

# Regulatory Committee

10.00am, Monday, 1 May 2023

## Sexual Entertainment Venues (SEVs): Update Following Judicial Review

Executive/routine Wards Council Commitments	All
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### 1. Recommendations

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- 1.1 Committee is asked to note the contents of the report and:
  - 1.1.1 Agree to carry out a statutory consultation process to seek community and business views on:
    - 1.1.1.1 What the appropriate number of Sexual Entertainment Venues (SEVs) for Edinburgh should be;
    - 1.1.1.2 What the appropriate number of SEVs for each relevant locality within the city should be; and
    - 1.1.1.3 The existing SEV policy statement and conditions framework.
  - 1.1.2 Note the update on the legal costs incurred in respect of the Judicial Review of the existing SEVs.

**Paul Lawrence**

Executive Director of Place

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# Report

## Sexual Entertainment Venues (SEVs): Update Following Judicial Review

### 2. Executive Summary

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- 2.1 The [Air Weapons and Licensing \(Scotland\) Act 2015](#) ('the 2015 Act') added new sections to the [Civic Government \(Scotland\) Act 1982](#) ('the 1982 Act'), enabling local authorities to introduce a discretionary licensing system for SEVs within their areas. On 31 March 2022 the Council resolved to license SEVs in terms of section 45B and Schedule 2 of the 1982 Act, with an initial implementation date of 1 April 2023. At its meeting on [13 March 2023](#), Committee agreed to postpone the implementation date to 31 December 2023.
- 2.2 This report recommends that Committee agrees to carry out a statutory consultation over a period of 12 weeks to seek community and business views on what the appropriate number of SEVs for Edinburgh and for each relevant locality within the city should be. The consultation would also seek views on the existing SEV policy statement and conditions framework.

### 3. Background

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- 3.1 Section 76 of the 2015 Act adds new sections (45A to 45C) to the 1982 Act.
- 3.2 Where a local authority resolves to license SEVs, the provisions at section 45A of the 1982 Act require a SEV licence for premises 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.
- 3.3 On [31 March 2022](#), Committee considered a report on the proposed licensing of SEVs within Edinburgh. Thereafter, Committee agreed to adopt a SEV licensing resolution that would require the licensing of SEVs within Edinburgh, and to adopt a scheme for the licensing of SEVs effective from 1 April 2023. The Committee thereafter determined the number of SEV premises appropriate for the City of Edinburgh to be zero; and further agreed to adopt the SEV policy statement and standard licensing conditions appended to the report, all in terms of the 1982 Act. The current SEV policy statement is attached at Appendix 1. On [13 March 2023](#), Committee agreed to postpone the effective date of implementation until 31 December 2023.

- 3.4 As previously reported to Committee, the SEV licensing policy which was approved on 31 March 2022, has been the subject of a Judicial Review in the Court of Session. On 10 February 2023, the Court issued its decision, which found against the Council and in favour of the petitioners.
- 3.4.1 The Court decided that the Council had no discretion to grant applications for SEV licences where the Council had determined the number of SEVs appropriate for Edinburgh to be zero.
- 3.4.2 The Court also decided the Council had been wrong to consider that it did have discretion to grant applications for SEVs licences when a zero numbers determination was in place. Therefore, the zero numbers determination agreed by the Council on this basis should be struck down.

## **4. Main report**

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### **Requirement to set an appropriate number of licensed SEVs**

- 4.1 As per paragraph 9(5A) of Schedule 2 of the 1982 Act, local authorities which have resolved to license SEVs must determine the appropriate number of SEV for both their area and for each relevant locality within their area. Paragraph 9(5)(c) of Schedule 2 allows local authorities to refuse applications on grounds that, at the time the application is determined, the number of SEVs in the local authority's area or relevant locality is equal to or exceeds the number that the authority considers appropriate for their area or that locality.
- 4.2 As a result of the Court's decision in the Judicial Review, and in order to comply with that decision, the Council is required to reconsider and determine the appropriate number of SEVs for both its area and for each relevant locality within its area. Previously, Committee agreed that the appropriate limit for the number of SEVs was zero. The Court's decision in respect of the Judicial Review does not otherwise affect the validity of the Resolution or the wider SEV policy (Appendix 1) made by the Council to license SEV,s except insofar as the policy makes reference to the said zero numbers determination.
- 4.3 Committee is asked to note that the number of premises understood to be directly affected by the licensing regime is now three premises, which is one fewer than the four referred to when Committee made its original determination in March 2022.
- 4.4 Any decision made by the Committee, in respect of determining the appropriate number of SEVs, must be based on an assessment of the evidence gathered. Members must also consider the legislative requirements, relevant non-statutory guidance, and the Scottish Government's strategy 'Equally Safe; Scotland's strategy for preventing and eradicating violence against women and girls'.

## **Public Consultation**

- 4.5 Prior to the decision of the Court of Session, at its meeting of [6 February 2023](#), Committee agreed that, following publication of the Court's decision, officers should prepare a statutory 12 week consultation to review the existing SEV policy statement, and the determination of the appropriate number of SEVs for the city.
- 4.6 Accordingly, officers have prepared a draft consultation which can be found at Appendix 2. The aim of the consultation is to seek community and business views on what the appropriate number of SEVs for the city, or any relevant locality, should be.
- 4.7 The consultation further asks for comments on the existing SEV policy statement and conditions framework (previously approved by Committee on 31 March 2022), although the 'appropriate number' has now been deleted following the Court's decision. The proposed timeline for the consultation process is attached in Appendix 3.

## **5. Next Steps**

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- 5.1 All premises which could be affected by the SEV numbers determination, SEV policy statement and conditions framework will be written to and advised of the consultation. The Directorate will also consult with the persons or groups identified in its current policy. These include the trade and other interested parties such as performers' unions and the Edinburgh Violence Against Women Partnership.
- 5.2 A methodical and robust approach to obtaining evidence and information on the subject is required in order to minimise the risk of further legal challenge to any policy or committee decision.
- 5.3 A further report will be brought back to committee later this year with the results of the consultation, further advice on the determination of an appropriate number, and whether any other changes to the existing SEV policy statement and conditions framework are proposed.

## **6. Financial impact**

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- 6.1 To date, the total cost of the Council's legal fees in relation to the Judicial Review of SEVs licensing amounts to £117,011. The amount to be paid by the Council to the petitioners in respect of their judicial expenses is not yet intimated and determined. These costs are an unfunded pressure which will be required to be contained within the Place Directorate budget.

## **7. Stakeholder/Community Impact**

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- 7.1 In developing a policy, it will be necessary to consult with a wide range of stakeholders as described above.
- 7.2 A fresh Equalities Impact Assessment will be completed and published as part of the statutory consultation process.

## **8. Background reading/external references**

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- 8.1 Sexual Entertainment Venues (SEVs): Update After Judicial Review – Regulatory Committee – [13 March 2023](#)

## **9. Appendices**

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- 9.1 Appendix 1 – Current SEV Policy.
- 9.2 Appendix 2 – Draft SEV Consultation.
- 9.3 Appendix 3 – Proposed Timeline.

## Appendix 1

# The City of Edinburgh Council

## Sexual Entertainment Venue Licensing Policy

### Introduction

- 1.1 The City of Edinburgh Council (“the Council”) is able to regulate sexual entertainment venues (SEVs) through the Civic Government (Scotland) Act 1982 (the 1982 Act).
- 1.2 Section 76 of the Air Weapons and Licensing (Scotland) Act 2015 (the 2015 Act) added new sections 45A to 45C to 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 to ensure that a public entertainment licence cannot also be required for those venues.
- 1.3 The Council’s Regulatory Committee agreed on 31 March 2022 to make a resolution under section 45B(1) of the 1982 Act to introduce a licensing scheme for SEVs with effect from 1<sup>st</sup> April 2023. Consequently, this SEV policy applies to the whole of Edinburgh.
- 1.4 The making 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 to determine the appropriate number of premises to be licensed as SEVs within the city or any identified locality of the city and the appropriate number may be set at zero.
- 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 statutory licensing 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 SEVs 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 4 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 local authority area or 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 the local authority area or locality. The Council is able to determine that the appropriate number for the local authority area or locality is *(to be determined by the Regulatory Committee after consultation)*.
- 3.6 The Council must determine the appropriate number of SEVs which it considers appropriate in any area within the Council's control. Having done so, each application will be considered on its own individual 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 the City of Edinburgh is *(to be determined by Regulatory Committee after consultation)*. The Council considers that the city centre ward 11 (as shown in Appendix 1) is the only area of the city where it is appropriate to have SEVs located. No separate localities have been identified. 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 three 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](#).
- 4.4 The following list organisations will receive a copy of an application upon its submission to the Council:
- a. Edinburgh Rape Crisis Centre
  - b. Edinburgh Women's Aid
  - c. Equally Safe (Edinburgh) Committee
  - d. Rape Crisis Scotland
  - e. Scottish Women's Aid
  - f. Zero Tolerance
  - g. Any community council within or neighbouring the locality in which the premises is situated.

#### Making an Objection

- 4.5 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](mailto: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.
- 4.6 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

- 4.7 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 objector's consent.

#### Determining an Application

- 4.8 Every application for a SEV licence will be considered 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 also be considered at the Committee meeting.
- 4.9 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.
- 4.10 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, which states.

"A licence under this Schedule shall not be granted –

- a) To a person under the age of 18;
- b) to a person who is for the time being disqualified under paragraph 13(10) or 19(5) below;
- c) to a person other than a natural person if any director of it or partner in it or any other person responsible for its management is disqualified under paragraph 13(10) or 19(5) below;
- d) to a person who has been convicted of an offence under paragraphs 19 to 21 below;
- e) to a person who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date when the application was made;
- f) to a body corporate which is not incorporated in the United Kingdom;
- g) to person who has, within the period of 12 months immediately preceding the date the application was made, been refused by the

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

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

4.11 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 SEVs in the local authority area or relevant locality at the time the application is made is equal to or exceeds the number which the Council considers appropriate for their area or that locality;
- d. That the grant or renewal of the licence would be inappropriate having regard:
  - a) To the character of the relevant locality; or
  - b) To the use to which any premises in the vicinity are put; or
  - c) To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

#### Suitability of Applicant

4.12 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

- 4.13 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.
- 4.14 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.
- 4.15 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

- 4.16 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.
- 4.17 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

- 4.18 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.
- 4.19 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 31 March 2022 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 last updated in 2018 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](#)

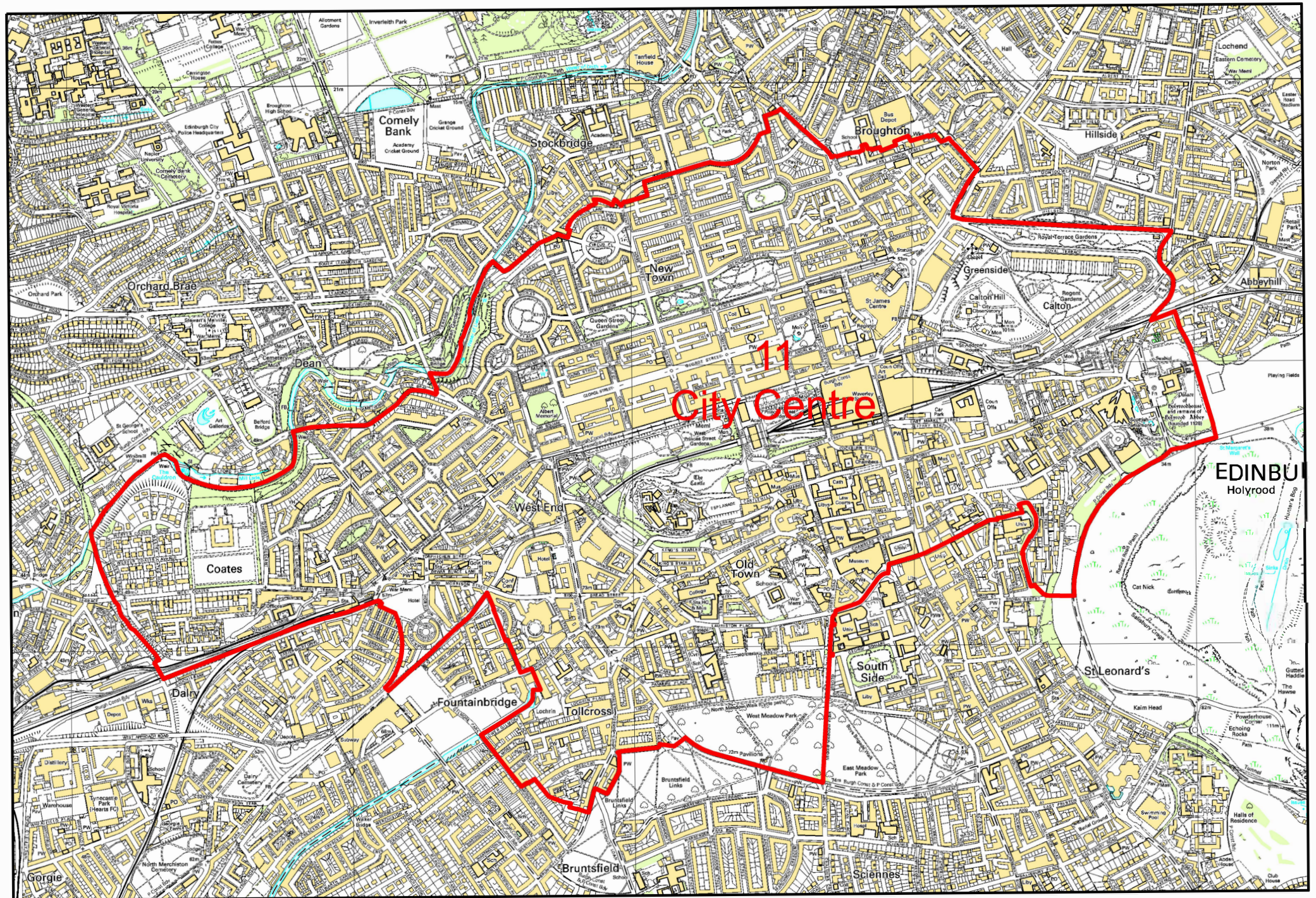
- 7.2 [Civic Government \(Scotland\) Act 1982 – Sections 45A-45C](#)
- 7.3 [Provisions for Licensing of Sexual Entertainment Venues: Guidance – Scottish Government](#)
- 7.4 [Air Weapons and Licensing \(Scotland\) Act 2015 – Sexual Entertainment Venues – Proposed Resolution, Policy and Conditions – Update](#)

## **Review**

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



## Appendix 1 - (of Appendix 1) - Map of CityCentre- Ward 11





## **Appendix 2**

# **Draft SEV Consultation**

## **Overview**

In March 2022, the Regulatory Committee formally agreed to introduce a licensing scheme for Sexual Entertainment Venues (SEVs) in Edinburgh. This followed the introduction of new legislation which allowed local authorities to license such venues and a public consultation exercise on the issue.

Following the consultation process the Council resolved to licence SEVs, agreed the appropriate number of SEVs within Edinburgh was zero and also agreed a SEV policy statement and conditions framework.

Following a legal challenge in the courts, the Council's determination of the appropriate number being set at zero has been struck down by the Court of Session.

The Council are therefore now reconsidering the determination of an appropriate number of SEVs. At the same time the Council are also reviewing the agreed SEV policy statement in light of the Court of Session's decision.

As stated above, the Council is required to determine an appropriate number of SEVs permitted to operate in Edinburgh and each relevant locality. This consultation asks for views on what that number should be.

The consultation also asks for views on the existing licensing policy and set of licensing conditions for SEVs.

It is important to note that following the Court of Sessions decision that if the Council chooses to determine an appropriate number of SEVs within Edinburgh or any of the relevant localities therein, to be zero then no SEV premises will be permitted to operate in Edinburgh. In such circumstances, any application received for a SEV licence would require to be refused.

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

The definition of a SEV is provided by legislation and is aimed at premises providing sexual entertainment often referred to as 'lap dancing'. 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 what the appropriate number of SEVs permitted to operate in the city should be and the existing licensing policy and conditions framework in respect of SEVs in Edinburgh.

## The number of SEVs

The Council must determine an appropriate number of SEVs within Edinburgh and for any relevant locality. The Council will be required to refuse a licence application if it determines the appropriate number of SEVs is zero in this regard.

Currently, the city centre has three premises which offer services which would fit within the definition of SEVs. This is down from the previous four premises when the policy was determined in March 2022. There are currently no SEVs operating in localities outside of the city centre.

### Question 1

The Council must set an appropriate number of SEV premises within Edinburgh and for any relevant 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"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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"/>	<input type="radio"/>	<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"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A town centre/high street 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"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A residential area <i>Please select only one item</i>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Question 2

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 3

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

### Question 5

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

### Question 6

Would you like to make any further comments?

### Appendix 3 – Proposed Consultation Timeline

