

# Air Weapons and Licensing (Scotland) Bill: Introductory Questions



The Scottish Parliament  
Pàrlamaid na h-Alba

Thank you for responding to the Local Government and Regeneration Committee's Call for Evidence on the Air Weapons and Licensing (Scotland) Bill. All submissions will be examined and considered as part of the Committee's scrutiny of the Bill.

Please be aware that questions marked with an asterisk (\*) require an answer before you can submit the form.

Follow the Local Government and Regeneration Committee's Twitter feed - all Committee tweets on this Bill will have the hashtag #aw&lbill.

## \*1. Please supply your name and contact details:

Name:	Stephen McDonald, Chairman ALAEVsScotland
Organisation:	Association of Licensed Adult Entertainment Venues, Scptland
Address 1:	
Address 2:	
City/Town:	
Postcode:	
Country:	
Email address (if no email leave blank):	
Phone Number:	

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NUMBER

105

**\* 2. Please confirm that you have read and understood the Scottish Parliaments [“Policy on the treatment of written evidence by subject and mandatory committees”](#):**

Yes

**\* 3 Please confirm whether you are content for your name to be published with your submission:**

Yes

No

**\* 4. Which of the three categories below best describes your interest in the Bill (please tick only one)?**

Personal

Professional

Commercial

**\* 5. Do you wish your email to be added to the Committee’s distribution list for updates on progress of the Bill:**

Yes

No

**\* 6. Invitations to give oral evidence to the Committee on the Bill will be based on the submissions received. If you wish your submission to be included amongst those considered for possible invitation to give oral evidence, please indicate here.**

Yes

No

**\* 7. You may answer questions on the entire Bill, or on any part of the Bill. Please indicate which parts of the Bill you are responding to? (You may select as many options that apply).**

All of the Bill

Equalities, climate change and other Scottish Government objectives

Air Weapons

General licensing issues

Alcohol licensing

Civic licensing – taxi/private hire car licensing

Civic licensing – scrap metal dealers

Civic licensing – theatre licensing

Civic licensing – sexual entertainment venues

Name/Organisation:

ALAEVs Scotland

## 6. Civic Licensing – Sexual Entertainment Venues

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

### 50. What are the consequences of operating the new licensing regime using the definitions set out at section 68 of the Bill?

- 'sexual entertainment venue'
- 'audience'
- 'financial gain'
- 'organiser'
- 'premises'
- 'sexual entertainment', and
- 'display of nudity'

The Association

1. considers that if adult entertainment venues must be re-defined as sexual entertainment venues and require to be so licensed the administration of that licensing should be carried out by licensing boards to prevent dual licensing and conflict between differing licensing regimes
2. is concerned that the definition for adult entertainment venue in the Licensing (Scotland) Act 2005 is different from the definition of sexual entertainment venue which could lead to difficulties of interpretation
3. has no comment to make on the term “audience”
4. has no comment to make on the term “financial gain”
5. has no comment to make on the term organiser
6. has no comment to make on the term “premises”
7. the association has no comment to make relating to the definition of “sexual entertainment” however wish it noted that members believe the entertainment provided within their premises does not fall within the definition of “sexual entertainment” as the purpose of the entertainment provided within the adult entertainment venues belonging to members is such as to entertain customers by way of exotic dance and performance and not to sexually stimulate members of an audience. Further the Association questions how the term “sexual stimulation” can be determined.
8. has no comment to make on the term “display of nudity”

### 51. The Bill specifies that a venue hosting sexual entertainment on three occasions or less within a 12 month period would not be treated as a

**sexual entertainment venue: does this have any unintended consequences?**

The Association

1. is concerned that this proposal would encourage the very criminality the Scottish Government seeks to prevent by permitting this type of entertainment to potentially take place in unlicensed venues where performers and customers might be subject to harm
2. that the Scottish Government is failing to deal with crimes and offences of a sexual nature which take place in private dwellings – vis the recent report by Police Scotland on prostitution and human trafficking
3. that the Scottish Government is basing its proposals for licensing of “sexual entertainment” on a false premise that current adult entertainment venues are venues which are run in such a manner that performers and customers are at risk. This premise is flawed as was demonstrated in the Scottish Government’s own report Working Group on Adult Entertainment which reported in 2005. Adult entertainment venues are amongst the best run establishments in Scotland as evidenced by the complete lack of crimes reported or convictions made relating to the running of these premises.

**52. Local licensing authorities will be able to set the number of sexual entertainment venues in their area to below the existing level, or zero: are there any advantages or disadvantages to this approach?**

The Association considers this to be a flawed proposal which if implemented would result in the closure of some 20 venues in Scotland and the loss of some 1500 jobs.

The Association believes that a “grandfather rights” mechanism should be set up to protect the current well run businesses

The Association believes that if current dedicated ‘adult entertainment ‘venues are to be closed due to this process it should be for the licensing authorities to demonstrate what harm or criminality which would be prevented or was required to be tackled before the decision was taken to close existing businesses.

**53. The Bill relies mainly on the existing licensing regime for sex shops as set out in**

**section 44 and Schedule 2 of the Civic Government (Scotland) Act 1982 (application, notification, objections and representations,**

**revocation of licences etc., enforcement and appeals): is this mechanism adequate for the licensing of sexual entertainment venues - if not, please explain why?**

The Association believes that the licensing of sexual entertainment venues should be carried out by Licensing Boards and not local authority licensing committees to prevent conflict of regimes and dual licensing.

**54. Are there any barriers to licensing authorities operating the new licensing regime?**

As above the potential for conflicting regimes is high and the proposal does not meet with the terms of the Scottish Government's desire for better regulation.

**55. Civic Licensing**

**Do you have any other comments to make on the civic licensing aspects of the Bill?**

The Association has no other comments to make on the Bill.

