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**GLASGOW LICENSING AND REGULATORY  
COMMITTEE**

**SEXUAL ENTERTAINMENT VENUE POLICY**

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## 1. The Role of the Licensing and Regulatory Committee

Glasgow City Council is the Licensing Authority for the City of Glasgow in relation to a wide range of activities. The responsibility of licensing certain activities, including Sexual Entertainment Venues (“SEVs”) is delegated to the Licensing and Regulatory Committee (“the **Committee**.”)

The responsibility for determining policy in relation to SEVs and applications is delegated to the Committee. Further information on the Committee, including its membership and terms of reference, is available online:

<https://www.glasgow.gov.uk/councillorsandcommittees/>

Members of the Committee must take account of the terms of the Councillors’ Code of Conduct published by the Standards Commission for Scotland which sets out the need to ensure that there is a proper and fair hearing for all regulatory decision making and that there is no suggestion of pre-judging or bias in the consideration of any applications before the Committee.

Members of the Committee may declare an interest and choose not to participate in the decision making of any licensing matter in respect of which they have had any prior involvement either personally or in their capacity as a councillor if they feel that such prior involvement would compromise their impartiality.

## 2. Definitions

**1982 Act** means the Civic Government (Scotland) Act 1982;

**2010 Act** means the Equality Act 2010;

**2015 Act** means The Air Weapons and Licensing (Scotland) Act 2015;

**2018 Act** means the Data Protection Act 2018;

**2019 Order** means The Air Weapons and Licensing (Scotland) Act 2015 (Commencement No.9 and Transitional Provisions) Order 2019

**Building Standards and Public Safety** means the Council’s building standards and public safety team;

**CCTV** means closed circuit television;

**Civic Licensing Standards Officer** has the definition in section 45G of the 1982 Act;

**Councillors Code of Conduct** means the code of conduct published by the Standard Commission for Scotland;

**Glasgow City Council**, “**the Council**” or “**Local Authority**” means Glasgow City Council, a Local Authority in terms of the Local Government (Scotland) Act 1994 having its principal place of business at the City Chambers, George Square, Glasgow, G2 1DU;

**Information Commissioner’s Officer** means the information commissioner’s officer having its head office at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF;

**Licensing and Regulatory Committee** or “**Committee**” means the Glasgow City Council’s licensing and regulatory committee;

**NRS** means the Council’s neighbourhoods, regeneration and sustainability team;

**Regulations** means the General Data Protection Regulation (EU 2016/679) and any such amendments;

**Schedule 2** means schedule 2 of the 1982 Act;

**Scottish Fire and Rescue Services** is a body corporate established under the Police and Fire Reform (Scotland) Act 2012 and having its registered headquarters at Westburn Drive, Cambuslang, G72 7NA;

**Scottish Government’s Equally Safe Strategy** means Scotland’s strategy for preventing and eradicating violence against women and girls;

**Sex Shop** has the meaning given under Schedule 2 of the 1982 Act;

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**SEVs** means the definition of sexual entertainment venue as provided for in section 6 below;  
**S.I.A** means security industry authority;  
**Sexual Entertainment Venue Policy** or **“Policy”** means the Licensing and Regulatory Committee’s sexual entertainment policy as required under the 1982 Act;  
**Standard Commission for Scotland** means the scottish commission for scotland having its registered address at scottish parliament, Edinburgh, EH99 1SP;  
**Part** means a part of this policy;  
**Performer** means a person who provides sexual entertainment within a venue; and  
**Police Scotland** means the police service of Scotland having its headquarters at Tulliallan Castle, Kincardine.

### **3. Introduction to SEV licensing**

Under section 45C of the 1982 Act the Local Authority is required to produce a Sexual Entertainment Venue Policy where it has passed a resolution to licence SEVs. The Committee’s Policy identifies the Committee’s approach to the regulation of SEVs and the processes to be followed relating to applications for licences of this kind.

This Policy provides guidance for potential applicants, existing licence holders and members of the public on the licensing of SEVs.

It must be made clear from the outset that the Committee does not take a moral stance on SEVs in adopting this Policy. The Committee recognises that the Scottish Government has made it lawful for SEVs to operate and for a Local Authority to licence SEVs. It is the Committee’s role to regulate such venues in accordance with the law.

### **4. Background to licensing SEVs**

The 2015 Act came into force on 5 August 2015 and provided for changes to be made to the 1982 Act. Not all the changes to the 1982 Act were introduced immediately.

The Scottish Government brought into force the 2019 Order which commenced a change to the 1982 Act so as to introduce a new discretionary licensing regime for SEVs. These changes came into effect on 26 April 2019. As a result of these changes, the Local Authority was given discretionary powers in relation to whether SEVs in its area should be licensed.

### **5. Consultation and Evidence Gathering Process**

The Committee undertook a public consultation from 31 May 2019 to 26 August 2019 (both dates inclusive) on the future policy development of SEVs. This consultation sought views on whether SEVs in Glasgow should be licensed. The consultation document was available on Glasgow City Council’s webpage and the Committee consulted with the following:

SEV operators, Glasgow City Council’s Neighbourhoods and Sustainability, Glasgow City Council Elected Members, Community Councils, the Council’s Adult Protection Committee and Child Protection Committee, Police Scotland, Scottish Fire and Rescue Service, NHS, performers in SEVs which the Committee was aware of at the time, Violence against Women Partnerships, GMB Sex Workers’ Union, International Committee on the Rights of Sex Workers in Europe (ICRSE), Sex Worker Advocacy and Resistance Movement (SWARM) Collective, SCOT-PEP, Umbrella Lane and Glasgow City Health and Social Care Partnership.

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In addition to the consultation document, the Committee also undertook evidence gathering sessions in January 2020 with organisations and individuals who responded to the consultation to further explore whether SEVs in Glasgow should be licensed, and if so, what the appropriate number of SEVs in Glasgow should be. Some of the issues that were discussed at the evidence sessions were the definition of violence against women, the Scottish Government's Equally Safe Strategy, appropriate locations of SEVs, appropriate number of SEVs and the general operation of SEVs including policies and procedures currently in place in some SEVs currently operating in Glasgow.

The evidence sessions were attended by representatives from United Voices of the World, GMB Union, Police Scotland, Community Councils, Glasgow City Health and Social Care Partnership, The Scottish Women's Convention, MSP, representative from Sex Work Research Hub, Glasgow & Clyde Rape Crisis, Say Women, Glasgow Violence Against Women Partnership, Standing Group on Violence Against Women, Daisy Project, performers in SEVs that the Committee was aware of, SEV Operators and their legal representatives and Association of Licensed Adult Entertainment Venues in Scotland.

Following completion of the evidence gathering and consultation process and taking into account interruptions caused as a result of the Covid-19 pandemic, the Committee met on 24 March 2021 during which it extensively considered and discussed all of the views and evidence submitted to it in order to determine whether SEVs in Glasgow should be licensed.

At the meeting on 24 March 2021 the Committee agreed under Section 45B of the 1982 Act to pass a resolution to introduce a licensing regime for SEVs in Glasgow, with effect from 24 September 2022.

Following the decision of the Committee to pass a resolution to licence SEVs in Glasgow, the Committee met on 26 May 2021 during which it extensively considered and discussed the responses to the initial consultation and evidence sessions in order to prepare the draft version of this Policy Statement to be issued for public consultation.

The Committee undertook a draft Policy Statement consultation from 18 June 2021 to 18 October 2021 (both dates inclusive). The Policy Statement consultation was available on Glasgow City Council's webpage and the Committee consulted with the following: Say Women; Rape Crisis; The Daisy Project; Wise Women; Scottish Women's Convention; United Voices of the World Union; GMB Union; Glasgow City Health and Social Care Partnership, Glasgow Violence Against Women; and Licensing Agents who had attended the evidence sessions.

Following completion of the Policy Statement consultation, the Committee met on 9 March 2022 to consider the responses submitted to the consultation.

At the meeting on 9 March 2022 the Committee agreed to adopt this SEV Policy Statement.

## 6. Definition of a "Sexual Entertainment Venue"

It should be noted that the definition of a SEV is defined in law and not by the Committee. The 1982 Act defines a SEV at section 45A (2) as *any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser*.

This definition is extremely complex and at sections 45A (3) and (4) of the 1982 Act it provides that for the purposes of the definition of a SEV, the following further definitions apply:

'*audience*' includes an audience of one;

'*financial gain*' includes financial gain arising directly or indirectly from the provision of sexual entertainment;

'*organiser*' means either the person who is responsible for the management of the premises or the organisation or management of the sexual entertainment or where that person exercises that responsibility on behalf of another person (whether by virtue of a contract of employment or otherwise), that other person;

'*premises*' includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted;

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'*sexual entertainment*' means any live performance or any live display of nudity which is of such a nature, ignoring financial gain, must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience; and "*display of nudity*" means: in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area, genitals or anus; and, in the case of a man, the showing of (to any extent and by any means) his pubic area, genitals or anus.

### 6.1 Venues not defined as SEVs under the 1982 Act

The 1982 Act also makes clear that some venues cannot be regarded as SEVs. These are:

- a) A sex shop within the meaning under the 1982 Act;
- b) Premises at which sexual entertainment is provided on a particular occasion if:
  - i. Sexual entertainment has not been provided on more than 3 occasions which fall wholly or partly within the period of 12 months ending with the start of the particular occasion;
  - ii. Each continuous period during which sexual entertainment is provide on the premises is to be treated as a separate occasion; and
  - iii. Where the period during which sexual entertainment is provided on the premises exceeds 24 hours, each period of 24 hours (and any part of a period of 24 hours) is to be treated as a separate occasion.
- c) Other premises exempted by an order of the Scottish Ministers. (It should be noted that no premises have currently been exempted by such an order).

The Committee would always recommend that people take their own independent legal advice on whether or not they may be operating a venue that falls within the SEV definition and as such, whether a SEV licence would be required.

## 7. Licensing Objectives

In preparing this Policy, under the 1982 Act the Committee must consider the impact that the licensing of a SEV will have in their area, in particular how it will affect the statutory licensing objectives, detailed under the 1982 Act, of:

- Preventing public nuisance, crime and disorder;
- Securing public safety;
- Protecting children and young people from harm; and
- Reducing violence against women

It should be noted that the above licensing objectives do not fall into either the [mandatory or discretionary grounds of refusal](#) available to the Committee when considering a SEV application. However, the Committee will give consideration to the impact that licensing a SEV will have on the nearby area taking into account the above objectives.

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### 7.1 Preventing public nuisance, crime and disorder

Taking into account section [9.4](#) below, the Committee recognises that SEVs will usually open at night time and continue operating into the early hours of the morning, which could potentially be a source of public nuisance to people living or working within close proximity of the SEV, particularly those relating to noise levels. In the view of the Committee such problems can be prevented or at least mitigated by responsible management practices.

To try to minimise this potential for public nuisance to these people, the Committee would look for applicants to have written policies and procedures setting out, amongst other matters, how they intend to address and minimise disturbance to these people when customers, staff and performers arrive and leave the venue, including when they leave the venue temporarily to smoke outside. This could perhaps be done by the placing of notices to request customers to leave the venue quietly and not allowing queues to develop outside the venue on entry. This could also be done by asking or encouraging any taxis or private hire cars who perhaps arrive to pick up customers after the venue closes, staff and performers when they finish their shift, to not keep their engines running whilst waiting at the venue.

The Committee is aware that problems occurring from people congregating to smoke and to accompany smokers are widespread, with the potential for noise disturbance and nuisance to those people living or working in close proximity to SEVs, particularly late at night and into the early morning. The Committee would therefore look for applicants to demonstrate how they intend to manage people standing outside SEVs to minimise the adverse effects on this objective.

In addition, the Committee would expect the written policies and procedures to address how the applicant intends to address crime and disorder which may arise on the venue, through their management procedures. The Committee would look for a range of measures including the use of CCTV in and around the venue, including private booths and the provision of S.I.A qualified door stewards. The Committee would expect CCTV to cover the venues entrances, any exits, dance floors, bar areas and private booths and to be of a standard to enable facial recognition.

Where CCTV is proposed in a SEV application and a licence subsequently granted by Committee, the licence holder should ensure that it operates the CCTV within the venue at all times in accordance with the terms of the 2018 Act, the Regulations and any subsequent amendments together with any guidelines produced by the Information Commissioner.

Conditions to a SEV licence may require the installation, maintenance and operation of appropriately sited CCTV cameras and recording systems which can provide images in all light conditions of a quality to enable facial recognition and be suitable for use as evidence, where it is considered necessary and reasonable to do so. Conditions may also require that images should be retained for a specific period of time and staff should be trained to make these images readily available to Police Scotland and an authorised officer of the Local Authority, should the need arise. Style conditions attached to a SEV licence can be found at [Appendix 1](#)

In addition to the above, the Committee will, when having regard to this objective give consideration to the proposed location of any SEV in terms of this objective.

### 7.2 Securing Public Safety

While the Committee is committed to taking necessary and appropriate action where the safety of persons visiting and working in a SEV has been compromised, it does remain the primary responsibility of the SEV licence holder to ensure there is a safe and secure environment for both members of staff, performers and customers when visiting or working within the venue. SEV applicants should not only consider the physical layout of the venue but also operational practices in their written policies and procedures in order to demonstrate that they have properly addressed the licensing objective of securing public safety. In relation to the physical layout, licence holders should give consideration to where private booths, staff and performers toilets, performer changing rooms and customer toilets are in the venue, where stewards would normally be positioned and where CCTV cameras would be placed

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to ensure the safety of customers visiting the venue and also the staff and performers working within the venue. The Committee would also look for applicants to have appropriate checks in place in relation to customers entering the venue to ensure they are above 18 years of age. The Committee would also look for applicants to have written policies and procedures in place in relation to operating a zero tolerance drug policy for customers, staff and performers within the venue.

The Committee would also expect the applicant, to secure the safety of the staff, performers and customers, to have written policies in place in relation to the standards of conduct expected of performers whilst within the venue. This should include, but not be limited to, there being no intentional physical contact of a sexual nature between performers and customers at any time, before, during or after the performance; the performer may not simulate any sexual act during a performance and performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.

The Committee would expect applicants to be able to demonstrate to Committee when applying for a SEV licence, that the proposed venue complies with all current safety standards, including health and safety, and it should be noted that fire safety, including means of escape, will remain an important consideration for the Committee when determining an application. The Committee will liaise closely with the Council's Building Standards & Public Safety, NRS, as well as the Scottish Fire and Rescue Service, with a view to ensuring that appropriate standards are applied and maintained.

In the context of providing safe access to the venue for protected characteristics, the Committee will look for applicants to demonstrate that they are familiar with the provisions of the 2010 Act and any duties imposed on them in that regard.

### 7.3 Protecting Children and Young People from Harm

A failure to effectively regulate SEVs could potentially expose children and young people to harm as a result of them coming into contact with activities intended for adults only. The Committee would expect applicants to have written policies and procedures in place to ensure that customers, staff and performers under the age of 18 years are not permitted entry into the venue either on a social basis or for work. The Committee may include this as a condition attached to a SEV licence granted – style conditions can be found at [Appendix 1](#)

The Committee recognises that SEVs do not normally operate until the late hours and into the early hours of the morning and therefore children would not normally be near the venue at this time. However, the Committee would look for applicants and licence holders to have minimal advertising around the SEV to ensure that when the venue is closed to the public it is not visible to children and young persons passing during daytime hours what the venue operates as.

### 7.4 Reducing Violence Against Women

As detailed under the objective Securing Public Safety, the Committee is committed to taking appropriate and necessary action where the safety of customers visiting and staff and performers working in licensed SEVs has been compromised. However, it remains primarily the responsibility of the SEV licence holder to provide a safe and secure environment for members of staff, performers and the public. The Committee recommends and would expect all applicants and licence holders to have written policies and procedures in place to mitigate against any violence against women occurring in the venue. The Committee would expect all applicants to provide evidence of written procedures outlining acceptable conduct of customers when visiting the venue. An applicant or licence holder should also be able to evidence what procedures are in place for staff and also performers to report any acts of violence, whether physical or emotional, should they experience this type of behaviour from a customer, another performer or staff member. Also, as referred to above the applicant should be able to provide written evidence of how they will check staff and performers are legally entitled to work in the UK to ensure that neither are being trafficked or coerced into working at the venue.

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The Committee also welcomes the growing number of campaigns aimed at improving pay and conditions for staff and performers working within SEVs. The Committee expects that applicants and licence holders for SEVs in Glasgow will lead the way in helping to eliminate unfair working practices within this industry.

### 8. Application Process

#### 8.1 Making an Application

All applicants for the grant, variation, renewal of a SEV licence must complete the SEV application form available online at <https://glasgow.gov.uk/SEV> together with the appropriate fee.

#### 8.2 Notice of Application

Under the 1982 Act all applicants who apply for a SEV licence to the Local Authority must, unless the Local Authority confirms otherwise, advertise their application in a local Glasgow newspaper, no later than 7 days after the date of the application being lodged with the Local Authority. A copy of the advert must be submitted to the Local Authority.

The applicant must also, where the application is in respect of premises, display a notice for a period of 21 days from when the application has been lodged, on or near the premises in a place where the public can reasonably read the notice.

In terms of the consultees, the Local Authority will send a copy of any applications received to the following consultees:

- Elected Members for the area;
- Community Council for the area;
- Council's Building Standards;
- Council's Environmental Health;
- Health and Social Care Partnership;
- Glasgow Violence Against Women;
- Police Scotland (statutory consultee); and
- Scottish Fire and Rescue Service (statutory consultee).

Police Scotland and Scottish Fire and Rescue are statutory consultees to every application.

Any response received from a consultee will be considered by the Committee as detailed in 8.3 below.

#### 8.3 Objections and Representations

The 1982 Act permits any member of the public to submit an objection or representation to a SEV licence application.

Objections and representations must be in writing (email is acceptable), specify the grounds for objection/representation, the name and address of the person making it and be provided to the Local Authority no later than 28 days after the later of:

- a) The date the application was made to the Local Authority;
- b) The date the newspaper article was first given; or
- c) If the date detailed in any notice which has to be re-advertised on request of the Local Authority.

Objectors/representations should limit their objection/representation to matters which are relevant to the statutory grounds for refusal set out in the 1982 Act. The relevant grounds for refusal are detailed at section [9](#) of this Policy.

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Objectors/representors should note that moral objections will not be considered by the Committee as these do not relate to grounds of refusal set out in the 1982 Act.

Objections/representations will be considered by the Committee when considering an application.

All objections or representations received by the Local Authority to a SEV application will be sent to the applicant. The Privacy Statement detailing how your personal data is used can be found at <https://glasgow.gov.uk/SEV>

Information on making an objection or representation can be found on the Council's webpage <https://glasgow.gov.uk/SEV>

### 8.4 Consideration of Late Objections and Representations

Although the Local Authority is under a duty to consider any objections/representations made within 28 days of the application as detailed in section 8.3 above, it does have discretion to hear these *provided* it is satisfied with the reasons for lateness. Where a late objection/representation has been received it will be passed to the applicant to enable them to consider it in case the Committee determine to hear it.

### 8.5 Determination of an Application

All applications for the grant of a SEV licence will be determined by the Committee at a hearing. Valid objections/representations will be considered by the Committee at the hearing to consider the application. Applicants and objectors/representors will be given an equal opportunity to be heard at Committee and state their case. Late objectors/representors, provided the objection/representation is not based on moral grounds, will be invited to attend any hearing of the Committee to determine the application and their objection/representation may be brought into proceedings if the Committee is satisfied with the reasons for lateness. The 1982 Act provides mandatory and discretionary grounds for refusal of a SEV licence. Each application will be determined on its own merits. Any decision to refuse a SEV licence must be relevant to one or more of the following [grounds for refusal](#) as detailed in the 1982 Act.

### 8.6 Duration of Licences

Under the 1982 Act the Local Authority can grant a SEV licence for a period of one year or such other period as the Committee determines.

In the event of the death of a SEV licence holder, the SEV licence will be deemed to have been granted to the executor and will remain in force for a period of 3 months from the date of the licence holder's death, unless previously suspended or revoked.

Where the Local Authority is satisfied that it is necessary for the purpose of winding up the estate, on request, in writing, by the executor, the Local Authority may extend the 3 month period further.

### 8.7 Waivers

The Committee will not normally grant a waiver for a SEV licence but as with all applications, it will be considered on its individual merits. Applicants applying for a waiver will be expected to demonstrate exceptional circumstances in justifying why the licensing requirement should be waived.

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### 8.8 Renewal

Under the 1982 Act, if an application for a SEV licence renewal application has been made to the Local Authority before the expiry date of the current licence, the licence will continue in effect until a final decision has been made by the Committee on the renewal application. If a renewal application is refused by Committee, the existing licence will remain in effect for a period of 28 days from the date of the decision, the appeal period, and where an appeal has been lodged, until such time as the appeal has been determined by the Court.

The process for applying for a renewal of a SEV licence is the same as when applying for a new SEV licence. Guidance for applicants is on the Council's webpage <https://glasgow.gov.uk/SEV>

### 8.9 Variation

At any time, the holder of a SEV licence can apply to the Local Authority to vary the terms of the licence. There is no requirement to advertise a variation however, the Local Authority will consult with the consultees as detailed in section [8.2](#) above.

### 8.10 Revocation

The Committee can revoke a SEV licence at any time if certain grounds under paragraph 13(1) of Schedule 2 of the 1982 are established. These grounds are:

- (a) if, at any time of revocation, it could not, under [sub-paragraph \(3\) of paragraph 9](#) be granted;
- (b) if, in the Committee's opinion, any of the grounds specified in [sub-paragraph 5\(a\) and \(b\)](#) of that paragraph apply; or
- (c) if a condition of the licence has been contravened.

The licence holder will usually be given an opportunity to be heard before any revocation takes place however, the 1982 Act does allow this to be done without a hearing where an immediate revocation can be justified.

## 9. Grounds for Refusing a SEV Licence

### 9.1 Mandatory Grounds for Refusal

Specific mandatory grounds of refusal for a SEV licence are set out in the 1982 Act. A SEV licence cannot be granted:

- a) To a person under the age of 18;
- b) To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the Local Authority within the last 12 months or disqualified due to being convicted of an offence of operating a SEV or sex shop without a licence, employs an individual who should not be granted a licence under paragraph 9 of Schedule 2, being the holder of a SEV/Sex shop licence or an employee or agent of a SEV/Sex shop licence and breaches a condition of a SEV/sex shop licence, permits any person under the age of 18 years to enter a SEV/Sex Shop, makes a false statement on an application for the grant of renewal of a SEV/Sex shop licence, fails without reasonable excuse to permit an enforcement officer of police officer to enter, inspect or search a SEV/sex shop;
- c) To a person other than a natural person if any director of it or partner in it or any other person responsible for its management is disqualified due to the person having had a previous licence

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revoked in the area of the Local Authority within the last 12 months or disqualified due to being convicted of an offence of operating a SEV or sex shop without a licence, employs an individual who should not be granted a licence under paragraph 9 of Schedule 2, being the holder of a SEV/Sex shop licence or an employee or agent of a SEV/Sex shop licence and breaches a condition of a SEV/sex shop licence, permits any person under the age of 18 years to enter a SEV/Sex Shop, makes a false statement on an application for the grant of renewal of a SEV/Sex shop licence, fails without reasonable excuse to permit an enforcement officer of police officer to enter, inspect or search a SEV/sex shop;

- d) To any person who has been convicted of operating a SEV or sex shop without a licence, employs an individual who should not be granted a licence under paragraph 9 of Schedule 2, being the holder of a SEV/Sex shop licence or an employee or agent of a SEV/Sex shop licence and breaches a condition of a SEV/sex shop licence, permits any person under the age of 18 years to enter a SEV/Sex Shop, makes a false statement on an application for the grant of renewal of a SEV/Sex shop licence, fails without reasonable excuse to permit an enforcement officer of police officer to enter, inspect or search a SEV/sex shop;
- e) To a person who is not resident in the UK or was not so resident throughout the period of 6 months immediately preceding the date when the application was made;
- f) To a body corporate which is not incorporated in the UK;
- g) To a person who has, within the period of 12 months immediately preceding the date when the application was made, been refused by the same Local Authority the grant of renewal of a licence for a SEV or Sex Shop unless refusal has been reversed on appeal; or
- h) To a person other than a natural person if any director of it or partner in it or any other person responsible for its management has, within that period, been refused by the same Local Authority the grant of renewal of a licence for a SEV or Sex Shop unless refusal has been reversed on appeal

### 9.2 Discretionary Grounds for Refusal

The discretionary grounds of refusal for a SEV licence that are referred to in the 1982 Act are –

- (a) that the applicant or, where the applicant is a person other than a natural person, any director of it or any partner in it or any person responsible for its management, is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) that, if the licence were to be granted or renewed, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
- (c) that the number of SEVs in the Local Authority's area or relevant locality at the time the application is made is equal to or exceeds the number which the Local Authority consider is appropriate for their area or that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard-
  - (i) to the character of the relevant locality; or
  - (ii) to the use to which any premises in the vicinity are put; or
  - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

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### 9.3 Appropriate Number in Local Authority Area and Each Relevant Locality

As detailed above at discretionary ground (c), the Committee may refuse an SEV licence application on the grounds that the number of licences of that type is equal to or exceeds the number which the Local Authority consider is appropriate for that locality.

For the purposes of discretionary grounds (c) and (d) above, “*relevant locality*” under the 1982 Act means:

- (a) in relation to premises, the locality where it is situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a SEV.

The Committee, having regard to the consultation responses received to the initial consultation and evidence sessions, particularly in relation to the appropriate number of SEVs within the Local Authority area and relevant locality, considers that there may be two relevant localities within Glasgow. The first relevant locality is the city centre as detailed in Appendix 2 and the second locality is all areas out with the city centre boundary but within the Local Authority boundary.

Having further regard to the consultation responses received the Committee may give those SEVs currently in existence within these localities as at the date the Committee passed a resolution to licence SEVs, “*grandfather rights*”. This would mean in terms of the discretionary ground of refusal set out at Schedule 2 paragraph 9 (5)(c) (appropriate number) this ground would not be considered against any application for an SEV where the applicant can demonstrate and provide evidence to Committee that the venue was in existence as a SEV at the date the Committee passed a resolution to licence SEVs.

It should however be noted that this would not prevent any SEV application from being considered on its own individual merits at the time the application is made. As such the Committee would reserve its position to grant an application where it considers it appropriate to do so. The Committee could also refuse an SEV application, even where *grandfather rights* existed, on any of the [mandatory](#) or other [discretionary](#) grounds, if these were established.

The Committee, also having regard to the consultation responses received to the initial consultation and the Policy Statement consultation have determined that the appropriate number of SEVs within each locality is 0.

### 9.4 Character of Relevant Locality and Use of Premises within the Vicinity

With regard to the discretionary grounds at (d) (i) and (ii) above, the Committee may not consider it appropriate to grant a SEV licence if:

- the SEV is located in a predominantly residential area;
- the SEV is located within 250m of children’s nurseries, primary schools, secondary schools or colleges and universities;
- the SEV is located within 250m of support services for victims of violence against women;
- the SEV is located next to shops that are used by families or children;
- the SEV is located next to visitor/cultural attractions; and
- the SEV is located next to premises that are used for community facilities including but not limited to places such as swimming pools, leisure centres and public parks.

Applicants should note that the Committee would consider relevant locality on a case by case basis and the above considerations will not prevent any application from being considered on its own individual merits at the time an application is made.

### 9.5 Layout, Character and Condition of Venue

With regard to discretionary ground d (iii) above, the Committee would expect that when an application for a SEV licence is made, that the applicant would be able to demonstrate that the layout, character and/or condition of the venue is appropriate to the relevant entertainment proposed at the venue. In

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addition, the Committee shall consider the plans submitted with an application and also the consultation responses to the application and whether any objections or representations have been received based on this ground of refusal.

### 10. Monitoring, Compliance and Enforcement

The Committee would expect a risk-based approach to be taken to enforcement, with the Civic Licensing Standards Officer using a range of escalating informal measures, prior to a complaint being made to the Committee in relation to the SEV licence.

It is expected that the Civic Licensing Standards Officer will conduct periodic inspections of SEVs in order to ensure that the approved standards are being maintained and that licence conditions, in particular those relating to issues of public safety, are being observed.

### 11. Conditions

The Committee has detailed style conditions that it may attach to a SEV licence in [Appendix 1](#). The Committee may require to adapt these conditions depending on the nature of the sexual entertainment being provided at a SEV, where an application has been granted.

Where it is reasonable and necessary to do so, the Committee may also impose additional conditions on a SEV licence.

### 12. Equality

The 2010 Act introduced a new public sector equality duty which requires public authorities, including the Committee, to try and eliminate discrimination; promote equality and good relations across a range of protected characteristics.

Prior to the Committee making the decision to pass a resolution to licence SEVs, an equality impact assessment was undertaken. This can be viewed using the following link <https://www.glasgow.gov.uk/index.aspx?articleid=17533#:~:text=What%20is%20it%3F,is%20known%20as%20institutional%20discrimination>.

Prior to the Committee implementing this Policy an equality impact assessment was also undertaken. This can be viewed using the following link <https://www.glasgow.gov.uk/index.aspx?articleid=17533#:~:text=What%20is%20it%3F,is%20known%20as%20institutional%20discrimination>

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## Appendix 1 – Style Conditions

### External Appearance of the Venue and Public Displays of Information

The Licence holder shall ensure:

1. That there is to be no advertisement or promotional material used by the venue on the exterior of the venue that has any “display of nudity” as defined under the 1982 Act The licence holder shall ensure that any exterior signage is discreet and must not display any nudity imagery that suggests or indicates relevant sexual entertainment takes place within the venue. Any external displays or advertising may only be displayed with the prior written approval of the Local Authority.
2. The interior of the venue must not be visible to persons outside.
3. That a price list detailing *indicative or industry standard prices for sexual entertainment* shall be displayed in prominent areas within the venue.
4. That an appropriate code of conduct for customers is displayed in prominent areas within the venue, and at each customer table and in the bar area.
5. Performers at the venue should always be appropriately clothed when they are outside the venue at any time it is open and when they are intending to perform within the venue that night/morning.
6. That the use of any cruising cars or any other vehicles by the venue to solicit customers and transport to or from the venue is prohibited.
7. The licence must be prominently displayed at all times so as to be easily read by all persons using the venue.

### Control of Entry to the Venue

8. No person under the age of 18 years shall be permitted admission to the venue at any time it is being used under this licence.
9. No person under the age of 18 years shall work at the venue as a performer.
10. The Challenge 25 proof of age scheme shall be operated at the venue whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.



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11. The venue shall maintain a refusals log whereby on any occasion where a person is refused entry it shall be recorded and available upon request by Police Scotland or an authorised officer of the Local Authority.
12. A person who holds a licence granted under section 8 of the Private Security Act 2001 must be positioned at every entrance to the venue from 1am (on any day when the venue is open at that time) until whichever is the earlier:  
  
The time at which the venue next closes; or  
[terminal hour] or such other time as the Committee may specify.
13. That any person who appears to be intoxicated or under the influence of illegal drugs shall not be permitted entrance to the venue.
14. That a policy of random searches of persons entering the venue is operated at all times when the venue is open to customers.
15. Any person found to be in possession of illegal drugs upon entry shall be prevented entry to the venue.
16. Reasonable steps must be taken to ensure that any person found using illegal drugs in the venue shall be appropriately removed from the venue.

### Conduct of Performers and Rules relating to Performances of Sexual Entertainment

17. The licence holder shall ensure there is a written code of conduct for performers who work in the venue and staff who are employed in the venue. This must include explaining the conditions of the SEV licence to all staff and performers, details of how to report any harassment or violence from customers to the licence holder and Police Scotland and also that activities within the venue will be recorded on CCTV.
18. The licence holder must also provide an information pack to all performers and staff which should include at least the following information:
  - i. A copy of the SEV licence;
  - ii. Details of how to report a crime to Police Scotland;
  - iii. Details of unions, trade organisations or other bodies that represent the interests of performers;
  - iv. A copy of the code of conduct referred to in condition 17 above;
  - v. A copy of the code of conduct for customers referred to in condition 4 above;
  - vi. Information detailing how a performer can report a breach by a customer of the code of conduct detailed in condition 4, to the licence holder; and
  - vii. Price lists for drinks and *a list of indicative or industry standard prices for sexual entertainment.*

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19. Performances of sexual entertainment may only take place in designated areas of the venue as agreed in writing by the Local Authority.
20. There shall be no photography permitted by customers or of customers staff or performers in the venue.
21. Customers must remain seated for the duration of a performance with the exception of requiring the toilet or using the bar within the venue.
22. Performers shall not arrange with a customer within the venue to provide sexual entertainment to a customer outside of the venue, at any time when working.

### The Protection of Performers and the Prevention of Crime in the Venue

23. Performers must be provided with secure and private changing facilities so that no customers in the venue can access these facilities.
24. All entrances to private areas within the venue to which members of the public are not permitted access shall have clear signage stating that access is restricted.
25. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
26. The licence holder shall implement a written policy to ensure the safety of performers when leaving the venue following any period of work.
27. Private booths must not be fully enclosed. (specifically, *where lap dancing is the sexual entertainment being provided within a venue*)
28. There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place and one member of security staff at the entrance to the venue, at all times when the venue is open to the public.
29. There shall be no alterations to the layout plan of the venue without the prior written approval of the Local Authority.

### Record Keeping and Management

30. All performers and staff shall be required to provide to the manager of the venue, valid identification prior to first performing or working at the venue. Valid forms of identification are recognised photographic identification such as passport or driving licence.
31. Accurate payment and remuneration records must be maintained and made available upon request to Police Scotland or an authorised officer of the Local Authority.

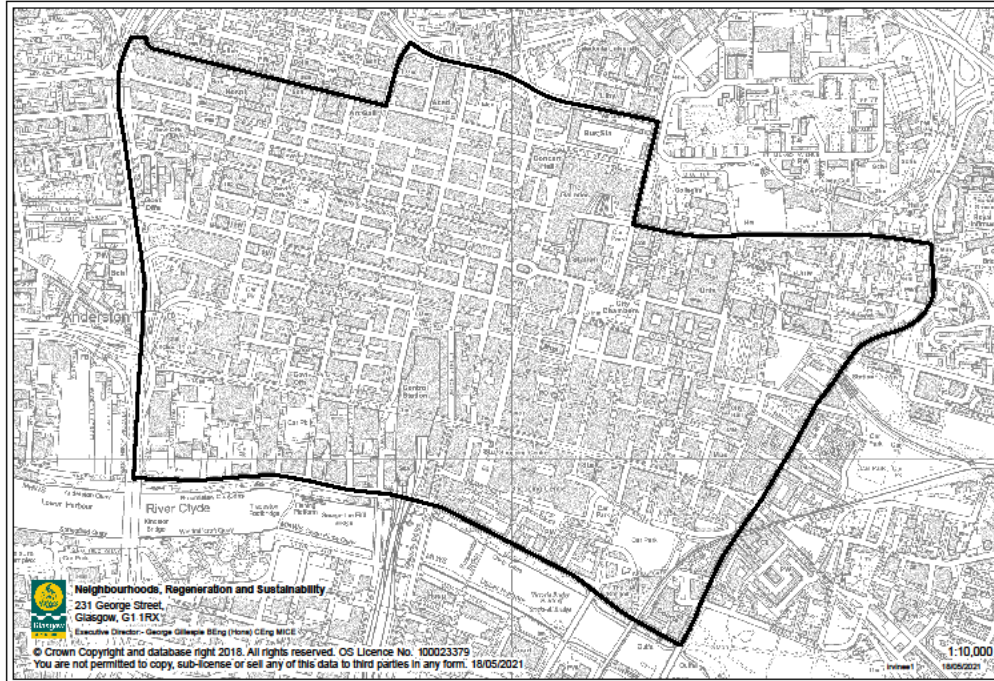
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32. A fully operational CCTV system must be used within the venue which complies with the 2018 Act and Regulations, covering all areas of the venue to which the public have access, including entrances, exits, private booths and bar area. The CCTV must be fitted and maintained in full working order in accordance with the guidance provided by the Information Commissioner's Office and to the satisfaction of Police Scotland.
33. CCTV footage must be made available to Police Scotland and authorised officers of the Local Authority on request.
34. Throughout the SEV licensed hours a member of staff fully trained on the operation of CCTV must be present in the venue.

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## Appendix 2 – Map of City Centre Boundary



An interactive Map of the City Centre Boundary can be viewed using the following link:

<https://glasgowgis.maps.arcgis.com/apps/webappviewer/index.html?id=2956074bcf70472bb228dd2e68af115>