

Regulatory Committee

2.00pm, Thursday 31 March 2022

Present

Councillors Fullerton (Convener), Dixon (Vice-Convener), Bruce (substituting for Councillor Mitchell), Griffiths (substituting for Councillor Arthur), Mowat, Perry (substituting for Councillor Wilson) Rae, Rose and Neil Ross.

1. Minutes

Decision

To approve the minute of the Regulatory Committee of 28 February 2022 as a correct record.

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

2.1 Deputation – Women’s Support Project

The deputation made the following key points:

- If the Council was to meet its duty to adhere to Human Rights policies, then a nil cap policy should be imposed;
- The Committee should consider the role that Sexual Entertainment Venues (SEVs) played in the objectification of women; and
- That the Council had an obligation to adhere to public sector equality duties and to consider how SEVs damaged the equalities perception in Edinburgh.

2.2 Deputation – Not Buying It

The deputation made the following key points:

- That from looking at information on SEVs in England since regulations were introduced there, criminal offences still occurred with regulations in place; and
- That the only way to regulate the industry was by not allowing it and imposing a nil cap policy.

2.3 Deputation – Men at Work CIC

The deputation stated that the sexual objectification of women in SEVs had a detrimental impact on young men and their expected image of women as they grew older, and asked that a nil cap be introduced.

2.4 Deputation – Equally Safe Edinburgh Committee

The deputation stated that there were no conditions in which a Sexual Entertainment Venue could be deemed 'safe', and that introducing regulation would only legitimise an already exploitative industry.

2.5 Deputation – Survivors United

The deputation highlighted that women working in SEVs were subject to sexual assault and sexual objectification and asked that a nil cap be introduced.

2.6 Deputation – United Voice of the World

The deputation made the following key points:

- Their objection to the introduction of a nil cap policy and that the majority of the public also objected, as per the consultation responses received;
- If SEVs were forced to close, the industry would go underground with more dangerous working conditions and increased threat to workers; and
- If a number-capped policy was introduced, the opportunity to create better working conditions, improved worker's rights and a happier workforce would result.

2.7 Deputation – Burke and Hare

The deputation made the following key points:

- That the Burke and Hare venue was a safe and controlled environment where workers were treated fairly;
- The proposal to introduce a nil cap policy had the potential to disrupt the safe and controlled environment of an SEV and move the industry underground, where workers would be more vulnerable;
- This was apparent throughout the Covid-19 pandemic, where workers attended private parties and stated they did not feel safe; and
- Their objection to the introduction of a nil-cap policy.

2.8 Deputation – United Sex Workers

The deputation made the following key points:

- That in cities that had already implemented a nil-cap policy the crime (including sexual assault) rates had increased;
- The fact that crime rates had increased in cities with a nil-cap policy confirmed that SEVs were not 'hubs' of violence, illegality and crime as had been suggested; and
- The Committee should consider the impact on unemployment rates in Edinburgh if it agreed to introduce a nil-cap policy.

2.9 Deputation – Western Bar Dancers

The deputation made the following key points:

- If a nil cap policy was introduced, SEV workers would move to cities where they had no network or support system in place. The deputation gave the example of the safe route home policy they have at Western Bar, where workers were offered a safe journey home post-shift; and
- The deputation requested that Councillors did not forget that working in SEVs was an educated choice, and dancers were not forced into the line of work.

2.10 Deputation – Dancers Group

The deputation made the following key points:

- That dancers were safe in Edinburgh, and the objectification experienced by dancers outside of SEVs was worse than when working;
- The public consultation was now out-of-date as it was carried out over 2-years ago when many dancers did not know it was taking place; and
- Their objection to the introduction of a nil-cap policy.

2.11 Deputation – Babydolls Showbar

The deputation made the following key points:

- If the safety net of regulated SEVs was taken away, the safety of dancers would be a major concern in underground events;
- SEVs were compliant when engaging with local authorities and police and had a good working relationship with both; and
- Their objection to the introduction of a nil-cap policy.

2.12 Report by the Executive Director of Place

Approval was sought to adopt a Sexual Entertainment Venue (SEV) licensing resolution in terms of the Civic Government (Scotland) Act 1982 (“the Act”) that would require the licensing of SEVs within Edinburgh, and thereafter to determine the limit on the number of SEV premises permitted to operate in Edinburgh and to adopt the proposed licensing policy statement and standard licensing conditions appended to the report.

The Committee, having deliberated on the terms of said report and having considered the evidence provided in relation to the above, then considered the following motions: -

Motion

- 1) To agree to resolve that Schedule 2 of the Civic Government (Scotland) Act 1982 (‘the 1982 Act’) shall be effective within the City of Edinburgh for the purpose of licensing Sexual Entertainment Venues and to make a resolution to license Sexual Entertainment Venues (as set out at Appendix 11 to the report by the Executive Director of Place) from 1 April 2023, and accordingly to adopt a scheme to license Sexual Entertainment Venues in terms of the 1982 Act from the said date thereafter.
- 2) To note that Committee was required to determine a Sexual Entertainment Venues number appropriate for the City of Edinburgh Council area and to

- produce and publish a Sexual Entertainment Venue Licensing Policy for the said area all in terms of the 1982 Act.
- 3) To note the updated advice received from officers in respect of what should be considered if the Committee introduced a limit for the number of Sexual Entertainment Venues.
 - 4) To agree to determine the appropriate number of SEVs within the City of Edinburgh as four. Thereafter agrees that in the event that the number of licences granted to SEVs operating within the city should fall below four, instructs officers to report such reduction to Committee and thereafter to commence a review of the current numbers limitation in order that Committee may consider whether the said number of SEV licences continues to be appropriate.
 - 5) To agree to the proposed Sexual Entertainment Venues licensing policy statement set out at Appendix 9.
 - 6) To agree that the policy shall include a statement that any area in the city other than in the city centre ward would not be considered suitable for the operation of a Sexual Entertainment Venue.
 - 7) To agree to the proposed standard licensing conditions for Sexual Entertainment Licences set out at Appendix 10.
 - 8) To note that officers would advertise the resolution and publish the Licensing Policy Statement as required in terms of the 1982 Act.

- moved by Councillor Fullerton, seconded by Councillor Rae.

Amendment

- 1) To agree to resolve that Schedule 2 of the Civic Government (Scotland) Act 1982 ('the 1982 Act') shall be effective within the City of Edinburgh for the purpose of licensing Sexual Entertainment Venues and to make a resolution to license Sexual Entertainment Venues (as set out at Appendix 11 to the report by the Executive Director of Place) from 1 April 2023, and accordingly to adopt a scheme to license Sexual Entertainment Venues in terms of the 1982 Act from the said date thereafter.
- 2) To note that Committee was required to determine a Sexual Entertainment Venues number appropriate for the City of Edinburgh Council area and to produce and publish a Sexual Entertainment Venue Licensing Policy for the said area all in terms of the 1982 Act.
- 3) To note the updated advice received from officers in respect of what should be considered if the Committee introduced a limit for the number of Sexual Entertainment Venues and agree that the City of Edinburgh Council would set the number of SEVs at zero within Edinburgh.
- 4) To agree to the proposed Sexual Entertainment Venues licensing policy statement set out at Appendix 9.
- 5) To agree that the policy shall include a statement that any area in the city other than in the city centre ward would not be considered suitable for the operation of a Sexual Entertainment Venue.
- 6) To agree to the proposed standard licensing conditions for Sexual Entertainment Licences set out at Appendix 10.

- 7) To note that officers would advertise the resolution and publish the Licensing Policy Statement as required in terms of the 1982 Act.

- Moved by Councillor Griffiths, seconded by Councillor Rose.

Voting

The voting was as follows:

For the Motion - 4

For the Amendment - 5

(For the Motion: Councillors Dixon, Fullerton, Rae and Neil Ross.

For the Amendment: Councillors Bruce, Griffiths, Mowat, Perry and Rose)

Decision

To approve the amendment by Councillor Griffiths.

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

3. Short Term Lets: New Licensing Powers Consultation

An update on the new powers given to local authorities to regulate short term lets was presented to Committee. The report detailed the considerations the Council would need to make in the implementation of new policies and proposed a statutory consultation on a draft short term lets policy statement.

Decision

- 1) To note the commencement of the Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022 on 1 March 2022.
- 2) To note that as a result of the provisions of the legislation, local authorities must open a licensing scheme for short term lets by 1 October 2022.
- 3) To instruct officers to carry out a statutory consultation on the draft policy and conditions framework for short terms lets.

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

4. Animal Welfare Regulations

Approval was sought for the new licensing regime for selling, rehoming, breeding and operating animal welfare establishments.

Decision

- 1) To note the report.
- 2) To agree to implement the new licensing regime and note the fee structure and mandatory conditions of licence as set out in Appendices 1 to 8 of the report by the Executive Director of Place.
- 3) To agree to delegate authority to the Executive Director of Place to determine whether to grant, renew or vary any licence under the Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021.

- 4) To instruct the Chief Executive to include this additional delegation in future drafts of the Council's Scheme of Delegation when submitted to Council for approval.

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

5. Internal Audit: Overdue Findings and Key Performance Indicators as at 26 January 2022 – referral from the Governance, Risk and Best Value Committee

The Governance, Risk and Best Value Committee referred a report on Internal Audit's Overdue Findings and Key Performance Indicators as at 26 January 2022 for further scrutiny.

Decision

To note the status of the overdue Internal Audit findings as at 26 January 2022.

(References – Governance, Risk and Best Value Committee 8 March 2022 (Item 8.1); Report by the Executive Director of Corporate Services, submitted.)