

Agenda item	6
Report no	HLC/023/22

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 25 April 2022

Report title: Sexual Entertainment Venues

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

- 1.1** This report seeks to allow Members to consider the responses received in respect of the draft Sexual Entertainment Venue Policy Statement and, in light of those responses, determine whether any changes should be made to the draft Policy Statement.

2. Recommendation

- 2.1** This Report invites the Committee to:

- (i) Consider the public consultation responses
- (ii) Consider, in light of the responses received, the proposed changes to the draft Sexual Entertainment Venue Policy
- (iii) Agree the standard conditions for sexual entertainment venues
- (iv) Agree the fee structure for sexual entertainment venue licensing
- (v) Agree to publish a notice that a resolution has been passed to licence sexual entertainment venues
- (vi) Agree to finalise and publish the Sexual Entertainment Venue Policy Statement.

3. Background

- 3.1** On 26 April 2019, the Air Weapons and Licensing (Scotland) Act 2015 (“the 2015 Act”) introduced new provisions into the Civic Government (Scotland) Act 1982 (“the 1982 Act”) to allow local authorities to decide whether they wish to licence sex entertainment venues (SEVs). This new licensing regime provides local authorities with the power to determine whether they wish to licence SEVs, whether to limit their numbers and to determine individual licence applications. However, these powers are not mandatory and will only apply where they are adopted by local authorities.
- 3.2** Under the Civic Government (Scotland) Act 1982, once a local authority has passed a resolution under Section 45B(1) to introduce a licensing regime for SEVs within their local authority area, they will then be required to prepare and publish a SEV policy statement.

4. Current Position for SEVs in the Highlands

- 4.1** Following a report to the Committee on 3 August 2021, the Committee instructed the Acting Principal Solicitor to carry out an initial public consultation to establish views on whether SEVs should be licensed and, if so, what the appropriate number should be together with some policy statement considerations, if a resolution were to be passed.
- 4.2** This consultation took place from 17 August 2021 to 28 September 2021 and a total of 442 responses were received. The Committee considered these responses at its meeting on 26 October 2021 and, in light of those responses, resolved to licence SEVs in The Highland Council area, with effect from 1 January 2023. The Committee also instructed the Acting Principal Solicitor to prepare the draft SEV policy statement in preparation for comment by the Committee, prior to a public consultation.
- 4.3** Following a report to Committee on 18 January 2022, the Committee considered the draft SEV policy statement and:
- a) determined that the relevant locality would be decided based on the facts of any application that was submitted and that the Committee’s policy would outline other factors or criteria that would be considered in relation to each application;
 - b) determined that a SEV licence would be for a period of 1 year;
 - c) determined that no further consultees should be added to the list of application consultees;
 - d) determined that no cap should be placed on the number of SEV’s within The Highland Council area; and
 - e) instructed the Acting Principal Solicitor to undertake a second public consultation on the draft Sexual Entertainment Venue Policy.

5. SEV Draft Policy Consultation

- 5.1** In accordance with the Committee’s decision, a public consultation seeking the views on the draft Policy Statement was undertaken. The consultation was available on the Council’s civic licensing webpage from 14 February 2022 to 28 March 2022. In addition, the link to the consultation was sent to Elected Members, Private Eyes (a current SEV operator), Community Councils, Women’s groups and organisations. These included Inverness Women’s Aid, Highland Violence Against Women Partnership, Rape & Sexual Abuse Service, United Voices of the World, GMB Union, NHS Highland, Social Care and Health Department at Highland Council, the NHS, Police Scotland, religious groups and organisations and youth groups and organisations.

- 5.2 A copy of the full public consultation questions are set out at **Appendix 1**.
- 5.3 A total of 13 responses were received to the draft SEV Policy Statement consultation. A copy of all the responses received, together with Officer's comments are set out at **Appendix 2**.
- 5.4 In addition to **Appendix 2** further detailed correspondence was received and can be found at **Appendix 3**.

6. **Determining Policy**

Proposed changes to the draft Sexual Entertainment Venue Policy Statement, in light of the consultation responses received, are shown as tracked changes within the draft Policy Statement at **Appendix 4**.

7. **Conditions**

- 7.1 A copy of the amended Standard Conditions are set out at **Appendix 5**.

8. **Code of Best Practice**

- 8.1 A Code of Best Practice providing further guidance to licence holders and applicants can be found at **Appendix 6**.

9. **Fee structure**

- 9.1 Licensing authorities are required to charge fees in respect of processing and determining applications. The Civic Government (Scotland) Act 1982 states that licensing fees must be sufficient to cover the authority's administrative expenses. This doesn't just include staff time and ongoing associated expenses, but all the work involved in getting the licensing scheme up and running.

The following fee structure is proposed for SEV licensing:

Application for the grant of a SEV - £559
Application for the renewal of a SEV - £559
Application to vary a SEV licence - £279

10. **Publication**

- 10.1 In terms of s.45B(4) of the 1982 Act, a local authority must, not later than 28 days before the date they agreed to licence SEV's (1 January 2023), publish notice that they have passed a resolution under this section.
- 10.2 In terms of s.45C(4) of the 1982 Act, a local authority must publish the SEV policy statement at the same time and in the same manner as they publish the notice of the resolution under s.45B(4).

11. Equality Act

11.1 The Committee ought to have regard to their obligations in terms of the Equality Duty under the Equality Act 2010. An Equalities Impact Assessment was completed in relation to the passing of the Resolutions by Officers and updated following the second public consultation. A copy of the EIA is attached at **Appendix 8**.

Date: 31 March 2022

Author: Rhoda Banfro

Background Papers: Appendix 1- Consultation
Appendix 2- Consultation responses
Appendix 3- Further detailed responses
Appendix 4 - Revised Draft SEV policy
Appendix 5- Revised Standard Conditions
Appendix 6- Code of Best Practice
Appendix 7- List of Consultees
Appendix 8 –Updated Equality Impact Assessment

CONSULTATION QUESTIONS

1. Confirmation the SEV draft Policy had been read;
2. The Committee is proposing that all applications are sent to the following consultees:

Highland Council's Building Standards;
Highland Council's Environmental Health;
Highland Council's Planning Department;
NHS Scotland;
Police Scotland; and
Scottish Fire and Rescue Service

Are there any other organisations that you think the applicant should be required to send a copy of the application to?

3. The Committee is proposing to consider the following criteria, when deciding to grant a licence for an SEV:

1. the premises are located in a predominately residential area;
2. the premises are located near the vicinity of nurseries, primary schools, secondary schools, colleges or universities and other places of education;
3. the premises are located near the vicinity of places of worship;
4. the premises are located near services that support victims of violence;
5. the premises are located near the vicinity of family leisure facilities; and
6. the premises are located near the vicinity to premises that are used for community facilities including but not limited to places such as swimming pools, leisure centres and public parks.

In general, to what extent do you agree or disagree with the above?

4. Other than the considerations listed above, are there any other criteria that should be considered when deciding to grant a licence?
5. To what extent do you agree or disagree with the conditions relating to the appearance, displays and layout of the premises?
6. What other conditions relating to the appearance, displays and layout of the premises (if any) should be included?
7. To what extent do you agree or disagree with the conditions relating to the control of entry to the premises?
8. What other conditions relating to the control of entry to the premises (if any) should be included?
9. To what extent do you agree or disagree with the conditions relating to the conduct of performers?
10. What other conditions relating to the conduct of performers (if any) should be included?
11. To what extent do you agree or disagree with the conditions relating to record keeping and management?

12. What other conditions relating to record keeping and management (if any) should be included?
13. To what extent do you agree or disagree with the conditions relating to the protection of performers and prevention of crime?
14. What other conditions relating to the protection of performers and prevention of crime? (if any) should be included?
15. Please use this space to let us know if you have any other comments in relation to the draft SEV Policy?

SUMMARY OF PUBLIC CONSULTATION RESPONSES AND OFFICER COMMENTS

Consultees

In relation to the question regarding whether any other organisations should be consulted in respect of SEV applications, the following responses were received:

No. of Responses	
3	All Public Health Protection Committees: <ul style="list-style-type: none"> • Child Protection • Adult Support & Protection • Violence Against Women including Multi-Agency Risk Assessment Conferences (MARAC) • Offender Management (MAPPA); and • The Highland Public Health Chief Officers Group
3	No
1	<ul style="list-style-type: none"> • Women's Aid Refuge • Modern Slavery and Trafficking Charities
1	Rape and Sexual Abuse Service Highland (RASASH)
1	Community Councils
1	<ul style="list-style-type: none"> • Relevant Community Council(s) • Highland Violence against Women in Partnership • Inverness Women's Aid • Scottish Children's Commissioner • Rape and Sexual Abuse Service Highland (RASASH)

List of criteria

The consultation asked respondents to what extent they agreed or disagreed with the list of criteria that should be considered when deciding to grant a licence.

Over 50% strongly agreed that predominantly residential areas and premises located near services that support victims of violence should be considered. 50% strongly agreed that premises located near schools, nurseries, colleges etc should be considered. Over 45% believed that the location of community facilities, family leisure centres and places of worship should also be considered.

Over 30% strongly disagreed that predominately residential areas, family leisure facilities and premises near community facilities should be considered. 30% strongly disagreed that the location of schools, nurseries and colleges should be considered. 45.5% strongly disagreed that the location of places of worship should be considered and 18.2% strongly disagreed that the location of services supporting victims of violence should be considered.

In response to the question of whether there were any additional criteria that should be considered by the Committee when deciding to grant a licence, the following responses were received:

- Areas of local interest

Officer comment:

This suggestion is covered by 11.1(g) of the draft policy which states that due regard will be given by the Committee to where 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.

- The centre of town where there is proximity to bus and train stations. The respondent advised that this suggestion should be considered because it was not appropriate to have an SEV where large number of peoples, including children may congregate.

Officer comment:

This suggestion is not specifically covered by 11.1(g) of the draft policy. However, it would be very hard to specify all areas that may lead to a congregation of persons, including children. Furthermore, the operating hours (10pm to 3am) stipulated within the standard conditions should prevent children and young persons being in vicinity of the premise at the time the entertainment is taking place.

- Where there have been incidents involving anti-social behaviour, sexual assaults or minor harassment reported in the area.

Officer comment:

This suggestion is covered by 11.1(g) of the draft policy which states that due regard will be given by the Committee where there have been incidents involving anti-social behaviour, sexual assaults or more minor harassment reported in that area.

It is suggested that there be an inclusion of a limit on proximity to the following:

- Women's refuges and shelters
- Support services and agencies dealing with any equality issue or protected characteristic.
- Supported accommodation or services for vulnerable young people or adults.
- Support services and agencies dealing with any social or health issue e.g., housing mental health, addictions, housing/homelessness.
- Any youth projects or community projects.
- Prevalence or other forms of commercial sexual exploitation, including prostitution.

Officer comment:

This suggestion is supported by 11.1(d) of the draft policy which states that the Committee will have due regard to whether there are other relevant businesses or charities operating in the area e.g., homelessness shelters, women's refuges, supported accommodation and recovery units.

Whilst the policy seeks to ensure the upmost protection to those most at risk, in particular women and girls, it may be difficult for Officers, in practice, to identify every facility and every organisation detailed above that may be affected by an SEV. Some of the organisations listed above have not made their location openly known to protect those individuals that access these facilities. However, the 1982 Act provides recourse for these organisations, charities and groups to make their representations or objections known to the Committee at the time an application is received. The Committee can, therefore, take into account this representation or objection prior to making a decision as to whether the licence should be granted.

Conditions:

Appearance, Displays and Layout of Premises

The majority of respondents agreed with the conditions relating to the appearance, displays and layout of premises. A number of responses emphasised the need to ensure that there was no visible signage outside the premises.

Officer comment:

Condition 23 of the Standard Conditions prohibits a premise from displaying any advertisement, writing, or lighting outside the premise without the Committee's approval.

In addition, respondents were asked whether there were any other conditions that should be included. One response suggested that age related notices should be visually displayed for members of the public to see.

Officer comment:

Condition 38 of the Standard Conditions provides that no one under the age of 18 will be permitted into a venue where it is being used for sexual entertainment. Condition 40 of the standard conditions refers to the implementation of the Challenge 25 proof of age scheme that is used in relation to age verification. The use of this widely recognised strategy should ensure that appropriate age verification is carried out by members of staff, to prevent the commission of an offence. However, it is acknowledged that in certain circumstances (e.g., the use of sexual entertainment at a hen party taking place within hotel), the use of signage that strictly prohibits any person under the age of 18 to enter an area should be utilised, and this amendment has been incorporated at standard condition 43.

The other suggestion made reference to not displaying any visual images that related to sex or gender discrimination or objectified individuals in any way.

Officer comment:

Condition 23 detailed above provides for all advertisements and signage to be approved by the Committee prior to it being implemented by a premise. In addition, Condition 24 prohibits the licensee from displaying photographs or other images outside the premise that suggest this form of entertainment takes place. Officers are of the view that these conditions should sufficiently ensure that there are no images displayed that are either inappropriate or allude to the suggestion of the sexual entertainment taking place.

Control of Entry

6 out of 7 respondents agreed with the conditions relating to the Control of Entry. One respondent suggested that the age limit should be increased from 18 to 25.

Officer comment:

Section 45B (1)(g) amends paragraph 19 of the 1982 Act making it an offence for the licensee, servant employee or agent of the licensee who knowingly permits any person under the age of 18 to enter the sexual entertainment venue at a time when sexual entertainment is being provided, or without reasonable excuse, at any other time". Given that the legislation makes it an offence for anyone under the age of 18 to enter the premise, Officers are of the view that the current age restriction of 18 is appropriate and in line with legislation.

Conduct of Performers

4 out of 7 respondents agreed with the conditions relating to the conduct of performers. In relation to the question of what other conditions (if any) should be included, the following responses were received:

In relation to condition 48 which states:

The licence holder must provide an information pack to all performers and staff which should include at least the following information:

- a) A copy of the SEV licence, including the conditions applied by the Licensing Committee;
- b) Details of how to report a crime to Police Scotland;
- c) Details of unions, trade organisations or other bodies that represent the
- d) interests of performers;
- e) A copy of the code of conduct for performers;
- f) A copy of the code of conduct for customers; and
- g) Price lists for drinks and separately sexual entertainment.

We feel strongly this pack should include information to relevant sources of support and be given to each performer. It was also felt that a copy of the club rules which should include a written policy to ensure the safety of performers when leaving the premise following any period of work (Condition 60) should also be included in the packs to performers.

Officer Comment:

Officers are of the view that these suggestions are considered appropriate and condition 48 should be amended to include the following:

A copy of the club rules; and

Literature and contact names and telephone numbers of organisations that provide advice and counselling on matters relating to:

- (i) family planning;**
- (ii) sexually transmitted diseases; and**
- (iii) rape and sexual assault.**

Record Keeping and Management

The majority of the respondents agreed with the conditions relating to record keeping and management. In relation to the question of what other conditions (if any) should be included, the following responses were received:

In relation to condition 63 which states:

“The licence holder will maintain a register of performers engaged to perform in the licensed premises. The register will show the name, age and current address of the performer. The licence holder will require to obtain photographic proof of each performer’s identity. Foreign nationals must be asked to exhibit their passport and the licence holder should take appropriate steps to ensure that there are no restrictions on the performer’s entitlement to work in the United Kingdom”.

A respondent has suggested that stricter requirements are needed to prevent and protect workers from human trafficking.

Officer Comment:

It is noted that no further suggestion is provided as to what these stricter requirements should entail. In addition, Condition 63 was considered by Police Scotland’s Human Trafficking Champion, Detective Inspector Smith, who was particularly pleased to see the inclusion of Conditions 63 to 67 within the draft policy. These conditions were also reviewed from a Police Scotland licensing perspective and no further comments or amendments were suggested.

Police Scotland are of the view that these conditions are vital in ensuring, as much as possible, that exploitation is guarded against. Given this response, Officers are of the view that the current condition is reasonable and as such no further amendments are required in respect of condition 63.

Protection of Performers and Prevention of Crime

4 out of 6 respondents agreed with the conditions relating to the protection of performers and prevention of crime. In relation to whether any additional conditions should be added, it has been suggested that performers undertake mental and physical wellbeing checks.

Officer comment:

Whilst this is not deemed something that the licensing authority has remit to condition, it can be advised as good practice for operators to address as part of their own management.

Other Comments

Appendix 3 of this report details further responses received from all respondents. Members will note that the comments received raised the following points:

- Relevant Community Council's should be included as a consultee.
- Condition 52 was contradictory;
- Condition 42 is excessive. It suggests that children are excluded all day even if a hotel hosts a stag party or hen party in the evening.
- It is not clear whether section 14 (waivers) takes precedence over section 15 (occasional use exemptions).
- It is not clear under occasional use exemptions that children are not excluded.

NHSH Public Health Directorate Response

Appendix 3 of this report provides a detailed response received from NHSH, Public Health Directorate. The main concerns put forward are as follows:

- Concern is raised over the Committee's decision not to set a maximum number of SEVs within Scotland; and
- Concern is also raised over the Committee's decision not to set pre-defined localities in Scotland as other local authorities have done. These two choices compounded "*would mean the council could potentially be faced by an excessive amount of applications from anywhere in the Highlands*".
- In their view setting the maximum number of SEVs to a maximum of Zero (zero being that no SEVs are allowed to operate) would mean that Scottish Governments 6 Key public Health priority areas are meet.

Highland Violence Against Women Partnership (HVAWP)

Appendix 3 of this report provides a detailed response received from HVAWP. The main concerns put forward are as follows:

- Further consultation is required with a wider body of organisations, in particular Public Protection Committees and Ugly Mugs
- Concerns are raised over not setting a maximum number of SEVs to Zero which contradicts the evidence gathered from the first consultation.
- Failing to set the maximum to zero sends out a message that the sexual entitlement of men takes precedence over the equality, safety and wellbeing of women and girls.

Officers Comment:

A list of consultees directly contacted during the first and second consultation are detailed at Appendix 7 of this report.

Officers Comment:

Members will note from the consultation responses the concerns that have been raised regarding the Committee's decision on 18 January 2022, not to breakdown the Highland's into pre-defined localities such as Ward Areas. Although, it is recognised that this approach is yet to be adopted by any other local authority in Scotland, the Court of Appeal in England has considered the question of fixed boundaries. In the case of *R v Peterborough City Council, ex P Quietlynn*, the Court accepted that the Committee was not obliged to indicate to parties what it is minded to regard as the relevant locality. Instead, it is for parties to make submissions on the matter, with which the Committee may agree or disagree. Furthermore, in the majority of cases it would not be necessary to come to any conclusions as to the precise extent of the locality because the characteristics of an area would be sufficient to determine the matter one way or another. Officers are, therefore, of the view that the decision of the Committee not to set pre-defined localities is justified in law. However, it remains open to the Committee to reconsider its position following further consideration of the consultation responses.

Officers Comment:

Members will also note the concerns raised in relation to the Committee's decision not to impose a numerical control on the number of SEVs within the Highlands. This decision impacts the Committee's ability to refuse an application on the following ground:

“that the number of SEVs in the local authority's area or the Relevant Locality at the time the application is made is equal to or exceeds the number which the local authority consider is appropriate for their area or that locality”.

A wide level of discretion has been afforded to the Committee in determining the number of SEVs overall within the Highlands and the width of this discretion is

consolidated by the absence of any appeal by the applicant against a refusal on this ground.

It remains open to the Committee in light of the consultation responses received to determine whether further consideration is required in respect of setting a maximum number of SEVs that can operate within the Highlands. Members will note that it remains within the authority of the Committee to set the maximum number at Zero (zero being that no SEVs are entitled to operate within the Highlands).

Human Trafficking Champion Response

The following comments were received from Police Scotland's Human Trafficking Champion:

- I've had a read through the criteria being proposed to be set out when deciding to grant an application and I'm in complete agreement with it. I've nothing further to add to the list.
- The standard conditions set out seem in order to me. I'm particularly pleased to see the conditions set out between paragraphs 63 – 67. I feel these conditions are vital in ensuring, as much as possible, that exploitation is guarded against.
- I do not feel that there are any other matters that need to be addressed in terms of the draft policy.

Police Scotland Response

The following comments were received from Sergeant Katy Duncan from a licensing perspective:

- I cannot think of any additional criteria when considering the grant of the application. I believe that you have covered all essential points in your draft.
- I think the standard conditions are detailed and concise and you have clearly considered the welfare and wellbeing of the performers, as well as patrons and staff. I do not have any further additional comments to suggest.
- I do not have any further comments about additional matters.

OFFICIAL: POLICE AND PARTNERS

Good afternoon Rhoda,

I hope you are well.

Thank you for this email. I am aware that DI Smith has already responded to you, however, he has asked that a further response is made by the police from a local policing/licensing perspective.

I have read the draft policy and the conditions and can respond as follows:

1. I cannot think of any additional criteria when considering the grant of the application. I believe that you have covered all essential points in your draft.
2. I think the standard conditions are detailed and concise and you have clearly considered the welfare and wellbeing of the performers, as well as patrons and staff. I do not have any further additional comments to suggest.
3. I do not have any further comments about additional matters.

A very basic response from me but I do think that all aspects have been covered in the policy and attached conditions, and would support these documents going forward.

I hope this helps.

Thanks very much,

Katy

Katy Duncan

Police Sergeant N0110

Liquor and Civic Government Licensing

Highland & Islands Division

OFFICIAL: POLICE AND PARTNERS

Hi Rhoda,

Thanks for your e-mail and the opportunity to provide comment.

I've had a read through the draft SEV policy and the draft standard conditions.

I'll address your points 1 to 3, as numbered in your own e-mail;

1. I've had a read through the criteria being proposed to be set out when deciding to grant an application and I'm in complete agreement with it. I've nothing further to add to the list.
2. The standard conditions set out seem in order to me. I'm particularly pleased to see the conditions set out between paragraphs 63 – 67. I feel these conditions are vital in ensuring, as much as possible, that exploitation is guarded against.
3. Nothing further that I'd wish to add.

I'd highlight that the fact that I have so little to say in response to your e-mail reflects how I feel both the policy and conditions of licence are both good documents, which to me seem to address the areas of risk which could be open to exploitation in certain SEV's.

If I can help further at any point, please let me know.

Regards, Calum.

Det. Insp. Calum Smith,
Domestic Abuse & Rape Investigation Unit,
Inverness,
'N' Division,
Police Scotland

THE NHS HIGHLAND, PUBLIC HEALTH DIRECTORATE RESPONSE TO THE HIGHLAND COUNCIL'S DRAFT SEXUAL ENTERTAINMENT VENUE POLICY STATEMENT

The physical and social environment in which we live and work has an important influence on our health and wellbeing. We must work and support all members of society to improve this. It is not just a task for public services, but should also be fundamental in our communities, in the homes and places we live and through the lives we lead.

Scottish Public Health Priorities

These priorities represent an agreement between the Scottish Government and Local Government about the importance of focusing our efforts to improve the health of the population.

“We will ensure our approach to improving the health of the population is fully consistent with Scotland’s commitment to equality and human rights, including the duty we have to meet international obligations and to work in ways that eliminate discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not” ^(a).

Priority 1 - A Scotland where we live in vibrant, healthy and safe places and communities

Creating safe places that nurture health has long been central to the public health agenda. **The places we live, work and play, the connections we have with others and the extent to which we feel able to influence the decisions that affect us – all have a significant impact on our health and wellbeing**

FACT: Verbal, physical and sexual harassment and assault of lap dancers is standard and constant. Complaints include: drunkenness, heckling during cabaret shows, trying to grab women, asking for sexual services. Assault includes GBH, stalking, rape ^(b) and gang rape. Lap dancers have been bottled. Drunk, half-naked dancers have been dumped in the street. Underage dancers, non-payment, prostitution and trafficking are also not uncommon. A Scottish study indicates 1/3 of men who buy sex do so via strip clubs ^(c).

Priority 2 - A Scotland where we flourish in our early years

Adverse Childhood Experiences (ACEs) describe stressful or traumatic events occurring during childhood, such as physical or verbal abuse or neglect; sexual abuse; parental separation; problem substance use; incarceration; mental ill health; or domestic violence. Such experiences can lead to an increased risk of ill health later in life

FACT: A high proportion of women in lap dancing have experienced childhood sexual abuse, 2/3rds of lap dancers were raped as children ^(d).

Priority 3 - A Scotland where we have good mental wellbeing

Mental health and wellbeing is a significant public health challenge. We need improved physical health, positive interpersonal relationships and well-functioning, more equitable and productive

societies. Young women and those living in more deprived areas have a lower than average wellbeing than the country as a whole.

FACT: An abundance of research and testimonies expose common mental health issues associated with the industry such as PTSD, addiction, extreme psychological distress, denial, 'higher loyalties' to the club, dissociation and split personalities^(e). Lap dancers experience the same threats to their mental and physical wellbeing as women in street prostitution^(f).

Priority 4 - A Scotland where we reduce the use of and harm from alcohol, tobacco and other drugs

Difficult economic and social conditions can be a driver of problematic alcohol and drug use. Drug related deaths have increased dramatically in Scotland over the last five years and are now, roughly, two and a half times higher than in England and Wales

FACT: Studies indicate that problematic alcohol and drug use is standard in the Sex Entertainment industry, if not integral to the job - both by dancers and those attending the venues. This places women both in and outside of strip clubs at even more risk of assault. Research indicates considerable use of Class A drugs, initiated after entering the industry^(g).

Priority 5 - A Scotland where we have a sustainable, inclusive economy with equality of outcomes for all

Inequalities are those unjust and avoidable differences across our population and between groups within it. Our health is intrinsically linked to our ability to participate fully in society and having the resources or the social connections to do so.

FACT: It is not glamorous, high earning employment for dancers^{(h)(i)}, they:

- are not paid to work, instead they must pay up front to work in a strip club. These 'House Fees' can be up to £200. So, women have lost money, are in debt to the club, before they even start working.
- work for free in the club except during private dances, which can go for as little as £10 (particularly with '2-for-1 specials'). On top of this, strip clubs invariably have far too many lap dancers to punters, making private dances hard to come by (and so too the chance for women to even recoup their debt let alone actually make money).
- are also fined, frequently and must also pay commission, of up to 66% so they are losing money yet again by giving a portion of their takings back to the club.
- 70% lap dancers lose money at work.

Priority 6 - A Scotland where we eat well, have a healthy weight and are physically active

TESTIMONY: "There were lots of eating disorders. Nobody got to the stage where they were very skinny, but often women hadn't eaten for two days because they knew they were coming to work"⁽ⁱ⁾.

National Performance Framework for Scotland

Part of the national outcomes are that people:

- grow up loved, safe and respected so that they realise their full potential

- live in communities that are inclusive, empowered, resilient and safe
- are well educated, skilled and able to contribute to society
- value, enjoy, protect and enhance their environment
- respect, protect and fulfil human rights and live free from discrimination
- tackle poverty by sharing opportunities, wealth and power more equally ^(k).

The Highland Council has the Power

Research shows ^(l):

- The entire purpose of strip club (SEV) legislation is to give Councils the right to refuse to license (or relicense) strip clubs – particularly on the grounds of locality.
- The discretion to refuse to license/relicense on the grounds of locality is so wide that all a Council need do is give the reason(s) why the license was not granted or re-granted. Further, strip club operators have no legal grounds for appeal. They must pursue a case in the High Court, an exceedingly difficult (and invariably unsuccessful) path.
- It is well demonstrated that strip clubs can negatively impact the local area – from the presence of pimps touting outside to increased crime and disorder, such as harassment in their vicinity and acting as a ‘feeder’ for local brothels. This in itself allows grounds for refusal
- Local Authorities have the absolute right to decide that no clubs are appropriate in their area (a zero policy). They also have the absolute right to adhere to this.
- The Public Sector Equality Duty (PSED) states that all public bodies must, in all their decisions and policies, pay due regard to the need to seek to:
 - Eliminate harassment, victimisation and discrimination of women by men
 - Foster good relations between women and men

A NHS Request in the Interest of Public Health

We note that the original consultation in the autumn of 2021 only asked 1 question on whether the public wanted SEV’s in the Highlands. The question asked “Do you think that SEVs have a positive or negative impact on the community?”; 65% replied saying yes this did, 15% didn’t know and only 20% felt they had a positive impact.

The only question about the maximum number of SEVs in Highland in the consultation asked the question “The Licensing Committee can use the policy to set maximum numbers of SEVs for individual localities in Highland. This number could be zero. Do you think that the Committee should set a figure for the maximum number of SEVs within any particular locality”. The answers from the public indicate 65% said a maximum should be set and a further 15% said this should be zero. Only 20% said no maximum should be set (These are approximates as some were not easy to establish their views).

We are therefore quite shocked that the council, in its draft policy, is deciding not to set a maximum number of SEV’s and this is compounded by the fact that no localities have been set either, Highland all being classed as one locality. This would mean the council could potentially be faced by an excessive amount of applications from anywhere in the Highlands. Whilst we appreciate that there will always be business grounds behind the reasons for applications, when so many other Scottish LA’s are setting zero and bare minimum maximums and specific locations only then Highland can become one of the few viable options for such ventures.

It is not too late for the Council to lead, be innovative and seize the opportunity to provide a clear message in Highlands that all genders are equal, respected and should thrive and live in safety. We

have demonstrated above that to meet the Governments 6 key Public Health priority areas, the Council must set

a Zero maximum on sexual entertainment venues in Highlands.

Sex clubs benefit only the owner at a great cost to the performers, our communities and the health of our citizens.

Public Health Directorate Employees

NHS Highland

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Note: Some links do not work if directly accessed but if you cut and paste them into any search engine the articles appear and you can then access them.

THE HIGHLAND VIOLENCE AGAINST WOMEN PARTNERSHIP RESPONSE TO THE HIGHLAND COUNCIL'S DRAFT SEXUAL ENTERTAINMENT VENUE POLICY STATEMENT

The Scottish Government, COSLA, Police Scotland and key partners are co-authors of the Government's Equally Safe Strategy in which its vision is a pledge for:

“a strong and flourishing Scotland, where all individuals are equally safe and respected and where women and girls live free from all forms of violence and abuse and the attitudes that help perpetuate it”

This includes commercial sexual exploitation within its definition. Commercial sexual exploitation includes prostitution, lap dancing, stripping, pornography and trafficking.

The existence and support of Sexual Entertainment Venues serves to normalise the objectification of women and children as sexual objects - it is in complete conflict with this Strategy. ⁽¹⁾

The Truth

There has been extensive research, first hand testimonies and statistical evidence gathered over many years which provides evidence that Sexual Entertainment Venues (SEV's) are not harmless entertainment places (see Appendix).

Sexual Entertainment Venues are places where the abuse of young girls and women is rife and where the degradation of those trapped in poverty is normalised. Routes into “performing” range from abusive childhoods, human trafficking and lack of perceived alternatives.

Verbal, physical and sexual harassment and assault of lap dancers is standard and constant. This is carried out by punters and staff alike ⁽²⁾. Assault ⁽³⁾ includes GBH ⁽⁴⁾, stalking, rape and gang rape ⁽⁵⁾⁽⁶⁾. They've been bottled ⁽⁷⁾. Drunk, half-naked dancers have been dumped in the street ⁽⁸⁾. Underage dancers ⁽⁹⁾, non-payment, prostitution and trafficking are also not uncommon ⁽¹⁰⁾.

The culture of normalisation, denial and intimidation ensures reports are rarely made. Even with police intervention, women rarely press charges.

We know that four-fifths of young women in the UK have experienced some form of sexual harassment in public (UN Women, March 2021) and that reporting of sexual offences is extremely low. Adequate monitoring and reporting, including options for anonymous reporting, should be in place before/if permission is granted. If a license is granted, continued monitoring should be conducted to ensure that the safety of women is not adversely impacted by the venue.

Not all SEV performers have necessarily chosen this job. Mestemacher & Roberti (2004) state that many women end up working in such roles as a result of their particular vulnerabilities, which are often further exacerbated through this work. The establishment of SEVs reinforces the view that commercial sexual exploitation is a vocational choice, making invisible the reality that many women

become involved in this industry because of necessity, including but not limited to: economic survival, a lack of vocational and/or educational skills, or as victims of coercion.

QC Karon Monaghan is quoted as saying that SEV's "have an impact on the wider community because they promote the idea that sexual objectification of women and sexual harassment commonly in those environments is lawful and acceptable. How are we doing that in the 21st century? We are not going to get rid of sexual violence if we mandate the sexual objectification of women in licensed venues. ⁽¹¹⁾

Lap dancing fuels both the supply and demand for prostitution. It 'grooms' women for the wider sex trade. Many women in clubs seek to prostitute themselves, others will move on to the wider sex industry. ⁽¹²⁾

The Opportunity

The HVAWP supports the new opportunity to regulate SEV's as prior to this change in legislation they had operated with minimum scrutiny and sanction.

The Highland Council has been handed the opportunity to finally stop such degrading and humiliating acts from taking place in Highland. You can:

Set a maximum of ZERO for the agreed locality of "Highlands"

The adoption of the Sexual Entertainment Venue licensing for lap dancing and strip clubs affords the council significantly greater powers to control and regulate such clubs, including adopting a 'nil' policy for SEVs in the local authority. Both are legitimate options within the Government's Legislation and many other LA's in Scotland have already taken this leading and committed stance.

The Legislation

Public Sector Equality Duty:

Councils are legally bound the PSED in all their policies and licensing decisions ⁽¹³⁾. Under this they must seek to:

- 'Eliminate harassment, discrimination and victimisation' of women
- 'Foster good relations' between the sexes

SEV's do neither.

United National Human Rights:

A failure by a local authority to protect a woman from sexual exploitation may also breach Human Rights ⁽¹⁴⁾:

Article 2 (her right to life);

Article 3 (her right to be free of inhuman and degrading treatment);

Article 4 (her right to be free of slavery and servitude).

Again, the abundance of reports and evidence would imply breaches of all these articles.

The Ones who Benefit

Not the “performers” (detailed in Appendix).

Not the 51% of Highland females⁽¹⁵⁾. Studies and testimonies from across the world, indicate that women feel, and often are, less safe in the vicinity of strip clubs - sometimes to the point of avoiding the local area entirely, regardless of whether the club is open or overtly advertises. This form of self-enforced curfew is arguably a breach of human rights⁽¹⁶⁾.

The only people to benefit are the SEV owners.

The Highland Consultations

Limitations

The Highland Violence Against Partnership (HVAWP) are disappointed that the original consultation and this consultation had not been sent to us to comment. Nor, we note, was it sent to any of the Public Protection Committees.

We therefore would ask:

- a) That the current consultation allows for a wider body of organisations and representatives to be heard from.
- b) That sex worker representatives/unions (ie Ugly Mugs - <https://nationaluglymugs.org/>) are included in this consultation and engaged with on future applications and amendments to policy.
- c) That a full and informed debate be held where these bodies can make representations of their concerns to those making these decisions.
- d) We receive a full copy of the relevant Equality Impact Assessment for this proposed policy and be allowed an opportunity to read and respond to this before any final decision is made.
- e) Our letter, not just the returned survey which allows us to comment more appropriately to this consultation, is circulated to all members of the Highland Council Licencing Committee before any further decision is made.

Public Opinion and responses

We note that the original consultation in the autumn of 2021 asked “Do you think that SEVs have a positive or negative impact on the community?”

65% replied saying yes they did have a negative impact,
15% didn't know and only
20% felt they had a positive impact.

The only question on the maximum number of SEV's that people wanted in Highland “The Licensing Committee can use the policy to set maximum numbers of SEVs for individual localities in Highland. This number could be zero. Do you think that the Committee should set a figure for the maximum number of SEVs within any particular locality”.

65% said a maximum should be set and a further 15% said this should be zero.
20% said no maximum should be set

(These are approximates as some were not easy to establish their views)

We are therefore quite shocked that the Council, in its draft policy, is deciding not to set a maximum number of SEV's which appears to contradict the evidence gathered from the consultation, which is surely the reason for undertaking a consultation exercise.

Setting no maximum would mean the Council Licencing Committee would potentially have to deal with an excessive number of applications with little scope for refusal.

Many other LA's have been setting a zero maximum.

If The Highland Council fails to set a Zero venue policy then it is sending out the clear message that the sexual entitlement of men takes precedence over the equality, safety and wellbeing of women and girls.

The HVAWP statutory and third sector organisations invest staff time and huge resources aiming to eradicate Violence Against Women and children in Highlands and we ask the Highland Council Licencing Committee to support our work.

The Highland Violence Against Women Partnership would ask The Highland Council Licencing Committee to re-draft this policy and take the strong leadership decision to ensure all Highland citizens are treated with equal dignity and respect



DCI Donald MacDonald
Chairperson
Highland Violence Against Women Partnership

Partners: The Highland Council, Police Scotland, NHS Highland, 4 Women's Aid groups, Rape and Sexual Abuse Service Highland (RASASH), Victim Support, The Scottish Prison Service, Crown Office & Procurator Fiscal Service, Scottish Fire & Rescue Service, Action for Children, Highland Drug and Alcohol Partnership and Mental Health Services

APPENDIX

THE FACTS, THE RESEARCH, THE STATISTICS, THE TESTIMONIES

The Abuse & Violence

The violence associated with the industry extends to:

- * arson ⁽¹⁷⁾
- * mass brawls ⁽¹⁸⁾
- * stabbings ⁽¹⁹⁾
- * false imprisonment ⁽²⁰⁾
- * drink spiking ⁽²¹⁾
- * extreme property damage ⁽²²⁾
- * hospitalisations ⁽²³⁾

Even for the most serious incidences, the police might not be called

Continuum of Abuse

- 1/3rd lap dancers in just a 6 month period experienced Domestic Violence. A high proportion of women are in abusive relationships whilst lap dancing. 1 in 3 according to one study over just a 6 month period - far higher than the 1 in 4 women who experience domestic violence during their entire lifetime.
- 2/3rds lap dancers were raped as children. A high proportion of women in lap dancers have experienced childhood sexual abuse ⁽²⁴⁾.

Links to prostitution

- A UK Home Office report states that the majority of lap dancers also sell sex. The longer a woman has been stripping, the more likely it is she will be selling sex ⁽²⁵⁾.
- In the USA, 40% of lap dancers sell sex, 90% started after starting stripping ⁽²⁶⁾.
- 1/3rd of punters buy sex in strip clubs. Significant numbers of punters buy prostitution in strip clubs. A Scottish study indicates 1/3rd of men who buy sex do so via strip clubs ⁽²⁷⁾.
- Undercover investigation of strip clubs by the police, Trading Standards, Private Investigators and journalists invariably show strippers seeking to prostitute themselves and punters' constant soliciting for sex ⁽²⁸⁾.

The Gentlemen

The attitudes of strip club customers is best exemplified by their own words:

- 'It's like a place where 'equality never happened' ⁽²⁹⁾
- 'It's great to have that kind of power and control' ⁽³⁰⁾
- 'with all this sexual harassment stuff going around these days, men need somewhere to go where they can act like they want' ⁽³¹⁾
- 'You can go in there and 'shop for a piece of meat'⁽²⁹⁾

Multiple Mental Health Issues

An abundance of research and testimonies expose PTSD, addiction, extreme psychological distress, denial, 'higher loyalties' to the club, dissociation and split personalities ⁽³²⁾ as common mental health issues associated with the industry. Indeed, lap dancers experience the same threats to their mental and physical wellbeing as women in street prostitution ⁽³³⁾.

Substance Abuse

Studies indicate that alcohol and drug abuse is standard in the industry, if not integral to the job ⁽³⁴⁾ - both by dancers and punters. This places women both in and outside of strip clubs at even more risk of assault. Research indicates considerable use of Class A drugs, initiated after entering the industry.

It is not glamorous high earning employment for dancers, they:

- *are not paid to work, instead they must pay up front to work in a strip club. These 'House Fees' can be up to £200. So, women have lost money - are in debt to the club - before they even start working.*
- *work for free in the club except during private dances, which can go for as little as £10 (particularly with '2-for-1 specials'). On top of this, strip clubs invariably have far too many lap dancers to punters, making private dances hard to come by (and so too the chance for women to even recoup their debt let alone actually make money).*
- *are also fined frequently and must also pay commission, of up to 66%, so they are losing money yet again by giving a portion of their takings back to the club.*

Local Authority Findings:

Camden – a Case Study

Camden Inspections have only ever exposed sexual touching once and never any other breaches. Yet Camden clubs are a litany of abuse - multiple counts of GBH, including near-fatal stabbings; mass fraud; rampant sexual contact, with sex acts on offer and pimps outside every club ⁽³⁵⁾.

A 2003 study carried out by Eaves Housing for Women in the London Borough of Camden found that there was a 50% increase in sexual assaults in the borough after the rapid expansion of lap dancing clubs.

Glasgow City Council - Research

Julie Bindel et al produced a report for Glasgow City Council called "Profitable Exploits – Lap dancing in the UK". In the forward by the Council's Deputy Leader they state:

"This report provides us with an analysis and some understanding of the nature of so called 'gentlemen's entertainment'. It explodes the myth that it can be likened to, and regulated in the same way, as karaoke, live music and cabaret. These establishments are not providing benign and harmless fun. Make no mistake this is sheer exploitation of women – sexual and financial. ⁽³⁶⁾

UK Home Office report

This report states that the majority of lap dancers also sell sex. The longer a woman has been stripping, the more likely it is she will be selling sex. ⁽³⁷⁾

The Testimonies

Ranata - I would never have got involved if had known how the strip industry actually works. It's really important to acknowledge what is really going on in the industry. The level of abuse the women go through at strip clubs often puts them in situations where they feel suicidal. ⁽³⁸⁾

Vicky - The sexuality you display in a lap dancing club, in pornography, in lads mags, is entirely centred upon one thing and one thing alone: the gratification of men. And with every night that goes by you begin to feel less and less like a human being. Sexual contact becomes the norm. ⁽³⁹⁾

Sammy - I have lost count of how many times I was touched, grabbed, assaulted physically and sexually. They would touch me and grab me and one even bit me during a dance. ⁽⁴⁰⁾

Bristol Woman in the sex trade - 'We were sent into the Bristol strip clubs from the local brothels to pick up punters. Every woman I've known who first went into stripping has ended up in prostitution ... 75% ended up with drug problems working on the streets'. ⁽⁴¹⁾

Samantha 2 'I was repeatedly propositioned by customers who asked me to join them in their hotel rooms. ⁽⁴²⁾

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Hi Ms Banfro,

Having just skimmed

[https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.highland.gov.uk%2Fdownloads%2Ffile%2F24815%2Fsev - draft conditions - february 2022&data=04%7C01%7Crhoda.banfro%40highland.gov.uk%7C3480584a17ea4fcc706408d9f20e4254%7C89f0b56e6d164fe89dba176fa940f7c9%7C0%7C0%7C637806965976529737%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000&sdata=3JCxGUPjcn6GKqRfwhjPbzHz7dCLyOTB3y2JtjLwVdE%3D&reserved=0](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.highland.gov.uk%2Fdownloads%2Ffile%2F24815%2Fsev-draft-conditions-february-2022&data=04%7C01%7Crhoda.banfro%40highland.gov.uk%7C3480584a17ea4fcc706408d9f20e4254%7C89f0b56e6d164fe89dba176fa940f7c9%7C0%7C0%7C637806965976529737%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000&sdata=3JCxGUPjcn6GKqRfwhjPbzHz7dCLyOTB3y2JtjLwVdE%3D&reserved=0),

I think paragraph 52 will need some revision - as it stands it is contradictory.

More seriously,

[https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.highland.gov.uk%2Fdownloads%2Ffile%2F24814%2Fsev - draft policy - february 2022&data=04%7C01%7Crhoda.banfro%40highland.gov.uk%7C3480584a17ea4fcc706408d9f20e4254%7C89f0b56e6d164fe89dba176fa940f7c9%7C0%7C0%7C637806965976529737%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000&sdata=TxvboxLVXUmK5pVGbvK2pbQUAKwo3USVaQTCujlxZLE%3D&reserved=0](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.highland.gov.uk%2Fdownloads%2Ffile%2F24814%2Fsev-draft-policy-february-2022&data=04%7C01%7Crhoda.banfro%40highland.gov.uk%7C3480584a17ea4fcc706408d9f20e4254%7C89f0b56e6d164fe89dba176fa940f7c9%7C0%7C0%7C637806965976529737%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000&sdata=TxvboxLVXUmK5pVGbvK2pbQUAKwo3USVaQTCujlxZLE%3D&reserved=0) does not make it explicitly** clear whether section 15 ('occasional use') applies, ie takes precedence, over the section 14 stipulations.

[[**no pun intended.]]

Returning to the standard conditions, paragraph 42 looks excessive to me: it seems to say that children are to be excluded ALL DAY even if, say, a hotel hosts a stag/hen party in the evening. Whether or not that is meant, it prompts another concern: it is not clear to me that, under the 'occasional use' exemption, children must be excluded at all! But perhaps that is covered elsewhere in the 1982 Act? If not, that would argue in favour of encouraging use of the waiver mechanism instead of 'occasional use', because then at least some conditions could be applied and a measure of control retained - have the advantages of this approach been considered, do you know?

[[FYI: In full disclosure, I have in the past quite frequently worked in the hospitality industry; I have no immediate plans to do so again, but it's perfectly possible. I do not feel that amounts to having a conflict of interest, but I've copied this to our CC chair and sec for transparency.]]

With very best regards, -Mark D

--

Mr E M ('Mark') Drayton
Community Councillor (Fort William, Inverloch & Torlundy)

Hi Rhoda, our CC secretary suggested I email this to you directly as well as submitting it online on Monday - just in case, I guess. Best wishes, -M

Mr E M ('Mark') Drayton, Community Councillor

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FITCC submission:-

The following short email chain conveys the consensus view of Fort William, Inverlochy, and Torlundy Community Council re SEVs.

Mr E M ('Mark') Drayton, Community Councillor

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-- Forwarded message:-

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From: "FITCC chair Mr Mark Linfield"

Date: 24 Feb 2022

Hi all

From Mark D's email -

"if the grant of waiver was coupled to a reasonable code of conduct for these things - especially minor matters like stag/hen-night strip-o-grams, say - then publicans especially and reputable hoteliers and the like would be very likely to comply, thereby draining whatever demand there is for other such, er, events, and disincentivising entrepreneurship in this particular branch of the entertainment industry. Sometimes softly-softly catches the monkey, no?"

I totally agree with the above. Under HC's proposals it appears our publicans would find themselves in trouble if a stag or hen do arrange a strippergram without their prior knowledge, something I have seen happen in the past. Our town is increasingly used by parties up from the Central belt so they would be unaware of legislation forbidding such things.

I am all for strict control of any venue whose business is solely providing sexual entertainment though, I'd like to think our town is too small for such a venue,

Mark(L)

From: E. M. Drayton
Sent: 24 February 2022

Hi and thanks for that, Tricia :-). I suppose I'd prefer to sanction fourteen well-regulated 'performances' than to accommodate four unrestricted ones annually (per venue, indeed). Whilst I can't imagine these things becoming a serious problem for Highland, we are arguably Highland's 'tourist town', so perhaps we should respond as a CC to the survey if we can reach limited agreement? Accordingly, I've now CC'd everyone else, to whom what follows is addressed.

My thought was essentially that judicious use of the waiver provision could do much to reduce ad-hoc abuses under the 'occasional use' exemption granted by the 1982 Act. To repeat, I'd be amazed if this became a serious problem, but as it's come up we may as well get it right.

My argument is obviously vulnerable to the objection that increased flexibility over the grant of waivers doesn't do anything at all legally to nullify the 'occasional use' exemption itself - true. But my counter would be that if the grant of waiver was coupled to a reasonable code of conduct for these things - especially minor matters like stag/hen-night strip-o-grams, say - then publicans especially and reputable hoteliers and the like would be very likely to comply, thereby draining whatever demand there is for other such, er, events, and disincentivising entrepreneurship in this particular branch of the entertainment industry. Sometimes softly-softly catches the monkey, no? - Mark D

PS: In my very limited experience of witnessing strip-o-grams their primary purpose seemed to be to embarrass the recipient in front of their peers rather than to sexually stimulate them as such; hence the provisions of the two Acts would seem not to apply anyway. Plainly, the intent matters: life-drawing classes, for instance, are not intended to be captured, and are not.

PPS: The draft policy does not really make it clear whether section 15 ('occasional use') takes precedence over the section 14 stipulations.

Also, paragraph 42 looks excessive: it seems to say that children are to be excluded ALL DAY even if, say, a hotel hosts a stag/hen party in the evening; worse, it is not clear that, under the 'occasional use' exemption, children must be excluded at all! This would argue in favour of encouraging use of the waiver mechanism instead of 'occasional use', because then at least some conditions could be applied and a measure of control retained.

Dear all,

Many thanks for providing your comments in relation to our recent consultation on the draft policy for SEVs in the Highlands.

I note that there are a number of questions that were raised and my response is detailed below in purple:

Draft Policy

Please clarify 9.3.f/9.4.a – “a natural person” to allow us to answer this question in relation to this particular statement.

A natural person simply means an individual as opposed to a legal person or entity such as company.

Please clarify 9.4.a – What would be classified as an “offence” that would mean a licence application was refused, i.e. what kind of offence.

The Committee has the power to refuse an SEV application on the grounds that the applicant is unsuitable because they have been convicted of a criminal offence. Providing examples of what kind of offence that might be is difficult, because it will depend on the nature of the conviction and the facts and circumstances relating to that conviction. Criminal checks are carried out by Police Scotland who have the power to make representations or to object to an application on the basis that the applicant is not a fit and proper person to hold a licence. If an objection or adverse representation is received in relation to an application, it is required to be referred to the Highland Licensing Committee for determination by way of a hearing with all the relevant parties.

Please clarify 11 – “near” what is that in km?

Discretion has been provided by Scottish Government to allow local authorities to determine what “near the vicinity” means. Any application received will consider the characteristics of the local area, taking into account the criteria listed at para 11 and “near the vicinity” will be assessed based on the facts and circumstances of each application.

Please explain in more detail 13 – “Waiver”, you they have stated you are unlikely to use it. Who are the Committee? Do you have to declare any conflicts of interest? What other examples can you provide of a waiver being used and why?

The Highland Licensing Committee are responsible for determining licensing applications as set out above. The Committee consists of 12 Elected Members and the Committee operates in a quasi-judicial capacity. This means that the Committee is responsible for ensuring that each application is determined properly and fairly. As such in dealing with these types of applications. Councillors must make declarations of interest where required (and in accordance with the Councillor’s Code of Conduct). If a declaration of interest has been made by a Member of the Committee they are not entitled to take part in any part of the decision making process relating to that application.

Waivers

Following further consideration of waivers, officers are in the process of setting out within the policy in what situations the use of a waiver might be appropriate. It is anticipated that waivers will be used in the following circumstances:

Borderline Cases: where an applicant may wish to obtain a waiver for the avoidance of doubt such as a nude scene in a burlesque show.

Correction of Errors: where there is a show that is touring through Scotland and may not amount to sexual entertainment in one local authority but it moves to a different area and it amounts to sexual entertainment in the view of another local authority. We deem it appropriate that a waiver could be utilised in these circumstances.

However, the above list is not exhaustive and there may be other cases that are presented where a waiver is appropriate.

Please clarify 18 – "Revocation", if the local area changes, i.e., a new school is built, a youth centre opens, there are increased incidents of sexual assaults etc, is that grounds for revocation?

The Committee has the power to revoke a licence on the following grounds:

1. If any of the following grounds are found to be established once the licence has been granted, it will be revoked:
 - a) to a person under the age of 18;
 - b) to a person who is for the time being disqualified from holding a licence under paragraph 13(10) or 19(5).
 - 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 paragraph 19 to 21 of the 1982 Act.
 - 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 a person who has, within the period of 12 months immediately preceding the date when the application was made, been refused by the same local authority the grant or renewal of a licence 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.
2. If the licence holder is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 3. If the licence is being managed by or carried on for the benefit of a person who is not the applicant and if that person applied for the licence would be refused the grant of the licence.
 4. If a condition of the licence has been contravened (notwithstanding that there has been no conviction).

Therefore the Committee cannot revoke a licence on the grounds that due to local changes in the area the licence must now be revoked. However, given that any SEV licence that is issued by the Committee lasts for a period of one year, the licence holder will be obliged to renew their licence annually. This will allow the Committee to assess whether the renewal of the licence continues to remain appropriate having due regard to the criteria detailed in paragraph 11 of the policy.

Standard Conditions

1 - please confirm how you will instruct that conditions listed above, including the protection of performers will be carried out, by whom and what are the sanctions.

52 – Research indicates that in SEV's a whole range of sexual stimulation is undertaken, how are the licencing body going to check this, by whom and what will the sanctions be. It should not issue a licence when the body of research and testimonies of works indicates that a whole range of sexual activities take place regularly.

Enforcement-The legislation permits an authorised officers of the local authority or constable the right to enter and inspect the premises where sexual entertainment is being conducted. They have the right to check records, to determine whether the conditions attached to the licence are being complied with and to obtain any information that suggests that the licenced is not being complied with. It is a criminal offence for the licence holder to refuse entry to an authorised officer or constable. As such these powers provide both the local authority and Police Scotland to take reasonable steps to ensure that conditions are being complied with and to obtain any relevant information that suggests that they are not. Power is also given under the legislation to request a review of a licence that is held by a licence holder where concerns have been raised regarding the suitability of the licence holder or concerns relating to how that premise is being operated.

Sanctions-Paragraph 20 of Schedule 2 of the 1982 Act makes it a criminal offence for the holder of a licence, their employees or agents to breach a condition specified in the licence. A person guilty of an offence will be liable on conviction to a fine of up to £20,000. Where the licence holder, agent or employee is found guilty of an offence under this section the Licensing Committee has the power to revoke the licence or to disqualify the licence holder from holding a licence for a period of no more than 5 years.

Sexual Stimulation-In terms of the current conditions that will attach to the licence, with the exception of dancing and removal of clothing, no other form of sexual stimulation is allowed. Where there is evidence of a breach of that condition, the appropriate action will be taken by the Licensing Committee. However, the Committee is not in a position to refuse the grant of an application on the basis that research indicates that a whole range of sexual activities takes place. Evidence of sexual activities

taking place at a premises that holds a licence must be presented to the Committee for their consideration.

54 – Where do the panic alarms go to, internal staff or the police? Consideration should also be given to performers' ability to report safety or protection concerns, given that reporting of sexual offences is already low and the potentially precarious position performers may find themselves in if they were to report their employer.

Arrangements for who will be responsible for where the panic alarms goes will fall within the remit of the licence holder . We anticipate that panic alarms will go to internal staff who will be the performers first point of contact, thereafter, it will be the responsibility of the member of the staff to decided whether further assistance from SIA staff is required or whether further intervention from the Police is needed.

In spite of our best efforts to ensure that Performers have the relevant information to report crimes to Police, it is recognised that Performers may not feel that they are able to raise certain concerns with their employer. Further consideration will be given to how we can support performers in relation to our policy

In the standard conditions: 46. restraining of people, especially if they've taken certain drugs, can be especially dangerous. If people were experiencing an overdose, we would advise against restraint. Can you please clarify what the procedures should be and what training should their staff undertake. Will they have Naloxone on premises and will staff be trained in its use.

Condition 46 has been amended to the following:

Reasonable steps must be taken to ensure that any person found using illegal drugs in the venue shall be appropriately removed from the venue.

The onus is on the licence holder to ensure that all members of staff and SIA door staff are appropriately trained and are aware of what protocols or procedures must be followed where persons are found using illegal substances.

I trust that this provides you with further clarity regarding the draft SEV policy and the standard conditions

Regards

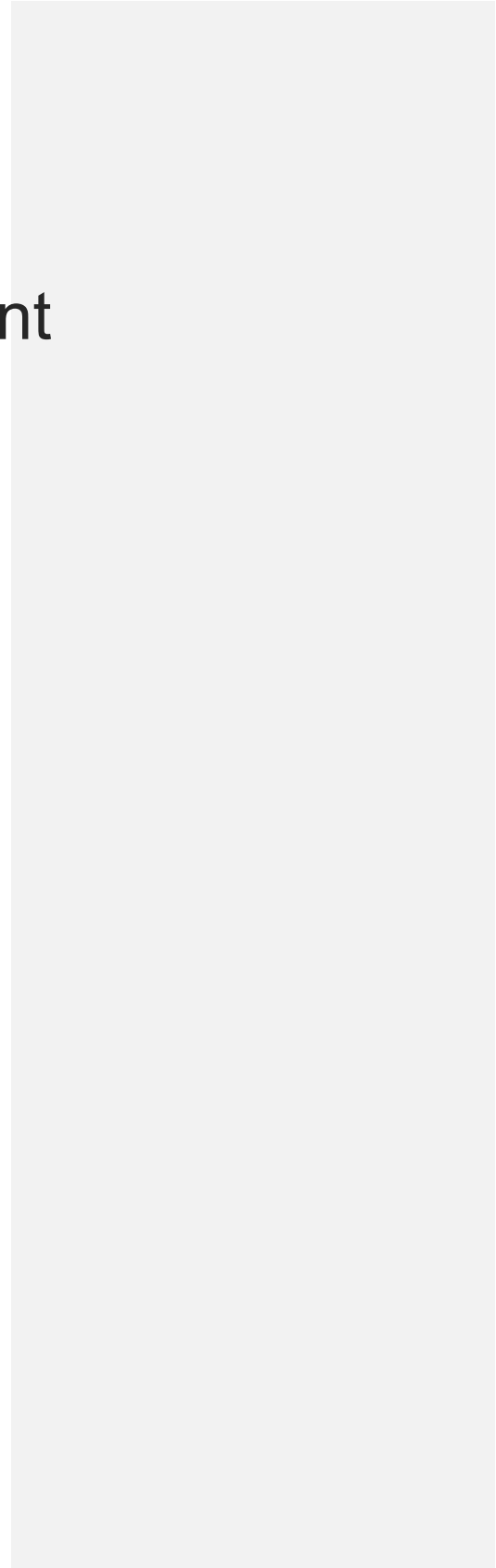
Rhoda

Rhoda Banfro | Solicitor | Regulatory Services | The Highland Council | Council Headquarters|
Glenurquhart Road | IV3 5NX |

Licensing Policy Statement

Sexual Entertainment Venues

DRAFT



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DRAFT

Foreword

This policy statement is the first one published by the Highland Licensing Committee as required in terms of the Civic Government (Scotland) Act 1982.

Consultation on the draft policy statement took place during the period from 14 February 2022 to 28 March 2022.

A report providing details of comments received from consultees and consideration given to those comments was considered at the meeting of the Highland Licensing Committee which was held on ~~25 April 2022~~^{insert date}. A copy of the report is available on-line at ***.

This finalised version of the policy statement incorporates amendments which were approved by the Highland Licensing Committee on [insert date] in response to comments received.

This policy will be reviewed regularly and revised when necessary

DRAFT

1. Background to Licensing SEVs

- 1.1 On 26 April 2019, the Air Weapons and Licensing (Scotland) Act 2015 (“the 2015 Act”) introduced new provisions into the Civic Government (Scotland) Act 1982 (“the 1982 Act”) giving local authorities discretionary powers in relation to whether sexual entertainment venues (SEVs) within their local authority area should be licensed.
- 1.2 Prior to the introduction of these provisions there was no requirement to licence SEVs and, therefore, local authorities did not have the ability to regulate activities that fell within the definition of sexual entertainment. Following concerns raised about the lack of control in relation to adult entertainment activities, together with the Court of Session’s refusal to allow licensing boards to regulate these activities through legislation that regulated the sale of alcohol, a separate licensing regime was introduced by the Scottish Government.
- 1.3 Section 76 of the 2015 Act introduces a specific licensing regime into the 1982 Act that allows local authorities to determine whether to licence SEVs within their local authority.
- 1.4 The Highland Licensing Committee undertook a public consultation from 17 August 2021 to 21 September 21 which sought views on whether SEVs should be licensed. The consultation was available by means of an online survey. On 26 October 2021, The Highland Council, as licensing authority, agreed under section 45B of the 1982 Act agreed to pass a resolution to gain regulatory control of SEVs through a licensing regime with effect from 1 January 2023. This policy will apply to the whole of The Highland Council area.
- 1.5 The adoption of the resolution under section 45B(1) of the 1982 Act allows the Council, as licensing authority, to prescribe standard conditions and fees for the grant, variation, renewal and transfer of SEV licences and the appropriate number of premises to be licensed in a relevant locality, which may be nil.
- 1.6 Under section 45C of the 1982 Act, the local authority is required to produce a Sexual Entertainment Venue policy where it has passed a resolution to licence SEVs. The Council, as licensing authority, 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 objectives of:
 - Preventing public nuisance, crime and disorder
 - Securing public safety
 - Protecting children and young people from harm
 - Reducing violence against women
- 1.7 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 Highland Licensing Committee when determining an application.

2. Purpose of the Policy

2.1 This policy provides guidance for potential applicants, existing licence holders and members of the public on the licensing of SEVs.

2.2 It must be made clear from the outset that the Highland Licensing Committee does not take a moral stance on SEVs in adopting this policy. The Highland Licensing Committee recognises that the Scottish Government has made it lawful for SEVs to operate and for a local authority to licence SEVs. It is the Highland Licensing Committee's role to regulate such venues in accordance with the law.

3. Defining Sex Entertainment Venues

3.1 Section 45A (2) of the Civic Government (Scotland) Act 1982 defines SEVs 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 and where it is the sole or principal purpose of sexual stimulation of members of the audience”.

‘audience’ includes an audience of one;

‘financial gain’ includes financial gain arising directly or indirectly from the provision of sexual entertainment;

‘organiser’ means either the person who is responsible for the management of the premises or the organisation or management of the sexual entertainment or where that person exercises that responsibility on behalf of another person (whether by virtue of a contract of employment or otherwise), that other person;

‘premises’ includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted;

‘sexual entertainment’ means any live performance or any live display of nudity which is of such a nature, ignoring financial gain, must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience; and

“display of nudity” means in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area, genitals or anus; and, in the case of a man, the showing of (to any extent and by any means) his pubic area, genitals and anus.

3.2 This definition would apply to the following forms of entertainment as they are commonly known:

- lap dancing;

- pole dancing;
- table dancing;
- strip shows;
- peep shows and
- live sex shows.

It must be noted that the above list is not exhaustive and does not include private dwellings to which the public are not admitted. Decisions to license premises as SEVs shall depend on the content of the entertainment provided and not the name it is given. As such each case will be considered on its own merits by the local authority as the Licensing Authority.

4. Venues that are not defined as SEVs in terms of the 1982 Act

4.1 The 1982 provides that there are various venues that do not fall within the definition of an SEV and are listed as follows:

A sex shop as defined in the 1982 Act.

Premises at which sexual entertainment is provided on a particular occasion if:

- a. Sexual entertainment has not been provided on more than 3 occasions which fall wholly or partly within the period of 12 months ending with the start of the particular occasion;
- b. Each continuous period during which sexual entertainment is provide on the premises is to be treated as a separate occasion; and
- c. Where the period during which sexual entertainment is provided on the premises exceeds 24 hours, each period of 24 hours (and any part of a period of 24 hours) is to be treated as a separate occasion.

Other premises exempted by an order of the Scottish Ministers. (It should be noted that no premises have currently been exempted by such an order).

5. Making an Application

5.1 All applicants for the grant, variation, renewal of a SEV licence must complete the SEV application form. The application should be submitted to [insert] together with the appropriate fee. ANNEX A ("Application Procedure & List of Application Consultees") sets out the procedure that must be followed by each applicant when applying for an SEV licence, including notifying those parties on the List of Application Consultees.

5.2 The 1982 Act allows the Council, as licensing authority, 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.

6. Notice of Application

- 6.1 Under the terms of the 1982 Act, all applicants who apply for an SEV licence must, (unless the local authority consents to dispense with this requirement) advertise their application, in the local newspaper, no later than 7 days before the application is lodged with the local authority. A copy of the advert must be submitted to the local authority.
- 6.2 The applicant must also, where the application is in respect of premises, display a notice for a period of 21 days from when the application has been lodged, on or near the premises in a place where the public can reasonably read the notice.
- 6.3 The Highland Licensing Committee, under the 1982 Act, can determine the persons or bodies who the applicant must send a copy of the SEV application to. The applicant must send a copy of the application to these persons or bodies no later than 7 days after the date of the application. A copy of the application form can be found at ANNEX B of this policy. The applicant must provide a certificate to the local authority confirming that they have complied with this. The certificate can be found at ANNEX C.

In terms of the 1982 Act the Highland Licensing Committee may agree that the applicant sends a copy of the application to the following:

- 6.4 In terms of the consultees, the local authority will send a copy of any applications received to the following consultees:
- Highland Council's Building Standards;
 - Highland Council's Environmental Health;
 - Highland Council's Planning Department
 - NHS Scotland;
 - Police Scotland; and
 - Scottish Fire and Rescue Service.

7. Objections and Representations

- 7.1 The 1982 makes provision for any member of the public to submit an objection or representation to a SEV licence application.

Objections must be in writing (email is acceptable), specify the grounds for objection, the name and address of the person making the objection and be provided to the local authority no later than 28 days after the later of:

- a) The date the application was made to the local authority;
- b) The date the newspaper article was first given; or
- c) If the date detailed in any notice which has to be re-advertised on request of the local authority.

Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal set out in the 1982 Act. The relevant grounds for refusal are detailed at paragraph 9 of this policy.

Objectors should note that moral objections will not be considered by the Highland Licensing Committee as these do not relate to grounds of refusal set out in the 1982 Act.

Objections will be considered by the Highland Licensing Committee when considering an application.

All objections or representations received by the local authority to a SEV application will be sent to the applicant. The Privacy Statement detailing how your personal data is used can be found at ANNEX D.

8. Consideration of Late Objections

8.1 Although the local authority is under a duty to consider any objections made within 28 days of the application as detailed in para 7, it does have discretion to hear late objections *provided* it is satisfied with the reasons for lateness. Where a late objection has been received, it will be passed to the applicant to enable them to consider the objection in case the Highland Licensing Committee determine to hear the late objection. The Highland Licensing Committee are responsible for determining whether an objection or representation that is not received within the 28-day period stipulated by the 1982 Act, will be considered as part of an SEV application.

8.2 Where petitions are received from members of the local public, they are unlikely to be accepted as a valid objection or representation as it does not allow the local authority to understand individual complaints or know whether they are relying on a legal ground to make the objection or representation. Furthermore, it may not be possible for the Council, as licensing authority, to know clearly who has signed the petition. The Council, as licensing authority, will place more weight on objections and representations received from those directly impacted by the presence of an SEV and who live or work within the locality.

9. Determination of an Application

9.1 All applications for the grant of a SEV licence, where there have been objections and/or representations received, will be determined by the Highland Licensing Committee at a hearing. If no valid objections or representations to these types of application are received, then they will be determined by the Principal Solicitor/Solicitor – Regulatory Services under delegated powers. Valid objections to any application will be considered by the Highland Licensing Committee at the hearing to consider the application. Applicants and objectors will be given an equal opportunity to state their case in accordance with the Highland Licensing Committee's procedure for hearings, which is available at:

https://www.highland.gov.uk/downloads/file/17628/licensing_hearings_procedure_licensing_committee.

9.2 Late objectors, provided the objection is not based on moral grounds, will be invited to attend any hearing of the Highland Licensing Committee to determine the application and their

objection may be brought into proceedings if the Highland Licensing Committee is satisfied with the reasons for lateness.

9.3 The 1982 Act provides six mandatory grounds for refusing a SEV licence and four discretionary grounds for refusal/refusal to renew a SEV licence. Each application will be decided upon its own merits and the licensing authority will give clear reasons for its decisions. Any decision to refuse an application **MUST** be relevant to one or more of the following grounds:

9.4 Specific mandatory grounds for refusal of a licence are set out in paragraph 9 of schedule 2. An SEV licence cannot be granted:

- a. to a person who is under the age of 18;
- b. to a person who has been disqualified where that person:
 - i. has held a licence that has been revoked by the same local authority area, within a period of 12 months, beginning from the date that the licence was revoked;
 - ii. has been convicted of operating an SEV or sex shop without a licence;
 - iii. has employed any person who they know would not be granted a licence under paragraph 9 (3) of the 1982 Act.
 - iv. has contravened a condition within the licence;
 - v. has permitted anyone under the age of 18 to enter the SEV or sex shop;
 - vi. has made a false or reckless statement in relation to the grant or renewal of a licence.
 - vii. has failed (without reasonable excuse) to allow an enforcement officer or police officer to enter, inspect or search the premise.
- c. to a person who is not resident in the UK or was not resident 6 months immediately before the date that an SEV application was made.
- d. to a body corporate that was not incorporated in the United Kingdom.
- e. to a person who has been refused the grant or renewal of an SEV licence by the same local authority, within a 12-month period, beginning from the date that the application was made. The refusal must relate to the same premises, vehicle, vessel or stall detailed in the initial application; or
- f. to a person other than a natural person, if any director, partner or a person who is responsible for the management of the premise, stall or vessel, has been refused the grant or renewal of a licence by the same local authority.

9.5 The discretionary grounds of refusal for a SEV licence that are referred to in the 1982 Act are –

- a. that the applicant or, where the applicant is a person other than a natural person, any director of it or any partner in it or any person responsible for its management, is unsuitable to hold the licence by reason 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 refused the grant or renewal of such a licence if he made the application himself;
- c. that the number of SEVs in the local authority's area or relevant locality at the time the application is made is equal to or exceeds the number which the local authority consider is appropriate for their area or that locality;
- d. that the grant or renewal of the licence would be inappropriate, having regard-
 - i. to the character of the relevant locality; or
 - ii. to the use to which any premises in the vicinity are put; or
 - iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

10. Appropriate Number of SEVs within the Highland Area

- 10.1 Under para 9, discretion is given to the local authority to refuse an application on the basis that the number of establishments, in the relevant locality at the time the application is determined *"is equal to or exceeds the number which the Local Authority consider is appropriate for their area or that locality"*.

The term "relevant locality" referred to under discretionary grounds (c) and (d) is defined within the 1982 Act and means:

- (a) in relation to premises, the locality where it is situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a SEV.

- 10.2 The local authority is able to determine that the appropriate number for a locality is nil and has the discretion to set an upper limit guide on the number of SEVs which it considers appropriate in any area within the local authority's control. That being the case, each application will be considered on its own merits at the time the application is submitted to the local authority.

- 10.3 The Highland Licensing Committee has made the decision:

- 1. not to break down the local area into discrete localities; and
- 2. not to set a maximum cap on the number of SEVs within the Highlands.

- 10.4 As a result of this decision, the Highland Licensing Committee will not be able to refuse an application on the grounds that an application exceeds the number which is appropriate for the Highlands.

- 10.5 Where an application is submitted by an applicant, the question of what is the "relevant locality" will be determined based on the facts and circumstances of the individual application together with the considerations listed in paragraph 11 of this policy.

11. Character and Vicinity of Relevant Locality

11.1 In considering whether the grant, renewal or variation of the licence would be inappropriate given the vicinity in which the SEV premises operates, the Highland Licensing Committee shall consider the existing character and function of the area. Due regard 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
- g. Whether there have been incidents of human trafficking or exploitation in that area

The Council, as licensing authority, will consider relevant locality on a case-by-case basis, taking into account the particular circumstances of each application.

12. Suitability of Premises

12.1 Under the 1982 Act, the Council, as licensing authority, 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.

12.2 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.

13. Waivers

13.1 The Committee can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate.

The grant of a waiver may be considered in the following circumstances:

Borderline cases: where an applicant wishes to obtain a waiver for the avoidance of doubt, such as a nude scene in a burlesque show or a mainstream cinema with a festival of erotica.

Correction of Errors: where an event such as a show takes place in one local authority who deems the show not to require a licence, but that show moves into another local authority area and the local authority deem that the show does amount to sexual entertainment.

NB: that the above examples are not exhaustive and there may be other circumstances that the Committee deem appropriate to grant a waiver.

The Committee will take into account:

- Any objections or representations
- The Highland Licensing Committee's Licensing Policy Statement
- Scottish Government Guidance
- Any other relevant considerations.

The Highland Licensing Committee will consider each application on its own merits; however, the applicant will be expected to demonstrate exceptional circumstances which justify why the licensing requirement should be waived. ~~The Council, as licensing authority, is unlikely to consider it would be appropriate to permit waiver from the requirements to hold a SEV Licence, particularly as the legislation allows an Occasional Use exemption.~~

A Waiver may be for a period as the Council thinks fit and the duration of a waiver shall be determined on the facts and circumstances of each case.

The applicant is required to complete the Waiver application detailed at ANNEX E and submit their application to the Council. Any waiver will be subject to the standard licence conditions.

14. ~~Stag and Hen Parties~~

~~If Customers in a Public House or other Premises with an alcohol licence under the Licensing (Scotland) Act 2005 themselves arrange a 'stripogram', the Premises need a SEV Licence (The Premises Licence covers the sale of alcohol. It does not cover Sexual Entertainment).~~

~~**IMPORTANT TO NOTE:** It is not enough for the Operating Plan in the Premises Licence to state that "Adult Entertainment" is permitted.~~

~~If the Premises accept a booking for a Stag Party, Hen Night or any other event where "Sexual Entertainment" might happen, the staff should tell the Customer that "Sexual Entertainment" is prohibited.~~

~~A SEV Licence is needed if:-~~

~~"Sexual Entertainment" is provided if (and only if) it is provided (or allowed to be provided) by or on behalf of the Organiser (Section 45A(5) of the 1982 Act). Please see the definition of 'Organiser' detailed at paragraph 3.~~

~~If "Sexual Entertainment" happens on Premises without a SEV Licence or a Waiver:~~

- a) ~~both the Premises Manager and the Premises Licence Holder can be prosecuted for not having a SEV Licence;~~
- b) ~~the Licensing Board can review the Premises Licence, and revoke or suspend it, on the basis that the Premises Licence Holder is not a fit and proper person having regard to the Licensing Objectives of "preventing crime and disorder" and "protecting and improving public health"; and~~
- c) ~~the Licensing Board can review the Premises Manager's Personal Licence and revoke, suspend or endorse it, on a similar basis. They can only avoid the possibility of these sanctions if they actively try to stop the Customers or if the "Occasional Use" exemption applies.~~
- d) ~~—~~

~~A Public Entertainment Licence for premises used as a place of public entertainment does not cover Sexual Entertainment.~~

~~**IMPORTANT TO NOTE:** It is not enough for an Organiser to hold a Public Entertainment Licence. A SEV Licence is needed if Sexual Entertainment is to be provided or allowed to be provided.~~

~~14.2 If the Premises accept a booking for a Stag Party, Hen Night or any other event where "Sexual Entertainment" might happen, the staff should tell the Customer that "Sexual Entertainment" is prohibited.~~

~~14.3 A SEV Licence is needed if:—~~

~~**"Sexual Entertainment"** is provided if (and only if) it is provided (or allowed to be provided) by or on behalf of the Organiser (Section 45A(5) of the 1982 Act). Please see the definition of 'Organiser' detailed at paragraph 3.~~

~~If "Sexual Entertainment" happens on Premises without a SEV Licence or a Waiver:~~

- e) ~~both the Premises Manager and the Premises Licence Holder can be prosecuted for not having a SEV Licence;~~
- f) ~~the Licensing Board can review the Premises Licence, and revoke or suspend it, on the basis that the Premises Licence Holder is not a fit and proper person having regard to the Licensing Objectives of "preventing crime and disorder" and "protecting and improving public health"; and~~
- g) ~~the Licensing Board can review the Premises Manager's Personal Licence and revoke, suspend or endorse it, on a similar basis. They can only avoid the possibility of these sanctions if they actively try to stop the Customers or if the "Occasional Use" exemption applies.~~

~~A Public Entertainment Licence for premises used as a place of public entertainment does not cover Sexual Entertainment.~~

~~**IMPORTANT TO NOTE:** It is not enough for an Organiser to hold a Public Entertainment Licence. A SEV Licence is needed if Sexual Entertainment is to be provided or allowed to be provided.~~

14. Occasional Use

154.
1 Premises can be used for sexual entertainment for a proposed event (not exceeding 24 hours) if the Premises have been used for Sexual Entertainment on not more than 3 previous occasions in the past 12 months (Section 45A(9) of the 1982 Act).

154.
2 Each occasion can last no more than 24 hours. If your premises operate as a Sexual Entertainment Venue for more than a 24-hour period, each period of 24 hours (and any part of a period of 24 hours) is to be treated as a separate occasion (Section 45A(10) of the 1982 Act).

154.
3 The rule applies to a rolling year, not the calendar year running from 1st January to 31st December. To know whether a particular date can be used, count back 12 months from that date, and ask:

"Have the Premises been used for "Sexual Entertainment" on three or fewer occasions in this period?"

If the answer is "no", the exemption applies, and the Premises do not need a SEV licence. You might send a letter to the Council and the Police.

14.4 If the answer is "yes", the exemption does not apply, and the premises need a licence. You do not have to tell the Council or the Police that you are using the 4-in-a-year exemption, but you can write to the Licensing Office in advance using our Occasional Use Exemption Letter detailed at ANNEX F.

14.4
14.5 **IMPORTANT NOTE:** It will help to show that you do not need a Licence if you have already sent an Exemption Letter to both the Council's Licensing office and the Police. You can send this letter for one occasion, or more than one occasion. There is no fee for using the Exemption or sending the Exemption Letter.

154.
65 For the avoidance of doubt, where the organiser of an event seeks to carry out any further events that is not covered by an occasional use exemption (i.e. a fourth event), they must apply for a SEV licence.

IMPORTANT NOTE: ~~It will help to show that you do not need a Licence if you have already sent an Exemption Letter to both the Council's Licensing office and the Police. You can send this letter for one occasion, or more than one occasion. There is no fee for using the Exemption or sending the Exemption Letter.~~

15. Renewal

156. If a licence holder applies for renewal of an SEV licence before the expiry date, the licence will remain in effect until a final decision on the renewal application has been made.

1

Where the expiry date has already passed when the applicant makes a renewal application, this will be treated as an application for a new grant of licence unless the following conditions are met: -

- The application is made no later than 28 days after the expiry date; and
- The council is satisfied that there is good cause to accept a late application.

156. The applicant should state in writing if there is good reason to accept the late application. The procedures for a renewal application are the same as they are for a new Grant of a licence, but the licence is not guaranteed to be renewed - the Local Authority is not obliged to grant a renewal.

2

156. The local authority will take into account the operation of the premises during the previous Licence period(s), and any allegations of offences and/or breaches of licence conditions.

3

16. Variation

167. At any time, the holder of a SEV licence can apply to the local authority to vary the terms of the licence.

1

167. There is no requirement to advertise a variation however, the local authority will consult with the consultees as detailed in para 6.4 above.

2

17. Revocation

178. The Council, as licensing authority, may at any time revoke a licence if certain grounds under paragraph 13(1) of Schedule 2 of the 1982 Act are established.

1

These grounds are:

- a. If one of the grounds of refusal applies
- b. If in their opinion, any of the grounds relating to the fitness of the Licence Holder or anyone involved with the licence apply;
- c. If a condition of the licence has been contravened.

178. Before any revocation take place, the licence holder will ordinarily be given the opportunity to be heard before the Highland Licensing Committee. However, in certain circumstances and in accordance with the 1982 Act, a licence can be revoked without a hearing with immediate effect, where appropriate justification is provided.

2

18. Conditions

- ~~198.~~
1 When issuing an SEV licence the licensing authority is permitted to issue it on such terms and conditions and subject to restrictions as are specified at the time the licence is issued either in the form of conditions specific to the individual (referred to as special conditions) or standard conditions applicable to all SEVs. Both the local authority's standard conditions and any special conditions are subject to any Mandatory Conditions prescribed by Scottish Ministers under Section 45E of the 1982 Act.
- ~~198.~~
2 The relevant standard conditions detailed in ANNEX G shall apply to every licence granted, varied, renewed or transferred by the local authority.
- ~~198.~~
3 In the event of a conflict arising between the standard conditions and the special conditions, the special conditions will prevail.
- ~~198.~~
4 Where the proposed SEV has a Premises Licence under the Licensing (Scotland) Act 2005, all reasonable care will be taken to ensure that the SEV licence conditions does not conflict with the conditions detailed in the Premises Licence.

19. Right to Appeal

- ~~1920~~
.1 An appeal against the decision of the Highland Licensing 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.

20. Equality

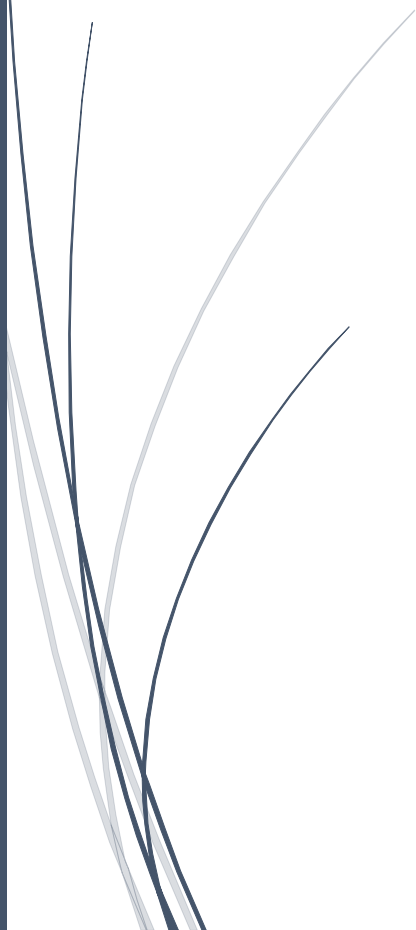
- ~~240.~~
1 The 2010 Act introduced a new public sector equality duty which requires public authorities, including the Highland Licensing Committee, to try and eliminate discrimination; promote equality and good relations across a range of protected characteristics.
- ~~240.~~
2 Prior to the Highland Licensing Committee implementing this policy an equality impact assessment was undertaken. This can be viewed using the following link [to be inserted once decision made].

21. Fees

- ~~221.~~
2 The application process involves paying a non-returnable application fee, which covers the costs of administering the SEV licensing regime. The fees are reviewed annually against any rise in the local authority's costs of administering the licence regime.
- ~~221.~~
2 The appropriate fees for applications can be found at [insert annex] of the policy and on the Council's website.

Licence and Standard Conditions on the Licensing and Regulation of Sex Entertainment Venues.

ANNEX G



SEXUAL ENTERTAINMENT LICENCE
THE HIGHLAND LICENSING COMMITTEE

Issued under the terms and conditions of the Civic Government (Scotland) Act 1982

SEV licence number		
Date of commencement of licence		
Date of expiry of licence		
Postal address of premises		
Postcode		Telephone number
Description of premises		
Licensed hours		
<i>Day</i>		
	<i>Opening</i>	<i>Closing</i>
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

Name and postal address (or registered address if a company), telephone number and email (where relevant) of holder of premises licence

Registered number of ~~licence holder~~ Licence Holder, e.g. company number, charity number (where applicable)

Name, postal address and telephone number of day-to-day manager(s).

DEFINITIONS

The **Act** means the Civic Government (Scotland) Act, 1982.

Chief Fire Officer means the Chief Fire Officer of the Scottish Fire and Rescue Service or his or her authorised Depute within the relevant Highland Council area.

The **Council** means the Highland Council and any officer authorised to act on its behalf in terms of this licence.

The **Licence Holder** means the individual or organisation that has been granted a licence under schedule 2, paragraph 4 of the Civic Government (Scotland) Act 1982 by the Council.

Organiser means either the person who is responsible for the management of the premise or the organisation or management of the sexual entertainment or where that person exercises that responsibility on behalf of another person (whether by virtue of a contract of employment or otherwise), that other person.

Patrons or Public means persons admitted or seeking admission to the premises for any purpose other than the performance of duties in connection with the entertainment being provided.

Performer is defined in these conditions as any person operating at a sexual entertainment venue who carries out any activity falling within the definition of relevant entertainment.

Premise includes any vessel, vehicle or stall (but does not include any private dwelling) to which the public is admitted.

Sexual Entertainment means live performance or any live display of nudity which is of a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience (whether by verbal or other means).

Sexual Entertainment Venue (SEV) means any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser.

STANDARD CONDITIONS

OPENING TIMES

1. Except with the previous consent of the Council an SEV shall not be open to the public before 22:00 hours and shall not be kept open after 03:00 hours. Opening hours may be aligned to alcohol licensing hours.

LICENSED USE

2. The number of persons admitted to the premises during any event at any one time shall not exceed:

The occupancy capacity limit of the premises, that is the limit on the number of people permitted to occupy the premises at any one time, as specified herein, shall be determined by the Council in consultation with the Chief Fire Officer and shall not be exceeded. The ~~licence holder~~ Licence Holder shall take appropriate measures to ensure that controlled drugs (within the meaning of Section 2 of the Misuse of Drugs Act, 1971) are not used on the premises.

GENERAL CONDITIONS

3. The Licence Holder shall retain occupational control of the premises, except with the prior written consent of the Council, such consent always to be conditional on any occupier complying with the conditions of the licence.
4. The premises shall be kept and, in due course, left in a clean and tidy condition to the satisfaction of the Council, with arrangements being made for the storage, collection and disposal of waste or refuse during and after use of the premises all to the satisfaction of the Council.
5. Use of the premises for pyrotechnics, lasers, other potentially hazardous special effects, firearms or any exhibition, demonstration or performance of hypnotism within the meaning of the Hypnotism Act 1954, shall not take place without the prior written consent of the Council. Application for such permission must be made in writing at least 14 days in advance of the planned entertainment and give full details of the proposed use. Further, in any event, the ~~licence holder~~ Licence Holder shall not exhibit any light which: -
 - (a) by reason of its glare is liable to endanger aircraft or road traffic; or
 - (b) by reason of its liability to be mistaken for an aeronautical ground light or ground light

CONDITIONS RELATING TO HEALTH AND SAFETY

6. The Licence Holder shall satisfy the Council as to the safety of any electrical or mechanical installation or safety of any relevant equipment associated with the operation of the premises.
7. The Licence Holder having regard to the likely numbers frequenting the premises, shall make adequate provision, to the satisfaction of the Council with regard to sanitary accommodation and drainage facilities.
8. The Licence Holder shall ensure that all toilet requisites are provided and that all toilets are kept clean and in an orderly condition and shall designate a suitable person or persons for those purposes.
9. Facilities shall be provided in all female toilets for the hygienic disposal of sanitary towels.
10. Means of locking or otherwise securing doors to all water closets or individual shower rooms shall be provided.
11. The ~~licence holder~~Licence Holder shall ensure that the premises shall be provided with an adequate supply of wholesome water. The supply of drinking water shall be available during the course of an event, at all times free of charge and any drinking vessels provided must be clean.
12. Seating shall be designed, constructed, and maintained so as to ensure safe use and allow free and ready access to all exits, all to the satisfaction of the, Chief Fire Officer. Stages must be constructed and arranged so as to minimise the risk of fire. Stages and attendant fixtures and fittings (and for example, curtains, fights etc) must also be approved by the Chief Fire Officer.
13. Details of any temporary structures (with the exception of modular demountable staging previously notified to and approved by the Council) to be erected on the premises shall require to be submitted to the Council at least 14 days before any event together with, at the sole discretion of the Council and at the expense of the ~~licence holder~~Licence Holder, a Structural Engineers report or other such certification as the Council may require. Such structures shall not be erected without the prior written authority of the Council.
14. The ~~licence holder~~Licence Holder shall ensure that an effective system is maintained for the management of the premises, and all events held therein, to ensure the health and safety and welfare of the public.
15. The ~~licence holder~~Licence Holder shall ensure that adequate arrangements are in place in respect of fire precautions at the premises.

16. Where applicable, the Licence Holder must be in possession of a valid fire certificate in respect of the premises granted by the Chief Fire Officer, or failing which, a letter from the Chief Fire Officer confirming that the premises meet the standards required by the Chief Fire Officer.
17. The Licence Holder shall ensure that prior to any funfair rides or inflatable structures being operated at the premises the relevant Amusement Device Inspection procedures Scheme (ADIPS) certificates (in respect of funfair rides) and Pertexa Inflatable Play Accreditation (PIPA) certificates (in respect of any inflatable structures) are submitted to and approved by the Council.

APPEARANCE, DISPLAYS & LAYOUT OF PREMISE

18. The interior of the premises shall not be visible to passers-by and to that intent the Licence Holder shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
19. A copy of the Licence as issued by the Council shall be retained in a clean and legible condition, suitably framed, and exhibited in a position that can easily be seen by all persons using the premises.
20. A copy of the conditions of the Licence (so far as they relate to the performances) shall be given to all performers at the premises and a copy shall be exhibited in the performers changing rooms at all times the premises are open.
21. Price lists for both drinks and sexual entertainment and the code of conduct for customers will be clearly displayed at each table and at each entrance to the premises.
22. Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read during the normal operation of the premises.
23. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) shall be exhibited so as to be visible from outside the premises without approval by the Highland Council except for those signs and notices that are required to be displayed in accordance with these licence conditions.
24. The ~~licensee~~Licence Holder shall not permit the display outside of the premises of photographs or other images which indicate or suggest that relevant entertainment takes place in the premises.

25. Any person who can be observed from outside of the premises must be properly and decently dressed. Scantily clad individuals must not exhibit in the entranceway or in the area surrounding the premises. There shall be no attempt made outside the premises to solicit people to enter.
26. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex establishment.
27. The premises shall be maintained in good repair and condition. All parts of the Premises shall be kept in a clean and hygienic condition to the satisfaction of Highland Council.
28. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
29. The LicenseeLicence Holder shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the establishment who are disabled.
30. The authorised entertainment must only take place in designated areas approved by Highland Council;
31. Suitable changing rooms with restricted access should be provided for Performers, separate from customers and other staff, where they may prepare for their performance;
32. Safe and controlled access to the dressing room for performers must be maintained at all times when the performance is taking place and immediately afterwards;
33. The agreed activities will take place only in designated areas as indicated on the plans authorised by the Licensing Authority and in the full view of the audience. No part of the premises accessible to the audience shall be concealed from observation without the appropriate authorisation from the Licensing Authority.
34. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
35. No change of use of any portion of the Premises from that approved by Highland Council shall be made until the consent of Highland Council has been obtained thereto.

CHANGE OF LOCATION AND ALTERATION TO PREMISES

~~35-36.~~ Where licensed premises are a vessel or stall, the Licence Holder shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days' notice. Please Note that this requirement shall not apply to a vessel or stall which habitually operates from a fixed location, but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence.

~~36-37.~~ Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises, including any change in the permitted signs on display shall not be made unless a variation has been granted.

CONTROL OF ENTRY

~~37-38.~~ No person under the age of 18 years shall be permitted admission to the venue at any time it is being used under this licence.

~~38-39.~~ No person under the age of 18 years shall work at the venue as a performer.

~~39-40.~~ The Challenge 25 proof of age scheme shall be operated at the venue whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

~~40-41.~~ The venue shall maintain a refusals log whereby on any occasion where a person is refused entry it shall be recorded and available upon request by Police Scotland or an authorised officer of the Local Authority.

~~42.~~ Where in terms of the operating plan, children and young persons are permitted on the premises, they will not be permitted on the premises on any day on which adult entertainment takes place.

~~43.~~ Where the premises is one which is not solely used for Sexual Entertainment, an hotel which has children or young person's resident, children and young persons shall be excluded from the area where sexual entertainment is taking place. any part of the hotel used for adult entertainment on any day on which adult entertainment takes place. A notice stating that no one under the age of 18 can enter must be prominently displayed at all times so as to be easily read by all persons in the venue, while the sexual entertainment is taking place.

~~41.44.~~ A person who holds a licence granted under section 8 of the Private Security Act 2001 must be positioned at every entrance to the venue from 1am (on any day when the venue is open at that time) until whichever is the earlier.

~~42.45.~~ Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.

~~43.46.~~ A policy of random searches of persons entering the premises shall be operated.

~~47. Reasonable steps must be taken to ensure that any person found using illegal drugs in the venue shall be appropriately removed from the venue. Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.~~

~~44.48.~~ The premises shall maintain a refusals log whereby on any occasion a person is refused entry details shall be recorded. The log must be made available on request by Police Scotland or an authorised officer of the Council.

CONDUCT OF PERFORMERS

~~45.49.~~ The ~~licence holder~~Licence Holder shall have in place a code of conduct for behaviour of staff and customers. A copy of this code will be made available to staff and customers and be displayed prominently within each public area of the premises. The code will deal with matters such as information for performers, on distance to be maintained from customers during a dance, prohibitions on sexual behaviour and propositioning, and what to do if a customer breaches the rules.

~~46.50.~~ The ~~licence holder~~Licence Holder must provide an information pack to all Performers and staff which should include at least the following information:

- a) A copy of the SEV licence, including the conditions applied by the Licensing Committee;
- b) Details of how to report a crime to Police Scotland;
- c) Details of unions, trade organisations or other bodies that represent the interests of performers;
- d) interests of performers;
- e) A copy of the code of conduct for performers;
- f) A copy of the code of conduct for customers; and
- g) Price lists for drinks and separately sexual entertainment.

51. The Code of Conduct for performers and customers shall be lodged with the Licensing Authority. All performers shall sign the Code of conduct acknowledging that they have read and understood and are prepared to abide by the said Code of Conduct and copy so signed be retained by the Licence Holder and shall be readily available for inspection by the Police and all authorised persons upon reasonable request.

~~47~~.52. Performers should only perform in open public areas of the licensed premises;

~~48~~.53. Performers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.

~~49~~.54. No dance entertainment should take place in private booths and performers' genitalia should be covered at all times. There should be no touching between performers and patrons at any time during the performance, the only contact allowed being the hand-to-hand payment of money at the conclusion of the performance.

~~55.~~ All performances conducted by the Performers shall be restricted to dancing and the removal of clothing. No other form of sexual stimulation or activity shall be prohibited.

~~50~~.56. Performers shall not arrange with a customer within the venue to provide sexual entertainment to a customer outside of the venue, at any time when working.

~~51~~.57. Patrons or members of the audience shall not take photographs or record digital images of Performers by any means.

~~52~~.58. Panic alarms are to be fitted to all booths and VIP performance areas and will be operational at all times.

~~53~~.59. Exit routes for performers must be kept clear.

PROTECTION OF PERFORMERS AND PREVENTION OF CRIME

~~54~~.60. Performers shall be provided with secure and private changing facilities.

~~55~~.61. All entrances to private areas within the venue to which members of the public are not permitted access shall have clear signage stating that access is restricted.

~~56~~.62. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.

~~57~~.63. No smoking areas are to be allowed at the front of clubs to minimise the potential for harassment of women living, working and passing through the area.

~~58-64.~~ 64. The ~~licence holder~~Licence Holder shall include in the club rules a written policy to ensure the safety of performers when leaving the premises following any period of work.

~~59-65.~~ 65. A personal ~~licence holder~~Licence Holder must be present in the area of the premises in which adult entertainment is taking place for the duration of the adult entertainment.

~~60-66.~~ 66. The licensed premises shall have stewards in all public areas in addition to at least one steward positioned at each entrance to and/or exit from the premises. All public dance areas, entrances and exits should be monitored constantly while the premises are open to the public with the use of CCTV.

RECORD KEEPING AND MANAGEMENT

~~61-67.~~ 67. The ~~licence holder~~Licence Holder will maintain a register of performers engaged to perform in the licensed premises. The register will show the name, age and current address of the performer. The ~~licence holder~~Licence Holder will require to obtain photographic proof of each performer's identity. Foreign nationals must be asked to exhibit their passport and the ~~licence holder~~Licence Holder should take appropriate steps to ensure that there are no restrictions on the performer's entitlement to work in the United Kingdom.

~~62-68.~~ 68. Accurate payment and remuneration records must be maintained and made available upon request to Police Scotland or an authorised officer of the Local Authority.

~~63-69.~~ 69. A fully operational CCTV system must be used within the venue which complies with the 2018 Act and Regulations, covering all areas of the venue to which the public have access, including entrances, exits, private booths and bar area. The CCTV must be fitted and maintained in full working order in accordance with the guidance provided by the Information Commissioner's Office and to the satisfaction of Police Scotland.

~~64-70.~~ 70. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers, cleared of staff and closed

~~65-71.~~ 71. CCTV footage must be made available to Police Scotland and authorised officers of the Local Authority on request.

ANCILLARY CONDITIONS

~~66~~72. The Licence Holder must notify Police Scotland of any forthcoming adult entertainment event at least 24 hours in advance of the event taking place.

~~67~~73. The Licence Holder must ensure that no noise arising from the use of the premises shall give rise to reasonable cause for annoyance.

~~68~~74. The Licence Holder must provide proof that he holds third party liability insurance giving a minimum level of indemnity of FIVE MILLION POUNDS (£5,000,000) in respect of the licensed use. The Licence Holder must exhibit the policy and any receipt for premiums or any other document relating to the policy, to the Council at, no cost to the Council upon demand.

~~69~~75. The Licence Holder must display the licence, and a valid certificate of third-party liability insurance, in the premises so that it can be read by any patron or person entering the premises.

~~70~~76. The licence must not be altered, erased or defaced and must be kept clean and legible. Should the licence be lost or become defaced or illegible the Licence Holder must obtain a replacement from the Council on payment of the appropriate fee. The Licence Holder must produce this licence within five days when required to do so by a Police Constable or authorised officer of the Council or authorised officer of the Chief Fire Officer.

~~71~~77. The Licence Holder shall return the licence to the Council within seven days of the following whereupon it shall cease to have effect: -

- a. ceasing to use the premises as a place of public entertainment permanently
- b. on being notified of a decision by the Council to vary the terms of or suspend the licence or the decision of a court to revoke it.

~~72~~78. The Licence Holder or the Licence Holders' servants or agents shall ensure that no fly posting is undertaken by the Licence Holder or on behalf of the Licence Holder in respect of any performance or event taking place in respect of the premises.

[Any condition in current licence in respect of fly posting and/or financial bonds shall continue in force].

~~73~~79. The Licence Holder must notify the Council as soon as is reasonably practicable of any material changes of circumstances affecting the Licence Holder, the premises, or the licensed use, including any particulars referred to on the application for a grant or latest application for a renewal of a licence.

~~74~~80. Any request for any authorisation required in terms of this licence shall be made to the Principal Solicitor – Regulatory Services.

Equality Impact Assessment:

Sex Entertainment Venues

Purpose of the Equality Impact Assessment:

The Equality Act 2010 introduced a Public Sector Equality Duty (PSED) requiring public bodies to give due regard to the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations

Consideration must be given to the protected characteristics covered by the Equality Act. Assessments should 'consider relevant evidence relating to persons with relevant protected characteristics in relation to such assessments of impact'.

The purpose of an Equality Impact Assessment (EQIA) is to ensure that policies, functions, plans or decisions (hereafter referred to as 'policy' do not create unnecessary barriers for people protected under the Act, and that negative impacts are eliminated or minimised and opportunities for positive impact are maximised.

Screening is a short exercise to determine if a policy is relevant to equality and whether a full equality impact assessment (EQIA) should be carried out.

Title/description of the policy	A policy setting out the new licensing regime for sex entertainment venues.
Name of the person(s) carrying out the assessment?	Rhoda Banfro Solicitor
Service and Department	Performance and Governance
Date of assessment	23 March 2022
What are the aims and objectives of the policy/function/strategy?	
<p>The Air Weapons and Licensing (Scotland) Act 2015 introduced new provisions relating to the licensing of sex entertainment venues (SEVs) on 26 April 2019. This new licensing regime allows local authorities to decide whether SEVs should be regulated giving cognisance to the implications, opportunities and risks and decide whether to limit the number of SEVs at any given time.</p> <p>This new regime was introduced in response to concerns about adult entertainment activity. Concerns were also raised about the link between SEVs and unhealthy attitudes towards women. These concerns were echoed in the following research paper:</p> <p><i>Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls</i> was first published in 2014 and updated in 2016 and again 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'.</p> <p>In addition to the aforementioned research paper, the "Trafficking and Exploitation Strategy" was published on 30 May 2017, in accordance with section 35 of the Human Trafficking and Exploitation</p>	

(Scotland) Act 2015. It sets out the Scottish Government's strategy to work with partners to make Scotland a more hostile place for human trafficking. The aims of the strategy are to identify victims and support them to safety and recovery; identify perpetrators and disrupt their activity; and address the conditions that foster trafficking and exploitation.

The Committee have resolved to adopt this licensing regime to balance the freedom of individuals to engage in legal employment and activities with the right of local authorities to exercise appropriate control and regulation of SEVs that operate within their areas.

Currently, there are no measures in place to control the activities that take place within SEVs.

This policy seeks to:

1. Improve standards in the industry by promoting good management practices through the introduction of SEV Licensing Conditions.
2. Ensure the safety of performers and customers.
3. Regulate the impact of the number of SEVs within one particular location.
4. Improve accountability among SEV operators; and
5. Minimise the impact on artistic freedom.

Who may be affected by the policy

One SEV operator known as "*Private Eyes*" located on Academy Street, Inverness will be affected by the introduction of this policy.

How have stakeholders been involved in the development of the policy?

A six-week consultation between 18 Aug to 21 September 21 was undertaken. Section 3 of the consultation focused on the creation of an SEV policy and what the policy should contain. A report detailing the responses received can be found here: https://www.highland.gov.uk/meetings/meeting/4501/highland_licensing_committee



Appendix 1.docx



Appendix 2.docx



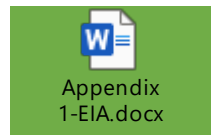
Appendix 3.docx



Appendix 4.docx

The relevant appendices are also attached.

A further six-week consultation beginning from 14 February 22 to 28 March 22, has been undertaken in respect of the draft SEV policy and standard conditions that will be attached to any licence that is issued. A summary of the responses received can be found here:



The Committee have consulted with members of the general public as well as women's groups and organisations, local business, religious groups and organisations, Community Councils, NHS, Police Scotland (including their Human Trafficking Champion)

Screening: This can be copied over from screening sheets

Public Sector Equality Duty

<i>Which parts of the public sector duty is the policy relevant to?</i>		
1. Eliminate unlawful discrimination	✓	Highland Council has a public sector equality duty to have due regard when carrying out its functions to the need to eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity; and foster good relations. There is a significant risk of challenge if the proposed policy approach does not sufficiently address this duty.
2. Advance equality	✓	The licensing committee must assess the extent to which the proposed policy approach addresses the public sector equality duty to eliminate harassment of women and advance equality of opportunity between men and women. It is acknowledged that women and girls who are particularly disadvantaged by SEVs.
3. Promote good relations	✓	Local authorities must promote the elimination of the stereotypes and obstacles upon which the inequalities in status and condition of women are based, and which give rise to the unequal evaluation of the roles of women and men in political, economic, social, and cultural terms.

Which of the protected characteristics is the policy relevant to? Tick and briefly describe any likely equalities impact (positive/negative/neutral).

Characteristic	Positive	Negative	Neutral	comments
Gender	✓			<p>Consultation responses highlight that women and girls are particularly disadvantaged by sexual entertainment venues.</p> <p>The licensing of sexual entertainment venues and the conditions imposed on the granting of licences would reduce the risk of sexual exploitation and trafficking of all persons and particularly women. The introduction of a</p>

				<p>licensing regime would allow for better working conditions for both men and women and workers who are transgender who work within the industry, as well as provide a mechanism for SEV workers and members of the public to report any problems that occur with the running of the premise.</p>
Age	✓			<p>The legislation prohibits persons under the age of 18 being admitted to or employed on licensed premises. It is also likely that any premise licensed as a sexual establishment venue will also be licensed under the Licensing (Scotland) Act 2005. This primary legislation provides for various offences and requirements associated with the protection of children from harm and the sale and consumption of alcohol by children.</p> <p>The policy holds that sex establishments may be inappropriate near to particular sensitive uses, including schools, family leisure facilities, residential dwellings, youth facilities and cultural facilities. For this reason, the policy is deemed to mitigate the impact upon younger people and children.</p> <p>The policy requires the Council to take into account on a case-by-case basis all relevant considerations including the character of the locality; residential, leisure and educational establishments; other uses in the locality including family friendly facilities; the risk of public nuisance; whether the locality is subject of stress caused by a cumulative impact of premises.</p>

Disability	✓			<p>We do not consider that there is a direct or specific impact on this group. All respondents were asked to provide details as to whether they suffered a disability. No respondents advised that they suffered with disability.</p> <p>However, the policy has a positive impact on disabled people as all parts of any premises open to the public shall be accessible to disabled people save for WC facilities where there are separate WC facilities specially designed for use by disabled people.</p>
Religion or Belief			✓	<p>The policy holds that sex entertainment venues may be inappropriate near to particular sensitive uses, including places of worship. Each application that is received will be considered in light of this criteria and where appropriate is referred to the authority's licensing committee who will take into consideration the full scope of issues before making decisions particularly in cases where the grant of the licence is contrary to policy. This includes full consideration of the opposing views and any mitigation. Full reasons are given for any decision, and this is subject to legal challenge</p> <p>For this reason, the policy is deemed to mitigate the impact upon faith groups.</p>
Race			✓	No issues identified
Sexual Orientation			✓	No issues identified
Gender reassignment			✓	No issues identified

Pregnancy/maternity			✓	No issues identified
Marriage and Civil Partnership*			✓	No issues identified

Sources of information:

What existing sources of information have you gathered to help identify how people covered by the protected characteristics may be affected by this policy or service?

E.g., Consultations, national or local data and/or research, complaints, or customer feedback.
Are there gaps in available data?

Consultation

Consideration of a introducing a new licensing regime was considered in The Highland Council's initial public consultation which took place between 18 August to 21 September 21. The consultation allowed the Council to gather information and engage with stakeholders, representative groups and service users. A total of 442 responses were received. 424 were received from individuals, 22 responses were received from organisation and other groups.

In response to the question of whether the licensing of SEVs should be introduced in the Highlands, 286 (64%) responses were in favour of licensing SEVs and 159 (36%) respondents were not in favour of introducing a licensing regime. For those not in favour of the licensing regime, their responses must be viewed in the light of other responses below. The additional comments that were made suggest a lack of understanding of the consequences of choosing not to license SEVs. Some respondents appeared to assume that choosing to license the activity would be permissive rather than the primary means of control. They therefore appeared to answer "no" to licensing the activity when they wanted the activity restricted or completely prevented.

In fact, of the 159 respondents who advised that they were not in favour of licensing SEVs, 126 (79%) respondents advised that they did not believe any areas were suitable for SEVs or the areas that any SEVs operated in, should be restricted. These inconsistencies drawn from the data received suggest that a larger proportion of respondents who wanted to restrict the potential for SEVs to operate within Highlands, also wanted them to be licensed.

289 respondents felt that SEVs had a negative impact of the local community. 217 respondents felt that the licensing of SEVs would have a positive impact on SEVs and performers.

Over 60% of the responses received attracted a large degree of support from respondents who were in favour of creating policies that considered the following: the suitability of the applicant and those connected to them; detailed operating rules for managing SEVs, the interior layout of the premise, the character of the locality and its compatibility with an SEV; and the particular use of the local area.

269 of the responses received identified a number of common themes, most notably the concern of SEVs contributing to an industry of commercial sexual exploitation, which includes prostitution, lap dancing, stripping, pornography and trafficking. Many of the responses received highlighted the link between the objectification of women, sexual violence and harassment which is believed to be consistently associated with each other. SEVs normalise the representation of women and girls as sexual objects, who are always sexually available. They make sexual harassment seem normal within an establishment, that would otherwise be considered harassment in any other context. Portraying women as sexual objects normalises sexual violence and for many respondents this form of entertainment runs counter cultural to the culture of the Highlands and the advancement of women's equalities.

Following the Committee's decision to licence SEVs, the Committee instructed Officers to prepare the draft Policy Statement for public consultation. The consultation took place 14 February 22 to 28 March 22. A total of 14 responses were received.

The questions considered at the consultation can be found here:



Consultation
Questions.docx

The main concerns identified from the consultation are as follows:

- Inclusion of additional consultees such as relevant community councils, public health protection committees and various women's organisations.
- Stricter conditions for the protection of performers
- Ensuring that no signage was displayed outside that suggested the premise was an SEV and objectified any individual.
- No maximum limit set on the number of SEVs that can operate in the Highlands.
- Relevant localities are not defined within the draft policy.

It is noted that a further groups and organisations should have been directly targeted as part of the initial consultation. This will be brought to the attention of the Licensing Committee for their consideration.

Research

Profitable exploits: Lap dancing in the UK (for Glasgow City Council) 2004

This study was commissioned by the Glasgow City Council to analyse the impact of lapdancing on those involved and the wider community to inform the council's position on lapdancing within the city. A number of methods were used, including a literature review; internet search; observational research in four clubs; and interviews with 20 dancers, 15 customers and a number of interviews with club owners, police officers, women's groups and licensing officers. The reports key conclusions and recommendations include:

- It can be concluded, from the body of evidence that some lap dance club owners and managers create conditions in which prostitution is likely to occur.
- There is evidence that activities within lap dancing clubs are in direct contradiction with equality between men and women and normalises men's sexual objectification of women.
- Lap dancing is becoming increasingly normalised and activities within the clubs can be seen as detrimental to gender equality.
- Working conditions and terms of employment of lap dancers are inadequate.
- There is strong evidence that dancers can suffer humiliation and sexual harassment on a regular basis from customers and staff/management.
- Many dancers begin working in lap dance clubs through lack of real choice.
- The requirement for dancers to 'glamour model' to advertise the club, and the evidence that some customers take covert photographs of the dancers whilst naked, links lap dancing clubs to pornography

Home Office

According to the Home Office, daily sexualised messages create conducive contexts for violence, reinforce gender inequalities and undermine information campaigns about healthy sexual relationships (Home Office VAWG Consultation, 2009). There is a clear link between the consumption of sexualised images and the acceptance of aggressive attitudes and behaviours as the norm (Home Office, 2010)

A considerable proportion of young women's aspirations have been reduced to being glamour models and lap dancers (EVAW 2008); Women in Journalism (2007); Girls' Schools Association (2010).

Equally Safe: Scotland's Strategy for Preventing and Eradicating Violence against women and girls

A delivery plan for Scotland's strategy to prevent and eradicate violence against women and girls.

Equally Safe's priorities are:

- achieving greater gender equality
- intervening early and effectively to prevent violence and maximising the safety and wellbeing of women, children, and young people
- tackling perpetrators

Trafficking and Exploitation Strategy

This strategy is required under section 35 of the Human Trafficking and Exploitation (Scotland) Act 2015 and sets out the Scottish Government's strategy to work with partners to make Scotland a more hostile place for human trafficking. The aims of the strategy are to identify victims and support them to safety and recovery; identify perpetrators and disrupt their activity.

There has been some research into the lap dancing industry and the potential links between these venues and sexual violence. In 2015 the School of Sociology and Social Policy at the University of Leeds published an article entitled '**Regulating strip-based entertainment: sexual entertainment venue policy** and the ex/inclusion of dancers' perspectives and needs. This article showcases a research, dissemination and impact study on the striptease industry that explores why key stakeholders (dancers) are excluded and ways that inclusion in policy development is achievable.

Research findings include:

- One in four lap-dancers has a degree. Those dancers with degrees had not chosen dancing in place of a career in their chosen subject after university but instead were combining it with other forms of employment or education. One third of women interviewed were using dancing to fund new forms of education or training.
- No evidence or anecdotes of forced labour or the trafficking of women.
- No evidence of lap dancing having connections to organised prostitution.

Other research into Sex Entertainment Venues has concluded that:

- Lap dancing clubs normalises the sexual objectification of women.
- Lap dancing clubs have a negative impact on women's safety in the local vicinity
- SEVs may attract and generate prostitution.
- Performers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management.
- Many performers begin working in lap dance clubs through lack of real choice.
- Working conditions and terms of employment for performers in SEVs are inadequate.

The links between the expansion of lap dancing clubs and an increase in the levels of sexual violence have been raised by organisations who work with victims and perpetrators of gender-based violence. Amongst other research there is evidence that the sexual objectification of

women is linked to sexual violence perpetration in combination with alcohol use. There is also evidence in young people of a direct relationship between the sexual objectification of girls and aggression towards them.

Assessments:

In relation to the protected characteristics the proposal; applies mainly to sex but also gender reassignment, race, disability and age. Violence Against Women is experienced by all social groups, but some circumstances may increase risk to women (or make them more vulnerable to other forms of it). This includes, age, alcohol or drug use, disability, mental ill health, homelessness, poverty, and being involved in prostitution.

Is there any evidence of, or potential for, negative impact? Does the policy contribute positively to the promotion of equality on any particular group?

Gender- Some research has found that women who work in SEVs can be subject to high levels of abusive behaviour from customers e.g., verbal harassment and unwanted touching from customers, and assaults experienced by performers may not always be reported to outside agencies by SEV staff. There is no standardised Code of Conduct that performers or audience members should comply with to protect the rights and safety of performers and aspects of the policy which aim to protect performers may not be complied with.

Mitigation- Licensing conditions for SEV premises aim to protect employees and the policy has strict rules prohibiting any physical contact between workers and customers in SEVs.

The policy proposes a number of standard conditions attached to licences which include requirements for CCTV, code of conduct, rules for performers and customers and prevention of physical contact between performers and customers. The code of conduct and rules must be displayed in the venue and all staff and customers made aware of them.

Unannounced enforcement visits also take place which include randomised checks of the CCTV footage to ensure the rules are being followed. Penalties are available under the regime where breaches of the licence, or other concerns, are proven to have taken place. Licences are required to be renewed on an annual basis and concerns may also be raised at this time with the licence able to be revoked or additional conditions imposed, if deemed appropriate.

Sexual objectification of women- activity in SEVs may be seen to reinforce gender inequality and contribute to a culture that perpetuates negative, sexist interactions between men and women because the

majority of activity in SEVs involves men paying women to dance for their sexual gratification.

Mitigation- The licensing committee must assess the extent to which the proposed policy approach addresses the public sector equality duty to eliminate harassment of women and advance equality of opportunity between men and women. We will seek the views of a wide range of stakeholders and citizens to understand this issue in more depth as part of our public consultation on the draft policy.

Domestic Violence- there is a risk that by continuing to license SEVs the Council is perpetuating a culture which promotes the sexual objectification of predominantly women, which has links to increased domestic violence.

Mitigation-we will seek to work closely with women's groups and organisations involved with domestic violence and we will seek the views of a wide range of stakeholders and citizens to understand this issue in more depth as part of our public consultation on the draft policy.

Sex trafficking- there is a concern that trafficked or exploited women could end up working in SEVs and that clubs themselves have responsibility for checking documents.

Mitigation- the draft policy will impose conditions on SEV operators to carry out right to work checks on their employees. In addition, no relevant entertainment shall be provided by any performer unless sufficient checks have been made of documents evidencing the performer's age, identity and right to work in the United Kingdom. These checks must also be available to The Highland Council on request and unannounced spot checks are undertaken to ensure the documents are complete and the SEV operator is compliant with the requirement.

Safety outside premises (including feeling safe)- Women (including employees) may be at increased risk of assault in the vicinity of SEVs. There may be a negative impact on women passers-by if they find the presence of SEVs make them feel threatened or uncomfortable.

Mitigation- The policy stipulates that there must be no display on or outside of the licensed premises which indicates or suggests that sexual entertainment is provided there (except for agreed sign/branding), and no activity can be viewed from outside. There must be

	<p>no personal solicitation, leafleting or adverts in the nearby area.</p> <p>Age – please see information provided in table above.</p> <p>Disability- please see information provided in table above.</p> <p>Gender Reassignment-There is limited information about transgender people's experiences of domestic abuse and other forms of gender-based violence. However, transgender people are particularly at risk of violence and harassment, in both public spaces and the home.</p> <p>Pregnancy/Maternity- no issues identified</p> <p>Race- no issues identified,</p> <p>Religion and Belief- please see information provided in table above.</p> <p>Sexual Orientation- no issues identified at this stage.</p>
<p>Justification – if negative impact is identified, can this be justified?</p>	<p>By securing a detailed framework for considering applications, including using information gathering powers, the draft policy seeks to ensure that The Highland Council is well placed to identify any adverse impact in respect of all protected groups when it is engaged in considering applications.</p> <p>The draft policy states, for example, that a license may be refused on various discretionary grounds. These are defined in the legislation and, overall, there is a presumption that a licence will be granted unless one of the statutory grounds applies.</p> <p>The draft policy has been designed in part with the protection of performers in mind and conditions and aim to ensure the protection of specified employees as well as reducing the impact on the wider public and the wider environment.</p>
<p>Mitigation - can the potential for negative impact on particular groups be removed or minimised?</p>	<p>Although the impact of SEVs cannot be wholly mitigated as this power does not lie with the Highland Licensing Committee, the introduction of a robust policy framework will assist in addressing many of the issues detailed above.</p>
<p>Are there actions identified to advance or promote equality? Please detail.</p>	<p>Yes, following the second consultation the following actions have been identified:</p> <ul style="list-style-type: none"> • Expanding the list of consultees to include certain women's organisations and relevant community councils. • Further considerations of how the policy can provide protection to performers. i.e., requiring the SEV operator to submit code of conduct for performers and customers for review and

	<p>approval by Licensing Committee. The code of conduct could include details of how a performer can report a breach by a customer of the code of conduct.</p> <ul style="list-style-type: none">• No relevant entertainment shall be carried out by a performer unless sufficient of documents and rights to work checks have been made.
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Please provide details of arrangements to monitor and review the policy and any mitigating actions or actions to promote equality.

Please state where the EQIA will be published: The assessment will be published on the Council website.

Equality Impact Assessment Sign off: For completion by Principal Solicitor

1. Please check if you are satisfied that the following elements of the EQIA have been considered:

- Gathering information
- Consultation and involvement
- Assessing impact for all protected characteristics
- Mitigating actions identified (if required)
- Opportunity to promote equality
- Arrangements to monitor and review
- Publication arrangements

2. a) Are you prepared to sign off the EQIA?

b) If "NO" provide details of why and next steps

Name: Claire McArthur

Position: Principal Solicitor – Regulatory Services

Date: 14.4.22

LIST OF CONSULTEES

CONSULTATION ONE-17 AUGUST 2021 TO 28 SEPTEMBER 2021

All community councils in the Highlands
Licensing Committee
All Elected Members of Highland Council
Police Scotland
Human Trafficking Champion
Private Eyes
Head of Health and Social Care at Highland Council
Head of Infrastructure and Environment at Highland Council
Interfaith Scotland
Church of Scotland
Free North Church
Waverly Care
NHS Highland (Tim Allison)
Women's Aid
Victim Support Highland
Samaritans
Object
Resist Porn Culture
United Sex Workers branch of UVW Union
Children 1st

CONSULTATION TWO-14 FEBRUARY 2022 TO 28 MARCH 2022

All community councils in the Highlands
Licensing Committee
All Elected Members of Highland Council
Police Scotland
Human Trafficking Champion
Private Eyes
Head of Health and Social Care at Highland Council
Head of Infrastructure and Environment at Highland Council
Interfaith Scotland
Church of Scotland
Free North Church
Waverly Care
NHS Highland (Tim Allison)
Women's Aid
Victim Support Highland
Samaritans
Rape and Sexual Abuse Service Highland
Object
Resist Porn Culture
United Sex Workers branch of UVW Union
Children 1st

Highland Violence Against Women Partnership
GMB Union
Rape and Sexual Abuse Service Highland



Code of Best Practice

Sexual Entertainment Venues



This document seeks to support Sexual Entertainment Venues by providing further guidance for licence holders with the aim of preventing public nuisance crime and disorder, securing public safety and reducing violence against women.

Challenge 25

The Highland Licensing Committee recommend that in ensuring that no person under the age of 18 enters the premises that Employers train their employees in the operation of The Challenge 25 proof of age scheme. This scheme operates by checking the ID of any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

Engagement with Authorities

Research highlights the structural barriers and difficulties that sex workers may have in accessing justice.

We would recommend that you engage with Police Scotland and the Human Trafficking Champion in the following ways:

- Sharing information with Police Scotland regarding harms that have been perpetrated against performers (subject to their consent);
- Assist Police Scotland in investigative work regarding the harm committed against performers; and
- Disseminate all relevant information on behalf of Police Scotland where this information may help to warn performers against dangerous individuals or conditions.

Community Education

In order to advance the safety and interests of performers we would recommend that you engage with Police as well as organisations such as National Ugly Mugs to obtain support and training to understand how best you can support your employees and put their safety first.

Health and Well-Being

The Highland Licensing Committee recognises the barriers that sex workers may face in seeking mental health support. We understand the need for and importance of affirming, understanding and informed health care, and the possible harms that may result when performers are unable to access this. We recommend that employers actively seek out resources and provide assistance where possible with any employee that requirement support in terms of their mental or physical wellbeing.

Materials that are specially aimed at performers that tackle key issues faced by the sex work community in a supportive way can be found here:

<https://nationaluglymugs.org/mental-health-resources/>

Consideration should also be given to assisting performers with regular access to:

- Safer Sex Materials and Education
- Regular access to Sexual Health Clinics
- Safer Drug Use and Overdose Prevention Materials

Victim Support can also be obtained from National Ugly Mugs case workers who are specifically trained to provide emotional and practical support to adults within the sex industry. Further information regarding the Casework Team can be found here:

<https://nationaluglymugs.org/casework-team/>

We recommend that this information is disseminated to your employees as part of information pack that performers will receive.