

Report

Report to:	Licensing Committee
Date of Meeting:	20 August 2019
Report by:	Executive Director (Finance and Corporate Resources)

Subject:	Civic Government (Scotland) Act 1982 (As Amended) - Sexual Entertainment Venues
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Committee of the introduction of the licensing of sexual entertainment venues as a defined activity under the Civic Government (Scotland) Act 1982 (as amended)

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that a consultation exercise being carried out prior to a decision being made as to whether or not sexual entertainment venues should be licensed.

3. Background

3.1. The Civic Government (Scotland) Act 1982 has been amended by Section 76 of the Air Weapons and Licensing (Scotland) Act 2015. This section came into force on 29 April 2019. The licensing of sexual entertainment venues has been introduced as an optional activity which means that it is a matter for the licensing authority to decide whether or not it wishes to include such venues in the licensing regime. If the licensing authority decide to licence sexual entertainment venues then they will require to pass a resolution in order for this activity to be licensed in South Lanarkshire.

4. Present Position

4.1. Currently, as far as we are aware, there are no sexual entertainment venues within South Lanarkshire. However, the Committee may wish to consider whether they will wish to control these activities, even if no such premises are currently in operation in the Council area. If the licensing authority decides not to license the activity, then no licence will be required to operate a sexual entertainment venue within South Lanarkshire Council area in the future. This would mean that sexual entertainment venues would remain largely unregulated. If such a resolution is passed, any existing or new venues would require to be licensed.

4.2. The definition of a sexual entertainment venue is contained in the legislation. This defines the type of entertainment which is covered as well as other criteria for bringing premises within the ambit of the legislation.

- 4.3. Prior to considering whether or not to introduce a resolution, the licensing authority should carry out a consultation exercise. Such a consultation exercise would include members of the public, local businesses, Council Resources and Police Scotland (although this list is not exhaustive).
- 4.4. If the licensing authority decides to introduce a licensing regime for sexual entertainment venues, they must then determine the appropriate number of sexual entertainment venues for their area or relevant locality which can in fact be nil. Once the resolution has been passed the licensing authority can refuse the application on the grounds that at the time the application is determined the number of sexual entertainment venues 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.

5. Employee Implications

- 5.1. None.

6. Financial Implications

- 6.1. If, after the consultation exercise is completed, the licensing authority agree to introduce licensing controls in respect of this activity, then a fee will be charged for each application.

7. Other Implications

- 7.1. The risk to the Council is that it fails to fulfil its duty to protect the public. This is mitigated by the application process which will be put in place should the Committee decide to introduce above licensing controls.
- 7.2. There will be implications for potential operators of sexual entertainment venues if licensing controls are introduced.
- 7.3. There are no apparent implications in terms of sustainable development.

8. Equality Impact Assessment and Consultation Arrangements

- 8.1. The recommendation at 2.1 above is to commence a consultation exercise throughout South Lanarkshire.

Paul Manning

Executive Director (Finance and Corporate Resources)

1 August 2019

Link(s) to Council Values/Ambitions/Objectives

- ◆ Make communities safer, stronger and sustainable

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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