

# **Inverclyde Council**

## **Licensing Policy Statement on the Licensing of Sexual Entertainment Venues (“SEV Policy Statement”)**

**Section 45C of the Civic Government (Scotland) Act 1982**

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## **1 Introduction**

- 1.1 This policy statement sets out the Council's approach to the regulation of Sexual Entertainment Venues ("SEVs") in Inverclyde, guidance, application process and terms and conditions relating to the regulation of Sexual Entertainment Venues ("SEVs") in Inverclyde.
- 1.2 The Air Weapons and Licensing (Scotland) Act 2015 amended the Civic Government (Scotland) Act 1982 with the effect of removing adult entertainment from the scope of the Public Entertainment and Liquor licensing regimes. The Act introduced a new, separate licensing regime for SEVs. The regime is discretionary and it is for individual local authorities to determine whether to pass a resolution to licence SEVs in their area.
- 1.3 The Council has passed a resolution to licence SEVs in Inverclyde, with effect from 9 June 2022, in order that both performers and customers benefit from a regulated environment. The Council believes that introducing this licensing regime promotes securing public safety and preventing crime and disorder.
- 1.4 The Council's view is that if SEVs are not licensed in Inverclyde this activity would be unregulated and due to not being controlled could have a detrimental impact on public safety, local businesses and from those involved in these types of activities.
- 1.5 The Council's key aims in licensing SEVs are to:
  - Prevent public nuisance, crime and disorder;
  - Secure public safety;
  - Protect children and young people from harm; and
  - Reduce violence against women.

## **2 Legislation**

The legislative provisions in relation to SEVs are contained within sections 45A to 45F and Schedule 2 of the Civic Government (Scotland) Act 1982. This legislation can be viewed free of charge at the below link:

<https://www.legislation.gov.uk/ukpga/1982/45/contents>

## **3 Implementation of relevant legislation in Inverclyde**

In Inverclyde, the new system has been implemented as follows:

- 26 April 2019 – the SEV provisions commenced in Scotland;
- 09 December 2020 – Inverclyde Council's General Purposes Board authorised the Head of Legal and Property Services to carry out a public consultation in respect of the proposed licensing of SEVs in order to gather the views of the local community in determining whether SEVs should be licensed in Inverclyde;
- The abovementioned consultation exercise was carried out between 21 December 2020 and 12 February 2021;
- 09 June 2021 – the General Purposes Board considered the responses received to the abovementioned consultation and passed a resolution to licence SEVs in Inverclyde, with effect from 09 June 2022. The Board also authorised

the Interim Head of Legal Services to carry out a second public consultation regarding the terms of a draft SEV policy statement;

- The second public consultation was carried out between 23 November 2021 and 18 March 2022;
- 13 April 2022 – the General Purposes Board considered the responses received to the second public consultation and approved the SEV Policy Statement for Inverclyde;
- 09 May 2022 – public notice of the resolution and draft policy statement published;
- 09 June 2022 – Inverclyde Council SEV regulatory and licensing system commences.

#### **4 Which premises require a Licence?**

4.1 A Licence is needed for a “Sexual Entertainment Venue” unless the rules about “Occasional Use” or “Waivers” apply (see parts 9 and 10 below).

4.2 A “Sexual Entertainment Venue” (SEV) 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’. (Section 45A(2)).*

*“Premises” includes any building, vehicle, vessel or stall, but not a private dwelling to which the public is not admitted’. (Section 45A(3)(b)).*

4.3 Important definitions in the legislation are explained in Annex 1:

“Definitions”:

- (a) “Sexual Entertainment”
- (b) “Display of Nudity”
- (c) “Audience”
- (d) “Organiser”
- (e) “Financial Gain”

4.4 The following premises are not sexual entertainment venues:

- (a) Sex shops and sex cinemas (which are separately defined in Schedule 2 of the 1982 Act).
- (b) Premises which provide relevant entertainment on an infrequent basis, further explained at Part 9 – “Occasional Use”.

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

## **5 Making an Application for Licence or Waiver**

- 5.1 The application must be in writing, giving the information, declaration and plans described in the Application Form in **Annex 2**.
- 5.2 See **Annex 3** for Guidance Notes and **Annex 4** setting out the Procedure with which Applicants must comply prior to applying to the Council, and when applying, including notifying those parties named as Consultees in paragraph 1 of Annex 4, and afterwards.
- 5.3 The Council will advertise and consult third parties on the Application.
- 5.4 Unlike Applications for the grant or renewal of other types of Licence, Applications for the grant or renewal of SEV Licences and for waivers will be referred to the General Purposes Board of Inverclyde Council for determination. Delegated Powers will not be used.
- 5.5 The Applicant and any third party who has stated objections or representations will be invited to attend the Committee dealing with the application.
- 5.6 The General Purposes Board will not determine an Application until it is satisfied that the Applicant has completed the procedure (for example, providing the Council with a completed Compliance Notice confirming the display of the Site Notice, publication of Notice, as appropriate, and notification to consultees). (See **Annex 3** – “Guidance Notes” and **Annex 4** for “Application Procedure and Application Consultees” in paragraph 1 thereof).
- 5.7 In deciding whether or not to grant or renew a Licence or Waiver, the General Purposes Board when considering an application will take into account the following:
- Any objections or representations
  - This Licensing Policy Statement, and number of SEVs approved by the Council in all locality areas in Inverclyde
  - The statutory criteria (see **Annex 5** – “Legal Test”)
  - Scottish Government Guidance
  - Any other relevant considerations, subject to the number of SEVs approved by the Council
- 5.8 Applicants should refer to Part 6 – “Policy of Inverclyde Council” and Part 11 – “Renewal of Licences”.
- 5.9 Any Licence or Waiver will be subject to Conditions (see **Annex 6** – “Standard Conditions”).
- 5.10 Licences will generally be issued for 1 year but can be of shorter duration if the Council deems this appropriate (Schedule 2, Paragraph 12 of the 1982 Act). The Licence will state the Expiry Date. The duration or a waiver will be considered and determined on an individual basis.

## **6 Policy of Inverclyde Council**

### **6.1 The SEV legislation is related to the Scottish Government Policies:**

‘Equally Safe: Scotland’s strategy for preventing and eradicating violence against women and girls’

<https://www.gov.scot/publications/equally-safe-scotlands-strategy-preventeradicat-violence-against-women-girls/>

‘Human Trafficking and Exploitation Strategy’

<https://www.gov.scot/publications/trafficking-exploitation-strategy/>

The Council endorses the objectives of those Policies.

### **6.2 In preparing this SEV Policy Statement, the Council has fulfilled its duties under Section 45C(3) of the 1982 Act to:**

(a) Consider the impact of the licensing of Sexual Entertainment Venues in their area, 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,

and

(b) Consult such persons or bodies as they consider appropriate (see **Annex 7** – list of consultees).

### **6.3 The Council has complied with the duty by consulting, taking representations from the consultees and by considering how it can exercise its functions so as to advance the above statutory objectives. The primary purpose of this SEV Policy Statement is to ensure that Inverclyde Council promotes those objectives in exercising its licensing functions.**

### **6.4 The Council has set out Standard Conditions required to assist compliance with the licensing objectives. (See **Annex 6** – “Standard Licensing Conditions”). The Council has discretion to apply additional conditions to a SEV Licence. In doing so, the Council must have regard to how such additional conditions relate to the mandatory conditions set out in the 1982 Act, Regulations, Orders or other instruments set out in terms of the Act.**

## **7. Number of Sexual Entertainment Venues**

### **7.1 The Council is required to set the number of SEVs permitted in their area and for each relevant locality.**

- 7.2 The basis of this limit is that the Council is entitled to refuse an application for the grant or renewal of a licence on a number of grounds including that the number of SEVs in the local authority area or 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 their area or that locality. The Council is able to determine that the appropriate number for a locality is nil.
- 7.3 Upon careful consideration of the responses received to the public consultation, and balancing respective interests, the Council have determined that the appropriate number of SEVs within the entirety of Inverclyde will be set out at **zero**.
- 7.4 Inverclyde's mix of densely populated urban areas, coastal and rural villages and countryside over a relatively small area of 62 square miles is unique to the west of Scotland (Inverclyde Partnership Plan 2023 - 33).
- 7.5 Inverclyde covers the whole of the villages of Kilmacolm and Quarriers Village, the whole of the towns of Port Glasgow, Greenock and Gourock and the whole of the village of Inverkip and the settlement of Wemyss Bay. As at 30 June 2023 Inverclyde had an estimated population of 78,330.
- 7.6 The localities of Kilmacolm, Quarriers Village, Inverkip and Wemyss Bay are small villages with populations of 4,000, 700, 3,000 and 2,500 respectively. They are each distinctive in character. Kilmacolm has a Victorian town centre which is the location of the Community Centre and library. Quarriers Village is almost entirely comprised of residential property in a conservation area developed from an orphans' village. Inverkip has a traditional village centre along a main street in close proximity to a children's nursery, residential and retail units and the Kip Marina. Wemyss Bay, is largely residential in nature with some commercial units and is the terminus for the railway line from Glasgow and terminal for ferry services to the Isle of Bute. The nature of SEVs and the impact that they and their customers can have in each of these localities would significantly distort the character of these communities. In these smaller communities it would be extremely difficult to identify premises that would not be in close proximity to the areas mentioned in the guidance to the act such as residential areas, places of worship, schools, including the routes to and from school regularly used by children. Accordingly, following evidence gathering it is considered that the number of SEV premises should be nil.
- 7.7 Port Glasgow and Greenock are towns with estimated populations of 15,000 and 43,000 respectively and about 35 places of worship respectively. Greenock is Inverclyde's administrative centre and is the main retail and commercial centre. Port Glasgow is the second largest town in Inverclyde. Both town centres are located in areas populated with residential housing and retail units and are in close proximity to places of worship, schools and other sensitive premises. It is considered that the appropriate number of SEV premises licensed in Port Glasgow and Greenock be nil.
- 7.8 Gourock is a small town with an estimated population of approximately 10,000. The town centre is home to a number of independent traders and draws visitors from across Inverclyde and beyond, in addition to being a residential area. It is a popular destination for families due to its cafes and sea front and would be considered an inappropriate location for an SEV. It is considered that the appropriate number of SEV premises in Gourock be nil.

- 7.9 The Council arrived at the decision set out at paragraph 7.3 above having regard to consultation responses received in response to previous consultations and the most recent consultation which was conducted from February to April 2025. As a result of this decision the Board must refuse an application for a SEV if it is satisfied that the number of SEVs in the relevant locality at the time a particular application is made is equal to or exceeds the number which the Board considers appropriate for that locality. Where a number is set, the Council has no discretion in determining an application that would exceed the limit, and the application must be refused.

## **8. Locality**

- 8.1 The Council considers that the character of the relevant locality, the use to which premise in the vicinity are put, and the layout, character or condition of the venue in respect of which the application is made, are relevant considerations when determining the grant of a SEV licence. These matters will be considered by the General Purposes Board.

- 8.2 With reference to paragraph 9(7) of Schedule 2 of the 1982 Act, “relevant locality” means:

- i) In relation to premises, the locality where they are situated;
- ii) In relation to a vehicle, vessel or stall, any locality where it is desired to use it as a SEV

## **8.3 Character and Vicinity of the Relevant Locality**

In considering whether the grant, renewal or variation of the licence would be inappropriate given the vicinity in which the SEV premises operates, the Board shall consider the existing character and function of the area. Having regard to the Scottish Government guidance, due consideration will be given to the following:

- a. Whether the premises are situated in a residential area
- b. Whether there are any schools and other places of education near the vicinity of the premises
- c. Whether there are any places of worship in that vicinity
- d. Whether there are other relevant businesses or charities operating in the area, such as homelessness shelters, women’s refuges, supported accommodation and recovery units
- e. Whether there are certain landmarks or facilities in the vicinity (such as, historic buildings, sports/cultural facilities, family leisure facilities, play areas or parks, retail shopping areas and places of commemoration
- f. Whether there have been incidents involving anti-social behaviour, sexual assaults or more harassment reported in that area and/or in connection with the premises
- g. Whether there have been incidents of human trafficking or exploitation in that area and/or in connection with the premises.



## **9. Suitability of Premises**

- 9.1 Under the 1982 Act the Board 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.

## **10. Premises with other Licences (Alcohol or Public Entertainment)**

- 10.1 If a premises is licensed under the Licensing (Scotland) Act 2005, it is not sufficient for that premises to state that "Adult Entertainment" is permitted. If such entertainment is being provided, an SEV licence will be required.

It is not enough for the Operating Plan in the Premises Licence to state that "Adult Entertainment" is permitted.

- 10.2 If a premises which is licensed for the sale of alcohol is organising "sexual entertainment" (as defined in the legislation) to take place within the premises, they will need to obtain an SEV licence. Their alcohol premises licence will only cover the sale of alcohol.
- 10.3 If the premises take a booking where "sexual entertainment" might happen, that premises should advise those booking that such entertainment is prohibited. An SEV Licence is required if "sexual entertainment" is provided (or allowed to be provided) by or on behalf of the organiser.
- 10.4 If "sexual entertainment" happens on premises where no SEV has been obtained and there has been no Waiver granted, the Premises Manager and the Premises Licence Holder can be prosecuted for not having an SEV licence. This could result in the premises and personal licences being reviewed by the Inverclyde Licensing Board which could lead to a suspension or revocation of the licence.
- 10.5 It is also not sufficient for Adult Entertainment to be licensed under a Public Entertainment Licence.
- 10.6 All of the above within this section is subject to the Occasional Use Exemption in section 11 of the Policy.

## **11. Occasional Use ("the 4 in a year exemption")**

- 11.1 Premises can be used for "sexual entertainment" for a proposed event which does not exceed the duration of 24 hours as long as the premises has not been used for "sexual entertainment" on more than 3 previous occasions in the past 12 months. This means that a fourth occasion within 12 months is permitted but any more than this would not be permitted.
- 11.2 Each occasion must last no more than 24 hours. If any occasion lasts more than 24 hours, each period of 24 hours will be deemed to be a separate occasion.
- 11.3 The rule does not relate to the calendar year and therefore, to work out how many occasions have taken place, you must count back 12 months from the last occasion.

- 11.4 The person responsible for the premises and any occasional entertainment must inform Police Scotland and Inverclyde Council's Licensing Section prior to using this exemption.

## **12 Waivers**

- 12.1 The Board will not normally grant a waiver for a licence. The Board has set a nil limit in relation to SEVs in all localities throughout Inverclyde.

- 12.2 For at least 21 days before applying to the Council the operator must display a "Notice of Application" at or at near the proposed Premises stating that they are proposed to be used as a Sexual Entertainment Venue, and stating:

- the proposed dates of operation, and
- the proposed times of operation.

After that period, the operator must give to the Council a Certificate of Display confirming display for that period.

Both the Notice of Application and Certificate of Display are available to download from the Council's website.

- 12.3 The Application for a waiver:

- Must be in writing;
- Must contain a copy of the Site Notice;
- Must contain the same information and include a Layout Plan and Location Plan as if the operator was applying for a Licence (see **Annex 2**).

- 12.4 The Council will –

- Copy the Application for a Waiver to the Police and other consultees as set out in **Annex 4**
- Put a public notice on its website.

- 12.5 An application for a Waiver or Licence will be considered at a meeting of the General Purposes Board. The Committee will not consider an application until the Committee has received the Certificate of Display.

- 12.6 . The General Purposes Board will take into account:

- Any objections or representations;
- This Licensing Policy Statement and the Board's decision to set the level of SEVs in the entire Inverclyde area at nil;
- Scottish Government Guidance;
- Any other relevant considerations.

- 12.7 The General Purposes Board will consider each application on its merits but its general approach will be that waivers will only be granted in exceptional circumstances. .

- 12.8 If a Waiver is granted, it will be granted for the duration of 12 months.
- 12.9 The Waiver will have the same conditions that an SEV licence would have (see **Annex 6** for the Standard Conditions). The only condition which will not apply and will be altered will be in relation to the requirement to display a Notice.
- 12.10 Police Scotland will be advised where a Waiver has been granted.
- 12.11 It is not possible to apply for a Renewal of a waiver. Once it expires, the premises can only be used if a further Waiver is granted or if an SEV licence is obtained.
- 12.12 A Waiver can be terminated by the Council and the Council will notify Police Scotland if the Waiver is terminated.

### **13. Renewal of Licences**

- 13.1 If a licence holder applies for renewal of an SEV licence before the expiry date, the licence will remain in effect until a final decision on the Renewal application has been made.
- 13.2 If the expiry date has already passed when the applicant makes a renewal application, this will be treated as an Application for a new grant of licence unless the following conditions are met:-
- the application is made no later than 28 days after the expiry date; and
  - the council is satisfied that there is good cause to accept a late application.
- 13.3 The applicant should state in writing if there is good reason to accept the late.
- 13.4 The procedures for a Renewal Application are the same as they are for a New Grant of a Licence, but the Licence is not guaranteed to be renewed - the Local Authority is not obliged to grant a renewal. The Council will take into account the operation of the Premises during the previous Licence period(s), and any allegations of offences and/or breaches of Licence Conditions.
- 13.5 Unlike Applications for the grant or renewal of other types of Licence, Applications for the grant or renewal of SEV Licences will be referred to the General Purposes Board, and Delegated Powers will not be used.

### **14. Revocation of Licence**

- 14.1 The Council may at any time revoke a Licence under the legislation on the basis that:-
- a) One of the grounds of refusal applies (See **Annex 5**);
  - b) In their opinion, any of the grounds relating to the fitness of the Licence Holder or anyone involved with the licence apply;
  - c) A condition of the licence has been contravened.

## **15. Objections and Representations**

- a. Third parties are able to make objections and representations in relation to the application for grant or renewal of an SEV and a Waiver application.
- b. Any objection or representation made should be specific and state clearly the legal ground for the objection or representation. The grounds are set out in the Civic Government (Scotland) Act 1982 at Schedule 2, paragraphs 9(4) to 9(6).
- c. Any objection or representation which is not specific or where the legal ground is not stated clearly as set out in the Civic Government (Scotland) Act 1982 at Schedule 2, paragraphs 9(4) to 9(6) is unlikely to be accepted as a valid objection or representation.
- d. The applicant is entitled to fair notice of complaints and the objector should expect to be able to answer questions in relation to the complaint if there are factual disputes involved.
- e. The objections and representations must relate directly to the Civic Government (Scotland) Act 1982 legislation and must relate to the application for an SEV.
- f. The General Purposes Board will make the final decision in relation to whether the SEV licence is granted based on all of the circumstances and after considering the merits of the application.

## **16. Consultation**

- a. This is the Council's second SEV Policy Statement. Consultation on this SEV Policy Statement took place between 12 February and 14 April 2025. The Policy, including the zero SEV policy, will be kept under review and revised if appropriate.
- b. Inverclyde Council adopted the Policy at the meeting of the General Purposes Board on 14 May 2025.
- c. Any comments you may wish to make on this Policy can be submitted to [licensing.section@inverclyde.gov.uk](mailto:licensing.section@inverclyde.gov.uk).
- d. A copy of this Policy Statement will be available for public inspection during normal office hours, free of charge at Inverclyde Council Customer Service Centre, Municipal Buildings, Clyde Square, Greenock PA15 1LY and on the Council's website.
- e. Any personal information collected will be held in accordance with the requirements of data protection legislation.

## **Annex 1: Definitions**

**“premises”** - any building, vehicle, vessel or stall, but not a private dwelling to which the public is not admitted;

**“SEVs”** - any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser;

**“Sexual entertainment”** –

- (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);

**“Display of Nudity”** –

- (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.

**“Audience”** - this can include just one person so one to one performances are included within the scope of the legislation and would require a licence.

**“Organiser”** –

- (a) The person (“A”) who is responsible for –
  - (i) the management of the Premises, or
  - (ii) (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;

**“financial gain”** – includes financial gain arising directly or indirectly from the provision of sexual entertainment;

## **Annex 5 Statutory Criteria including Grounds for Refusal**

1. These are stated in the Civic Government (Scotland) Act 1982, Schedule 2, paragraph 9.

There are two types of Grounds of Refusal:

- (a) **Mandatory Grounds of Refusal:** if these exist, the Council automatically refuses the Licence Application - it has no choice (see "Mandatory Grounds of Refusal" below);
  - (b) **Discretionary Grounds of Refusal:** these are possible reasons for the Council to grant or refuse a Licence, so the Council will hold a Hearing attended by the Licence Applicant, the Police, and anyone who has stated objections or representations (such as local residents), and after hearing from everyone the Council will decide whether or not to grant the Licence (see "Discretionary Grounds of Refusal" below).
- 2 The legislation sometimes refer to a "Sex Shop" instead of a "Sexual Entertainment Venue". The reason for this is that the 1982 Act has always had a system of licensing "Sex Shops", and when the new provisions about "Sexual Entertainment Venues" were to be introduced, the Scottish Parliament did this by modifying the existing system rather than by creating a separate system. This was done by Section 45B(6)(a) of the 1982 Act, which is:

"(a) references to a Sex Shop are to be read as references to a Sexual Entertainment Venue".

### **Mandatory Grounds of Refusal**

These are set out in Paragraph 9(3). Because the legislation says "A licence under this Schedule shall not be granted ..." the Council has no choice. They must refuse the Application if any of these apply:

- (a) the Applicant is under the age of 18;
- (b) the Applicant is disqualified from holding a SEV Licence;
- (c) the Applicant has been convicted of an offence relating to the enforcement of SEV Licensing legislation;
- (d) the Applicant has not resided in the United Kingdom for at least 6 months (or, if a Company, is not registered in the U.K.);
- (e) the Applicant has been refused a SEV Licence in the past 12 months.

### **Discretionary Grounds of Refusal**

In determining whether or not the Applicant or anyone associated with the Applicant is a fit and proper person to hold the Licence, the considerations for the Council will include:

- a) The relevant knowledge and experience possessed by that person;
- b) Any evidence of the operation of any existing or previous licence(s), whether or not relating to SEVs, including any licence held in any part of the United Kingdom;
- c) Any Objections or Representations.

## **Annex 6 Standard Conditions**

### Status of Conditions

Both the Standard Conditions and any Special Conditions are subject to any Mandatory Conditions prescribed by the Scottish Ministers under Section 45E.

Any SEV Licence may also be subject to additional conditions as determined by the Council in relation to a particular SEV licence.

Any SEV Licence will have the following Standard Conditions made by the Council under Section 45F.

### Definitions

"Performer" - a person who is engaged to provide "Sexual Entertainment";

"Customer" - a person who is on the Premises but does not work for the Organiser;

"Premises Manager" - a natural person (not a company or partnership) so named on the Licence (or an "Acting Premises Manager" authorised under Condition 11). The Premises Manager is treated as a Joint Holder of the Licence and will be named in the Licence document.

## **1 Records and copy documents**

1.1. Where these Conditions require the keeping of records and copy documents, these must be kept in writing or on computer.

1.2. The Licence-Holder must ensure that at all times:

- these things are available for viewing by the Police, the Civic Licensing Standards Officer, and any other authorised Council officer on request;
- there is a member of staff who is able to access these things, display them (if on computer or television monitor), and make copies.

1.3 Where these Conditions require that records and copy documents should be kept, these things should be kept for 12 months beginning:

- (a) If relating to a Performer or other member of staff, when that person stopped working on the Premises;
- (b) If relating to a customer, when that person was admitted to or excluded from the Premises;

or, if less, 12 months after the event recorded.

Those records and copies shall be available to the Police, the Civic Licensing Standards Officer and any other authorised Council officer on request at all times.

## **2. Notices**

Where these Conditions require the display of a Notice, Licence or other document, that thing must be

- on A4-sized paper (or larger);
- printed legibly or typed in black ink;
- in a font size of 16 points or larger
- placed in a conspicuous and well-lit place where all Customers, Performers and staff can easily read it.

## **3 Incident log**

The Licence-Holder must keep an incident log of:

- a) all alleged crimes reported to the venue;
- b) all ejections of Customers;
- c) any complaints received from anyone;
- d) any incidents of disorder;
- e) seizures of drugs or offensive weapons;
- f) any faults in the CCTV system or searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol;
- h) any visit by the Council, Police Scotland or any other statutory service;
- i) any breach of licence conditions reported by a Performer.

## **4 CCTV**

4.1 There must be continual CCTV coverage while the Premises are open to the public of:

- (a) all areas inside the Premises (not just performance areas) and
- (b) of the areas outside the Premises near any Customer entrance to the Premises.

4.2. The CCTV must make recordings capable of providing pictures of evidential quality in all lighting conditions and must allow for facial recognition.

4.3. CCTV recording equipment, tapes or discs shall be kept in a secure environment under the control of the Licence-Holder or Premises Manager.

4.4. The CCTV recordings shall be retained for at least thirty (30) days (and, if requested by the Police, for such longer period or until such event as they specify).

4.5. The Licence-Holder must ensure that at all times (whether or not the Premises are open to the public) there is a member of staff who is able to access CCTV recordings, display them and make copies if requested these to the Police or other officers.

## **5 Staff Records etc.**

5.1 The Licence-Holder must, before allowing a Performer to work on the Premises, make a record of the following details of that Performer:

- full name, and any alias or stage name;
- address;
- telephone number;



- date of birth;
  - place of birth.
- 5.2 If the Performer has a current Passport issued in the United Kingdom, the Licence-Holder must, before allowing the Performer to work on the Premises, keep a copy.
- 5.3 If the Performer does not have a current Passport issued in the United Kingdom, the Licence-Holder must, before allowing the Performer to work on the Premises, both:
- (a) make a copy of the Performer's any official documents (such as Passport, Visa, EU driving licence, or National Identity Card; and
  - (b) contact the Home Office and obtain written confirmation that the Performer has a right to work in the United Kingdom.
- 5.4 In either case the Licence-Holder must keep copies of any documents inspected.
- 5.5 The Licence-Holder must use his/her best endeavours to actively seek to identify Performers who may have been the victim of human trafficking.
- 5.6 The Licence-Holder must keep a Staff Register for each day that the Premises are open to the public, recording (for each member of staff, including Performers):
- the person's name;
  - the person's address;
  - what time the person's duty started;
  - what time the person's duty ended.

## **6 Welfare of Performers**

- 6.1 The Premises shall provide private spaces for Performers to use when not working. These spaces must have:
- lockable doors;
  - the provision of hygienic changing and showering facilities;
  - a toilet with access to hot water exclusively for the use of the Performers;
  - prominent "Staff Only" sign-posting.
- 6.2 No locks or fastenings shall be fitted to any public area of the Premises (other than toilet cubicles). No private secluded booths or areas will be made available on the premises.
- 6.3 The Licence-Holder must set break times for Performers.
- 6.4. The Licence-Holder must arrange for Performers to be escorted by security staff to a nominated taxi or to their car at the end of shift.
- 6.5 The Licence-Holder must ensure that Performers are always appropriately dressed when not in the performance area.
- 6.6 The Licence-Holder must allow Performers access to medical checks and sexual health advice on the Premises.
- 6.7 The Licence-Holder must keep the Premises clean and tidy.

## **7 First Aid**

- 7.1. The Premises must have a First-Aid Kit and this should be readily-accessible to anyone on the Premises, whether Customers, Performers or other staff.
- 7.2. A member of staff (not a Performer) qualified in First Aid should be on duty in the Premises at all times that they are open to the public.

## **8 Stewards**

The Licence-Holder must, before allowing a steward to work on the Premises, make a copy of his/her SIA authorisation and keep it. All stewards must hold current SIA authorisations.

## **9 Customers**

- 9.1 The Licence-Holder must display on the exterior of the Premises at each Customer entrance, in a position where they may be easily read by people outside the Premises, Notices stating:

"This is a Sexual Entertainment Venue. None under 18 can enter. The premises are monitored by CCTV. The Premises are licensed by Inverclyde Council".

- 9.2. The Licence-Holder must display within the Premises, at each Customer entrance, Notices stating:

"Rules for Customers"

Any Customer breaking any of these rules will be excluded from the Premises and barred permanently.

- (a) there must be no physical contact between Customers and Performers with a distance of at least 1 metre being observed at all times;
- (b) Customers must not enter any 'staff-only' area
- (c) Customers must remain fully clothed at all times;
- (d) Customers must not seek sexual favours or offer Performers payment in return for sexual favours;
- (e) Customers must not offer their contact details to Performers or ask for any form of contact details from Performers;
- (f) Customers must not engage in any unlawful activity on the Premises;
- (g) Customers must not take photographs or video recordings of the Performers (whether they consent or not).

- 9.3 The Licence-Holder must eject any Customer who breaks any of these rules and bar him/her from the Premises permanently.
- 9.4 The Licence-Holder must keep a written record of the name, address and date of birth of any Customer ejected and barred, with the date and time the Customer was ejected and the reason for this.

## **10 Age Limit**

- 10.1 No person under the age of 18 years of age (whether a Customer or a Performer) shall be admitted to or allowed on the Premises.
- 10.2 Before admitting a Customer to the Premises, the Licence-Holder must carry out the same age verification processes which are required before alcohol is sold on Premises Licensed under the Licensing (Scotland) Act 2005.

## **11 Premises Manager**

- 11.1 The Licence will name a natural person (not a company or partnership) to be "Premises Manager".
- 11.2 The Premises Manager will have day-to-day responsibility for the Premises and for compliance with the Licence Conditions and any other legal obligations.
- 11.3 The Premises Manager must be on the Premises at all times that they are open to the public;

except that:

the Premises Manager or the Licence-Holder may authorise, in writing, another natural person to be "Acting Premises Manager" for a maximum period of thirty (30) continuous days, provided that the total days authorised do not exceed sixty (60) days per calendar year (1 January to 31 December). That person will have all the responsibilities of the Premises Manager. Both the Licence-Holder and the Premises Manager will be responsible for that Acting Premises Manager.

- 11.4 The Licence-Holder will be held responsible for any conduct or omission by the Premises Manager or the Acting Premises Manager.

## **12 Management**

- 12.1 At all times that the Premises are open to the public, the Licence (or a copy of it certified by the Council) will be displayed prominently on the Premises.
- 12.2 The Premises must only be used in accordance with the Layout Plan and during the Licensed Hours stated in the Licence. The Premises must not exceed the Customer capacity stated in the Licence.
- 12.3 No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the Premises shall be made without the prior written approval of the Council.
- 12.4 The Licence-Holder must notify the Council in writing within seven days if the Licence-Holder or any person working on the Premises is charged or convicted of any crime or offence, wherever the incident leading to the prosecution is alleged to have happened.
- 12.5 The Premises shall be screened from outside so that no-one outside can see inside.
- 12.6 The Licence-Holder shall not display outside the Premises, or on any advertising material, photographs or other images which indicate that Sexual Entertainment can be seen on the Premises.

- 12.7 No-one concerned in the conduct or management of the Premises (the Licence-Holder, Premises Manager, Performers and other staff) shall seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.

## **Annex 7**

### **List of Consultees in connection with Inverclyde Council's SEV Policy Statement**

Ardgowan Parish Church  
Church of Scotland  
Elim in Scotland  
Freeland Church  
Grace Church Kilmacolm  
Greenock Baptist Church  
Greenock East End Church  
Greenock Elim Church  
Greenock Free Church  
Greenock West United Reformed Church  
Hamilton Bardrainney Kirk  
Holy Family RC Church  
Inverkip Parish Church  
Kilmacolm Old Kirk  
Lyle Kirk  
Port Glasgow New Parish Church  
Old Gourock & Ashton Church  
Scottish Episcopal Church  
St Andrew's RC Church  
St Columba Church of Scotland  
St Fillan Scottish Episcopal Church  
St John The Evangelist  
St John's Church  
St John The Baptist RC Church  
St Joseph's RC Church  
St Joseph's RC Church  
St Laurence's Church  
St Machar's Ranfurley Church  
St Margaret's Church  
St Martin's Church  
St Mary's Episcopal Church  
St Mary's Rectory  
St Mary's RC Church  
St Ninian's RC Church  
St Patrick's RC Church  
Struthers Memorial Church  
The Mount Kirk  
Wellpark Mid Kirk  
Westburn Parish Church  
Larkfield/Braeside/Branchton Community Council  
Greenock West/Cardwell Bay Community Council  
Greenock South West Community Council  
Greenock East Community Council  
Port Glasgow West Community Council  
Port Glasgow East Community Council  
Gourock Community Council  
Kilmacolm & Quarriers Village Community Council  
Inverkip Wemyss Bay Community Council  
Environmental & Public Protection Service

Inverclyde Adult Protection Committee  
Inverclyde Child Protection Committee  
Police Scotland  
Scottish Fire & Rescue Service  
Violence Against Women Multi Agency Partnership