

# 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&bill.

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

Name:	<input type="text" value="Eric Anderson"/>
Organisation:	<input type="text" value="Aberdeen City Council"/>
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
City/Town:	<input type="text"/>
Postcode:	<input type="text"/>
Country:	<input type="text"/>
Email address (if no email leave blank):	<input type="text"/>
Phone Number:	<input type="text"/>

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**\* 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:**

Aberdeen City 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'

Sexual entertainment venue – we are still concerned regarding the financial gain element of the definition. We previously stated that the fact that it depends on the financial gain of the organiser to be licensed could mean that it could be argued that where performers are self employed a licence is not required, arguing that the performers provide the entertainment and that the occupier/ owner provides only ancillary entertainment.. We would therefore seek clarification of the definition of the term Organiser and would seek confirmation as to whether this would now include performers who were self employed

Audience – pleased to see that you have taken on Board comments previously made and that definition includes an audience of one so that lap dancing and peep shows would be covered.

Financial Gain – definition would appear sufficient but we would question why the financial gain element has been included since the similar provision for the payment of money or moneys worth has recently been removed from the licensing of places of Public entertainment. Again we would submit that there is a need for consistency of approach in the act.

Organiser – the definition would appear sufficiently wide but as questioned above we would seek clarification as to whether it includes self employed performers .

Premises – we are in agreement with this definition

Sexual entertainment - our previous comments we would submit are still valid. We submitted that the definition of sexual entertainment was sufficiently clear and wide enough to encompass all types of sexual entertainment including any future developments. However we feel it may still be too wide so as to include, with regards to (a) burlesque and exotic dancing. In order to ensure that such forms of entertainment are not caught by the new legislation. We noted that in the Chambers dictionary for example the definition of exotic includes “pertaining to striptease” If there is not further definition it would be possible for different authorities to take different views on whether something required a licence, again giving rise to a lack of consistency

Display of nudity – agree that this is very clearly defined.

**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?**

Yes this would have consequences as it could potentially create a loop hole which could be exploited by organisers who rather than having a permanent premises with a licence and proper facilities for the performers could simply transfer the activity around different venues where there are no such facilities and protection. Such an exemption could therefore mean defeating the aims and purposes of these amendments to the 1982 Act.

**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?**

We agree that licensing authorities should be allowed to decide whether there should be no such premises/venues in their area. In doing so they should be allowed to take account of their own local circumstances .

There would of course be a disadvantage to exiting businesses which are licensed. Although there is quite a lengthy period before the authority's decision could take effect there could be a significant impact on their income and livelihood

**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 we would agree that the mechanism for the licensing of sex shops is adequate for the licensing of sexual entertainment venues as putting these together and taking them out of the realm of the 2005 Act is more appropriate.

Additionally we welcome the introduction of mandatory conditions and for the introduction of government guidance which will provide consistency across the country together with the scope for local conditions to deal with local and circumstances. This we believe will help better regulate the industry.

However given that the licences are to be regulated by Schedule 2 and have the same one year duration as sex shop licences we are concerned as to whether this short period is appropriate. Many of these premises have Premises Licences under the 2005 Act which last indefinitely would a longer duration of say three years maybe be more appropriate for their sex entertainment licence.

There is also the question of fees. We appreciate that Schedule 2 states that authorities must charge such reasonable fees as they may determine. The level of fees for sex shops are often very high. If the fees for sex entertainment venues are to be regulated in the same way consideration will require to be given as to the appropriate level and whether these are consistent with the fees for sex shops and if not the reasons for this and any issues that could arise from this lack of consistency.

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

The majority of premises that would be affected by the new licensing regime are already licensed under the terms of the 2005 Act currently therefore the premises have already been assessed. The new type of licence will simply bring in additional safeguards aimed particularly at the entertainment provided and for the protection of those delivering that entertainment. Therefore although this is an additional form of licence and the introduction of this will have some resource implications of local authorities there are not a huge number of these premises.

We would however request a suitable transition period in order that premises can smoothly move over to the new licensing regime with minimal impact to their businesses and allowing authorities the appropriate guidance and time to process the necessary applications.

If however an authority were to decide that the appropriate level of sexual entertainment premises for their locality was to be zero this could lead to appeals against such policies and impede the operation of the regime.

## **55. Civic Licensing**

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