
Report To:	General Purposes Board	Date:	14 May 2025
Report By:	Head of Legal, Democratic, Digital & Customer Services	Report No:	LS/037/25
Contact Officer:	Anne Sinclair	Contact No:	01475 712034
Subject:	Review of the Sexual Entertainment Venue Policy Statement		

1.0 PURPOSE AND SUMMARY

1.1 ☒ For Decision ☐ For Information/Noting

- 1.2 The purpose of this report is to update members of the General Purposes Board on the outcome of the public consultation exercise in relation to review of the Council's Sexual Entertainment Venue (SEV) Policy Statement and to request that the Board now considers what revisions, if any, require to be made to the Policy Statement in light of the consultation responses.
- 1.3 The Council's current SEV Policy Statement was approved by the General Purposes Board at its meeting on 13 April 2022 and is due for review
- 1.4 This report requests that the Board approves the draft SEV Policy Statement set out in **Appendix 1** and considers the recommendation in paragraph 5.6 of this report in relation to reviewing the appropriate number of SEVs in the entire area of Inverclyde.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Board:

- a) note the contents of this report and note the views expressed in response to the public consultation exercise on the terms of the SEV Policy Statement;
- b) consider the proposed amendments made to the SEV Policy Statement as set out in **Appendix 1** and consider what further changes, if any, are required to the Policy Statement;
- c) consider and approve the recommendation in paragraph 5.6 of this report that the appropriate number of SEVs in the entire area of Inverclyde should be set at nil;
- d) approve and adopt the SEV Policy set out in **Appendix 1** with such changes as deemed appropriate by the Board with effect from the date of the Board's meeting; and
- e) Agree to grant delegated authority to the Head of Legal, Democratic, Digital & Customer Services, in consultation with the Convenor of the Board, to make such further changes as are necessary further to the Board's decision today, and thereafter to finalise and publish the SEV Policy Statement.

Lynsey Brown
Head of Legal, Democratic, Digital & Customer Services

3.0 BACKGROUND AND CONTEXT

3.1 The Air Weapons and Licensing (Scotland) Act 2015 (the “2015 Act”) introduced legislation amending The Civic Government (Scotland) Act 1982 (the “1982 Act”) in order to provide local authorities with a discretion to introduce an optional licensing scheme for sexual entertainment venues (SEVs) in their area. Should a licensing authority determine to licence SEVs, it is for the authority to decide the appropriate number of SEVs which can operate within its area. There are currently no licensed SEVs within Inverclyde.

3.2 In terms of the 1982 Act, as amended a “Sexual Entertainment Venue” means:

“any premise 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)).

“Sexual Entertainment” is defined as –

(a) any live performance, or (b) any live display of nudity, which is of 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;

3.3 At its meeting on 9 June 2021 the Board having considered responses to a public consultation exercise in respect of the proposed licensing of SEVs and decided to pass a resolution to licence SEVs in Inverclyde. At a further meeting on 13 April 2022 the Board approved the Council’s first SEV Policy Statement and decided to set the appropriate number of SEVs in the entire area of Inverclyde at nil with a rebuttable presumption. The Board also agreed that there would be a Sensitive Premise Presumption based on the Sensitive Premises listed within section 7.10 of the policy and that no SEV would be permitted within 500m of the Sensitive Premises. A copy of the existing SEV Policy Statement can be accessed via the following link: [Sexual Entertainment Venues \(SEVs\) - Inverclyde Council](#)

3.4 It is important that the Council’s keeps under review its SEV Policy Statement and position in relation to the appropriate number of SEVs permitted to operate within the licensing authority area. Furthermore, it is recognised that the current SEV Policy Statement requires to be amended in order to reflect the outcome of the successful Judicial Review in relation to Edinburgh City Council’s SEV Policy Statement.

3.5 When preparing and reviewing its SEV Policy Statement the Board must consider the impact of the licensing of SEVs, 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.

4.0 CONSULTATION

4.1 A public consultation exercise was undertaken in relation to review of the SEV Policy Statement from 13 February to 14 March 2025 with a notice appearing in the Greenock Telegraph newspaper. The following organisations were consulted in relation to review of the SEV Policy Statement:

Internal Council Consultees, including the Child Protection Committee, Adult Protection Committee and Education Services; Religious Organisations; Police Scotland, Scottish Fire & Rescue Service, and Community Councils.

- 4.2 The consultation exercise was subsequently extended until 14 April 2025 in order that review of the SEV Policy Statement could be promoted via social media with the assistance of the Council's Corporate Communications Team.
- 4.3 As at the date of preparation of this report only three responses have been received. All three respondents agree with the approach set out in the existing policy in relation to setting a nil number of SEVs in the Inverclyde area. A copy of the Consultation responses are set out in **Appendix 2** to this report. Should any further responses be received following preparation of this report, copies will be made available to members in advance of the Board's meeting.

5.0 JUDICIAL REVIEW

- 5.1 In the Edinburgh City Council Judicial Review (*Kaagobot Limited, Y11JTR Limited, Netherview Limited, Piotr Arkadiusz v City of Edinburgh Council v United Sex Workers (2023) CSOH 10*) Lord Richardson heard submissions in relation to the challenge against Edinburgh's policy and their decision to set a zero limit of SEVs, despite having three existing venues. The full judicial decision can be accessed via the following link: <https://www.scotcourts.gov.uk/media/3jjlq0lt/court-of-session-kaagobot-limited-and-others-against-city-of-edinburgh-council-and-united-sex-worker>

Lord Richardson, following detailed submissions, agreed with the Petitioners that the nil determination has the effect of constituting a ban on SEVs and ruled that the reference to a rebuttable presumption is inconsistent with a complete ban as it suggests the local authority has discretion to accept an application which is not the case if there is an outright ban. The Petitioners argued that the Committee may not have imposed a zero limit if they had understood there was an outright ban. Accordingly, the Judge quashed Edinburgh's original policy.

As with Edinburgh's SEV Policy, and many other local authorities, the Council's SEV Policy Statement has set a zero limit on the number of SEVs in all areas, localities, in Inverclyde. The Council's Policy Statement also states that there is a rebuttable presumption against the grant of an application.

- 5.2 In light of the above determination, officers have reviewed the Council's existing SEV policy Statement and propose a number of amendments to address the implications of the above judicial determination. In particular changes have been made to delete reference to there being a rebuttable presumption to avoid any inconsistency on the basis the current number of SEVs within Inverclyde is set at nil. Should the Board determine that the current zero limit should remain then it is proposed that the section regarding Sensitive Premises be deleted and amendment is made to other sections of the policy, such as section 10, which deals with the issue of a Waiver.

5.3 Number of Sexual Entertainment Venue Premises

- 5.4 The Board must refuse an application for a SEV licence if it is satisfied that the number of SEVs in the licensing locality at the time the particular application is made is equal to or exceeds the number which the Council 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, that is, the application must be refused. Upon determining the number of SEVs in each locality, it must set out its reasons for doing so in its policy.
- 5.5 The Board should be aware that when setting the number of SEVs permitted in each locality the Board must balance the interests and needs of the local community against the rights of any potential SEV business. The Board must also have regard to the terms of the 1982 Act, as

amended, and the Scottish Government Guidance on the licensing of SEVs. It is further suggested that the Committee considers the following factors when determining the appropriate number of SEVs in Inverclyde:

- The responses received to the public consultation;
- Consistency with the licensing objectives (see paragraph 3.5 of this report); and
- Proportionality in terms of compliance with the statutory licensing objectives and balancing the rights of any potential SEVs operators against those opposed to SEVs

5.6 In response to the consultation exercise responses were received on behalf of the Council's Child Protection Committee (CPC), a local community council and a separate multi agency partnership which submitted a similar response to the CPC. In so far as all three responses relate to the appropriate number of SEVs, the respondents are all fully in support of retaining the nil limit in all localities throughout Inverclyde. No response has been received by the Licensing Section in support of adopting an alternative position. Members will be aware that in terms of the 1982 Act, as amended, that nil or zero may be an appropriate number for this purpose and that commercial considerations are irrelevant.

5.7 Members will be familiar with Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls (2016). 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.

5.8 It should be noted by members that there are no premises that would meet the statutory definition of a SEV currently trading within Inverclyde at this time.

5.9 **Considerations in relation to Locality**

The current SEV Policy Statement sets out the following locality areas within Inverclyde:

Villages of Kilmacolm and Quarriers Villages

Port Glasgow

Greenock

Wemyss Bay

Inverkip

In response to the consultation survey two respondents indicated that the Council has set the appropriate number of SEVs at zero for the above localities and for the entire area of Inverclyde

5.10 **Waivers**

The 1982 Act creates a mechanism whereby a person may apply to the Council requesting that a licence is waived. Two respondents highlighted that this is inconsistent with the current zero limit approach with which they are in agreement. Amendments have been proposed for consistency to this section of the SEV Policy Statement should the Board determine, having considered all relevant factors, that the zero approach should remain.

6.0 **PROPOSALS**

6.1 Following the consultation exercise it is proposed that the Board consider what, if any, changes are required to the SEV Policy Statement. Proposed changes to the draft SEV Policy Statement

are shown as tracked changes within the Policy Statement at **Appendix 1**, for members to consider.

7.0 IMPLICATIONS

7.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk	X	
Human Resources		X
Strategic (Partnership Plan/Council Plan)		X
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		X
Environmental & Sustainability		X
Data Protection		X

7.2 Finance

There are no financial costs anticipated as a result of the proposals contained within this report.
One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

7.3 Legal/Risk

The legal issues are addressed in this report.

7.4 Human Resources

None

8.0 CONSULTATION

8.1 There has been a public consultation exercise, which was extended to include the use of social media to promote the consultation. The three responses are set out in Appendix 2 to this report.

9.0 BACKGROUND PAPERS

9.1 None

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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;

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- 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”.

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

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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 consider each Application on its own merits and~~ 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

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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

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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. ~~This is a rebuttable presumption. Each application will be determined on its own merits.~~
- 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 Outcome Improvement~~ Plan 2023 - 3319).
- 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~~0~~ Inverclyde had an estimated population of 78,330.~~77,060 which was a significant decrease compared to the population estimate in June 2019 (77,800).~~
- 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.

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~~7.9 With the appropriate number of SEV licensed premises set to nil for all localities there is a presumption against the granting of SEV licences. Applicants will therefore require to demonstrate exceptional reasons as to why a licence should be granted in order to overcome this presumption. For the avoidance of doubt, the Council considers that responsible management and the implementation of appropriate operating policies at SEVs are essential to ensure the promotion of the licensing aims and objectives and so being a responsible operator is a basic requirement and is not considered as exceptional.~~

~~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.~~

~~Sensitive Premises~~

~~———— The presumption of refusal will be regarded as being enhanced if the proposed SEV is within five hundred (500) metres of one or more of the following sensitive premises:~~

- ~~Residential areas;~~
- ~~Schools, play areas, nurseries, parks, swimming pools and other sports facilities;~~
- ~~Cinemas, theatres and concert halls;~~
- ~~Libraries and museums;~~
- ~~Premises likely to be frequented by people under 18 or families;~~
- ~~Public buildings including Council offices;~~
- ~~Retail shopping areas;~~
- ~~Places of worship, celebration or commemoration;~~
- ~~Community Centres;~~
- ~~Services focussed on supporting women, children and young people, such as women's refuges;~~
- ~~Services focussed on supporting people with substance abuse issues, mental health issues or other vulnerable groups;~~
- ~~Historic buildings or tourist attractions;~~
- ~~Roads, footpaths and other access routes to any of the above.~~

~~7.10 In determining whether or not the Sensitive Premises Presumption applies, the Council will also have regard to the following:~~

- ~~g) Whether any SEVs are already operating, or have operated, in the Relevant Locality (whether under a SEV Licence, an "Occasional Exemption" or a Waiver);~~
- ~~h)a) Whether there have been reports to the Police or Home Office of incidents within the Relevant Locality (whether or not leading to prosecution or conviction) of human trafficking or exploitation, or breaches of immigration laws by the Applicant or anyone else concerned with the proposed SEV;~~

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- ~~i) Whether there have been reports to the Police of incidents within 500 metres of a proposed SEV (whether or not leading to prosecution or conviction) of crime (including sexual assaults or minor harassment) or anti-social behaviour;~~
- ~~i) The existing character and function of the area in which the SEV is to be located; and~~
- ~~i) The views of residents and other relevant interested persons as far as possible.~~

~~7.12 The Sensitive Premises Presumption is a rebuttable presumption. Each application will be determined on its own merits.~~

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.

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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.

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8 10Premises with other Licences (Alcohol or Public Entertainment)

~~8.10.1~~ 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.

~~8.3~~ 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.

~~8.4~~ 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.

~~8.5~~ 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.

~~8.6~~ 10.5 It is also not sufficient for Adult Entertainment to be licensed under a Public Entertainment Licence.

~~8.7~~ 10.6 All of the above within this section is subject to the Occasional Use Exemption in section 119 of the Policy.

9 11. Occasional Use (“the 4 in a year exemption”)

~~119.1~~ ~~There will be some occasions where a premises may not require to apply for an SEV licence. It is possible for a p~~ Premises can ~~to~~ 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.

~~9.2~~ 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.

~~9.39.1~~ 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.

~~9.49.2~~ 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.

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1240 Waivers

10.1 ~~The Council can allow premises to book “sexual entertainment” without a licence. There is no fee for a Waiver application. 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.~~

10.2 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.

10.3 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**).

10.4 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.

10.5 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.

10.6 ~~The Council can grant a Waiver if they consider that to require a Licence would be unreasonable or inappropriate.~~ 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.

10.7 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. ~~It will approach a Waiver Application with the presumption that it should be refused. The Applicant should attend the General Purposes Board hearing and seek to rebut that presumption. The Council is unlikely to consider that it would~~

APPENDIX 1

~~be appropriate to permit waiver from the requirements to hold a SEV Licence, particularly as the legislation allows an Occasional Use exemption.~~

- 10.8 If a Waiver is granted, it will be granted for the duration of 12 months.
- 10.9 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.
- 10.10 Police Scotland will be advised where a Waiver has been granted.
- 10.11 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.
- 10.12 A Waiver can be terminated by the Council and the Council will notify Police Scotland if the Waiver is terminated.

11 Renewal of Licences

- 11.1 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.
- 11.2 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.
- 11.3 The applicant should state in writing if there is good reason to accept the late.
- 11.4 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.
- 11.5 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.

12. Revocation of Licence

- 12.1 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.

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13. Objections and Representations

- 13.1 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.
- 13.2 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).
- 13.3 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.
- 13.4 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.
- 13.5 The objections and representations must relate directly to the Civic Government (Scotland) Act 1982 legislation and must relate to the application for an SEV.
- 13.6 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.

14. Consultation

- 14.1 This is the Council's second SEV Policy Statement. Consultation on this SEV Policy Statement took place between 12 February and 14 April 2025 ~~23 November 2021 and 18 March 2022~~. This policy statement was published on ~~09 May 2022~~. The Policy, including the zero SEV policy, will be kept under review and revised if appropriate.
- 14.2 Inverclyde Council adopted the Policy at the meeting of the General Purposes Board on 09 May 2022.
- 14.3 Any comments you may wish to make on this Policy can be submitted to licensing.section@inverclyde.gov.uk.
- 14.4 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.
- 14.5 Any personal information collected will be held in accordance with the requirements of data protection legislation.

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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;

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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.

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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.

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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;

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- 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.

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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.

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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.

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- 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
Port Glasgow West Community Council
Gourock Community Council
Kilmacolm Community Council
Inverkip Wemyss Bay Community Council
Environmental & Public Protection Service
Inverclyde Adult Protection Committee
Inverclyde Child Protection Committee

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Police Scotland
Scottish Fire & Rescue Service
Violence Against Women Multi Agency Partnership

Inverclyde Council
Sexual Entertainment Venue (SEV)
Policy Consultation 2025

1. Please state if you are a:

☐ Private individual

☐ Organisation

☐ Community Council

☒ other (please provide details)

2. Please confirm below if you consent to the sharing of your response and/or if you wish to remain anonymous:

☐ ***I consent to my response and identity being made public and included within responses*** due to be considered by the General Purposes Board for the purpose of reviewing the policy.

☒ ***I only consent to my response being made public and included within responses*** due to be considered by the General Purposes Board for the purpose of reviewing the policy. I do not consent to my identity being disclosed.

☐ ***I do not consent to my response, or my identity being made public and included within responses*** due to be considered by the General Purposes Board for the purpose of reviewing the policy.

(Please note that if you do not consent to sharing your response then it will not be considered as part of this review)

3. Please state any changes that you would like to see to the Board's current SEV policy, outlining the reasons for this.

1.5 The Council's key aims in licensing SEVs

- ***Could Adult Protection be added under the Council's aims to protect people?***
- *Reduce Violence Against Women (add 'and Girls')*

6.1 Policy of Inverclyde Council

- ***Updated strategy 2023:*** <https://www.gov.scot/publications/equally-safe-scotlands-strategy-preventing-eradicating-violence-against-women-girls/>

6.2(a) Consider the impact of the licensing of SEVs in their area, having regard, in particular to how it will affect the objectives of:

- ***Could Adult Protection be added?***

7.4 Number of SEVs (background information on Inverclyde)

- ***Inverclyde Outcome Improvement Plan 2019 should be replaced by Inverclyde Partnership Plan 2023-33***

APPENDIX 2

7.5

- Updated figures: **As of 30 June 2023, Inverclyde had an estimated population of 78,330 which was an increase compared to the population estimate in June 2020 (77,060).** (Taken from report to Policy & Resources Committee on 19th November 2024)

7.6, 7.7 and 7.8 – not sure if these figures need updated for the individual towns and villages in Inverclyde.

9. Occasional Use (“the 4 in a year exemption”)

- Could there be clarity that these will be set at Zero in line with the SEVs?

10. Waivers: The Council can allow premises to book ‘sexual entertainment’ without a licence

- Could there be clarity that these will be set at Zero in line with the SEVs?

Also referred to in 4.1, 4.4(b), 5.4, 5.7, 5.10, 7.11(a), 8.4, 13.1

11. Renewal of Licenses

- Could there be clarity that these will be set at Zero in line with the SEVs?

4. Please state any topics that you would like to see addressed in the Board’s SEV policy which are not addressed in its current policy statement.

See question 3.

5. Do you consider that the existing SEV Policy Statement has the correct approach in relation 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)?

Yes ☒

No ☐

Please give a reason for your answer:

However, could Adult Protection be included too?

6. In its policy statement the Board can set out what factors it is likely to take into account when considering:

- Applications for SEV licences and waivers

This could include, but is not limited to:

- a. Local issues
- b. The proximity of gambling premises to sensitive premises, schools and vulnerable adult centres
- c. Residential areas where there may be a high concentration of families with children

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Please state any other factors you believe the Board should take into account:

So long as they are set at zero, list appears to cover sufficiently.

7. Do you think that there are any key considerations the Board should take into account when looking at the proposed location of SEV premises in light of the licensing objectives above?

(The licensing objectives are outlined in the letter attached to this survey).

So long as they are set at zero.

8. The Council is required to set the number of SEVs permitted in its area. The Council, in the existing policy, has determined the appropriate number of SEVs for Inverclyde will be set at zero. Do you consider this approach is correct in relation to the undernoted localities within Inverclyde?

Kilmacolm ☒ Yes ☐ No

Port Glasgow ☒ Yes ☐ No

Greenock ☒ Yes ☐ No

Gourock ☒ Yes ☐ No

Inverkip ☒ Yes ☐ No

So long as they are set at zero.

9. In terms of the 1982 Civic Government (Scotland) Act there is a mechanism whereby an application can be made requesting the requirement for a licence is waived. Do you consider that it is appropriate to grant waivers?

☐ Yes ☒ No

Please provide a reason for your answer: ***As the SEVs are set at zero this shouldn't occur. However, in principle it appears morally wrong that funding of grants should be waived to make this type of application more accessible to people looking for a license that potentially exploits vulnerable people.***

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10. Standard Conditions (which are set out in Annex 6) would be attached to any SEV licence issued by the Council. Please advise if you are in agreement with the standard conditions?

☒ Yes ☐ No

If you do not agree with the standard conditions, please provide comments/suggestions regarding any alternative conditions you wish to see in place:

11. Is there any additional information you wish the Board to consider when preparing the new statement of SEV Licensing policy?

<i>Agree, so long as the SEVs remain at zero.</i>
--

APPENDIX 2

Inverclyde Council Sexual Entertainment Venue (SEV) Policy Consultation 2025

1. Please state if you are a:
☐ Private individual
☐ Organisation
☐ Community Council
☒ other (please provide details) **Inverclyde Child Protection Committee**
2. Please confirm below if you consent to the sharing of your response and/or if you wish to remain anonymous:
☒ ***I consent to my response and identity being made public and included within responses*** due to be considered by the General Purposes Board for the purpose of reviewing the policy.
☐ ***I only consent to my response being made public and included within responses*** due to be considered by the General Purposes Board for the purpose of reviewing the policy. I do not consent to my identity being disclosed.
☐ ***I do not consent to my response, or my identity being made public and included within responses*** due to be considered by the General Purposes Board for the purpose of reviewing the policy.

(Please note that if you do not consent to sharing your response then it will not be considered as part of this review)
3. Please state any changes that you would like to see to the Board's current SEV policy, outlining the reasons for this.

1.5 The Council's key aims in licensing SEVs

- ***Could Adult Protection be added under the Council's aims to protect people?***
- ***Reduce Violence Against Women (add 'and Girls')***

6.1 Policy of Inverclyde Council

- ***Updated strategy 2023: <https://www.gov.scot/publications/equally-safe-scotlands-strategy-preventing-eradicating-violence-against-women-girls/>***

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- ***Could Adult Protection be added?***

7.4 Number of SEVs (background information on Inverclyde)

- ***Inverclyde Outcome Improvement Plan 2019 should be replaced by Inverclyde Partnership Plan 2023-33***

7.5

APPENDIX 2

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10. Waivers: The Council can allow premises to book ‘sexual entertainment’ without a licence

- Could there be clarity that these will be set at Zero in line with the SEVs?**
Also referred to in 4.1, 4.4(b), 5.4, 5.7, 5.10, 7.11(a), 8.4, 13.1

11. Renewal of Licenses

- Could there be clarity that these will be set at Zero in line with the SEVs?**

4. Please state any topics that you would like to see addressed in the Board’s SEV policy which are not addressed in its current policy statement.

See question 3.

5. Do you consider that the existing SEV Policy Statement has the correct approach in relation 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)?

Yes ☒

No ☐

Please give a reason for your answer:

However, could Adult Protection be included too?

6. In its policy statement the Board can set out what factors it is likely to take into account when considering:

- Applications for SEV licences and waivers

This could include, but is not limited to:

- a. Local issues
- b. The proximity of gambling premises to sensitive premises, schools and vulnerable adult centres
- c. Residential areas where there may be a high concentration of families with children

APPENDIX 2

Please state any other factors you believe the Board should take into account:

The list appears to cover sufficiently as long as they are set at zero.

7. Do you think that there are any key considerations the Board should take into account when looking at the proposed location of SEV premises in light of the licensing objectives above?

(The licensing objectives are outlined in the letter attached to this survey).

As long as they are set at zero.

8. The Council is required to set the number of SEVs permitted in its area. The Council, in the existing policy, has determined the appropriate number of SEVs for Inverclyde will be set at zero. Do you consider this approach is correct in relation to the undernoted localities within Inverclyde?

Kilmacolm **X** ☐ Yes ☐ No

Port Glasgow **X** ☐ Yes ☐ No

Greenock **X** ☐ Yes ☐ No

Gourock **X** ☐ Yes ☐ No

Inverkip **X** ☐ Yes ☐ No

As long as they are set at zero.

9. In terms of the 1982 Civic Government (Scotland) Act there is a mechanism whereby an application can be made requesting the requirement for a licence is waived. Do you consider that it is appropriate to grant waivers?

☐ Yes ☒ No

Please provide a reason for your answer: ***As the SEVs are set at zero this shouldn't occur.***

10. Standard Conditions (which are set out in Annex 6) would be attached to any SEV licence issued by the Council. Please advise if you are in agreement with the standard conditions?

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X☐ Yes ☐ No

If you do not agree with the standard conditions, please provide comments/suggestions regarding any alternative conditions you wish to see in place:

11. Is there any additional information you wish the Board to consider when preparing the new statement of SEV Licensing policy?

Agree, so long as the SEVs remain at zero.

APPENDIX 2

From: gourockcc [REDACTED]
Sent: 18 March 2025 10:51
To: Anne Sinclair <Anne.Sinclair@inverclyde.gov.uk>
Subject: Re: FW: Consultation re Review of the Council's Sexual Entertainment Policy

Morning Anne,

Thanks for your patience.

We discussed this subject and we support a zero tolerance approach towards sexual entertainment and that is what the policy is presently so we feel there is no need for us to complete the questions. Hopefully this qualifies our stand in the matter.

Kind regards

[REDACTED]