

WEST DUNBARTONSHIRE COUNCIL

SEXUAL ENTERTAINMENT VENUE LICENCE POLICY

April 2023

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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. 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 45A(3)(b) of the Act) and at which sexual entertainment is provided

¹ West Dunbartonshire Licensing Committee meeting on 2 February 2022

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).

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

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

Objections and representations

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).

3.9 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.

3.10 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.

3.11 Objections/representations will be considered by the Committee when considering an application subject to paragraph 3.8.

3.12 All objections or representations received further to a SEV application will be sent to the applicant.

3.13 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.

- 3.14 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.
- 3.15 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.
- 3.16 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.
- 3.17 A copy of the Committee's hearing procedure can be found at Appendix 2.
- 3.18 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.
- 3.19 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.
- 3.20 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 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 following an extensive evidence gathering process determined that the appropriate number of SEVs within each locality of West Dunbartonshire be set at nil (0).
- 4.8 The Committee arrived at the decision set out in paragraph 4.7 having regard to the consultation responses received to the initial consultation

and the latter Policy Statement consultation, as well as their view that it is necessary to regulate such premises to ensure the safety of local residents and performers.

Character and vicinity of relevant locality

4.9 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 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.

4.10 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

- 4.11 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.
- 4.12 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;
 - Keep this Policy under review; and

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>

- 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.

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	The Committee will invite the parties to return to the meeting and the Chair will invite Members to take a decision. 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.

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

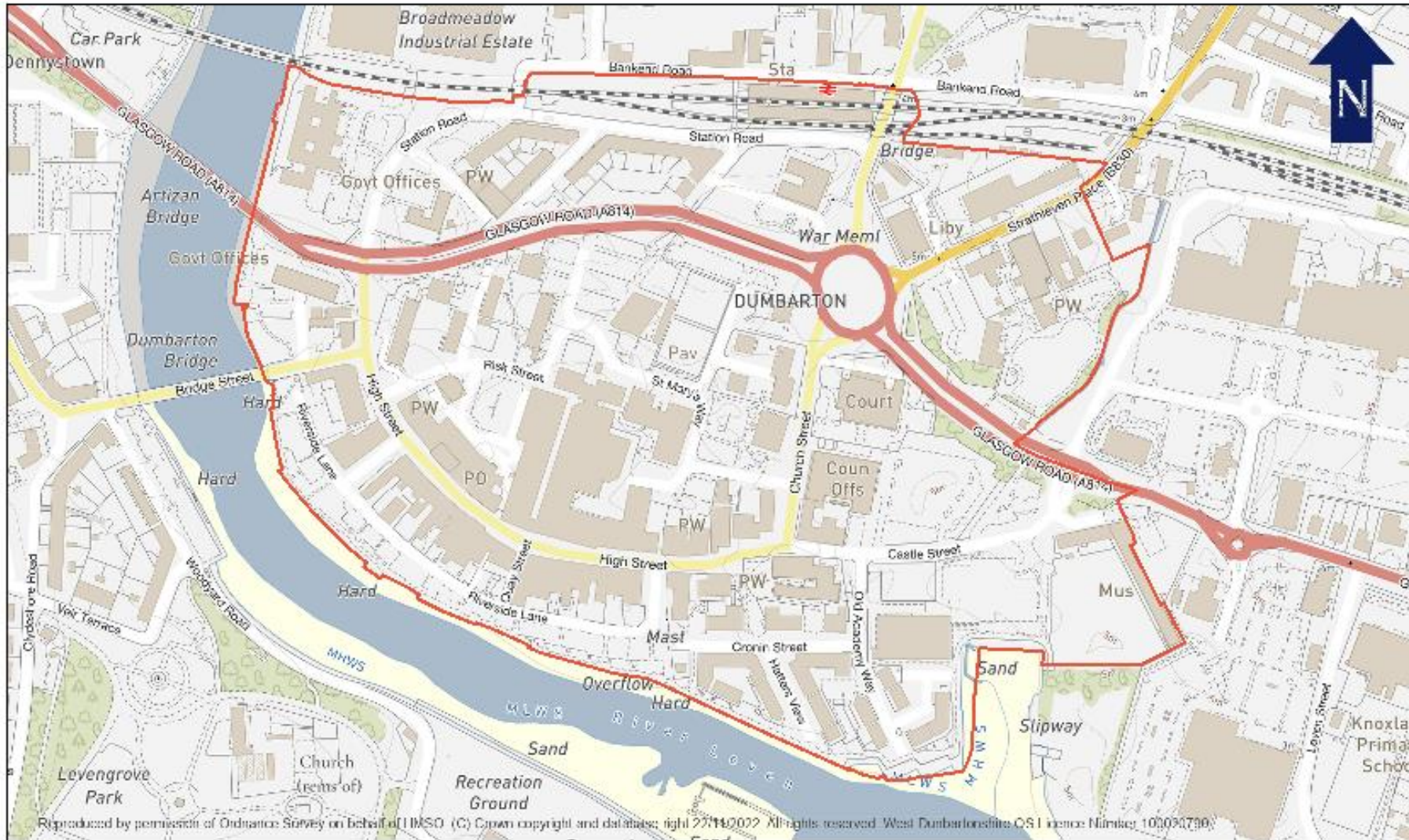
Clerk within 28 days of the date of the decision.

Appendix 3 – Maps of localities

Strategic Town Centres

Dumbarton

Scale: 1:4,000 @A4

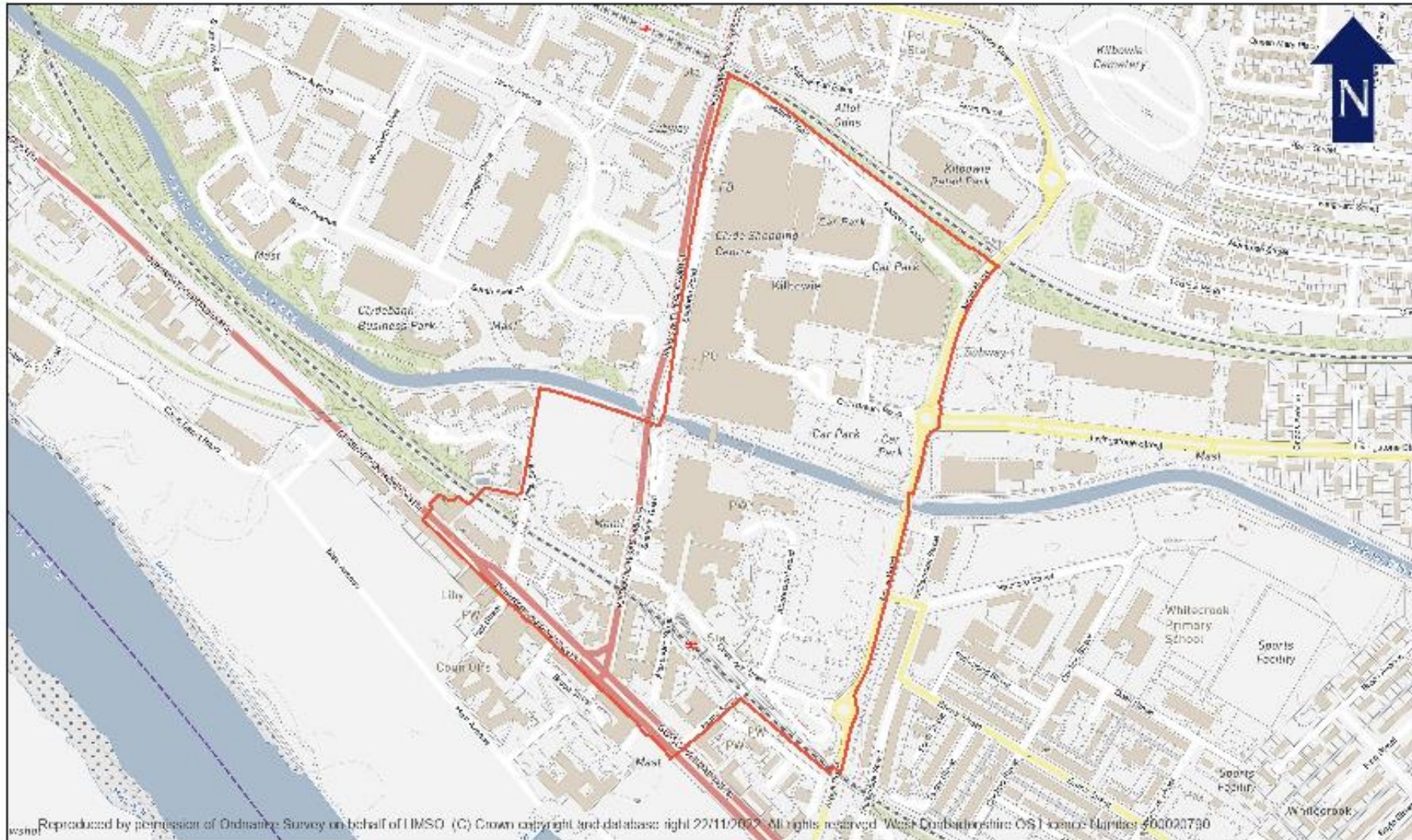


Strategic Town Centres

Clydebank



Scale: 1:6,000 @A4

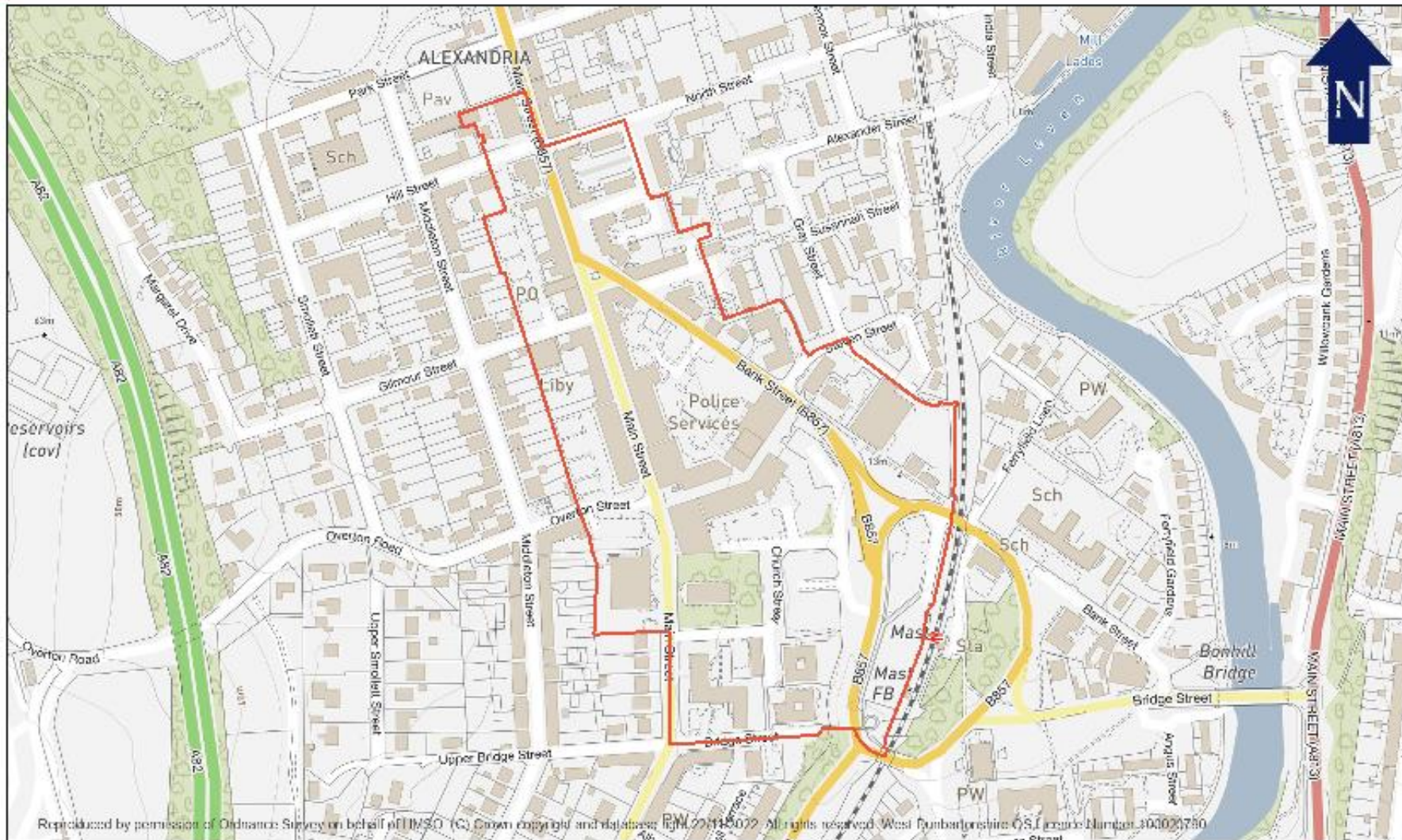


Strategic Town Centres

Alexandria



Scale: 1:4,000 @a4



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- Loch Lomond and the Trossachs National Park
- Council Boundary

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Arabic

هذه الوثيقة متاحة أيضا بلغات أخرى والأحرف الطباعية 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 formie 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.

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