

Agenda



Meeting of Licensing Committee

Date: Wednesday, 19 April 2023

Time: 14:00

Venue: Civic Space, First Floor, 16 Church Street, Dumbarton, G82 1QL

Contact: Lynn Straker, Committee Officer
Email: lynn.straker@west-dunbarton.gov.uk

Dear Member,

Please attend a meeting of **Licensing Committee** as detailed above.

The business is shown on the attached agenda.

Yours faithfully

PETER HESSETT

Chief Executive

Distribution:

Councillor Ian Dickson
Councillor Jim McElhill
Councillor June McKay
Councillor John Millar
Councillor Lawrence O'Neill
Councillor Chris Pollock
Councillor Gurpreet Singh Johal
Councillor Hazel Sorrell

All other Councillors for information.
Chief Officer – Regulatory and Regeneration

Date issued: 3 April 2023

LICENSING COMMITTEE

WEDNESDAY, 19 APRIL 2023

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

3 MINUTES OF PREVIOUS MEETING 5 - 7

Submit for approval, as a correct record, the Minutes of the Special Meeting of the Licensing Committee held on 15 February 2023.

4 OPEN FORUM

The Committee is asked to note that no open forum questions have been submitted by members of the public.

5 SEXUAL ENTERTAINMENT VENUE LICENSING 9 - 60

Submit report by the Chief Officer – Regulatory and Regeneration advising the Licensing Committee ("the Committee") on the responses received to the recently concluded consultation on the terms of its draft Sexual Entertainment Venue Policy Statement ("the Policy") and for the Committee to thereafter determine the terms of the Policy as well as the appropriate number of Sexual Entertainment Venues.

6 IMPACT ON THE CLYDEBANK TAXI TRADE FROM THE IMPLEMENTATION OF GLASGOW CITY COUNCIL'S LOW EMISSION ZONE 61 - 67

Submit report by the Chief Officer – Regulatory and Regeneration advising the Licensing Committee ("the Committee") of trade concerns relating to the impact of the implementation of Glasgow City Council's Low Emission Zone ("LEZ") on taxis licensed in the Clydebank zone.

Submit report by the Chief Officer – Regulatory and Regeneration advising the Licensing Committee (“the Committee”) of an extension, approved by Scottish Ministers, for existing hosts to apply for a Short-Term Lets licence and the date by which all Short-Term Let operators must be licensed.

LICENSING COMMITTEE

At a Meeting of the Licensing Committee held in the Civic Space, 16 Church Street, Dumbarton on Wednesday, 15 February 2023 at 2.01 p.m.

Present: Councillors Ian Dickson, Gurpreet Singh Johal, James McElhill, June McKay, Lawrence O'Neill, and Chris Pollock.

Attending: Michael McDougall, Section Head – Licensing; Sergeant David Holmes, Police Scotland and Lynn Straker, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors John Millar and Hazel Sorrell.

Councillor Lawrence O'Neill in Chair

STATEMENT BY CHAIR

Councillor Lawrence O'Neill, Chair, welcomed Councillor James McElhill as a new Member of the Licensing Committee.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Licensing Committee held on 7 December 2022 were submitted and approved as a correct record.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

EXCLUSION OF PRESS AND PUBLIC

The Committee agreed to approve the following Resolution:-

“That under Section 50A(4) of the Local Government (Scotland) Act, 1973 the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 1 of Schedule 7A of the Act.”

VARIATION IN ORDER OF BUSINESS

Having heard the Chair, the Board agreed to vary the order of business as hereinafter minuted.

APPLICATION FOR RENEWAL OF A TAXI / PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Chief Officer – Regulatory and Regeneration asking Members to consider an application for renewal of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Ross McKinney, 17 Highdykes Hill, Bonhill, Alexandria, G83 9AB.

Members heard from Mr McDougall, Section Head – Licensing, and Sergeant Holmes, Police Scotland, detailing that the Chief Constable's objection to the renewal application had been withdrawn and as such the application could be dealt with by the Licensing Section without a determination by the Committee.

DECIDED:-

The objection to the application from Police Scotland was withdrawn therefor the application could be dealt with by the Licensing Section without a determination by the Committee.

APPLICATION FOR GRANT OF A TAXI / PRIVATE HIRE CAR DRIVER'S LICENCE

A report was submitted by the Chief Officer – Regulatory and Regeneration asking Members to consider an application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr. Robert Young, 129 Melbourne Avenue, Clydebank G81 4QB.

Members first heard from Sergeant Holmes, Police Scotland, who vocalised the full letter of objection from Police Scotland. Members then heard from Mr McDougall, Section Head – Licensing, detailing that there was a pending court case in May 2023 for the applicant. On discussion, Members agreed to continue the application hearing until the Licensing Committee meeting in June 2023, pending the verdict of the trial.

DECIDED:-

Members agreed to continue the application to the Licensing Committee meeting being held in June 2023.

The meeting closed at 2.12 p.m.

DRAFT

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory & Regeneration****Licensing Committee – 19 April 2023**

Subject: Sexual Entertainment Venue Licensing**1 Purpose**

- 1.1** The purpose of this report is to advise the Licensing Committee (“the Committee”) on the responses received to the recently concluded consultation on the terms of its draft Sexual Entertainment Venue Policy Statement (“the Policy”) and for the Committee to thereafter determine the terms of the Policy as well as the appropriate number of Sexual Entertainment Venues.

2 Recommendations

- 2.1** It is recommended that the Committee:-

- (a) determine the appropriate number of Sexual Entertainment Venues in West Dunbartonshire and each relevant locality; and
- (b) approve the Policy subject to it being updated with a note on the appropriate number of Sexual Entertainment Venues and the reasoning for the determination.

3 Background

- 3.1** The Air Weapons and Licensing (Scotland) Act 2015 amended the Civic Government (Scotland) Act 1982 to introduce an optional licensing scheme for licensing authorities to licence Sexual Entertainment Venues in their area. Should a licensing authority determine to licence Sexual Entertainment Venues, it would be for the authority to decide to set an appropriate number and determine individual applications.
- 3.2** Following consideration of a report at its meeting of 2 February 2022, the Committee noted that “...by failing to introduce a licensing regime, operators would be free to open Sexual Entertainment Venues across West Dunbartonshire without oversight by the Council”. The Committee thereafter resolved to licence Sexual Entertainment Venues.
- 3.3** As a consequence of resolving to licence Sexual Entertainment Venues, the Committee must determine the appropriate number of such premises within West Dunbartonshire and each relevant locality. The Committee instructed the Chief Officer of Regulatory and Regeneration to conduct a public consultation to establish views on the future policy development concerning Sexual Entertainment Venues and the appropriate number of such premises.

4 Main Issues

4.1 A public consultation was published seeking views on the draft policy and the appropriate number of premises in each locality. The consultation was available on the Council's website from 30 November 2022 to 23 December 2022. In addition, the link to the survey was emailed to various organisations including:

- Police Scotland;
- West Dunbartonshire Health and Social Care Partnership;
- International Union of Sex Workers;
- Swarm Collective;
- Fire Scotland;
- SCOT-PEP;
- NHS;
- West Dunbartonshire Equality Forum;
- Community Councils; and
- Planning, Environmental Health and Building Standard Sections of the Council.

4.2 The consultation sought views on the contents of the draft Policy Statement, including:

- the Committee's approach to addressing the statutory licensing objectives (i.e. preventing public nuisance, crime and disorder; securing public safety; protecting children and young people from harm; and reducing violence against women);
- who should be consulted when the Council receives an application for the grant of a Sexual Entertainment Venue licence;
- the proposed localities;
- appropriateness of issuing waivers;
- appropriate number of Sexual Entertainment Venues; and
- proposed conditions that would regulate various matters relating to the operation of a Sexual Entertainment Venue.

4.3 A total of 28 responses from members of the public were received to the online consultation (summarised within this report) and two written responses were received (enclosed at Appendix A).

4.4 The introduction to the online public consultation narrated:

"West Dunbartonshire Council Licensing Committee is preparing a statement of policy in relation to Sexual Entertainment Venues (SEVs), following its decision in February 2022. It is important to licence these businesses to ensure the Council can review and monitor the venues. The Licensing Committee must consider the terms of its policy statement when determining applications for the grant, renewal or variation of a licence for a SEV."

- 4.5** A number of responses to the public consultation adopted the position that it is wrong for the Council to licence these types of premises owing to objections on moral grounds. As members will be aware, the Committee has already determined to licence Sexual Entertainment Venue type premises to prevent such premises from operating in West Dunbartonshire with no regulation.

Approach to licensing objectives

- 4.6** When preparing its policy statement the Committee must consider the impact of the licensing of Sexual Entertainment Venues, having regard, in particular, to how it will affect the objectives of:

- preventing public nuisance, crime and disorder;
- securing public safety;
- protecting children and young people from harm; and
- reducing violence against women.

- 4.7** The survey found the following in relation to the proposed approach to upholding the licensing objectives:

- 51.85% of respondents strongly agreed or agreed with the approach set out in the policy in terms of the licensing objectives of Preventing public nuisance, crime and disorder and Securing public safety;
- 51.74% strongly agreed or agreed with the approach set out in the policy in terms of the licensing objective of Protecting children and young people from harm; and
- 48.15% strongly agreed or agreed with the approach set out in the policy in terms of the licensing objective of Reducing violence against women.

Consulting on application

- 4.8** Views were sought on anyone else the Licensing Authority should send a copy of the application to and the responses are detailed below:

None	2
Community groups	1
Churches	1
Organisations representing sex workers	2
Council's Community Safety Team	1
Procurator Fiscal	1
Rape Crisis and Women's Aid	1
All residents in locality	1
Social work	1
Health Partnerships	1
Advertising on social media	1
Traders within a two mile radius	1
Educational establishments	1

- 4.9** Having regard to feedback it is proposed that MPs and MSPs and the West Dunbartonshire Health and Social Care Partnership are consulted on any applications received.

Localities

- 4.10** A majority of responders did not agree with the proposed localities of town centres (57% either disagreed or strongly disagreed) and outwith town centres (60.9% either disagreed or strongly disagreed). The feedback suggests that no locality within West Dunbartonshire is preferred. Members will note that identifying localities does not mean that the Committee endorses the location of Sexual Entertainment Venue premises within said localities. Localities allow the Committee to set an appropriate number, which may be nil, for that particular locality.

Number of Sexual Entertainment Venue premises

- 4.11** The Committee must refuse an application for a Sexual Entertainment Venue if it is satisfied that the number of Sexual Entertainment Venues in the relevant locality at the time the particular application is made is equal to or exceeds the number which the Committee considers appropriate for that locality. For the avoidance of doubt, Members should note that where a number is set, they have no discretion in determining an application that would exceed that number, i.e. the application must be refused.
- 4.12** Upon determining the number of Sexual Entertainment Venues in each locality, it must set out its reasons for doing so in its Policy.
- 4.13** The Committee should be aware that when setting this number the Committee must balance the interests and needs of the local community against the rights of any potential Sexual Entertainment Venue business. The Committee must also have regard to the terms of the 1982 Act and the Scottish Government's guidance on the licensing of Sexual Entertainment Venues. It is further suggested that the Committee considers the following factors when determining the appropriate number of Sexual Entertainment Venues in West Dunbartonshire:
- the responses to both consultations carried out;
 - consistency with the licensing objectives (see paragraph 4.6); and
 - proportionality in terms of compliance with the statutory licensing objectives and balancing the rights of potential Sexual Entertainment Venue operators in West Dunbartonshire and workers within such venues against the rights of those opposed to Sexual Entertainment Venues.
- 4.14** A majority of respondents suggested that the appropriate number of Sexual Entertainment Venues in each locality is nil. A small number of respondents suggested one or two in each locality so to encourage "*competition*". Members will be aware, in terms of the 1982 Act, that nil may be an appropriate number for this purpose and that commercial considerations are irrelevant.

4.15 In response to the previous consultation responses were received from Scot-Pep (a national sex worker-led charity) and Glasgow & Clyde Rape Crisis submitted responses and, in so far as they relate to the appropriate number of Sexual Entertainment Venues, the responses are summarised below:

- Scot-Pep: *"We would like to suggest that the Council set no limit for the number of SEVs in West Dunbartonshire and judge SEV applications on a case-by-case basis, should one ever come."*
- Glasgow & Clyde Rape Crisis: This organisation opposes licensing this type of premises as *"...it fundamentally signals that SEVs are legitimate and welcomed to operate."* It did go on to indicate a preference for nil premises across all localities.

4.16 Members will be familiar with Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls (2016). In particular this document sets out a definition of violence against women and girls that includes *"commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and trafficking"*. This may be a relevant consideration for the Committee when assessing matters against the licensing objective of reducing violence against women.

4.17 The Committee notes that it is unaware of any premises that would meet the statutory definition of a Sexual Entertainment Venue currently trading within West Dunbartonshire at this time.

Considerations in relation to the locality of a premises

4.18 Views were sought on what factors within a locality that the Committee should have regard to when considering whether it is appropriate to grant a Sexual Entertainment Venue licence. While a number of respondents indicated that the considerations narrated in the policy were sufficient, others did write that such premises were inherently undesirable in the locality. Members will again be aware that the purpose of identifying relevant factors to be considered is part of the statutory test when determining whether to grant a licence.

Waivers

4.19 The 1982 Act creates a mechanism whereby a person may apply to the Committee to ask that the requirement for a licence is waived. The Committee may do this if they think that the requirement for a licence is unreasonable or inappropriate.

4.20 55% of responders agreed that the Committee should not normally grant a Waiver for a licence. For example, *"Such venues need to have a strict intrusive oversight by the Committee to ensure acceptable standards are maintained"* and *"If such a grant is proposed, it must be scrutinised by all stakeholders at Committee, to ensure it is fit for purpose and indeed if*

granted, that any deviation from licence conditions are dealt with appropriately."

Conditions

- 4.21** Respondents took no specific issue with any of the proposed conditions, noting that the conditions were reasonable and sufficient for the purpose. However, concerns were expressed that more onerous conditions could restrict artistic freedom.
- 4.22** In response to this part of the consultation, respondents queried how these conditions would be enforced. Members will be aware that Civic Licensing Standards Officers are tasked with supervising a licence holder's compliance with the conditions of their licence and moreover, the breach of a condition of licence is a criminal offence in terms of Section 7 of the 1982 Act.
- 4.23** Views were also sought on additional conditions. Respondents suggested that additional conditions could be imposed so to tackle the risk of human trafficking, grooming of children, and fake identification. Members will be aware that all businesses are subject to strict legal requirements around illegal working and it is a key tenant of licensing jurisprudence that the licensing regime should not replicate other statutory regimes.

Other comments

- 4.24** Respondents were invited to make any other comments that they had in relation to the draft policy. These comments included:
- the policy appears to be effective in ensuring that fit and proper individuals hold licences and that they are licensed in appropriate locations with safeguards in place to protect licence holders and the public;
 - West Dunbartonshire does not need Sexual Entertainment Venue premises; and
 - More regard was required of the risks of trafficking of adults and children and the risks of children and young persons working within these premises.

Determining Policy

- 4.25** Proposed changes to the draft Sexual Entertainment Venue Policy Statement, in light of the consultation responses received, are shown as tracked changes within the Policy Statement at Appendix B, for Members to consider.

5 Options Appraisal

- 5.1** No option appraisal was required for this report.

6 People Implications

- 6.1** There are no personnel issues at this stage.

7 Financial and Procurement Implications

- 7.1** Licensing authorities are required to charge fees in respect of processing and determining applications. The Civic Government (Scotland) Act 1982 states that licensing fees must be sufficient to cover the authority's administrative expenses. This doesn't just include staff time and ongoing associated expenses, but all the work involved in getting the licensing scheme up and running.
- 7.2** Council officers have worked to establish the costs involved in the preparation of the scheme to date and the ongoing costs of administering the scheme. This includes consideration of the level of staff and estimated time required in processing an application through to the cost of Committee time and any potential appeals.
- 7.3** Licensing Services operate a cost recovery model, utilising a band system with regular fee reviews being carried out. This banded system aims to ensure that each licensed activity is effectively cost neutral on others by recovering the portion of costs attributable to that activity. Inevitably adding such a potentially large and resource intensive activity may impact overall on the resourcing available and / or the charge for the bands but that can only be assessed over time. Based on the information available to date, the indicative fee is anticipated to be in Band G that is currently set at £2,182 for a three year licence. In coming to this decision, it is noted that the process for obtaining a Sexual Entertainment Venue Licence is similar to the process of obtaining a Public Entertainment or Sex Shop Licence.

8 Equalities Impact Assessment (EIA)

- 8.1** On balance, in terms of protecting Equality and Human Rights, licensing Sexual Entertainment Venues gives the most influence, including potentially setting the local number of such venues at zero. Licensing also mitigates against unlicensed venues. The Policy sets out how the licensing authority, licence holders and other stakeholders are expected to address equality issues relating to SEVs.

9 Consultation

- 9.1** A public consultation on the terms of the policy has been carried out.

10 Strategic Assessment

- 10.1** Licensing plays a key role to make sure our communities are resilient and thriving. Regulating Sexual Entertainment Venue premises will make sure that such businesses are subject to appropriate scrutiny and safeguards to protect the residents of West Dunbartonshire and any persons working within these premises.

Alan Douglas
Chief Officer – Regulatory and Regeneration
31 March 2023

Person to Contact: Michael McDougall, Section Head (Licensing), Regulatory and Regeneration, West Dunbartonshire Council, Municipal Buildings, Dumbarton G82 1NR
e-mail: michael.mcdougall@west-dunbarton.gov.uk

Appendices: Appendix 1 - Environmental Health Response to Consultation.

Appendix 2 - Building Standards Response to Consultation.

Appendix 3 - Draft Sexual Entertainment Venue Licence Policy with Tracked Changes included.

Appendix 4 - EIA Assessment for Sexual Entertainment Venue Licensing Report.

Background Papers: Report and minute of meeting on 2 February 2022.

Wards Affected: All

Michael McDougall

From: Chiara Gioiella
Sent: 12 December 2022 15:42
To: Michael McDougall
Cc: Eilidh Paton
Subject: FW: Consultation - Sexual Entertainment Venue licensing policy
Attachments: WDC SEXUAL ENTERTAINMENT LICENCE POLICY FOR CONSULTATION.pdf

Good afternoon Michael

Hope you're well.

EH have the following comments:-

- In terms of food law, if there are to be food provisions in place at the premises, the food business operator will be required to register the food business with Environmental Health and will be systematically inspected for compliance.
- In terms of Noise control we would expect these types of premises to operate in a similar manner to other entertainment venues that play amplified music. Noise from the premises should be controlled to the extent that there is no detrimental impact to amenity at neighbouring noise sensitive receptors. The Institute of Acoustics Good Practice Guide on the Control of Noise from Pubs and Clubs provides guidance on how to achieve this in practice.
- The premises must comply with the requirements of the Health and Safety at Work, etc. Act 1974, and all relevant Regulations thereunder, and in particular the Workplace (Health, Safety and Welfare) Regulations 1992 and the Management of Health and Safety at Work Regulations 1999, and any amending Regulations. In terms of the Management of Health & Safety at Work Regulations 1999 and any amending Regulations, the operator must carry out a Risk Assessment and this Assessment must be documented and be available at all times for inspection on the premises by the authorised agencies.

Kind regards,
Chiara

Chiara Gioiella

**ENVIRONMENTAL HEALTH OFFICER
COUNCIL OFFICES
16 CHURCH STREET
DUMBARTON
G82 1QL
GENERAL ADMIN No: 0141 951 7957**

 **West Dunbartonshire COUNCIL**

From: Chiara Gioiella <Chiara.Gioiella@west-dunbarton.gov.uk>
Sent: 05 December 2022 10:35
To: Mark Walsh <Mark.Walsh@west-dunbarton.gov.uk>; John Stevenson <John.Stevenson@west-dunbarton.gov.uk>
Cc: Eilidh Paton <Eilidh.Paton@west-dunbarton.gov.uk>
Subject: FW: Consultation - Sexual Entertainment Venue licensing policy

Michael McDougall

From: Judi Ferguson
Sent: 12 December 2022 09:57
To: Michael McDougall
Cc: building standards
Subject: RE: Consultation - Sexual Entertainment Venue licensing policy

Hi Michael,

There's no special provisions within our legislation for these types of premises. We would only have an interest if warrantable works were involved ie a shop being converted to a place of entertainment. So, each application would require layout plans and we assess it on its own merits.

Kind regards,

Judi

Judi Ferguson
Acting Principal Building Standards Surveyor

Please note I work Monday – Thursday only

West Dunbartonshire Council
16 Church Street
Dumbarton
G82 1QL

From: building standards <building.standards@west-dunbarton.gov.uk>
Sent: 06 December 2022 14:05
To: Judi Ferguson <Judi.Ferguson@west-dunbarton.gov.uk>
Cc: Ashleigh Ross <Ashleigh.Ross@west-dunbarton.gov.uk>
Subject: FW: Consultation - Sexual Entertainment Venue licensing policy

Hi Judi,

Please see below. Please can you let me know if there is anything for Support to help here.

Consultation open until 23/12/2022 as per below email.

Many Thanks,

Marta

From: Michael McDougall <Michael.McDougall@west-dunbarton.gov.uk>
Sent: 02 December 2022 15:50
To: Environmental Health <Environmental.Health@west-dunbarton.gov.uk>; Development Management <Development.Management@west-dunbarton.gov.uk>; building standards <building.standards@west-dunbarton.gov.uk>; Sandra Anton <sandra.anton@west-dunbarton.gov.uk>
Subject: Consultation - Sexual Entertainment Venue licensing policy

Good afternoon

WEST DUNBARTONSHIRE COUNCIL

SEXUAL ENTERTAINMENT VENUE LICENCE POLICY

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1 Definitions

“1982 Act” means the Civic Government (Scotland) Act 1982;

“Building Standards” means the Council's Building Standards team;

“CCTV” means closed circuit television;

“Civic Licensing Standards Officer” as defined in section 45G of the 1982 Act;

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

“West Dunbartonshire Council”, “the Council” or “Local Authority” means West Dunbartonshire Council, a Local Authority in terms of the Local Government (Scotland) Act 1994 having its principal place of business at 16 Church Street, Dumbarton G82 1QL;

“Licensing Committee” or “Committee” means West Dunbartonshire Council's Licensing Committee;

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

“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;

“SEVs” means sexual entertainment venue

“Sexual Entertainment Venue Policy” or **“Policy”** means the Licensing Committee’s sexual entertainment policy as required by the 1982 Act;

“Performer” means a person who provides sexual entertainment within a venue;

“Police Scotland” means the police service of Scotland having its headquarters at Tulliallan Castle, Kincardine.

2 Introduction

2.1 Under section 45C of the 1982 Act the Local Authority is required to produce a Sexual Entertainment Venue Policy (“Policy”) where it has passed a resolution to licence SEVs. The 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.

2.2 In preparing this Policy the Committee has considered the impact of the licensing of SEVs in West Dunbartonshire, and, in particular, has had regard to how licensing these premises will impact on the statutory objectives of:

- i. preventing public nuisance, crime and disorder;
- ii. securing public safety;
- iii. protecting children and young people from harm; and
- iv. reducing violence against women.

2.3 In the course of preparing this Policy, the Committee has had due regard to the Scottish Government's guidance on the licensing of SEVs dated March 2019.

2.4 The Committee has engaged in a significant evidence gathering and consultation process in the development of this Policy. It has sought to engage with a range of voices including those who work in SEVs, those who operate SEVs, and the people who live in West Dunbartonshire. In doing so two public consultations ~~were carried out~~ were carried out. The first consultation was carried out between 13 September and 22 October 2021. This consultation sought to establish whether the Committee should determine to licence Sexual Entertainment Venue premises. The second consultation was carried out between 30 November and 23 December 2022. This consultation sought to take views on the terms of the Committee's policy in relation to Sexual Entertainment Venue premises and the appropriate number of SEVs in each locality.

2.5 The Committee does not take a moral stance on the licensing of SEVs in adopting this Policy. It is the Committee's role to regulate such venues in accordance with the law. The Committee on passing the resolution to licence SEVs noted that it was doing so as *"failing to introduce a licensing regime, operators would be free to open Sexual Entertainment Venues across West Dunbartonshire without oversight by the Council"*.¹

2.6 The 1982 Act defines what a SEV is. This definition is complex and is set out in Appendix 1 of this document. It provides that for the purposes of the definition of a SEV, the following further definitions apply:

2.6.1 A "Sexual Entertainment Venue" (SEV) is:

A premises including *"any building, vehicle, vessel or stall, but not a private dwelling to which the public is not admitted"* (Section

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¹ West Dunbartonshire Licensing Committee meeting on 2 February 2022

45A(3)(b) of the Act) and at which sexual entertainment is provided before a live audience for (or with the view to) the financial gain of the organiser.’ (Section 45A(2) of the Act).

2.6.2 The following premises are not sexual entertainment venues:

- i. Sex shops and sex cinemas (which are separately defined in Schedule 2 of the 1982 Act); and
- ii. Premises which provide relevant entertainment on an infrequent basis.

Where an operator is of the view that one of the above noted exemption applies, they should consider taking their own independent legal advice.

2.6.3 Within the interpretation of what premises are sexual entertainment venues at paragraphs 2.3.1 and 2.3.2, reference is made to the following definitions:

“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;

“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 and anus.

3 Application process

The making of an application

- 3.1 All applications for the grant, variation, and renewal of a SEV licence must be submitted via the SEV licence application form available online via the Local Authority’s website together with the appropriate documentation and fee.
- 3.2 It is a requirement of the 1982 Act that all applicants – unless otherwise agreed with the Local Authority - advertise their application in a local newspaper, no later than seven days after the date of the application being lodged with the Local Authority. The format of this advert will be available on the Council’s website or on request. A copy of the advert must be submitted to the Local Authority.
- 3.3 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.

Notification of an application

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

- Elected Members for the area;
- MP and MSP for the area;
- Community Council for the area;
- Council's Building Standards Team;
- Council's Environmental Health Team;
- NHS Scotland;
- Police Scotland;
- West Dunbartonshire Health and Social Care Partnership; and
- Scottish Fire and Rescue Service.

3.5 An applicant must comply with the notification requirements as set out in the legislation (see paragraph 3 of this Policy)~~including but not limited to the display of a site notice and the advertising of the application by way of a newspaper advert.~~

~~3.6~~

~~3.7~~3.6 Police Scotland and Scottish Fire and Rescue are statutory consultees to every application.

~~3.8~~3.7 Any objection or representation received from a consultee will be considered by the Committee.

Objections and representations

~~3.9~~3.8 The Act permits any member of the public to submit an objection or representation to the grant or renewal of a SEV licence application (excluding temporary licences).

~~3.10~~3.9 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 Act.

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[3.143.10](#) The grounds of refusal as set out at paragraph 9(5) of Schedule 2 of 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 they made the application themselves;
- c) that the number of sex shops in the relevant locality at the time the application is made is equal to or exceeds the number which the Local Authority consider is appropriate for 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.

[3.123.11](#) Objections/representations will be considered by the Committee when considering an application subject to paragraph 3.8.

[3.133.12](#) All objections or representations received further to a SEV application will be sent to the applicant.

[3.143.13](#) If an objection or adverse representation is submitted in relation to the licence application, the application will be subject to a hearing at a meeting of the Licensing Committee. The person submitting the objection

or representation will be invited to attend the meeting of the Licensing Committee and speak to their objection/representation.

[~~3.153.14~~](#) The applicant or their representative will also be invited to attend the meeting and given the opportunity to state why the application should be granted.

[~~3.163.15~~](#) The Committee will be able to ask questions of both parties and, thereafter, decide whether to grant or refuse the application with regard to the terms of the Act.

[~~3.173.16~~](#) Applications will be heard in public unless required to be taken privately on the grounds of disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

[~~3.183.17~~](#) A copy of the Committee's hearing procedure can be found at Appendix 2.

[~~3.193.18~~](#) Both the applicant and the person(s) making an objection or representation can request a statement of reasons for the decision within 21 days of the date of the decision.

[~~3.203.19~~](#) If an application for a licence is refused, the applicant cannot reapply for a licence within one year of that decision, unless there has been a material change in their circumstances since then.

[~~3.213.20~~](#) Applicants should note that where their licence application has been refused by the Committee they do have a right of appeal under the 1982 Act.

4 Locality

- 4.1 The Committee will consider the character of the relevant locality and the use to which premises in the vicinity are put in addition to the layout, character or condition of the venue in respect of which the application is made, as relevant considerations when determining the grant of a SEV licence.
- 4.2 With reference to paragraph 9(7)(a) of Schedule 2 of the 1982 Act, “relevant locality” means “in relation to the premises, the locality where they are situated”.
- 4.3 In relation to vehicle, vessel or stall, any locality where it is desired to use it as a SEV.
- 4.4 The Committee are of the view that there are four localities:
- a) Dumbarton town centre;
 - b) Clydebank town centre;
 - c) Alexandra town centre;
 - d) All areas outwith Dumbarton, Clydebank, and Alexandria town centres.
- 4.5 Maps of the localities are produced at Appendix 3.

Appropriate number of SEVs in a relevant locality

- 4.6 As set out within paragraph 9(5)(c) of Schedule 2 of the 1982 Act, the Council ~~may~~must refuse an application for a SEV if it is satisfied that the number of SEVs in the relevant locality at the time the particular application is made is equal to or exceeds the number which the Committee considers is appropriate for that locality. The Committee can determine that the appropriate number for a locality is nil.

- 4.7 The Committee, also having regard to the consultation responses received to the initial consultation and the latter Policy Statement

consultation, have determined that the appropriate number of SEVs within each locality be set at [to be updated].

4.8 [Reasons for this policy approach. This will be updated following the Committee's decision.]

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Character and vicinity of relevant locality

4.74.9 In considering whether it is appropriate to grant a SEV licence the Committee shall consider the character of the relevant locality as well as the use to which any premises in the vicinity are put. In doing so, the Committee regard will be given ~~had~~ to the following matters:

- Whether the premises are situated in a residential area;
- Whether there are any schools and other places of education in the vicinity of the premises;
- Whether there are any places of worship in the vicinity of the premises;
- Whether there are other relevant businesses or charities operating in the area e.g. homelessness shelters, women's refuges, supported accommodation, recovery units;
- Whether there are certain landmarks or facilities in the vicinity (e.g. historic buildings, sports facilities, cultural facilities, family leisure facilities, play areas or parks, youth facilities, retail shopping areas, and places used for celebrations or similar;
- Whether there have been incidents involving anti-social behaviour, sexual assaults or more minor harassment reported in that area; and
- Whether there have been incidents of human trafficking or exploitation in that area.

4.84.10 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.

Suitability of Premises

[4.94.11](#) Under the 1982 Act the Committee has the discretion to refuse applications relating to SEVs if it is considered that the granting or renewal of the licence would be unsuitable, having regard to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

[4.104.12](#) It is expected that when an application for a SEV licence is made, that the applicant will be able to demonstrate that the immediate vicinity, layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises.

5 Preventing nuisance, crime and disorder

5.1 The Licensing Committee is committed to improving the quality of life for the people of West Dunbartonshire by adopting and enforcing policies designed to increase community safety and reduce threats of nuisance, crime and disorder.

5.2 In terms of this licensing objective the Committee considers there to be a number of relevant factors, including but not limited to:

- Illegal substances;
- Violent behaviour;
- Anti- social behaviour;
- Vulnerability;
- Noise nuisance; and
- Human trafficking.

5.3 In order to combat the risks, the Committee will seek to operate a partnership approach with licence holders, applicants and partner agencies such as in particular, Police Scotland and Environmental Health.

What the Committee will do:

- Apply appropriate conditions to licences to mitigate potential nuisance, crime or disorder, and promote the licensing objectives;
- Closely scrutinise applications and listen closely to any concerns from consultees or the public while having regard to the applicant's submissions;
- Require applicants to submit a suite of policies as part of the application process so to allow consultees to review and comment on said policies;
- Work closely with all stakeholders to ensure all relevant information is kept up to date and accessible; and
- Endorse initiatives designed to prevent nuisance, crime and disorder.

5.4 What the Committee will expect of licence holders:

- Effective and responsible management of premises including evidence of written procedures for preventing and managing incidents;
- Up to date training and supervision of staff;
- Provision of effective CCTV in and around premises;
- Provision of external lighting and security measures ;
- Co-operation with Police and Civic Licensing Officers;
- Accurate and up to date record keeping;
- Adequate control of entry and exit of the premises; and
- Supervision of anyone outside, such as smokers or those queuing to enter.

5.5 What the Committee will expect of partner agencies

- Provision of all relevant up to date information as the Committee requires;
- Involvement in mediation/intervention procedures to rectify any problem areas; and
- Bringing a complaint to the Licensing Committee as a last resort.

6 Securing public safety

6.1 The Licensing Committee is committed to ensuring the safety of persons within licensed premises as well as those in the surrounding area, and promoting the licensing objective.

6.2 When considering this Licensing Objective, a number of factors should be considered including, but not limited to:

- Layout and maintenance of premises;
- Location of premises;
- Disabled access and facilities; and
- Vulnerability of patrons and staff.

6.3 Again, the Committee will look to operate a partnership approach with all stakeholders in order to ensure that public safety is not compromised by the operation of licensed premises.

6.4 What the Committee will do:

- Promote education and awareness of potential risks;

- Consult with the Council's Building Standards and Environmental Health teams;
- Apply additional licence conditions where appropriate for the purposes of this licensing objective;
- Facilitate effective communication between all relevant parties; and
- Disseminate relevant information from partner agencies as widely as possible.

6.5 What the Committee will expect of licence holders/applicants

- Appropriate layout of premises;
- High standards of maintenance of premises;
- Functioning CCTV systems of the required specification;
- Clear and accurate signage in and around premises;
- Safe and secure changing facilities for performers;
- Designation of a "safe space" within the premises in which vulnerable persons can be provided with assistance;
- Regular maintenance and testing of security and operating systems; and
- Clear policies on conduct of staff, performers and customers.

6.6 What the Committee will expect of partner agencies

- Co-operative approach;
- Inspections of premises on a risk assessed basis including on the grant and renewal of the licence;
- Effective communication and the sharing of up to date relevant information; and
- Bringing a complaint to the Licensing Committee as a last resort.

7 Protecting children and young persons from harm

7.1 The Committee considers SEVs could potentially expose children and young people to harm as a result of them coming into contact with activities intended for adults only if not properly regulated. It is therefore committed to promoting this licensing objective.

7.2 What the Committee will do:

- Promote education and awareness of potential risks including the risk of human trafficking;
- Apply additional licence conditions where appropriate for the purposes of this licensing objective;
- Scrutinise layout plans and policies to ensure robust access procedures are in place;
- Facilitate effective communication between all relevant parties; and
- Disseminate relevant information from partner agencies as widely as possible.

7.3 What the Committee will expect of Licence Holders/Applicants

- Robust policies on age verification;
- Specific training of staff in relation to fake ID;
- Discrete exterior to premises; and
- Accurate record keeping for staff and performers.

7.4 What the Committee will expect of partner Agencies :

- Commenting as appropriate on applications;
- Effective communication and the sharing of up to date relevant information; and
- Bringing a complaint to the Licensing Committee as a last resort.

8 Reducing violence against women

8.1 [Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls](#)² was first published by the Scottish Government in 2014 and updated in 2016 and 2018. It sets out a definition of violence against women and girls which includes “*commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and human trafficking*”.

8.2 The Committee recognises the tension between the above noted definition and the licensing of SEVs. Given that sexual entertainment is a licensable activity, it is important that it takes place in a well-regulated environment.

8.3 The Committee will request a suite of policies from applicants, so both they and consultees can satisfy themselves that the management of the premises are committed to delivering a well-run and safe premises.

8.4 Further, the Committee expects that Police and Civic Licensing Standards Officers will regularly inspect such premises to make sure that the premises are well run and are complying with the terms of this policy and any conditions attached to the licence.

8.5 What the Committee will do:

- Scrutinise applications to ensure an applicant is a fit and proper person to hold the licence;
- Apply additional licence conditions where appropriate for the purposes of this licensing objective;
- Facilitate effective communication between all relevant parties;

² <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2018/04/equally-safe-scotlands-strategy-prevent-eradicate-violence-against-women-girls/documents/00534791-pdf/00534791-pdf/govscot%3Adocument/00534791.pdf>

- Keep this Policy under review; and
- Disseminate relevant information from partner agencies as widely as possible.

8.6 What the Committee will expect of Licence Holders/Applicants

- Robust policies to mitigate against any violence, physical or emotional, against women occurring in the venue;
- Robust policies and procedures to safeguard against human trafficking;
- Clear signage as to required conduct of customers;
- Adequate procedures to resolve any incidents which may result in violence against women; and
- Suitable working conditions for any women employed or performing within the premises.

8.7 What the Board will expect of partner Agencies

- Co-operative approach;
- Effective communication and the sharing of up to date relevant information; and
- Bringing a complaint to the Licensing Committee as a last resort.

9 Waivers

9.1 The Committee will not normally grant a Waiver for a Licence but as with all applications, any application for a waiver will be considered on its own merits.

9.2 The Committee will take into account:

- Any objections or representations;
- This Licensing Policy Statement;

- Scottish Government Guidance; and
- Any other relevant considerations.

9.3 The Committee will consider each Application on its own merits but is of the opinion that waivers will only be granted in exceptional circumstances.

10 Occasional use

10.1 Premises can be used for Sexual Entertainment for a proposed event if the Premises have not been used for Sexual Entertainment on more than three previous occasions in the past 12 months.

10.2 Each occasion can last no more than 24 hours. If Premises operate as a Sexual Entertainment Venue for more than a 24 hour period, each period of 24 hours (and any part of a period of 24 hours) is to be treated as a separate occasion.

10.3 The rule applies to a rolling year, i.e. not the calendar year running from 1st January to 31st December.

11 Licensing conditions

11.1 Any SEV Licence will have the following Standard Conditions applied subject to any submission made to the Committee when the application is being determined. SEV licences may also be subject to additional conditions as determined by the Council, known as Special Conditions.

11.2 The Standard Conditions are:-

The Licence holder shall ensure:

External appearance of the venue and public displays of information

1. That there is to be no advertisement or promotional material used by the venue on the exterior of the venue that is unsuitable to be viewed by children, for example, by way of sexually provocative imagery. The licence holder shall ensure that any exterior signage is discreet and must not display any imagery or wording that suggests or indicates relevant sexual entertainment takes place within the venue. Any external displays or advertising within the Council area may only be displayed with the prior written approval of the Council.
2. The interior of the venue must not be visible to persons outside.
3. That all charges for products and an indicative price list for services 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 suitably attired 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/afternoon.
6. That the use of any cruising cars or any other vehicles by the venue to solicit customers or to transport customers 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.

11. The venue shall maintain a refusals log, retained for one year, 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 Council.
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 such other time as the Committee may specify.
13. That any person who appears to be intoxicated or presents as being under the influence of 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 and also that their activities 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; and
 - vi. Price lists for drinks and a separate list showing indicative prices for sexual entertainment.
19. Performances of sexual entertainment may only take place in designated areas of the venue as detailed in the licence.
20. There shall be no photography permitted by customers 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 to meet, or have further contact with, customers outside of the venue 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. Such facilities must be so designated on the layout plan.
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.
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 approval of the Local Authority being obtained in advance of the works being carried out.

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. A fully operational CCTV system must be used within the venue which complies with the Data Protection Act 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.
32. CCTV footage must be made available to Police Scotland and authorised officers of the Council on request.
33. 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 1 – Definition of SEV

45A Licensing of sexual entertainment venues: interpretation

(1) This section applies for the purposes of the interpretation of section 45B and Schedule 2 (as modified for the purposes of section 45B).

(2) “Sexual entertainment venue” means any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser.

(3) For the purposes of that definition— “audience” includes an audience of one, “financial gain” includes financial gain arising directly or indirectly from the provision of the sexual entertainment, “organiser”, in relation to the provision of sexual entertainment in premises, means—

(a) the person (“A”) who is responsible for—

(i) the management of the premises, or

(ii) the organisation or management of the sexual entertainment, or

(b) where A 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,

“sexual entertainment” means—

(a) any live performance, or

(b) any live display of nudity,

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

(4) For the purposes of the definition of “sexual entertainment”, “display of nudity” means—

(a) in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area, genitals or anus,

(b) in the case of a man, the showing of (to any extent and by any means) his pubic area, genitals or anus.

(5) Sexual entertainment is provided if (and only if) it is provided (or allowed to be provided) by or on behalf of the organiser.

(6) References in Schedule 2 (as modified for the purposes of section 45B) to the use of any premises by a person as a sexual entertainment venue are to be read as references to their use by the organiser.

(7) The following are not sexual entertainment venues—

(a) a sex shop (within the meaning of paragraph 2(1) of Schedule 2), (b) such other premises as the Scottish Ministers may by order specify.

(8) An order under subsection (7)(b) may make different provision for different purposes.

(9) Premises at which sexual entertainment is provided as mentioned in subsection (2) on a particular occasion (“the current occasion”) are not to be treated as a sexual entertainment venue if sexual entertainment has not been provided on more than 3 previous occasions which fall wholly or partly within the period of 12 months ending with the start of the current occasion.

(10) For the purposes of subsection (9)—

(a) each continuous period during which sexual entertainment is provided on the premises is to be treated as a separate occasion, and

(b) 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.

(11) The Scottish Ministers may by order provide for— (a) descriptions of performances, or

(b) descriptions of displays of nudity,

which are not to be treated as sexual entertainment for the purposes of this section.

(12) An order under subsection (7)(b) or (11) is subject to the negative procedure.

Appendix 2 – Council's hearing procedure

DURING THE HEARING

1. The Chair will introduce the Members and Officials present. If the representations/objection(s) were submitted timeously and there are no spent convictions to be considered, then proceed directly to number 4.
2. If the representation/objection (from the Police or any other party) has been received late the Committee must hear details as to why the representation/objection was late and be satisfied that there is sufficient reason why it was not made in the time required. If they agree that then the representation/objection can be heard otherwise it should be disregarded. The process to be followed should be that the objector is invited to provide reasons as to why the submission was late. Members may ask any follow up questions of the objector. The applicant must then be asked if they have any objections to the late submission being accepted. The Committee must take all comments into account when deciding whether to accept the late submission.
3. If spent convictions are to be referred to then the guidance notes for spent convictions should be followed for each conviction. The Committee should resolve to go into private whilst considering spent convictions.
4. The hearing procedure below should now be followed:

a	The Section Head of Licensing will present the report to the Committee
b	The applicant or the party who has initiated the hearing will present their case first
c	The presenting party shall be entitled to provide information in support of their application, representation or objection (as applicable).
d	Any other interested party will have the opportunity to ask the presenting party relevant questions.

e	The Committee Members will have the opportunity to ask the presenting party relevant questions.
f	Any other interested parties will then present their case in turn and be entitled to provide information in support of their application, representation or objection. (as applicable)
g	Any other interested party will have the opportunity to ask the presenting party relevant questions.
h	The Committee Members will have the opportunity to ask the presenting party relevant questions.
i	The Chair will invite the applicant, or the party who has initiated the hearing, to briefly summarise their points if they wish.
j	The Chair will invite the other interested parties to briefly summarise their points if they wish.
k	The Chair will ask the applicant, or the party who has initiated the hearing, and all parties making representations, that they are satisfied that they have said all they wish to.
l	At the sole discretion of the Members, the Committee may decide to retire to consider the representations/objections in private.
m	<p>The Committee will invite the parties to return to the meeting and the Chair will invite Members to take a decision.</p> <p>NOTE: If during private deliberations, the Committee receive advice on a legal submission from the legal advisor which is contrary to the view of the party making the submission or the Committee believe additional information would be relevant, then these points should be raised with the parties, in public, prior to any decision being made.</p>

DECISION

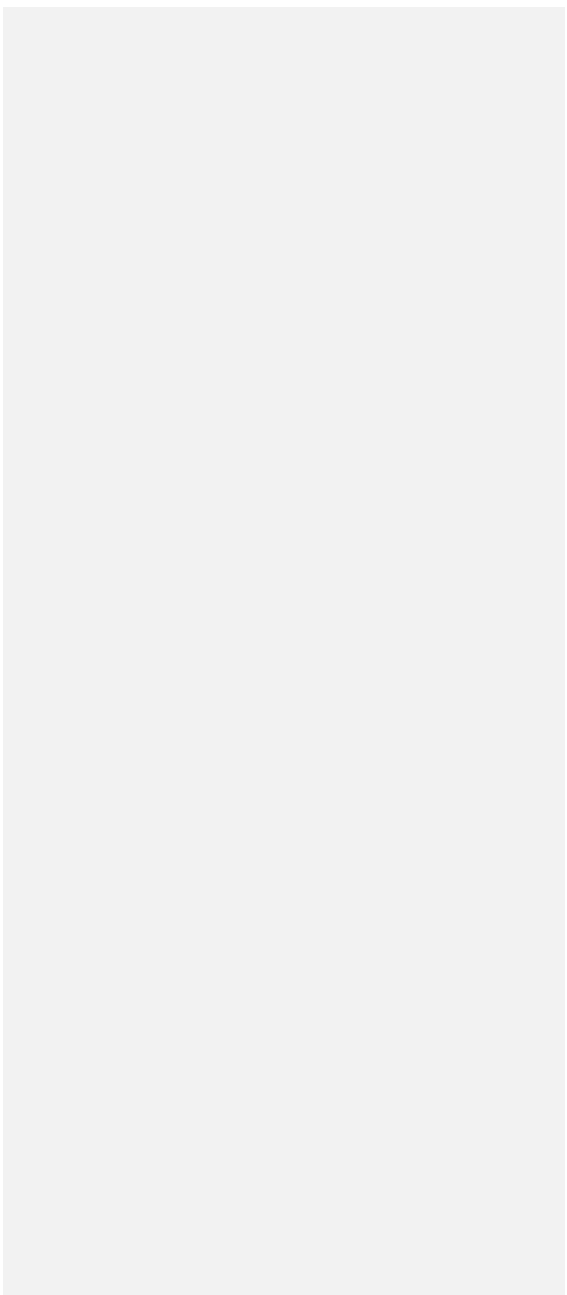
A determination of the case will be made at the conclusion of the hearing and all parties will be notified of the decision in writing within 7 days of the hearing and shall be advised of their right to seek written reasons and appeal to the Sheriff Court.

If the decision of the Committee is to suspend, refuse or refuse to suspend a licence, a relevant person has a right to request within 28 days of the meeting, the Committee's reasons for arriving at their decision. Unless the circumstances of the case justify immediate suspension, the suspension shall not take effect for 28 days from the date of the decision.

Appeals against the decision of the Committee must be lodged with the Sheriff

Clerk within 28 days of the date of the decision.

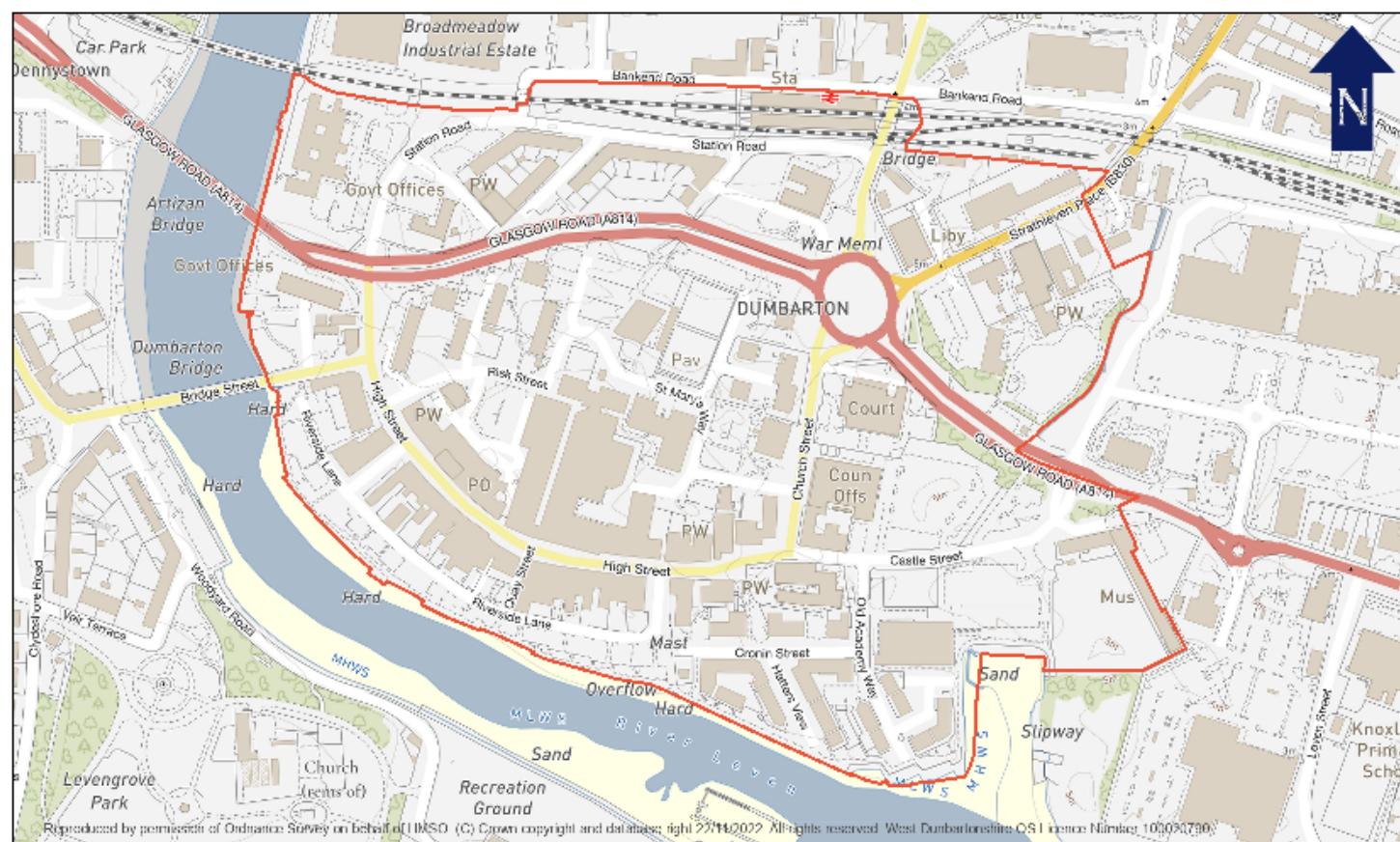
Appendix 3 – Maps of localities



Strategic Town Centres

Dumbarton

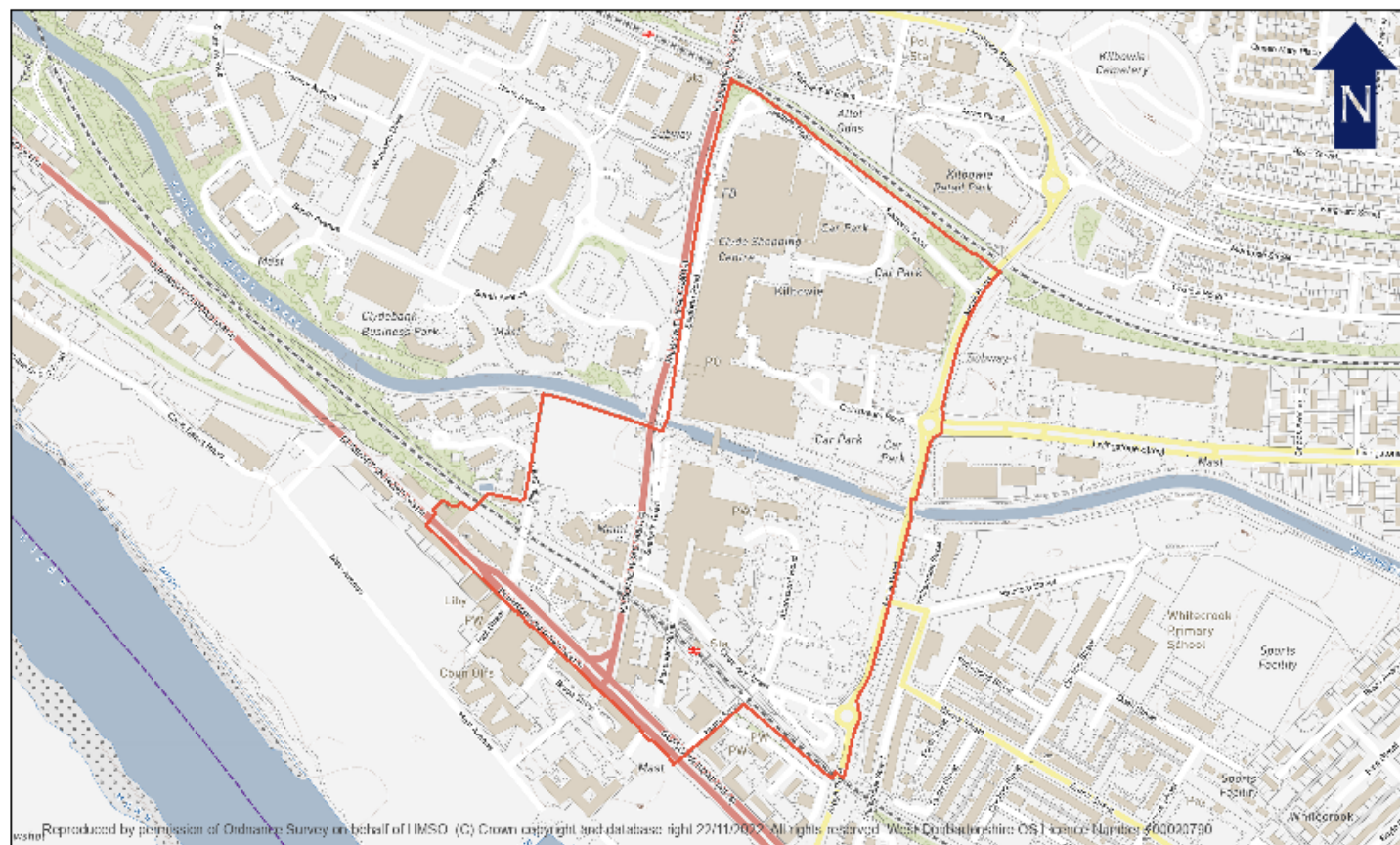
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Strategic Town Centres

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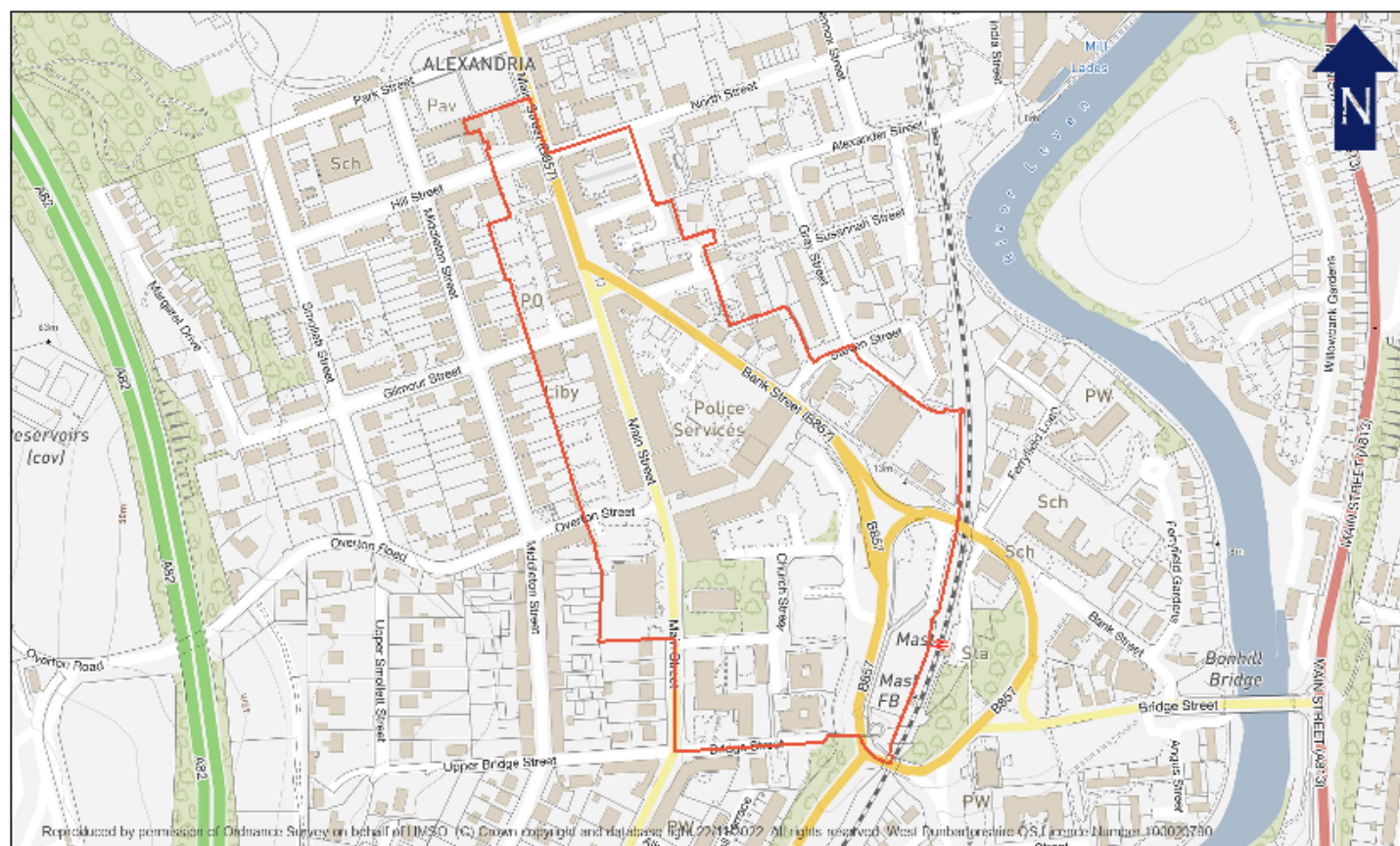
Clydebank

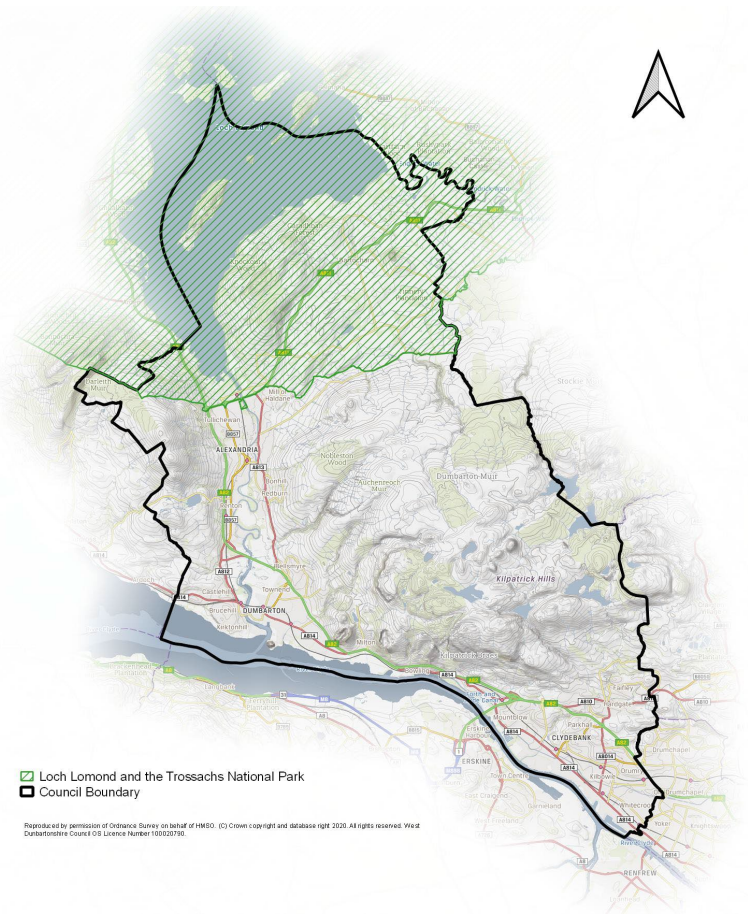


Strategic Town Centres

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Alexandria





This document is also available in other languages, large print and audio format on request.

Arabic

هذه الوثيقة متاحة أيضا بلغات أخرى والأحرف الطباعة الكبيرة وبطريقة سمعية عند الطلب.

Hindi

अनुरोध पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है

Punjabi

ਇਹ ਦਸਤਾਵੇਜ਼ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਆਡੀਓ ਟੇਪ 'ਤੇ ਰਿਕਾਰਡ ਹੋਇਆ ਵੀ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ।

Urdu

درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔

Chinese (Cantonese)

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。

Polish

Dokument ten jest na życzenie udostępniany także w innych wersjach językowych, w dużym druku lub w formacie audio.



British Sign Language

BSL users can contact us via [contactSCOTLAND-BSL](https://www.scotland.gov.uk/contact-scotland-bsl), the on-line British Sign Language interpreting service.

☎ 01389 737527

✉ West Dunbartonshire Council, 16 Church Street, Dumbarton, G82 1QL

💻 communications@west-dunbarton.gov.uk

AssessmentNo	618	Owner	michael.mcdougall
Resource	Transformation		Service/Establishment Regulatory
	First Name	Surname	Job title
Head Officer	Michael	McDougall	Section Head (Licensing)
	(include job titles/organisation)		
Members	Robert Mackie, Senior Officer		
	<i>(Please note: the word 'policy' is used as shorthand for strategy policy function or financial decision)</i>		
Policy Title	Licensing of Sexual Entertainment Venues		
	The aim, objective, purpose and intended outcome of policy		
	Consideration of a policy statement for the operation of Sexual Entertainment Venues under the Civic Government (Scotland) Act 1982. This includes setting the number of Sexual Entertainment Venues for West Dunbartonshire. This policy will help promote the licensing objectives of preventing public nuisance, crime and disorder, securing public safety, protecting children and young people from harm, and reducing violence against women.		
	Service/Partners/Stakeholders/service users involved in the development and/or implementation of policy.		
	Two public consultations have been carried out. The first in relation to whether the Council should adopt the licensing regime, i.e. should the Council licence Sexual Entertainment Venues. The second consultation looked at the terms of the policy and the appropriate number of Sexual Entertainment Venues. These consultations engaged with stakeholders including Police Scotland, HSPC, Domestic abuse groups, Equality groups and Sex Workers Union.		
Does the proposals involve the procurement of any goods or services?			No
If yes please confirm that you have contacted our procurement services to discuss your requirements.			No
SCREENING			
<i>You must indicate if there is any relevance to the four areas</i>			
Duty to eliminate discrimination (E), advance equal opportunities (A) or foster good relations (F)			Yes
Relevance to Human Rights (HR)			Yes
Relevance to Health Impacts (H)			Yes
Relevance to Social Economic Impacts (SE)			Yes
Who will be affected by this policy?			
Residents of West Dunbartonshire, potentially business owners, and people working in any SEV.			
Who will be/has been involved in the consultation process?			
Two public consultation exercises were carried out but also targeted at organisations likely to have a view. A range of views were received through the public consultation exercises. Many respondents felt that licensing Sexual Entertainment Venues was undesirable (the Committee was of the view that it is better to licence such premises so that they subject to some form of regulation and it can potentially set the number of premises to nil). Other respondents felt that the policy struck the right balance			

and set out a framework for the proper regulation of Sexual Entertainment Venues.

Please outline any particular need/barriers which equality groups may have in relation to this policy list evidence you are using to support this and whether there is any negative impact on particular groups.

	Needs	Evidence	Impact
Age	Children and young persons require to be protected from harm. Persons under 18 should not work in Sexual Entertainment Venues. Persons under 18 should not access these premises as customers.	Inappropriate environment for persons under 18 due to nature of licensable activity. Concerns relating to this were expressed as part of the consultation exercise.	The law sets protecting children and young persons from harm as a licensing objective. Therefore, the Committee must have regard to this objective when preparing its policy. The proposed policy prohibits under 18s from accessing the premises while the premises are being used for the licensable activity. The policy also sets out various expectations in relation to age verification checks as well as signage and external appearance.
Cross Cutting			
Disability			
Social & Economic Impact	There are, to the best of the Council's knowledge, no Sexual Entertainment Venues currently operating in West Dunbartonshire. Sexual Entertainment Venues may employ people in various roles including bar staff, security, management and cleaners etc. The performers, who tend to be, self-employed would earn monies performing.	Licensing Sexual Entertainment Venues may result in premises closing or not opening owing to a licence not being granted. Concerns were expressed during the public consultation exercises that such businesses operating in West Dunbartonshire would be detrimental.	The Committee will consider applications in terms of the 1982 Act and overarching licensing caselaw. The Committee would consider any evidence presented to it along with the terms of its policy when making a decision. This decision could be challenged by any aggrieved party. There may be an adverse social impact on an area through the operation of Sexual

			Entertainment Venues.
Sex	<p>The Council must consider potential discrimination against women and men, and the other aspects of the Public sector equality duty. Women may work on the premises as performers. Women may feel at risk passing through areas where Sexual Entertainment Venues operate. Women may work on the premises as performers. They tend to be self-employed.</p>	<p>Most but not all people working as performers in SEVs across the UK are female, however males and females need to be protected. Concerns from women in relation to the impact of such premises on a local area where expressed in the consultations. Furthermore, these matters have been widely debated in the national press.</p>	<p>Licensing such premises allows for their regulation. The policy sets out various control measures for the operation of such premises. Where issues emerge, e.g. anti social behaviour, then a complaint can be brought to the Committee who can take action, e.g. issue a warning or revoke the licence.</p>
Gender Reassign			
Health	<p>The health and wellbeing of women (and in particular those women working in any premises) should be considered.</p>	<p>The Scottish Government's strategy for preventing and eradicating violence against women and girls ("Equally Safe") sets out a definition of violence that includes "commercial sexual exploitation" including "lap dancing" and "stripping".</p>	<p>The Committee recognises the tension between the above noted definition and the licensing of SEVs. Given that sexual entertainment is a licensable activity, it is important that it takes place in a well-regulated environment. If the licensable activity was illegal then the Scottish Government would not have legislated to create a licensing regime.</p>
Human Rights	<p>The Licensing Committee must make decisions in line with the European Convention of Human Rights/Human Rights Act 1998. Business owners have legitimate</p>	<p>Human Rights considerations cross-cut with equality considerations, for examples sex and age which are addressed in this assessment.</p>	<p>The Committee is unaware of any Sexual Entertainment Venue operating in West Dunbartonshire. So licensing such premises will not impact on any existing business.</p>

	expectation that their business will not be interfered with in an unlawful or disproportionate way, i.e. requiring a license to be applied for may restrict or end the business.		Any business opening in the future will be aware of the need for a licence. On balance licensing better helps the board to proactively support human rights
Marriage & Civil Partnership			
Pregnancy & Maternity			
Race			
Religion and Belief			
Sexual Orientation			
Actions			
Policy has a negative impact on an equality group, but is still to be implemented, please provide justification for this.			
The creation of a policy that sets out how the Committee will exercise its functions in relation to the licensing of Sexual Entertainment Venues allows the Committee to set out how it expects such premises to operate including what conditions it would attach to any licence it grants. Moreover, the Committee can set the number of Sexual Entertainment Venues within each locality and this number can be nil. Without such a regime, such venues could open with no scrutiny.			
Will the impact of the policy be monitored and reported on an ongoing basis?			
This policy will be kept under review with other civic licensing policies and be updated from time to time.			
Q7 What is your recommendation for this policy?			
Introduce			
Please provide a meaningful summary of how you have reached the recommendation			
EIA 618 details our assessment: On balance in terms of promoting Equality and protecting Human Rights, licensing Sexual Entertainment Venues gives the most influence, including potentially setting the local number of such venues at zero. Licensing also mitigates against unlicensed venues. The Policy sets out how the licensing authority, license holders and other stakeholders are expected to address equality issues relating to SEVs (should a licence be granted).			

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory and Regeneration****Licensing Committee – 19 April 2023**

Subject: Impact on the Clydebank taxi trade from the implementation of Glasgow City Council's Low Emission Zone

1 Purpose

- 1.1** The purpose of this report is to advise the Licensing Committee ("the Committee") of trade concerns relating to the impact of the implementation of Glasgow City Council's Low Emission Zone ("LEZ") on taxis licensed in the Clydebank zone.

2 Recommendations

- 2.1** It is recommended that the Committee:

- a. note the implementation of Glasgow City Council's LEZ and the impact it will have on non-compliant taxis entering it;
- b. instruct officers to investigate what reasonable and proportionate steps can be taken, if any, to ameliorate the impact of the LEZ and what impact any steps will have on taxi users; and
- c. retain the policy of a 100% wheelchair accessible fleet within the Clydebank Zone.

3 Background

Status of taxis in the Clydebank and Dumbarton and Vale of Leven zones

- 3.1** As Members will be aware, the West Dunbartonshire Council area is made up of two taxi zones: (1) Dumbarton and Vale of Leven; and (2) Clydebank. For historical reasons, policies differ between the two zones, including the availability of wheelchair-accessible vehicles.
- 3.2** The Council requires all taxis licensed to operate in the Clydebank zone to be wheelchair accessible. This has been the case since 1996 following a decision by the then Clydebank District Council. As of today 157 taxis are licensed in the Clydebank zone and 156 of these require to be wheelchair accessible. (One operator has been granted an exemption on health grounds.) At the time of writing this report, 50 of these vehicles are purpose-built vehicles, 75 vehicles are adapted vehicles while 32 licences have no vehicle operating at this moment in time.

- 3.3** 176 taxis are licensed to operate in the Dumbarton and Vale of Leven zone. There are currently 11 adapted wheelchair accessible vehicles, 140 saloon vehicles while 25 licences have no vehicle operating at this moment in time.
- 3.4** Members' predecessors have, over many years, made efforts to increase the number of wheelchair accessible vehicles in the Dumbarton and Vale of Leven zone. These efforts have had limited impact. At a meeting on 14 August 2013, the Committee determined that it would aspire to increase the number of wheelchair-accessible vehicles to 20%. As of today's date, 6% of the taxi fleet is wheelchair accessible.
- 3.5** In order to increase the number of wheelchair accessible vehicles, it is the Committee's policy that all vehicles proposed for use as a taxi or private hire car, within the Dumbarton and Vale of Leven zone, with a carrying capacity of five or more passengers, would require to be wheelchair accessible. There are an additional 11 wheelchair accessible vehicles operating under a private hire car licence within the Dumbarton and Vale of Leven zone.

Glasgow City Council's Low Emission Zone

- 3.6** Glasgow City Council are introducing the LEZ on 1 June 2023. The LEZ covers the city centre of Glasgow and a map showing its extent can be viewed at Appendix 1.
- 3.7** The purpose of the LEZ is to reduce harmful vehicle emissions. These emissions are injurious to persons' health. In particular, levels of nitrogen dioxide that exceed the legal requirements have been recorded in Glasgow city centre. The LEZ will penalise persons driving vehicles not complying with less polluting emission standards.
- 3.8** If a non-compliant vehicle is detected in the LEZ, a penalty charge notice will be issued to the registered keeper of the vehicle. The initial penalty charge will be £60. This initial penalty charge is reduced by 50% if it is paid within 14 days. There will also be a surcharge meaning that the penalty amount will double with each subsequent breach of the rules detected in the same LEZ. There is a cap of £480.

4 Main issues

- 4.1** Emission standards for LEZs in Scotland have been set nationally: Euro 4 for petrol vehicles or Euro 6 for diesel vehicles. In general terms, diesel engine vehicles registered after September 2015 and petrol vehicles registered from 2006 onwards will comply with the LEZ standards.
- 4.2** Officers of the Licensing Section reviewed the information held for licensed taxi vehicles. This review suggests the following:
- 76% of taxis licensed in the Clydebank zone do not comply with the LEZ; and
 - 30% of taxis licensed in the Dumbarton and Vale of Leven zone do not comply with the LEZ (Compliance with the LEZ is determined by engine type and

year, and there is a greater mix of engine type with saloon-type vehicles. Therefore, only a sample of licensed taxis has been checked due to the additional work involved in extracting this information.).

- 4.3** The disparity in the figures is due to the predominance of saloon-type vehicles in the Dumbarton and Vale of Leven zone. It is cheaper to upgrade a saloon as opposed to a purpose-built or adapted taxi vehicle. Therefore, taxi vehicles in the Dumbarton and Vale of Leven zone are newer and more likely to comply with the LEZ standards. Members will note that these vehicles are generally not wheelchair accessible.

Achieving compliance with the LEZ

- 4.4** Taxis can comply with the LEZ in various ways, for example, purchasing an electric vehicle or a vehicle that complies with the Euro 4 or 6 standards, or retrofitting or modifying their taxi. It is recognised that both these options incur a significant cost to the taxi operator.
- 4.5** At a Taxi Forum meeting on 8 March 2023 representatives of the taxi trade told Officers that they face various difficulties securing the purchase of vehicles that are either electric or comply with the Euro 4 or 6 standards. These difficulties range from cost to availability of vehicles (both new and used). The cost of vehicles has increased markedly from last year and wheelchair accessible vehicles ordered now are not being delivered until 2024. It appears that various external factors are impacting on supply.
- 4.6** Officers have corresponded with Transport Scotland officials, and it is noted that the Energy Saving Trust has been established to help micro businesses operating within a 20km radius of a LEZ, to retrofit non-compliant vehicles. In particular, the Low Emission Zone Retrofit Fund provides eligible micro businesses with support to retrofit their existing non-compliant vehicles with approved solutions that meet the minimum proposed standards of the LEZ. Members should note that all funds have been allocated and no further applications are being accepted. It may be that this scheme will reopen in the coming months and Officers have asked Transport Scotland officials to advise of any developments.
- 4.7** Members should note that members of the trade have indicated that the funding available does not provide an adequate level of financial assistance. Taxi owners will still need to make a significant financial contribution to the work required to make their vehicle compliant.

The trade's position

- 4.8** Trade representatives have contacted the Licensing Section seeking the relaxation of the requirement for wheelchair accessible taxis. This would allow purpose built and adapted type taxi vehicles to be replaced with saloon vehicles that comply with the LEZ. This would be more affordable for the trade when compared with the cost of replacing like for like.

- 4.9** Members should note that Officers have not carried out a formal consultation to identify views across the entirety of the trade. However, this matter was discussed at the aforementioned Taxi Forum meeting. Representatives of those who hold taxi licences and taxi driver licences in the Clydebank zone were in attendance. All in attendance who expressed their opinion made clear that they were of the view that the requirement for wheelchair accessible vehicles should be relaxed so to allow the use of saloon vehicles as taxis. Attendees expressed concern as to the viability of operating taxis in the Clydebank zone should the requirement not be relaxed. For the avoidance of doubt, the concern was not only the impact of the LEZ but also the cost of vehicles and parts and the availability of wheelchair accessible vehicles.
- 4.10** Elements of the trade are concerned that the inability to enter the LEZ will mean that they will have to turn down hires and this will have an adverse financial impact on taxi drivers and taxi licence holders.
- 4.11** Officers wrote to trade representatives asking for details of the percentage of trips made to Glasgow City Centre between 01/08/2022 and 31/01/2023 and the number of taxi vehicles that will be incompatible with the LEZ. A small number of responses were received and only from Clydebank based representatives. Respondents advised that between 6.4% and 10% of their trips were to Glasgow City Centre. Respondents also reported that the vast majority of their vehicles would be non-compliant with the LEZ.

Role of a wheelchair accessible taxi

- 4.12** Taxis and private hire cars that are wheelchair accessible vehicles play a vital role in the local transport infrastructure. They allow persons who use a wheelchair or have additional mobility needs to travel from place to place with convenience and in comfort when compared with public transport options such as trains and buses. This is especially true in the context of a taxi fleet that comprises entirely of wheelchair accessible vehicles (such as the Clydebank zone) where a person can hail a taxi at any time and be able to access it using their wheelchair.
- 4.13** In December 2021 the UK Government's Department of Transport published a report entitled "Wheelchair accessible travel - taxi and private hire services" that set out work carried out by Ipsos MORI around the use of wheelchair accessible taxis or wheelchair private hire vehicles in England. This work investigated the experiences and attitudes of people using these modes of transport. While the report is focused on England, the survey was carried out across the United Kingdom and the issues are comparable across the UK.
- 4.14** This aforementioned report found that the percentage of persons travelling by wheelchair in a wheelchair accessible taxi or private hire car was low with 1% reporting travelling this way once a week or more in the past six months and 2% reporting travelling this way once a month or more in the past six months. It should be noted that the low use of wheelchair-accessible taxis and private hire cars may be due to their unavailability across much of the country.

- 4.15** The report further narrated that the survey found that respondents indicated a *"strong preference for travelling by wheelchair accessible taxis and wheelchair accessible private hire vehicles rather than any other mode of transport"*. The reasoning for this preference ranges from the independence that comes with utilising taxis or private hire cars to the *"door-to-door service"*.

Taxi and Private Hire Car Licensing: Best Practice Guidance for Licensing Authorities, Second Edition, April 2012

- 4.16** Members should note that this guidance is currently under review and a third edition is expected to be published later this year. The guidance as of today notes that the Scottish Government welcomes the introduction of policies that increase the provision of wheelchair accessible vehicles. It further notes that given the nature of taxis, i.e. then and there hires, *"it is important that a disabled person should be able to hire a taxi with the minimum of delay or inconvenience, and having accessible taxis available helps make that possible"*.

Equality Act 2010 ("the 2010 Act")

- 4.17** Members will be aware that West Dunbartonshire Council must, when exercising its functions, have due regard to the need to, amongst other matters, eliminate discrimination and advance the equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it ("the public sector equality duty"). When having due regard to the latter aspect of the public sector equality duty, the Council must:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Disability is a protected characteristic in terms of the 2010 Act.

- 4.18** When considering its policy in regard to its requirement for wheelchair-accessible vehicles in the Clydebank zone, Members must have due regard to the public sector equality duty. Eliminating the requirement for wheelchair accessible taxis will likely have an adverse impact upon disabled persons who use a wheelchair as the number of accessible taxis will likely decrease. Therefore, disabled persons who use a wheelchair may be unable to access taxi services when compared to a person who does not share that characteristic, especially when seeking a hire on a there and then hire basis. Further, disabled persons may see a reduction in their participation in public life if they cannot use taxis to travel to and from services and facilities.

4.19 Were any relaxation to be made to the requirement around wheelchair accessible taxis then Members would need to satisfy themselves that this was a proportionate means done for a legitimate aim. Members may in the first instance wish to investigate what impact any relaxation would have on disabled persons.

4.20 Members will note that the number of wheelchair accessible taxis in the Dumbarton and Vale of Leven zone remains low and has done so for a number of years. It appears likely that a relaxation of the requirement for wheelchair accessible vehicles would see only a downward trend in the number of such vehicles being available for hire and pre-booking by wheelchair users.

4.21 As noted elsewhere in this report, the numbers of persons relying on wheelchair accessible taxis make up a small portion of overall fares. It should however be noted that the elimination of a 100% wheelchair accessible fleet will have a significantly disproportionate impact on wheelchair users for various reasons including but not limited to:

1. where every taxi in the licensed area is wheelchair accessible, a disabled person knows that where they require a taxi it will be wheelchair accessible; and
2. the status quo eliminates any difficulties through constrictions on numbers of wheelchair accessible vehicles when booking a taxi. Anecdotally, we understand that in the Dumbarton and Vale of Leven zone, the availability of wheelchair accessible vehicles is constrained around school drop off and pick up times due to contract hires.

4.22 Any revised policy in this regard must be properly assessed against the public sector equality duty by way of an Equality Impact Assessment however it is the view of the Chief Officer that any change to the policy to remove a 100% wheelchair accessible fleet would not survive a challenge under the public sector equality duty and would be seen as a disproportionate and a retrograde step for a public body.

5 People implications

5.1 There are no personnel issues associated with this report.

6 Financial and procurement implications

6.1 Depending upon the course of action agreed (if any) by the Committee there may be financial and procurement implications. For example, the instruction of a third party to carry out a survey will incur a cost.

7 Risk Analysis

7.1 Failing to have due regard to the public sector equality duty may place the Council at risk of criticism and legal action.

8 Equalities Impact Assessment (EIA)

8.1 An EIA requires to be done first to inform the decision.

9 Consultation

9.1 As noted in the report, Officers of the Licensing Section have carried out an informal consultation with licence holders through the Taxi Forum and by email. Depending on the Committee's decision, an additional consultation will be carried out.

10 Strategic Assessment

10.1 This report assists in maintenance of the following strategic priority:

- Our Council is Inclusive and Adaptable.

Alan Douglas
Chief Officer – Regeneration and Regulatory
31 March 2023

Person to Contact:	Michael McDougall Section Head (Licensing) Licensing Team Municipal Buildings College Street Dumbarton G82 1NR michael.mcdougall@west-dunbarton.gov.uk
Appendices:	None
Background Papers:	None

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory & Regeneration****Licensing Committee – 19 April 2023**

Subject: Short-Term Lets Licensing**1 Purpose**

- 1.1** The purpose of this report is to advise the Licensing Committee (“the Committee”) of an extension, approved by Scottish Ministers, for existing hosts to apply for a Short-Term Lets licence and the date by which all Short-Term Let operators must be licensed.

2 Recommendations

- 2.1** It is recommended that the Committee:-
- (a) note the terms of this report;
 - (b) agree to amend any reference to 1 April 2023 within the Committee’s Short-Term Lets Policy to 1 October 2023;
 - (c) agree to amend any reference to 1 July 2024 within the Committee’s Short-Term Lets Policy to 1 January 2025; and
 - (d) to delay the review of its Policy and its implementation from 18 to 24 months from its adoption to 24 to 30 months.

3 Background

- 3.1** The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 introduced a licensed regime for Short-Term Lets. On coming into force on 1 March 2022 the Order required existing operators to have applied for a licence for their Short-Term Let premises by 1 April 2023 and for all Short-Term Lets to be licensed by 1 July 2024.
- 3.2** The Committee, at its meeting on 13 September 2022, adopted a Policy in relation to the licensing of Short-Term Lets. At this time the Committee determined that it would review the Policy and its implementation within the next 18 to 24 months and ensure any issues are raised and managed going forward.

4 Main Issues

- 4.1.** The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) (Amendment) Order 2023 was passed by the Scottish Government and came into force on 31 March 2023. The effect of this Order is twofold: (1) the

date by which existing Short-Term Let hosts must apply to the Licensing Authority for a licence is varied from 1 April 2023 to 1 October 2023; and (2) the date by which all Short-Term Let operators must be licensed is varied from 1 July 2024 to 1 January 2025.

- 4.2. The Committee's Policy now requires to be updated to reflect the new dates outlined at paragraph 4.1 so that applicants and potential applicants have certainty as to what dates applications must be lodged and when all Short-Term Let premises are to be licensed by.
- 4.3. As noted at paragraph 3.2 of this Report, the Committee determined to review the Policy and its implementation within 18 to 24 months of its meeting on 13 September 2022. However, given the aforementioned delay to the date by which existing Short-Term Let operators must submit their application, it may be that the Licensing Section is still processing the initial tranche of Short-Term Let applications within the aforementioned timescale. Issues relating to the Policy and implementation may still to be identified. A slight delay to the timeframe for a review of the Policy and its implementation will allow all issues relating to the licensing regime's implementation to be captured and reflected upon.

5 Options Appraisal

- 5.1. No option appraisal was required for this report.

6 People Implications

- 6.1. There are no personnel issues at this stage.

7 Financial and Procurement Implications

- 7.1. There are no financial and procurement issues.

8 Equalities Impact Assessment (EIA)

- 8.1. No EIA required.

9 Consultation

- 9.1. No consultation required.

10 Strategic Assessment

- 10.1 Licensing plays a key role to make sure our communities are resilient and thriving. Making sure that the Policy reflects the up to date legal position allows applicants to proceed with certainty.

Alan Douglas
Chief Officer – Regulatory and Regeneration
27 March 2023

Person to Contact: Michael McDougall, Section Head (Licensing), Regulatory and Regeneration, West Dunbartonshire Council, Municipal Buildings, Dumbarton G82 1NR
Email: michael.mcdougall@west-dunbarton.gov.uk

Appendices: None

Background Papers: Short-Term Let Policy

Wards Affected: All

