

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:

ANDREA BEAVON

Organisation:

SCOTTISH BORDERS
COUNCIL

Address 1:

Address 2:

City/Town:

Postcode:

Country:

Email address (if no email leave blank):

Phone Number:

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SUBMISSION ID
NUMBER

128

* **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:

Scottish Borders Violence

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'

Scottish Borders VAWP felt that the definitions will provide Civic Government Committees with a clear understanding of what is described as 'sexual entertainment venue' for making decisions. However members are unclear if it states in legislation that any staff member working in SEV should be 18 years and over. This should be made apparent.

Mandatory training to support implementation of the Bill should be made available to Civic Government Committees and also organisers to ensure there is an understanding of the impact any licence award will make on the local community and also issues such as commercial sexual exploitation.

Guidance and standards should also be developed for venues/organisers to protect staff against exploitation.

A consequence from the definitions set out under the new licensing regime would be that current premises operating (of which there are approximately 20 across Scotland), will be required to apply for a licence and will be under a double licence regime.

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?

Scottish Borders VAWP felt that by having an exception (three or less) will still allow venues to host sexual entertainment as described by the definition. By allowing venues to host sexual entertainment can potentially desensitize this type of entertainment. Questions were also raised about who would potentially monitor if premises were stating they were having three or less to ensure this was not breached. An additional consequence may be that an organisers could move around venues providing sexual entertainment in a number of different venues.

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 advantages will allow local areas to decide whether to take a zero level or not. This will require them to consult and negotiate with local communities and therefore communities will be able to have a say on whether they feel sexual entertainment should be available in their local areas. By having a licence regime above zero will allow for communities and stakeholder to object.

By having a zero level will also reduce administrative resources required currently for licensing. This will also reduce the potential for lobbying by local businesses to apply for licenses.

By having an agreed level set by Local Licensing authorities will also provide a clear message to communities on their views of sexual entertainment.

Local Licensing authorities should have system in place to review the number of sexual entertainment venues agreed in consultation with communities.

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?

Yes by using existing licensing regime should offer adequate regulation of sexual entertainment venues but does require training for committees to fully understand the consequences of potential for commercial sexual exploitation through sexual entertainment venues.

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

Financial costs to local authorities.

55. Civic Licensing

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

