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: Catherine Molloy
Organisation: East Lothian Council
Address 1:
Address 2:
City/Town:
Postcode:
Country:
Email address (if no email leave blank):
Phone Number:
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: East Lothian Council

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'

Statutory definitions will always allow the possibility of legal loopholes being found or created, and thereafter exploited. The better and more complete the definition, the smaller the opportunity for such opportunities, hopefully.

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?
This will potentially give the opportunity for a venue to avoid the licensing regime while still having lucrative activities, albeit only three times a year. The likelihood however seems somewhat small.

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?

It would allow a Council to impose/operate a zero tolerance policy if they wish without consideration of individual applications. This may leave authorities open to allegations of bias against such activities or stifling trade of such a nature.

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 regime mirrors that in place for other licences in terms of Schedule 1 in most respects. Subject to general comments elsewhere regarding the need for some updating and adaption to modern practices, this system should remain adequate.

54. Are there any barriers to licensing authorities operating the new licensing regime?
The potential for objections from applicants will always remain, but this should not generally be considered to be a barrier to the regime being operated.

55. Civic Licensing

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

No.