licensing and Regulation of Sexual Entertainment Venues (SEVs)

Definitions

- **Sexual Entertainment** means live performance or any live display of nudity which is of a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience (whether by verbal or other means)
- **Performer** is defined in these conditions as any person operating at a sexual entertainment venue who carries out any activity falling within the definition of relevant entertainment.
- **Sexual Entertainment Venue (SEV)** means any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser

Conditions

Opening Hours

- 1 The licensed premises shall not be open or used for the purposes for which the licence is granted except between the hours prescribed within the licence

Control of Entry to the Premises

- 2 No person under the age of 18 shall be admitted to the premises at any time or employed in the business of the establishment.
- 3 A prominent, clear notice shall be displayed at each entrance to the premises which states that no person under the age of 18 will be admitted to the premises and that proof of age may be required.
- 4 The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age, to ensure that no one under 18 enters the premises. Such credible evidence, which shall include a photograph of the customer will either be a passport, photographic driving licence, or proof of age card carrying a 'PASS' logo.
- 5 The premises shall maintain a refusals log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised Council officer.
- 6 Any authorised Council officer, Police Constable or officer of the Scottish Fire & Rescue Service shall be permitted access to the premises at any time, including any area not accessible to customers.

Exhibition of SEV Licence

- 7 A copy of the licence shall be prominently exhibited on the premises in a position that can easily be read by all persons frequenting the premises.
- 8 A copy of the licence and conditions attached to the licence shall be kept on the premises and be available for inspection by any of those persons referred to in condition 6.

Security & CCTV

- 9 An adequate number of door supervisors registered in accordance with the Security Industry Authority (SIA) shall be on duty at all times whilst relevant entertainment is taking place.
- 10 A CCTV system shall be installed and working to the satisfaction of the Chief Constable and Council officers. The system shall cover the whole of the parts of the premises to which the public have access. This shall include external areas of the premises including the area immediately outside any entrance to, or exit from, the premises.
- 11 Notices shall be displayed at the entrance, and in prominent positions throughout the premises, advising that CCTV is in operation.
- 12 CCTV monitors covering the premises shall be available in an appropriate area of the premises where they can be viewed by Police or authorised Council officers during an inspection of the premises. This condition does not preclude further monitors being located in other parts of the premises.
- 13 All CCTV cameras shall continually record whilst the premises is open for licensable activity. All recordings shall be stored for a minimum period of 28 days.
- 14 Staff will be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide a recording of any incident in a format that can be taken away to be viewed. The premises will provide copies of any recordings upon request by the police or any authorised Council officer within 24 hours of the request.
- 15 Each area where relevant entertainment is conducted shall be supervised by management and/or SIA accredited door supervisors and/or contain a panic alarm for the safety of performers. Additionally, all dance booths or cubicles will be equipped with a panic alarm.

Layout & External Appearance of Premises

- 16 No display, advertisement, signage or other matter shall be exhibited so as to be visible from outside of the premises except:
 - a. The name of the premises
 - b. The opening hours of the premises
 - c. Notice of any admission charge to the premises

- d. Any other notice required to be displayed by law or by these conditions
- 17 The external doors of the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 18 The windows and openings of the licensed premises shall be of material or covered with material which will render the interior of the premises invisible to passers by.
- 19 The layout of the premises shall be such that performers cannot be seen from outside the premises.
- 20 Performers or other member of staff shall not stand in lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.
- 21 There shall be no alterations to the layout plan of the premises without the prior written approval of the Council.

Record Keeping

- 22 A record of full names, dates of birth, and copies of photographic proof of age documents, nationality and contact details (address or telephone number) for all staff & performers shall be available on the premises for immediate inspection if requested by police or an authorised Council officer.
- 23 All staff and performers shall be eligible to work in the UK and proof of eligibility records shall be kept on the premises. The licence holder shall ensure that such records are regularly checked to ensure compliance.
- 24 An incident log shall be kept at the premises, and made available on request to an authorised Council officer or the Police, which will record the following:
 - a. All crimes reported to the premises;
 - b. All ejections of patrons;
 - c. Any incidents of disorder;
 - d. Any faults in the CCTV system;
 - e. Any refusal of the sale of alcohol;
 - f. Any breach of licence conditions reported by a performer
- 25 The incident log shall show the date and time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved/name of performer where appropriate and brief details of the incident along with action taken by staff.
- 26 Staff shall complete the incident log as soon as reasonably practicable after any incident has occurred.
- 27 The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in the case of any of the circumstances described above.

Performances

- 28 Performers shall be aged not less than 18 years.

- 29 Sexual entertainment shall be given only by performers and the audience shall not be permitted to participate in the relevant entertainment.
- 30 Performers must only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
- 31 Immediately after each performance, performers must fully redress in that they will have the same clothing on prior to the start of their performance.
- 32 Sexual entertainment shall take place only in the designated areas approved by the Council as shown on the licence plan.
- 33 The licence holder shall ensure that there will be no physical contact between performers and customers.
- 34 The licence holder will take all reasonable steps to ensure that performers will not provide any telephone number, address or any other personal contact information to any customer and that performers will not request any such personal contact from customers. The licence holder will take all reasonable steps to ensure that any such information given by a customer is surrendered to the premises manager as soon as is practicable.
- 35 The licence holder will take all reasonable steps to ensure that customers remain fully clothed at all times and that the performer will not remove any of the customer's clothing at any time.
- 36 The licence holder will ensure that there will be no photography or recording of any images or videos by customers on the premises.
- 37 Where sexual entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door, curtain or other similar closure, the area shall constantly be monitored by CCTV, and access to the booth or other area shall be adequately supervised.
- 38 A price list shall be displayed in a prominent position giving the price and the duration of any sexual entertainment that will take place in private booths

Premises Management & Staff Welfare

- 39 The licence holder shall nominate a manager who will be responsible for the day-to-day running of the premises and will ensure that the manager operates the premises in accordance with these conditions.
- 40 Performers shall be provided with unrestricted access to secure and private changing facilities. Such changing facilities shall be secured so as not to be accessible to members of the public.
- 41 All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
- 42 Performers shall be provided with their own sanitary facilities separate from those used by customers.
- 43 Performers must be provided with an information pack which will include, as a minimum, the following information:
 - A copy of the Sexual Entertainment Venue Licence, including these and any additional conditions applied by the Council.

- Details of any conditions or house rules applied by the licence holder or manager of the premises. This will include the level of any house fees and fines.
 - Details of how to report crime to the relevant authority.
 - Details of unions, trade organisations or other bodies that represent the interests of performers
 - Price lists for any sexual entertainment provided on the premises.
- 44 The information provided in the pack will be provided in the performers dressing rooms and will be available on request to the police or an authorised Council officer.
- 45 The licence holder shall have a Performers Welfare Policy in place at the premises.
- 46 The Performers Welfare Policy shall, at a minimum, state that
- Any performer concerned about the behaviour of a customer shall report the incident immediately to the Premises Manager (or any member of management on shift if the Premises Manager is not on the premises), who shall take immediate action to resolve the matter.
 - Staff members must supervise the behaviour of customers at the premises constantly and shall intervene where any customer is acting inappropriately or is otherwise causing alarm or distress to a performer.
 - Any customer behaving inappropriately will be ejected from the premises.
 - Performers shall be provided with free drinking water on request.

Touting for Business

- 47 The licence holder must take reasonable steps to ensure that there shall be no touting for business for the premises in a public place by way of flyer, persons holding advertising boards, branded vehicles or personal solicitation.

Draft Sexual Entertainment Venues Resolution

THE CITY OF EDINBURGH COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982 (“the Act”)

THE CITY OF EDINBURGH SEXUAL ENTERTAINMENT VENUES RESOLUTION
Number X of 2021

The City of Edinburgh Council, in exercise of its powers in terms of sections 9 and 45A-45C of the Act, hereby makes the following resolution:

- (1) Sections 45A-45C of the Act relating to Sexual Entertainment Venues shall continue to have effect throughout the Council’s area.
- (2) Subject to the terms of the Act, a Sexual Entertainment Venue licence shall be required for the use of the premises as places of Sexual Entertainment as from *TBC*
- (3) The premises in the Council’s area which require to be licensed under the Resolution include those which provide the following, as they are commonly known:

- (a) Lap dancing
- (b) Pole dancing
- (c) Table dancing
- (d) Strip shows
- (e) Peep shows
- (f) Live sex shows

The list of examples above is not intended to be exhaustive and should only be treated as indicative. The decision to licence premises as SEVs shall depend on the content of the relevant entertainment, rather than the name given to it.

‘Sexual entertainment’ means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). An audience can consist of just one person.

Integrated Impact Assessment

Integrated Impact Assessment Summary Report Template

Each of the numbered sections below must be completed

Interim report		Final report		(Tick as appropriate)
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1. Title of plan, policy or strategy being assessed

City of Edinburgh Council Sexual Entertainment Venues Policy

2. What will change as a result of this proposal?

The Air Weapons and Licensing (Scotland) Act 2015 adds new sections to the Civic Government (Scotland) Act 1982 which enables local authorities to introduce a discretionary licensing system for sexual entertainment venues (SEVs). As a result of this policy, a licensing regime will be implemented for premises classed as SEVs. The policy and conditions allow the Council to consider local circumstances and to exercise appropriate control and regulation of these venues in setting the number of venues able to operate within Edinburgh. If the Council does not adopt this discretionary power then SEVs will continue to operate without any direct influence from the Council. Premises which fall under the definition of a sexual entertainment venue could close or be forced to significantly change their operation if a SEV policy is introduced with a zero limit in relation to the number of SEV premises

3. Briefly describe public involvement in this proposal to date and planned

The Council has engaged in public consultation throughout the process of agreeing to adopt, in principle, a scheme to licence sexual entertainment venues.

On 11 March 2019 the Regulatory Committee instructed officers to carry out an initial public consultation with a view to gaining a broader understanding of community views in relation to the potential introduction of a resolution which, if implemented, would require premises classed as SEVs to be licensed in 2021. Subsequently, a consultation exercise was carried out from 8 July to 17 August with over 800 responses.

A further report containing a comprehensive analysis of the response was considered by the Committee on 21 October 2019. The Committee agreed to adopt a scheme to licence SEVs, in principle and instructed officers to draft a proposed SEVs policy, resolution & conditions for consideration.

As part of the process in developing a draft policy and conditions, officers referred to the information gathered during the initial consultation exercise. Information was also gathered by holding a series of evidence sessions with key stakeholders such as existing operators and performers, Police Scotland, NHS, members of the public and community councils. In addition, the Committee also held sessions with the appropriate internal Council officers, elected members and the relevant interest groups (e.g. Violence Against Women Partnership and Community Safety Partnership) to provide members with a detailed and robust evidence base from which to inform any decision making. Furthermore, officers carried out a document review of existing SEV licensing policies in operation in England, including those council areas of a similar size to Edinburgh, such as Westminster. A full list of those policies that were studied is included in section 6. There has also been engagement with the SOLAR licensing SEV working group, which has brought together officers from a number of Scottish local authorities to discuss and consider proposed SEV licensing schemes and policies. As part of this work, officers attended a SEV licensing seminar which had expert speakers on the subject from both England and Scotland.

Following a period of extensive research, previous consultation exercises and instruction from the Regulatory Committee, a draft SEVs policy and draft licensing conditions were published with a further round of public consultation taking place on both draft proposals. This consultation took place between 9 April – 2 July 2021 and received 87 responses in total.

4. Date of IIA

12/11/21

5. Who was present at the IIA? Identify facilitator, Lead Officer, report writer and any partnership representative present and main stakeholder (e.g. NHS, Council)

Name	Job Title	Date of IIA training	Email
Christopher McKee	Regulatory Officer	N/a	Christopher.mckee@edinburgh.gov.uk
Catherine Scanlin	Licensing Manager	N/a	Catherine.scanlin@edinburgh.gov.uk
Gordon Hunter	Regulatory Officer	2015	Gordon.hunter@edinburgh.gov.uk

6. Evidence available at the time of the IIA

Evidence	Available?	Comments: what does the evidence tell you?
Data on populations in need	Yes	The consultation responses gave data on respondents ethnic group or background, sexual orientation, age,

Evidence	Available?	Comments: what does the evidence tell you?
		national identity, gender, religion, religious denomination or body.
Data on service uptake/access	Yes	<p>Information on the service uptake/access to SEV premises could be considered commercially sensitive and therefore the Council has not been able to access this information. However the consultation process has resulted in information being received from the following groups:</p> <ul style="list-style-type: none"> Customers SEV Performers & Union Reps SEV Operators & Legal Agents Neighbours / Residents
Data on equality outcomes	Yes	<p>Evidence from trade organisations such as performers union groups have stated that by introducing a licensing scheme which bans SEVs from operating, the equality outcomes of performers, employees and operators of SEVs would be adversely affected. Evidence from organisations such as violence against women's groups have stated that by licensing SEVs and allowing them to operate that women's equality outcomes could be adversely affected.</p>
Research/literature evidence	Yes	<p>Some consultation responses have referred the Committee to existing research and literature on a range of issues including, but not limited to, the following:</p> <ul style="list-style-type: none"> • SEV performer perspectives of working in the industry • If any links exist between SEVs and violent crimes; sexual offences; violence against women and girls <p>The titles and links to the research and literature are included in the responses to the consultation</p>

Evidence	Available?	Comments: what does the evidence tell you?
Public/patient/client experience information	Yes	<p>There are a range of view on this subject. At a high level it is possible to identify two very different points of view that are diametrically opposed to each other, as to whether SEVs should be permitted to operate.</p> <p>As noted below and in the evidence put before the Committee, there are those who feel SEVs are safe and that those who work in SEVs have the right to work and it is their right to choose how they earn an income. On the other hand, there are some respondents who feel that SEVs negatively contribute towards equality outcomes and act as a form of violence against women.</p> <p>Given that the 4 SEV premises have operated for a minimum of 20 years, which indicates there is a demand for this service.</p>
Evidence of inclusive engagement of service users and involvement findings	Yes	<p>During the public consultation exercises, information has been provided from those who work in the SEV trade and those who have identified themselves as customers of SEV premises.</p> <p>A series of evidence sessions were held with key stakeholders such as existing operators and performers, Police Scotland, NHS and community councils. In addition, the Committee also held sessions with the appropriate internal Council officers and the relevant interest groups (e.g. Violence Against Women Partnership and Community Safety Partnership) to provide members with a detailed and robust evidence base from which to inform any decision making</p> <p>To encourage participation, the public consultations and evidence sessions were open to all interested parties to contribute</p>

Evidence	Available?	Comments: what does the evidence tell you?
		<p>The evidence session with the performers and operators was conducted in private to protect identities, commercially sensitive information and to encourage participation.</p> <p>Those evidence sessions held with members of the public, community/interest groups, Police Scotland, NHS Scotland, Licensing Standards Officer took place in public and were broadcast on the Council's website for transparency.</p> <p>Officers also met with a SEV performer Union representative and the Council's Equally Safe Lead Officer to update them on the proposals.</p> <p>Given the sensitive and emotive nature of this subject, the Council have taken a range of measures to encourage participation in the consultation process.</p>
Evidence of unmet need	No	<p>No evidence of unmet demand for SEV premises has been identified during this process. At present, there are 4 premises which would fall under the definition of a SEV which have operated continuously for a number of years.</p>
Good practice guidelines	Yes	<p>In forming a SEVs policy and conditions framework, the Council has taken into account the information available from existing SEV licensing schemes in England. These include those from the following local authority areas:</p> <ul style="list-style-type: none"> • Birmingham • Camden • Leeds • Manchester • Sheffield • Westminster

Evidence	Available?	Comments: what does the evidence tell you?
		The Council has also referred to the Scottish Government's on the Provisions for Licensing of Sexual Entertainment Venues.
Environmental data	N/A	
Risk from cumulative impacts	N/A	
Other (please specify)	N/A	
Additional evidence required	No	

7. In summary, what impacts were identified and which groups will they affect?

<p>Equality, Health and Wellbeing and Human Rights Positive</p> <p>From the information gathered through the consultation processes and evidence sessions, it is evident that the majority of SEV workers identify as female.</p> <p>If a policy was introduced to licence SEVs, it could have a positive impact on women as it would mean there is more regulation in the industry. The SEV operator would have to comply with licence conditions, imposed by the Committee. A licensing regime would also provide a mechanism for SEV workers and also members of the public, to report any problems they have with the running of the premises to the Committee, who could investigate and possibly take appropriate action against the licence holder to ensure the SEV workers safety is not being compromised or any nuisance being caused to the public by the operation of the premises.</p> <p>If licensed, it could allow an opportunity through the licensing policy statement to provide a more secure and safe environment for SEV workers and also members of the public.</p> <p>If a SEV licensing scheme was introduced with limits placed on the number of SEVs in a certain locality, it would allow the Council to control the number of SEVs operating</p>	<p>Affected populations</p> <p>Men (including trans men), Women (including trans women) and Non-binary people Children & young persons SEV performers SEV premises operators SEV employees (bar staff, door staff) Neighbours/Residents Customers</p>
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in certain vicinities. For example, near schools, places of worship, women's refuges, residential areas etc

If SEVs were to be licensed and an appropriate number set to enable SEVs that the Committee is currently aware of, to remain open, it would ensure that the SEVs workers continue to be employed and receive an income to support themselves and any dependents.

If SEVs were to be licensed and the number set to zero SEVs in Edinburgh, this could have a positive impact on SEV workers as some evidence stated that workers in SEVs are sexually exploited, suffer sexual assault and are abused.

If SEVs were to be licensed and the number set to zero SEVs in Edinburgh, this could have a positive impact on women (including trans women) in Edinburgh as some evidence has stated that the existence of SEVs can lead to them feeling unsafe in certain parts of the city.

The responses highlighted that some workers in SEVs may be transgender. The positives and negatives for transgender would be similar to those listed above for men and women.

Although the majority of responses received from SEVs workers were from women, a few men also work in the SEVs that the Committee has knowledge of. The positives and negatives for men would be similar to those listed for women above

The evidence sessions highlighted that the owners and the majority of premises managers in SEVs in Edinburgh, that the Committee are aware of, were men. The owners and managers were in favour of a licensing regime and the number set to allow current SEVs that the Committee is aware of in Edinburgh, to continue operating. The owners and managers stated that if licensed, it would provide direct regulation for the dancers and premises.

The evidence and information gathered in developing a draft SEV licensing policy and conditions framework has allowed the Council to gain a better understanding of the issues related to SEVs in general and more specifically in Edinburgh.

<p>Negative</p> <p>If the Committee determined to licence SEVs but set the appropriate number of SEVs in the locality at zero this could have a negative impact on the majority of SEVs workers who are women, as the venues they currently work in may close. This could lead to unemployment which would not only impact on the worker but also any family members who are dependent upon their income. If SEVs were to be licensed and an appropriate number set to enable SEVs that the Committee is currently aware of, to remain open, this could have a positive impact on SEV workers as some evidence stated that workers in SEVs are sexually exploited, suffer sexual assault and are abused.</p> <p>The external appearance of sex establishments has the potential to impact those persons under 18 negatively as it could expose them to sexually explicit imagery.</p> <p>Persons under 18 accessing the SEVs premises could have the potential to impact those persons negatively. This risk exists as with any age restricted licensed premises.</p>	
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<p>Environment and Sustainability</p> <p>Positive N/A</p> <p>Negative N/A</p>	<p>Affected populations</p>
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<p>Economic</p> <p>Positive</p> <p>If SEVs were to be licensed and an appropriate number set to enable SEVs that the Committee is currently aware of, to remain open, it would ensure that the SEVs workers continue to be employed and receive an income to support themselves and any dependents.</p> <p>If SEVs were to be licensed and the number set to zero SEVs in Edinburgh, this would have a positive impact on SEV workers/performers as some evidence stated that workers in SEVs are financially exploited by the SEV operators.</p> <p>Negative</p> <p>Premises which fall under the definition of a sexual entertainment venue could close or be forced to</p>	<p>Affected populations</p> <p>Men (including trans men), Women (including trans women) and Non-binary people</p> <p>SEV performers</p> <p>SEV premises operators/Local businesses</p> <p>SEV employees (bar staff, door staff, full time staff, part time staff)</p> <p>SEV Customers</p>
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<p>significantly change their operation if a SEV policy is introduced with a zero limit in relation to the number of SEV premises.</p> <p>If the Committee determined to licence SEVs but set the appropriate number of SEVs in the locality at zero this could have a negative impact on the majority of SEVs workers who are women, as the venues they currently work in may close. This could lead to unemployment which would not only impact on the worker but also any family members who are dependent upon their income.</p>	
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8. Is any part of this policy/ service to be carried out wholly or partly by contractors and how will equality, human rights including children’s rights , environmental and sustainability issues be addressed?

N/A

9. Consider how you will communicate information about this policy/ service change to children and young people and those affected by sensory impairment, speech impairment, low level literacy or numeracy, learning difficulties or English as a second language? Please provide a summary of the communications plan.

The Licensing Service currently deals with customers from a range of backgrounds. This includes those affected by sensory impairment, speech impairment, low level literacy or numeracy, learning difficulties or English as a second language.

If the Regulatory Committee passes a resolution to licence SEVs, it must specify a date from when it is to take effect in their area. This must be at least one year from the date the resolution is passed. The local authority must also publish notice that they have passed a resolution not less than 28 days prior to the date the resolution is to take effect. The notice must state the general effect of the licensing procedure and provisions at Schedule 2 of the 1982 Act, as modified for SEV, and be published either electronically or in a local newspaper.

If the Regulatory Committee agree to adopt a resolution to licence SEVs, the licensing service will communicate this in a number of ways. All affected premises will be written to in order to inform them of the decision along with information on the agreed SEVs policy, conditions framework and any other appropriate information. Furthermore, the Committee’s decision will be communicated using the Council’s and Licensing Service’s social media accounts in addition to updates being placed on the Council’s website. The Licensing Service will also include information of the Committee’s decision in it’s regular newsletter which is sent to all licence holders.

Where customers require further support to access information in respect of SEV licensing, the licensing service will make the necessary reasonable adjustments to cater for this. For example, translators can be provided for those customers who's primary language is not English and who have difficulty understanding this information.

10. Does the policy concern agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use? If yes, an SEA should be completed, and the impacts identified in the IIA should be included in this.

No

11. Additional Information and Evidence Required

If further evidence is required, please note how it will be gathered. If appropriate, mark this report as interim and submit updated final report once further evidence has been gathered.

At this stage, it has not been established that any additional information of evidence is required. Should the Regulatory Committee request further information, this will be provided.

12. Recommendations (these should be drawn from 6 – 11 above)

It is recommended that that the Committee agrees to adopt a sexual entertainment venue licensing resolution and licensing policy with a maximum of four Sexual Entertainment Venue premises being permitted in the city centre locality. This reflects the number of premises currently operating within Edinburgh. Having reviewed the responses to this consultation, as well as the initial consultation exercise, it is clear that there is strong support for the introduction of a licensing system for SEVs. There are also a broad range of views with regards to the setting of any limits of SEVs premises in the city and certain localities.

The proposed licensing policy and conditions have been drafted in order to help mitigate the negative impacts identified above

13. Specific to this IIA only, what actions have been, or will be, undertaken and by when? Please complete:

Specific actions (as a result of the IIA which may include financial implications, mitigating actions and risks of cumulative impacts)	Who will take them forward (name and contact details)	Deadline for progressing	Review date
Further IIA depending on Committee decision on whether a SEV resolution is passed and what	Chris McKee, Regulatory Officer	Dependent on Committee	Dependent on Committee

Specific actions (as a result of the IIA which may include financial implications, mitigating actions and risks of cumulative impacts)	Who will take them forward (name and contact details)	Deadline for progressing	Review date
limit is set in respect of number of SEV premises permitted.		Decision date	Decision date

14. How will you monitor how this policy, plan or strategy affects different groups, including people with protected characteristics?

It is proposed that the SEV licensing policy is reviewed annually, or more frequently, should circumstances require it. A review of the IIA and how the policy is affecting different groups, including those with protected characteristics, will form part of that work.

15. Sign off by Head of Service/ Project Lead

Name: Andrew Mitchell

Date: 12 November 2021

16. Publication

Send completed IIA for publication on the relevant website for your organisation. [See Section 5](#) for contacts.

Section 5 Contacts

- **The City of Edinburgh Council**

Completed impact assessments should be forwarded to Strategyandbusinessplanning@edinburgh.gov.uk to be published on the Council website.