

Amendment by the Administration

Regulatory Committee

5 Febraury 2024

Item 7.1 – Air Weapons and Licencing (Scotland) Act 2015 – Licencing of Sexual Entertainment Venues

Deletes and replaces 1.1.3 with:

“1.1.3 Committee Agrees:

Amendments made by the 2015 Act introduced a requirement, in section 45C of the 1982 Act, that when determining a statement of licensing policy the local authority should consider the impact of the licensing of sexual entertainment venues in their area, having regard, in particular, to how it will affect the objectives of:

- (i) preventing public nuisance, crime and disorder
- (ii) securing public safety;
- (iii) protecting young people and children from harm; and
- (iv) reducing violence against women.

The City of Edinburgh Council has several policies and strategic initiatives, including the Equally Safe Strategy, which are intended to improve the safety and wellbeing of women and girls. Following consultation and balancing respective interests, the Committee has determined that setting a zero policy would be a proportionate way to advance legitimate aims regarding the particular objectives in the Act (set out above) and Council policies and strategic initiatives regarding the safety and wellbeing of women and girls. Therefore the appropriate number of SEVs within the entirety of the City of Edinburgh should be zero.”

Adds to 1.1.4:

“Committee notes that significant parts of Ward 11 City Centre have similar characteristics to other wards that are considered not to be suitable locations for SEVs.

Therefore, Committee agrees that:

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 location within Ward 11. 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
2. Committee notes that many local authorities provide clear guidance on the minimum distance that a location should be from places listed above, and that the council's Equally Safe Committee suggest a minimum distance of 750 metres. Therefore Committee agrees that the Equally Safe Committee and the Community Safety Partnership should be given the opportunity to gather information and bring forward a report and recommendations for consideration at a future meeting of this Committee."

Moved by: Councillor Margaret Graham
Seconded by: Councillor Val Walker

Amendment by the SNP Group

Regulatory Committee

5 February 2024

Item 7.1 - Air Weapons and Licensing (Scotland) Act 2015 - Licensing of Sexual Entertainment Venues

Replaces 1.1.3 and 1.1.4 with:

1.1.3 Agrees that the cap is set to 3.

1.1.4. Agrees the area of operation of SEVs shall be the status quo. Further requests that a report is sent to the Policy and Sustainability Committee exploring actions to support women considering other employment opportunities that are currently working within, or prospectively considering working within sexual entertainment venues. This report to include exploration of available services and communication of available support open to women working within SEVs, including through health agencies.

ADD 1.1.8 Agrees that should any of the existing premises close, an immediate review of the number of SEVs be held.

Moved by: Councillor Catherine Fullerton

Seconded by: Councillor Martha Mattos Coelho

Amendment by the Liberal Democrat and Green Groups

Regulatory Committee

5 February 2024

Item 7.1 - Air Weapons and Licensing (Scotland) Act 2015 - Licensing of Sexual Entertainment Venues

Committee agrees to

Delete points 1.1.3 and 1.1.4 and replace them with

- 1.1.3 Agree that the appropriate number of SEVs permitted to operate in Edinburgh will be set at three, as this reflects the existing number of SEVs currently operating and strikes a proportionate and appropriate balance for our city.
- 1.1.4 Agree that the policy shall include a statement that the City Centre Ward 11 is the appropriate location for the operation of a SEV as no other localities are currently considered suitable.

Add 1.1.5 and renumber the remaining paragraphs accordingly:

- 1.1.5 Notes the statutory duty to review the appropriate number of SEVs permitted to operate in Edinburgh from time to time and directs officers to report to committee any change in the number of venues operating or substantive request that the Council further considers the number.

Moved by: Councillor Neil Ross

Seconded by: Councillor Susan Rae

Addendum by the Liberal Democrat Group

Regulatory Committee

5 February 2024

Item 7.3 - Short Term lets – Referral from the Planning Committee

Committee adds to recommendations:

1.2 Committee agrees to amend the Short Term Let Licensing policy as follows:

4.2.d change 'proof' to 'can demonstrate' so that it reads as follows:

d. **For secondary letting only**, Planning permission under the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) for the use of the premises as a STL; or proof that an application for planning permission has been made under the 1997 Act, which has not yet been determined; or can demonstrate that planning permission is not required (for example, a certificate of lawfulness).

Change 4.10 so that it reads as follows:

4.10 On 5 September 2022, the City of Edinburgh Council area became a designated STL control area. Therefore, due to the STL control area, across the entire the City of Edinburgh Council area mandatory condition 13 applies:

'13. Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either— (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or (b) planning permission under the 1997 Act is in force.'

Therefore delete 4.11, renumber the remaining paragraphs and note paragraph 4.12 would therefore be new paragraph 4.11 and amend that as follows:

4.11 For Secondary letting, it is expected that the host or operator must, when they apply for a licence, provide evidence that:

- a. they have made an application for planning permission or
- b. they already have planning permission, or, alternatively,

c. planning permission is not required (for example, a certificate of lawfulness or other satisfactory explanation of why planning permission is not required).

- 1.3 Committee requests that matters arising out of the Short Term Lets (STL) working group are detailed in the Business Bulletin and agrees that any matters requiring Committee decisions will be brought to the Committee as part of the report following the 2024 summer review of STL licensing policy, so they are transparent and open to public scrutiny.

Moved by: Councillor Neil Ross

Seconded by: Councillor Jack Caldwell