



**MINUTES OF THE MEETING OF THE
LICENSING SUB-COMMITTEE**

**THURSDAY 13 JANUARY 2022
ONLINE DIGITAL MEETING FACILITY**

Committee Members Present:

Councillor C McGinn
Councillor J Findlay
Councillor J Henderson
Councillor T Trotter
Councillor J Williamson

Council Officials Present:

Ms S Fitzpatrick, Team Manager – Licensing and Landlord Registration
Mr I Forrest, Senior Solicitor
Ms F Haque, Solicitor

Others Present:

PC Graeme Bairden, Police Scotland
Inspector Stuart Fletcher, Police Scotland

Clerk:

Ms B Crichton, Committees Officer

Apologies:

Councillor J McMillan

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – LICENSING SUB-COMMITTEE, 11 NOVEMBER 2021

The minutes were approved as an accurate record of the meeting.

2. LICENSING OF SEXUAL ENTERTAINMENT VENUES (SEVs)

The Head of Corporate Support had submitted a report to allow Members to consider the approach to be taken to the licensing and regulation of Sexual Entertainment Venues (SEVs), in light of the responses received to the public consultation which ran from 1 September – 29 October 2021.

Ian Forrest, Senior Solicitor, presented the report. He provided background information to the legislative changes which gave local authorities a discretionary power to introduce SEVs. He also provided a timeline for a licensing regime and policy statement for SEVs in East Lothian, should Members determine that such a regime should be put in place. He highlighted that should no resolution be put in place, there would be in effect no licensing regime, thus allowing such venues to operate in the county without control or regulation. Should Members agree the recommendations, the resolution would come into effect in January 2023, and the licensing team would draw up a policy statement in the intervening time; this policy statement would go out to public consultation before being formally reported to the Licensing Sub-Committee in draft form for final approval. Full details of public consultation responses were contained within Appendix 2, which broadly showed support for the introduction of a licensing regime on SEVs, although less clarity in terms of any limit to be set on the number of venues allowed to operate. Mr Forrest noted that any decisions made in terms of a limit on the number of venues at this stage would provide Members' indicative view, as this would form part of the policy which would be consulted upon and approved in the coming months. He explained that revised priorities brought about by the pandemic meant that the process was slightly further behind than expected, but advised that other local authorities were in a similar position.

The Convener invited contributions from Police Scotland colleagues. PC Graeme Bairden highlighted concerns for the safety of the people working within SEVs, the safety of SEV customers, and around any potential disruptive behaviour, should SEVs be allowed to operate unregulated. Police Scotland were supportive of the introduction of a licensing regime to give greater regulation to the operation of such venues, as well as a basis for identification best practices. Police Scotland did not hold an opinion as to the number of SEVs to be licenced within the area. PC Bairden advised that officers would respond to consultations to suggest policies for inclusion within the SEV Policy Statement, and reiterated support for the utilisation of legislation from the 2015 Act to assist in the management of SEVs.

Officers responded to questions from Members. Mr Forrest advised that the council would not be in a position to entertain an application at this stage, as the licensing regime would not begin until January 2023. Should Members resolve to introduce a licensing regime for SEVs, any new or existing business would be required to apply for and obtain a licence once the new regime was in place. Until this time, no licensing impediment would deter an SEV from opening, but other controls would be in place, such as planning.

Councillor Henderson asked police colleagues to comment on the occurrence of unregulated SEVs, and whether there was a problem to be addressed. PC Bairden advised that surveys of other police areas had shown that SEVs were operating within

Aberdeen, Edinburgh, and Glasgow. Four SEVs in Edinburgh held licences. He advised that reports showed that the venues did not cause particular disruption in the surrounding area. Police considered that venues should be licensed, and would report back findings as part of their input to the consultation process.

Responding to a question from Councillor Findlay, Sheila Fitzpatrick, Team Manager – Licensing and Landlord Registration, expected that the draft SEV Policy Statement would be presented to the Licensing Sub-Committee for approval at the first meeting following the summer recess, at which time it would have already been out for public consultation. The Convener and Councillor Trotter requested that Members have the opportunity to comment on the draft SEV Policy Statement prior to it going out for public consultation. Officers agreed that Members could have this input, either through a meeting of the Licensing Sub-Committee should it be suitably placed, or else through email consultation.

The Convener then moved to a roll call vote on the report's recommendations.

Members voted on recommendation B, to determine whether a licencing regime for Sexual Entertainment Venues should be introduced by way of a resolution under the Civic Government (Scotland) Act 1982. This received unanimous support.

Councillor Trotter proposed that at recommendation C, the appropriate number of SEVs in East Lothian, the number should be set at zero. This proposal was seconded by Councillor Findlay, and was agreed unanimously by roll call vote.

Members then voted on recommendation D, to agree to instruct the Service Manager – Governance and such staff as he may appoint to prepare a draft SEV Policy Statement for public consultation including groups who may have an interest in the matter, and recommendation E, to report back to the Board with a draft SEV Policy Statement. These recommendations received unanimous support.

Decision

The Licensing Sub-Committee unanimously agreed:

- a) To note the views expressed in response to the public consultation in relation to the future policy development of Sexual Entertainment Venues in East Lothian;
- b) To introduce a licensing regime for Sexual Entertainment Venues by way of a resolution under the Civic Government (Scotland) Act 1982;
- c) That the number of Sexual Entertainment Venues in East Lothian should be set at zero;
- d) To instruct the Service Manager, Governance and such staff as he may appoint to prepare a draft SEV Policy Statement for public consultation including groups who may have an interest in the matter; and
- e) To report back to the Board with a draft SEV Policy Statement.

Signed

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Councillor C McGinn
Convener of the Licensing Sub-Committee