

Regulatory Committee

2.00pm, Thursday, 29 September 2022

Licensing of Sexual Entertainment Venues – Application Fees

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 The Regulatory Committee is asked to approve the proposed fee structure in relation to applications for Sexual Entertainment Venue (SEV) licences.

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Licensing of Sexual Entertainment Venues – Application Fees

2. Executive Summary

- 2.1 This report discharges an outstanding action from the Regulatory Committee meeting of [31 March 2022](#) when Committee agreed to adopt a scheme to license Sexual Entertainment Venues (SEVs) in Edinburgh. Committee instructed officers to develop an application fee structure for SEVs. The proposed fees reflect the anticipated costs to the Council associated with the administration and enforcement of the licensing system.
- 2.2 The report also provides an update in relation to a petition for a judicial review of the decision to adopt a licensing scheme for SEVs.

3. Background

- 3.1 Section 76 of the Air Weapons and Licensing (Scotland) Act 2015 ('the 2015 Act') adds new sections (45A to 45C) to the Civic Government (Scotland) Act 1982 ("the 1982 Act").
- 3.2 The Council resolved to license SEVs in terms of section 45B and Schedule 2 of the 1982 Act on 31 March 2022. 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 The previous [report](#) fully sets out the background to adoption of the statutory licensing scheme by the Council.

4. Main report

- 4.1 On 31 March 2022, Committee agreed to resolve that Schedule 2 of the 1982 Act shall be effective within the City of Edinburgh for the purpose of licensing SEVs and the licensing scheme would have effect from 1 April 2023. Furthermore, as required

by the 1982 Act, on 31 March 2022, Committee also agreed an appropriate number of SEVs to be licensed within the city and a SEVs policy statement.

- 4.2 Ahead of the commencement of the licensing scheme for SEVs, the Council as licensing authority is required to agree a fee structure for SEV applications, which includes fees for both the grant and renewal of licences.
- 4.3 The Council function as licensing authority is funded directly by income raised from licence application fees. The fees currently charged are normally approved by the Council as part of the annual budget process. This Committee also has the delegated authority to agree a licence fee structure or amend any existing structure.
- 4.4 The fees are intended to fully recover the costs of delivering a licensing scheme. After consideration of the anticipated costs of administering and enforcing a licensing regime for SEVs, officers propose application fees as follows:

New SEV licence	£1,752
Renewal SEV licence	

- 4.5 These fees mirror the fees currently charged for licensed sex shops, which are also licensed under the provisions of Schedule 2 of the 1982 Act. These fees would be for a one year licence, as that is the maximum period permitted for a licence under Schedule 2. If approved, the fee structure will thereafter be reviewed on an annual basis in line with other licence categories, as part of the Council's annual budget process.

Judicial Review

- 4.6 In agreeing to adopt a scheme to license SEVs on 31 March 2022, Committee also determined that the maximum number of SEV premises appropriate for the City of Edinburgh Council area should be fixed at zero.
- 4.7 Following the Committee's decision, on behalf of three SEV operators and one individual, a Petition was lodged with the Court of Session for judicial review of the Council's decision to adopt a licensing scheme for SEVs and to set a limit of zero for the number of SEVs permitted to operate in Edinburgh. Permission for the Petition to proceed has recently been granted by the Court of Session and the substantive hearing of the judicial review has been set for 1 December 2022. The United Sex Workers Union has applied to join the judicial review and, at the time of writing, a decision on whether permission will be granted has not been made by the Court. Committee will be kept updated in relation to the ongoing court proceedings and the outcome of the judicial review.
- 4.8 As required by the 1982 Act, the agreed SEVs resolution, policy and conditions framework have been published on the Council's website.

5. Next Steps

- 5.1 If approved, officers will arrange for the agreed fee structure to be advertised and communicated as appropriate.

6. Financial impact

- 6.1 The new fee structure will take effect from 1 April 2023 and will apply to any application received on or after that date.

7. Stakeholder/Community Impact

- 7.1 Officers will take steps to advertise the new fee structure as appropriate on the Council's website.

8. Background reading/external references

- 8.1 Air Weapons and Licensing (Scotland) Act 2015 – Sexual Entertainment Venues – Proposed Resolution, Policy and Conditions – Update: [Report to Regulatory Committee on 31 March 2022](#).

9. Appendices

- 9.1 None.