

**Civic Government (Scotland) Act 1982****Consultation on Regulation of Sexual Entertainment Venues**

Report by Director, Resources

**1 Purpose of Report**

This report introduces a consultation by the Scottish Government in relation to the need to regulate Sexual Entertainment Venues.

**2 Background**

In the preamble to the consultation document, a copy of which is attached as an **Appendix**, the Scottish Government confirm that it “considers that (a) it is appropriate that sexual entertainment venues should be licensed in order that both performers and customers benefit from a safe, regulated environment and (b) the licensing of these venues would limit the risk of criminality, such as prostitution and human trafficking.

They add that “Sexual entertainment covers a range of different legal activity, including lap dancing, strip shows, peep shows and live sex shows. It includes entertainment provided by both male and female performers. (They) are clear that the licensing of sexual entertainment venues should not inadvertently hinder artistic performance. Sexual entertainment licensing would not cover or authorise currently illegal activity, such as brothel keeping or trading in prostitution.”

However, by and large the proprietors of such premises generally also sell alcohol and hitherto, it had been thought that it was best to leave the control of such establishments to Local Licensing Boards. However, recent court judgements provide persuasive guidance against conditions of licensing which stray away from the control of the sale of alcohol.

In 2010, a suggestion that a specific system of licensing be introduced was rejected by the Scottish Parliament principally on account of the difficulties created by a dual licensing regime. Attention now focuses on a review of the position in order to address the change of circumstance.

“The view of the Scottish Government is that a specific licensing regime for sexual entertainment venues (of which (they) believe there are around 20 in Scotland) is the best solution for future regulation of the industry. It removes uncertainty around attempting to regulate under alcohol licensing matters that go beyond the remit of that scheme. It offers local licensing authorities the ability to consider local circumstances and develop approaches appropriate to those circumstances.”

“This would include the ability to set a desired number of sexual entertainment premises for their area (and for that number to be zero). It would also include the ability to set conditions that control the conduct of activities on premises in their area.”

### **3 Consultation**

The Government therefore seek views through the questions, in relation to the introduction of a system of dual licensing via the provision for the licensing under a separate regime similar to that for Public Entertainment contained in Civic Government legislation.

### **4 Views of Officers**

Officers have been consulted and their views are awaited and will be intimated to the committee at the meeting.

### **Resource Implications**

There are no resource implications at this stage.

### **5 Conclusion**

Comments on the consultation are sought.

### **6 Recommendation**

It is recommended that the Committee remit to the Director in consultation with the Chair to submit a response to the questionnaire based on feedback from Officers and Members.

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**Background Papers:** File CG 10.1 (RGA)  
Civic Government (Scotland) Act 1982.